

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

15th CONGRESS

HOUSE BILL NO. 4060

Introduced by Representative Roman T. Romulo
Lone District of Pasig City

EXPLANATORY NOTE

The Section 9, Article XVI of the 1987 Philippine Constitution provides that:

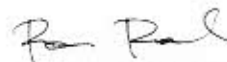
"The State shall protect consumers from trade malpractices and from substandard or hazardous products."

The advent of new technologies and its swift development has brought the society both positive and negative impacts. In order to manage and curtail the growing number of fraudulent or unwanted commercial offers for goods and services and intrusion to one's privacy, the government must set reasonable regulations to promote sound and acceptable commercial practices which respects the privacy and right of choice of consumers.

This bill would prevent unwanted calls and texts that intrudes, disturb and disrupt the activity of any individual and require a more responsible and accountable business practice. The freedom of the business-oriented person or entities to promote and sell its goods and services ends where the freedom of individuals to privacy is exercised.

Through the passage of this Bill, the consumers would be protected from unsolicited calls and texts with an end view of empowering them with the freedom to choose their transactions and maintaining consumers' right to be let alone.

For these reasons, the passage of this bill is earnestly sought.



HON. ROMAN T. ROMULO

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**AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE NO CALLS AND
NO TEXT REGISTRATION SYSTEM**

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

Section 1. Short Title - This Act shall be known as the "No Calls and No Text
Registration Act."

Section 2. Declaration of Policy - It is the policy of the State to protect and
promote the right of the consumers to privacy and protect them from unwanted
calls and texts inducing purchase of goods or services and solicitations.

Section 3. Definition of Terms – For the purposes of this Act, the term:

3.1 "Caller and/or Sender" means any person, company, organization
and/or association, including its employees and agents, who initiated the call
and/or text for the purpose of making outbound and/or unsolicited call and/or text.

3.2 "Commission" means the National Telecommunications Commission
created under Executive Order No. 546, series of 1979.

3.3 "Negative option" means a feature which shall enable a person to stop
receiving any call and text from a caller and/or sender.

3.4 "Outbound call and/or text" means a telephone call or text initiated by
any person to induce the purchase of goods or services.

3.5 "Prize" means anything offered, or purportedly offered, and given, or
purportedly given, to a person by chance.

3.6 "Text" means any message via short message service (SMS).

3.7 "Upselling" means soliciting the purchase of goods or services
following an initial transaction during a single telephone call or text.

3.8 "Unsolicited call and/or text" means a call or text which is not initiated
by the recipient of the call and/or message such as but not limited to upselling,
surveys, award of prize when the recipient did not join or subscribe to any game
or activity of chance and contribution and/or solicitation to any non-profit and
charitable institution, whether or not the call and/or text induce purchases of
goods or services.

Section 4. *Establishment of the No Calls and No Text Registry* – The National Telecommunications Commission (NTC) shall establish a No Calls and No Texts Registry; *Provided that* the identity and privacy of the persons registered shall be kept highly confidential such that only the telephone numbers may be accessed from the registry.

Any person, company, organization and/or association shall register first with the Commission before they can access the telephone numbers in the No Calls and No Texts Registry.

Section 5. *Allowable Telephone Numbers Registered Per Individual* – An individual shall only be allowed to register up to three (3) mobile phone numbers regardless of the network provider; *Provided that* registration of mobile numbers of persons below 18 years of age may be done by their parents and/or legal guardian.

Registration of fixed telephone numbers shall only be allowed for residential lines.

Section 6. *Registration in the No Calls and No Text Registry* – Any person may manage and limit the outbound and unsolicited calls and texts that they receive through registration of his telephone number in the No Calls and No Texts Registry of the Commission.

No outbound and unsolicited calls and/or texts shall be made and/or sent to the telephone numbers on the No Calls and No Texts Registry.

Section 7. *Negative Option Requirement* – A person whose number is not registered in the No Calls and No Texts Registry may manage and limit the outbound and unsolicited calls and/or texts through the negative option feature.

Any caller and/or sender shall set-up a negative option which shall be available to the recipient immediately upon answering the call and/or at the beginning of the text after providing the required information under Section 8 of this Act.

