

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15TH CONGRESS
First Regular Session

HOUSE BILL NO. 2204

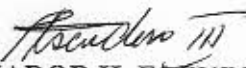
Introduced by **REP. SALVADOR H. ESCUDERO III**

EXPLANATORY NOTE

This bill seeks to give protection to legitimate operators of cable television (CATV) systems and/or networks, and cable internet services by ensuring that access to such systems, networks and services will be limited only to their duly authorized or registered subscribers. It is meant to address the growing problem of signal or service theft of cable television and cable internet providers, which has greatly prejudiced the development and improvement of their business.

It is the intention of this bill to safeguard the general public as well by improving and maintaining quality and secured service and signal as authorized or registered users. And concomitantly to discourage, if not eliminate, pilferage of such service and signal through the use of penal sanctions as provided for in this legislative proposal.

In view of the foregoing, immediate passage of this proposed measure is sought.


SALVADOR H. ESCUDERO III
Representative
1st District, Sorsogon

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HOUSE BILL NO. 2204

Introduced by **REP. SALVADOR H. ESCUDERO III**

AN ACT
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT,
UNAUTHORIZED USE, INTERCONNECTION OR RECEPTION OF ANY SIGNAL
OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE
INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED
INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE
OF CABLE OR OTHER EQUIPMENT AND PRESCRIBING PENALTIES
THEREFOR

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. – This Act shall be referred to as “The Anti Cable Television and Cable Internet Pilferage Act”.

SEC. 2. Declaration of Policy. – It shall be the policy of the State to protect the general public and legitimate operators of (a) cable television (CATV) systems and/or networks that secure programming through the reception of local and foreign satellite, as well as other electromagnetic signals, and (b) cable internet services that provide access to the worldwide web through the CATV system/network, from unauthorized connection or tapping to existing facilities through wired, wireless or electromagnetic means. Only subscribers duly authorized and/or registered with the CATV and/or cable internet service operator shall be allowed to receive any service or benefit offered and/or operated over a CATV or internet system/network.

SEC. 3. Definition of Terms. – As used in this Act:

(a) “Cable television (CATV) system/network” refers to processes and facilities associated with the delivery of signals and programs provided for by broadcast television stations, local and foreign satellite program providers or CATV service operators, through origination, relay and reception of electronic or control signals of any design by wired, wireless, optical or other technological means for the purpose of providing multiple-channel CATV service to multiple subscribers within defined service areas.

The term shall also include electronic equipment such as digital or analog receiver-decoder boxes, set-top and converter boxes as well as, but not limited to, master antennae television, satellite master antennae television, direct broadcast satellite, multi-point distribution service, a television receive only satellite program distributor and other providers of video and audio programming, whatever the technology.

(b) "Cable internet system/network" refers to processes, including electronic equipment such as modems, associated for the access of the worldwide web through the facilities of the CATV system/network.

(c) "Cable television (CATV) service operator" refers to any person, natural or juridical, public or private, granted a Certificate of Authority/Provisional Authority as provided under existing laws, rules and regulations, to install, operate and maintain a CATV system/network and service and is actually providing such service to its subscribers.

(d) "Cable internet service operator" refers to any person, natural or juridical, public or private, which was issued a registration certificate as provider under existing laws, rules and regulations, to provide and facilitate access to the worldwide web through a CATV system/network and is actually providing such service to its subscribers.

SEC. 4. *Prohibited Acts.* – It is hereby declared unlawful for any person, whether natural or juridical, public or private, to:

(a) Intercept or receive, or assist in intercepting or receiving, any signal or service offered over CATV and cable internet system/network by tapping, making or causing to be made any unauthorized connection to existing wired or wireless facilities with drop, feeder and/or trunk lines, or through the use of electronic equipment such as digital or analog receiver-decoder boxes, set-top or converter boxes, modems or any equivalent circumvention devices or methods that allow for unauthorized access or decoding of unencrypted or encrypted satellite program signals or other electromagnetic signals, or unauthorized access into the system/network of the cable internet service operator, or by the recording, manufacture, distribution, importation or sale, of intercepted or received CATV signals and cable internet service;

(b) Engage in the unauthorized importation, sale, lease, distribution or possession of electronic equipment such as digital or analog receiver-decoder boxes, set-top and converter boxes, modem or any equivalent circumvention devices or methods that allow for unauthorized access or decoding of unencrypted or encrypted satellite program signals or other electromagnetic signals, whether local or foreign, or unauthorized access into the system/network of the cable internet service operator;

(c) Knowingly use or receive any direct or indirect benefit from CATV and cable internet service through the commission of any of the preceding prohibited acts; and

(d) Wantonly, maliciously or wilfully damage, destroy or remove CATV and/or cable internet facilities and accessories of authorized CATV and cable internet service operators resulting into system disruption or network degradation.

SEC. 5. *Prima Facie Evidence.* – The presence of any of the following circumstances shall constitute *prima facie* evidence of the illegal tapping, interconnection or reception into the CATV or cable internet system/network, by the person benefited thereby, and shall be the basis for (a) the immediate disconnection by the CATV or cable internet service operator to such person after due notice, (b) the holding of a preliminary investigation by the public prosecutor and the subsequent filing in court of the pertinent information, and (c) the lifting of any temporary restraining order or injunction which may have been issued against a CATV or cable internet service operator:

(1) The presence of drop cable, feeder and/or trunk lines from the CATV or cable internet system/network to the structures and facilities of the unauthorized person which has been confirmed by the CATV or cable internet service operator as not being a duly registered subscriber;

(2) The unauthorized tapping of the drop cable, feeder and/or trunk lines into the CATV or cable internet system/network, and/or the unauthorized installation of electronic equipment such as digital or analogue receiver-decoder boxes, set-top and converter boxes, or modems, by persons not duly authorized by the CATV or cable internet service provider;

(3) The unauthorized possession and use of electronic equipment such as digital or analogue receiver-decoder boxes, set-top and converter boxes, or modem used to intercept CATV signals or access the cable internet system/network and which equipment have not been duly registered with the CATV or cable internet service operator or have not been covered by the appropriate licenses and permits from the proper government regulatory agency or agencies in accordance with existing laws, rules and regulations.

SEC. 6. *Penalties.* – Any person who wilfully violates any provision of this Act or commits any of the prohibited acts in Section 4 hereof shall be punished by an imprisonment of not less than two (2) years but not more than five (5) years, or a fine ranging from Fifty thousand pesos (P50,000.00) to One hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

SEC. 7. *Information Dissemination.* – The National Telecommunications Commission and the various cable television associations in the Philippines shall, in a collective effort, undertake a vigorous campaign to inform the consuming public of the existence of this Act within sixty (60) days from its effectivity and at least once a year thereafter.

SEC. 8. *Rules and Regulations.* – The National Telecommunications Commission, in consultation with various cable television associations of the Philippines and other affected parties, shall, within sixty (60) days from the effectivity of this Act, issue the necessary implementing rules and regulations.

SEC. 9. *Recovery of Pilferage Losses.* – Any duly authorized CATV or cable internet service operator may recover pilferage losses equivalent to at least one (1) year basic

subscription fees presently charged to registered subscribers from such unauthorized persons found to have committed any of the herein prohibited acts.

SEC. 10. *Repealing Clause.* – All other laws, decrees, ordinances, rules, regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after the completion of its publication in the *Official Gazette* or in any two (2) national newspapers of general circulation.

Approved,