

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasang Pambansa, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2874

Authored by Hon. JOSEPH VICTOR G. EJERCITO

EXPLANATORY NOTE

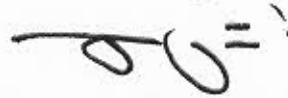
Article II, Section 24 of the 1987 Constitution states:

"The State recognizes the vital role of communication and information in nation-building."

The arrival of the cellular phone in the early 1980s was a turning point in telecommunications. For the first time, people made and received telephone calls without being tied to a specific location.

Cellular phones have become an essential part of many Filipino's lives with the number of cellular phone users increasing daily. However, cellular phone companies have failed to cope with the increasing demand for cellular phone services and the National Telecommunications Commission has received numerous complaints on poor services by these companies.

Hence, this bill seeks to establish minimum standards regarding the quality of wireless telephone service and to monitor complaints regarding such service. Considering the urgency to improve the services of cellular phone companies, the early passage of this proposed measure is earnestly sought.



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AN ACT
TO ESTABLISH MINIMUM STANDARDS REGARDING
THE QUALITY OF WIRELESS TELEPHONE SERVICE AND
TO MONITOR COMPLAINTS REGARDING SUCH
SERVICE

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 known as the
"Cell Phone Subscriber Protection Act."

SECTION 2. *Declaration of Policy.* – It is the policy of the State to recognize the vital role of communication and information in nation-building

SECTION 3. *Definition of Terms.* – As used in this Act, the term:

- (1) "Public Telecommunications Entity" or "PTE" means any person, firm, partnership or corporation, government or private, engaged in the provision of the telecommunications services to the public for compensation.
- (2) "Commission" means the National Telecommunications Commission.

SECTION 4. *Establishment of Standards Regarding Quality of Commercial Mobile Service and Monitoring of Complaints Regarding Such Service.*

- (A) IN GENERAL** – The Commission shall, by regulation, establish such requirements as the Commission considers appropriate to ensure that Public Telecommunications Entities meet minimum standards regarding the quality and performance of such service, which shall include

standards regarding connection , reception, and billing practices.

(B) COMPLAINT SYSTEM

ESTABLISHMENT - The Commission shall establish and administer a system that makes available a procedure for any subscriber of a commercial mobile service to register a complaint regarding the quality or performance of the service.

TOLL-FREE NUMBER - Such system shall include establishment of a toll-free number applicable to commercial mobile services for reporting a complaint.

RECORDS - The Commission shall maintain a record of each complaint made under the system established pursuant to this Act.

NOTICE - The Commission shall require each Public Telecommunications Entity of commercial mobile service to include, in each subscriber's bill for such service, a statement informing the subscriber that a complaint regarding the quality or performance of the service may be registered with the Commission and providing the toll-free number under clause (ii) and an address for mailing a complaint. The Commission shall take such other actions as may be appropriate to publicize the availability of the complaint system to subscribers of commercial services.

(C) REPORTING OF COMPLAINTS TO CONGRESS - Every six (6) months, the Commission shall submit a report to Congress regarding complaints received under the complaint system required under subparagraph (B), which shall (i) indicate the number of complaints received, during the period for which the report is made, regarding the service of the Public Telecommunications Entity for which a complaint is made; and (ii) indicate the types of complaints received during such period, including complaints regarding dead spots, dropped calls, network busy signals, and improper billing practices, and the number of each type of complaint received during such period.

Upon submission to Congress of each report under this subparagraph, the Commission shall make such report publicly through publication in at least two (2) newspapers of general circulation.

(D) EFFECT ON CONSUMER PROTECTION LAWS - This paragraph may not be construed as relieving any Public Telecommunications Entities from the obligation to comply with any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation relating to consumer protection or unfair trade practices.

(E) RULES AND REGULATIONS - The Commission shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

SECTION 5. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 6. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,