Upon selection of the negative option feature, the caller and/or sender shall not make any further steps to persuade the recipient and immediately stop making any calls and/or sending any texts to the recipient; *Provided that*, the recipient shall report and register the name and the number of the person, company and/or organization that made the call and/or sent the message to the No Calls and No Text Registry in order to make the caller and/or sender liable for violation of this Act for any subsequent calls and/texts; *Provided further that*, this prohibition shall apply to the caller and/or sender regardless of other goods and/or services offered and other telephone number used to contact the recipient.

Section 8. *Information Requirement of the Caller and/or Sender* - It shall be unlawful to make an outbound and/or unsolicited call and/or text without disclosing the full name of the person making the call and/or sending the text, the company or organization for whose benefit the call and/or text is being made, and a telephone number of a fixed line where such identity can be established and verified; *Provided that*, non-compliance with this Section shall constitute an outright violation and punishable under this Act.

Section 9. *Removal of Numbers* – Telephone numbers registered in the No Calls and No Text Registry shall not be removed except upon the request of the owner

and/or those invalid and disconnected telephone numbers upon adequate validation of the NTC.

Section 10. *Liability of Callers and/or Senders* – Any person who committed any violation under this Act who is acting for his own benefit and/or for the benefit of another person, company, organization and/or association which did not officially engaged his services shall be held solely liable; *Provided that*, any person who is acting in behalf and for the benefit of another person, company or organization which officially engaged his services shall both be held separately liable for any violation under this Act.

It shall be the responsibility of any caller and/or sender to register under Section 4 and inform itself of the numbers which have registered in the No Calls and No Texts Registry. There shall be prima facie evidence of knowledge on the part of the caller and/or sender where the telephone number of the recipient is registered on the No Calls and No Texts Registry under Sections 6 and 7 prior the date the call and/or text is made in violation of this Act. Non-registration of the caller and/or sender as required under Section 4 of this Act shall not be an excuse from any liability.

The use of automatic dialer or any electronic device that automatically and/or randomly contacts telephone numbers is prohibited as far as the provisions of this Act is violated and any person, company, organization and/or association who uses the same shall be held liable.

Section 11. *Exception* – This Act shall not apply to calls and texts made in order to remind, collect, and/or update the recipient of his existing bills and/or credit subject to applicable laws and pertinent rules and regulations of the Bangko Sentral ng Pilipinas.

Section 12. *Penalties* - Any person and juridical entity, subject to due process, who is found to be in violation of the provisions of this Act shall be imposed with the following penalties, without prejudice to administrative sanctions as may be imposed by the NTC:

- a) Any juridical person which violates the provisions of this Act, or its implementing rules and regulations shall suffer the penalty of a fine of not less than Fifty Thousand pesos (P50,000) nor more than One Hundred Thousand pesos (P100,000.00) per instance of violation; *Provided*, that its officers directly responsible for the violation shall suffer the penalty of fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred thousand pesos (P100,000.00).
- b) Any person who shall violate the provisions of this Act, or its implementing rules and regulations shall be subject to a fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred Thousand pesos (P100,000.00).

Section 13. *Implementing Rules and Regulations* - Within ninety (90) days from the effectivity of this Act, the Department of Transportation and Communication s(DOTC), in coordination with the National Telecommunications Commission (NTC), shall promulgate the rules and regulations to effectively implement the provisions of this Act.

Section 14. *Implementing Agency* - The National Telecommunications Commission (NTC) shall enforce the provisions of this Act and its implementing rules and regulations.

Section 15. *Funding.* - The NTC shall immediately include in their programs the implementation of the provisions of this Act from the funding in their annual appropriations in the General Appropriations Act.

Penalties that are herein imposed shall accrue to the funds of the NTC and shall be used solely for the implementation of the provisions of this Act.

Section 16. *Separability Clause* - If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof that are not affected thereby shall continue to be in full force and effect.

Section 17. *Repealing Clause* - All other laws, decrees, executive orders, proclamations and administrative regulations, or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

Section 18. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation,

Approved.