

MEMORANDUM CIRCULAR

No. _____

SUBJECT: **RULES AND REGULATIONS ON NATIONAL ROAMING**

WHEREAS, the State recognizes the vital role of telecommunications in nation-building and economic development and in its desire to attain universal access, it shall promote the rapid expansion of telecommunications services in all areas of the Philippines in order to maximize the use of all available telecommunications facilities, and to ensure that every user of the public telecommunications shall have access to such facilities at a mandated standard of service and at reasonable costs;

WHEREAS, Section 4, Declaration of National Policy, of Republic Act No. 7925 (RA7925), otherwise known as the Public Telecommunications Policy Act of the Philippines provides that “*Telecommunications is essential to economic development, integrity and security of the Philippines, and as such shall be developed and administered as to safeguard, enrich and strengthen the economic, cultural, social and political fabric of the Philippines. xxx*”;

WHEREAS, Sec. 4(g) of RA7925 provides for “*a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services is necessary in order to achieve a viable, efficient, reliable and universal telecommunications services*”;

WHEREAS, in order to promote consumer welfare, subscribers must be allowed access to telecommunications services wherever and whenever there is coverage within the country;

WHEREAS, national roaming will redound to the benefit of the public as access to mobile telecommunications coverage is ensured wherever there is coverage, regardless of network provider;

WHEREAS, prolonged national roaming may discourage the expansion of networks to underserved and unserved areas;

NOW THEREFORE, for and in consideration of the above premises and pursuant to Republic Act No. 7925, Act No. 3846, as amended, and EO 546 series of 1979, the following rules and regulations are hereby promulgated:

SECTION 1. APPLICABILITY

- 1.1 These rules shall be applicable to all mobile network (MNOs) and service providers.
- 1.2 National roaming services shall be mandatory.

SEC. 2. DEFINITION

- 2.1 “**National roaming**” refers to the mobile subscriber’s ability to automatically make and receive voice calls, send and receive data including short messaging service

or access other services outside the range of its home network while connected to another available mobile network within the country.

SEC. 3. GENERAL PROVISIONS

- 3.1. Duly authorized MNOs and service providers shall apply and negotiate roaming agreements with each other.

A request for national roaming services shall be completed within sixty (60) days upon receipt of request.

- 3.2. The charges, terms and conditions for the national roaming services shall be pursued through bilateral negotiations. The National Roaming Agreement shall be submitted to the Commission for review and approval. If within five (5) working days from date of submission the Commission does not act on said NRA, such is deemed approved.
- 3.3. Any party to the NRA negotiation, at any time from the start of negotiation, may request for the intervention of the Commission. The Commission shall prescribe the terms and conditions including national roaming charges within sixty (60) days from date of receipt of the request for intervention.
- 3.4. National roaming services shall be provided for three (3) years from date of execution of the NRA. There shall be no extension of the NRA.
- 3.5. National roaming services shall be provided under non-discriminatory terms, conditions and of a quality no less favorable than that provided for its own like services or for its subsidiaries or other affiliates.

The Commission shall exercise its authority to intervene and regulate rates or tariffs whenever rates or tariffs are prohibitive and the public will be adversely affected.

SEC. 4. TRANSPARENCY

- 4.1. Subscribers of national roaming services shall be informed of the roaming charges upon subscription and before availing of the national roaming services.
- 4.2. Subscribers shall have the option to avail of the national roaming services. Subscribers opting to avail of national roaming services shall register with their home network. The home network provider shall ensure that only subscribers opting to avail of national roaming services shall receive such services. Subscribers shall have the option to discontinue receiving national roaming services.

SEC. 5. PENALTIES

- 5.1. Violation of this Memorandum Circular shall be dealt with in accordance with applicable laws, rules and regulations.

SEC. 6. REPEALING CLAUSE

6.1 Any circular, order, rules and regulations, guidelines or parts thereof inconsistent herewith are deemed repealed or amended accordingly.

SEC. 7. EFFECTIVITY

7.1 This circular takes effect fifteen (15) days after publication in a newspaper of general circulation and three (3) certified copies furnished the UP Law Center.

GAMALIEL A. CORDOBA
Commissioner

DELILAH F. DELES
Deputy Commissioner

EDGARDO V. CABARIOS
Deputy Commissioner