

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH (15TH) CONGRESS
Second Regular Session



House Bill No. 5670

Introduced by: **BERNADETTE HERRERA-DY**

EXPLANATORY NOTE

A significant portion of the Filipino population has hearing or speech disabilities, including dual sensory disabilities. In the most recent nationwide survey on hearing disability and ear disorders conducted by Better Hearing Philippines, Inc., the prevalence of hearing disability was established at 8.8%, and hearing loss or impairment at 28%. Meanwhile, a general survey on disability by the Department of Health and the University of the Philippines pegs the prevalence of speaking disability at about a third (1/3) of the percentage of hearing disability. These numbers are expected to increase as the growth rate of the elderly population continues to increase.

These disabilities render normal telecommunications services useless without additional specialized devices, many of which are cost prohibitive for end-users. The telecommunications system is intended to provide access to a basic communications network between all persons, yet many persons with hearing disabilities or speech disabilities currently have no access to the basic telecommunications system. Furthermore, persons who do not have a hearing disability or speech disability are generally excluded from access to the basic telecommunications system to communicate with persons who have a hearing disability or speech disability without the use of specialized telecommunications devices.

Republic Act 7277, Section 23, began to recognize this need by encouraging telephone providers to install devices to assist the hearing disabled, however with the advancements in telecommunications relay service technology and the multitude of disabilities that affect a user's ability to access the telecommunications system, more robust guidance is needed to adequately serve the hearing and speech disabled population. Moreover, creating a firm requirement to provide these services will ensure to the greatest extent possible that the needs of the hearing and speech disabled are met.

There additionally exists a need for a telecommunications relay system whereby the cost for access to basic telecommunications services for persons who have a hearing disability or speech disability is no greater than the amount paid by other telecommunications customers. Telecommunications services provide a rapid and essential communications link among the general public and with essential offices and organizations such as police, fire, and medical facilities. Therefore, all persons should have basic telecommunications services available to them at reasonable and affordable costs.

It is the declared purpose of this Act to establish a system whereby Filipinos who are hearing disabled, speech disabled, or dual sensory disabled have access to basic telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of specialized

telecommunications equipment necessary to ensure that citizens who are hearing disabled, speech disabled, or dual sensory disabled have access to basic telecommunications services and the provision of telecommunications relay services is borne by all the telecommunications customers of the State.

Communication is an essential human need and, therefore, a basic human right. Without it, no individual or community can exist, or prosper. Communication strengthens human dignity and validates human equality. As policy makers, it is our responsibility to give way that Filipinos enjoy the benefit of this right by promoting the ability of *all* Filipinos to access the basic communications networks. Hence, the urgent approval of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Chenard", is centered on the page. The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

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Introduced by: **BERNADETTE HERRERA-DY**

**AN ACT CREATING THE TELECOMMUNICATIONS RELAY SYSTEM FOR
PERSONS WITH HEARING DISABILITIES AND PERSONS WITH SPEECH
DISABILITIES AND FOR OTHER PURPOSES**

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

CHAPTER 1 - GENERAL PROVISIONS

SEC. 1. Short Title. This Act shall be known as the “*Telecommunications Relay System Act of 2012*”.

SEC. 2. Declaration of National Policy. – It is hereby declared the policy of the State to recognize, protect, realize, and enhance the right of Filipinos with hearing disabilities, speech disabilities, and dual sensory disabilities to basic telecommunications services as essential to the full enjoyment of life and all human rights.

In the pursuit of this Policy, this Act shall have the following objectives:

- a) To establish a telecommunications relay system to provide equitable basic access to the telecommunications network for persons with hearing disabilities, speech disabilities, or dual sensory disabilities.
- b) To establish a telecommunications relay system that ensures that users of telecommunications relay services pay rates no greater than the rates paid by nondisabled customers for functionally equivalent telecommunications services.
- c) To establish a telecommunications relay system that uses state-of-the-art technology for specialized telecommunications devices and telecommunications relay services and encourages the incorporation of new developments in technology, to the extent that it has demonstrated benefits consistent with the intent of this Act and is in the best interest of individuals residing in this State.
- d) To establish a telecommunications relay system that is as cost efficient as possible without diminishing the effectiveness or the quality of the system.
- e) To ensure that the total cost of providing telecommunications relay services and distributing specialized telecommunications devices be spread equitably among and collected from customers of all common carrier telecommunications companies.

SEC. 3. *Definition of Terms.* – As used under this Act, the following words or terms shall have the following meaning:

- a) “Common carrier” or “carrier” shall refer to any common carrier engaged in communication by wire, radio, or Internet.
- b) “Telecommunications relay services” shall refer to any telecommunications transmission services that allow a person who has a hearing or speech disability, or dual sensory disability, to communicate by wire, radio, or Internet in a manner that is functionally equivalent to the ability of a person who does not have such disability. Such term shall include any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and a person who does not use such a device.

SEC. 4. *Availability of telecommunications relay services.* – In order to carry out the purposes established under Republic Act 7277 and to make available to all individuals in the Philippines a rapid, efficient nationwide communication service, and to increase the utility of telecommunications services in the Philippines, the National Telecommunications Commission (NTC) shall ensure that telecommunications relay services are available, to the extent possible and in the most efficient manner, to persons with hearing disabilities, persons with speech disabilities, and persons with dual sensory disabilities in the Philippines.

SEC. 5. *Provision of services.* – Each common carrier shall, not later than 3 years after the enactment of this Act, provide in compliance with the regulations prescribed in Section 6, throughout the area in which it offers service, telecommunications relay services, individually, through designees, through a competitively selected vendor, or in concert with other carriers.

CHAPTER 2 - REGULATIONS

SEC. 6. *Regulations.* – The NTC shall, not later than 1 year after the enactment of this Act, prescribe regulations to implement this Section, including regulations that:

- a) establish functional requirements, guidelines, and operations procedures for telecommunications relay services;
- b) establish minimum standards that shall be met in carrying out Section 5 of this Act;
- c) require that telecommunications relay services operate seven (7) days a week for twenty-four (24) hours per day;
- d) require that telecommunications relay services provide for the automatic and immediate handling of emergency calls;
- e) require that telecommunications relay service conversations must be relayed in real time;
- f) require that common carriers must answer all incoming telecommunications relay service requests within a reasonable time period;
- g) require that common carriers must make best efforts to accommodate the requested gender of the relay operator;
- h) require that users of telecommunications relay services pay rates no greater than the rates paid for functionally equivalent communication services with respect to such

factors as the duration of the communication, the time of day, and the distance from point of origination to point of termination;

- i) prohibit relay operators from failing to fulfill the obligations of common carriers by refusing communications or limiting the length of communications that use telecommunications relay services;
- j) prohibit relay operators from disclosing the content of any relayed conversation and from keeping records of the content of any such conversation beyond the duration of the communication; and
- k) prohibit relay operators from intentionally altering a relayed conversation.

SEC. 7. *Technology.* – The NTC shall ensure that regulations prescribed to implement this section encourage the use of existing technology and do not discourage or impair the development of improved technology.

SEC. 8. *Recovery of costs.* – The NTC shall establish a rate for each subscriber line of a carrier to allow the carrier to recover costs incurred under this Act and may waive the costs assessed under this Act to persons with hearing disabilities, persons with speech disabilities, and persons with dual sensory disabilities. The rate established by the NTC under this Section may be assessed as a line item on an end-user's bill. A portion of this rate may be remitted to the NTC and allocated to a telecommunications relay system fund (TRS fund) to offset administrative costs in the management of the telecommunications relay system, including the certification and revocation procedures outlined in Sections 10 and 11. In establishing the rates under this Act, including the formula for the amounts to be remitted to the NTC and the TRS fund, the NTC shall be guided by best practices and the deployment of empirical methods with the aim of sustaining the long term viability of the telecommunications sector and the welfare of its end users at large.

SEC. 9. *Review of rate.* – The NTC annually shall review the rate established in Section 8, including the remittance portion, and may make adjustments to the rate and remittance portion to ensure full recovery of costs for the carrier and adequate resources for the TRS fund, with the fund balance not to exceed six months of projected expenses.

SEC. 10. *Certification.* – Each common carrier shall submit to the NTC a description of the program for implementing telecommunications relay services. After review of such documentation, the NTC shall certify the program if the NTC determines that the program makes available to hearing disabled, speech disabled, and dual sensory disabled individuals, either individually, through designees, through a competitively selected vendor, or in concert with other carriers telecommunications relay services in a manner that meets or exceeds the requirements of regulations prescribed by the NTC under Section 6 of this Act.

SEC. 11. *Revocation of certification.* – The NTC may suspend or revoke such certification if, after notice and opportunity for hearing, the NTC determines that such certification is no longer warranted. When a program has been suspended or revoked, the NTC shall take such steps as may be necessary, consistent with this Section, to ensure continuity of telecommunications relay services.

CHAPTER 3 – MISCELLANEOUS PROVISIONS

SEC. 12. *Enforcement.* – The NTC shall enforce this Act. Any complaints alleging violations of this Act shall be filed with the NTC and shall be subject to its implementing rules and regulations as well as the Rules of Court in case of appeal.

SEC. 13. *Separability Clause.* – In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

SEC. 14. *Repealing Clause.* - All laws, presidential decrees, letters of instructions, executive orders, administrative orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed or modified accordingly.

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

Approved,