

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 2280

Submitted by the Committee on Information and Communications Technology on
30 JUL 2012.

Re : House Bill No. 6420

Recommending its approval in substitution of House Bill Nos. 2380, 2799, 2851 and 4060

Sponsor : Representative Sigfrido R. Tiña

Mr. Speaker:

The Committee on Information and Communications Technology to which were referred House Bill No. 2380 introduced by Rep. Emmanuel D. Pacquiao, entitled:

“AN ACT
TO PROHIBIT CELLPHONE NETWORK COMPANIES FROM SENDING
UNSOLICITED MATERIAL TO THEIR SUBSCRIBERS VIA TEXT OR SHORT
MESSAGE SERVICE (SMS)”

House Bill No. 2799 introduced by Reps. Rufus B. Rodriguez and Maximo B. Rodriguez, Jr., entitled:

“AN ACT
PROHIBITING THE SENDING OF HOAX, JUNK AND SCAM TEXT MESSAGES,
PENALIZING THE SENDERS AND FOR OTHER PURPOSES”

House Bill No. 2851 introduced by Rep. Joseph Victor G. Ejercito, entitled:

“AN ACT
PROHIBITING CELLPHONE NETWORK COMPANIES FROM SENDING
UNSOLICITED MATERIALS TO THEIR SUBSCRIBERS VIA TEXT OR SHORT
MESSAGE SERVICE (SMS)”

and House Bill No. 4060 introduced by Rep. Roman T. Romulo, entitled:

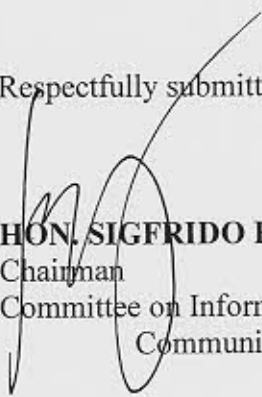
“AN ACT
PROVIDING FOR THE ESTABLISHMENT OF THE NO CALLS AND NO TEXT
REGISTRATION SYSTEM”

has considered the same and recommends that the attached House Bill No. 6420,
entitled:

“AN ACT
PROVIDING FOR THE ESTABLISHMENT OF THE NO CALLS AND NO TEXT
REGISTRATION SYSTEM AND FOR OTHER PURPOSES”

be approved in substitution of House Bill Nos. 2380, 2799, 2851 and 4060 with
Representatives Roman T. Romulo, Emmanuel D. Pacquiao, Rufus B. Rodriguez, Maximo B.
Rodriguez, Jr. and Joseph Victor G. Ejercito as authors thereof.

Respectfully submitted:


HON. SIGFRIDO R. TIÑA
Chairman
Committee on Information and
Communications Technology

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Manila

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. **6420**
(In Substitution of House Bill Nos. 2380, 2799, 2851 and 4060)

Introduced by Representatives Roman T. Romulo, Emmanuel D. Pacquiao, Rufus B. Rodriguez, Maximo B. Rodriguez and Joseph Victor G. Ejercito

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

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

1 **SECTION 1. Short Title.** - This Act shall be known as the “No Calls and No Text
2 Registration Act of 2012.”

3 **SEC. 2. Declaration of Policy.** - It is the policy of the State to protect and promote
4 the right of the consumers to privacy and protect them from unwanted calls and text messages
5 inducing purchase of goods or services and solicitations.

6 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms are defined as
7 follows:

8 3.1 **Caller or Sender** refers to any person, including the employees and agents of the
9 person who initiated the call or text message;

10 3.2 **Commission** refers to the National Telecommunications Commission;

11 3.3 **Negative option** refers to a feature which shall enable a person to stop receiving
12 any call and text message from a caller or sender;

13 3.4 **Outbound call or text** refers to a telephone call or text message initiated by any
14 person to induce the purchase of goods and services;

15 3.5 **Person** refers to any person whether natural or juridical;

3.6 **Prize** refers to anything offered, purportedly offered, given, or purportedly given to a person by chance;

3.7 **Prohibited call or text** refers to a hoax, junk or scam call or text message. This message includes, but is not limited to the following:

a) Message congratulating the recipient for winning any prize in a promotional scheme or award of prize when the recipient did not join or subscribe to any game or activity of chance;

b) Message supposedly coming from a relative abroad asking the recipient to reload one's "new" roaming number;

c) Message requiring the recipient to register by texting one's name and other personal details to a phone number; or

d) Any other similar call or text message.

3.8 **Text** refers to any message sent via short message service (SMS);

3.9 **Upselling** refers to soliciting the purchase of goods or services following an initial transaction during a single telephone call or text message; and

3.10 **Unsolicited call or text** refers to a call or text message which is not initiated by the recipient of the call or text message such as but not limited to survey and request for contribution to or solicitation to any non-profit and charitable institution, whether or not the call or text message induces purchases of goods or services.

SEC. 4. Establishment of the No Calls and No Text Registry. – The Commission shall establish a No Calls and No Text Registry for the benefit of consumers who do not want to receive calls or text messages inducing the purchase of goods or services and solicitations, to protect the subscribers from unwanted calls and text messages, thus, empowering the subscribers with the freedom to choose their transactions and maintaining their right to privacy: *Provided*, That the identity of the persons registered shall be kept highly confidential such that only the telephone numbers may be accessed from the registry.

Any person, company or organization shall register first with the Commission before accessing the telephone numbers in the No Calls and No Text Registry. The Commission may assess and charge reasonable annual registration fees for persons accessing the telephone numbers in the said registry.

SEC. 5. Allowable Telephone Numbers Registered Per Person. – Any person shall only be allowed to register up to three (3) mobile phone numbers regardless of the network

1 provider: *Provided*, That the registration of mobile numbers of persons below eighteen (18)
2 years of age may be done by their parents or legal guardian.

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

4 **SEC. 6. *Registration in the No Calls and No Text Registry.*** – Any person may
5 manage and limit the outbound and unsolicited calls and text message that one receives
6 through the registration of the telephone number in the No Calls and No Text Registry of the
7 Commission.

8 No unsolicited calls or text messages shall be made or sent to the telephone numbers
9 on the No Calls and No Text Registry.

10 **SEC. 7. *Negative Option Requirement.*** – A person whose number is not registered in
11 the No Calls and No Text Registry may manage and limit the outbound and unsolicited calls
12 or text message through the negative option feature.

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

16 Upon selection of the negative option feature, the caller or sender shall not make any
17 further step to persuade the recipient and immediately stop making any call or sending any
18 text message to the recipient: *Provided*, That the recipient shall report and register the name
19 and the number of the person, company or organization that made the call or sent the message
20 to the No Calls and No Text Registry in order to make the caller or sender liable for violation
21 of this Act for any subsequent call or text message: *Provided, further* That this prohibition
22 shall apply to the caller or sender regardless of other goods or services offered and other
23 telephone numbers used to contact the recipient.

24 **SEC. 8. *Information Requirement of the Caller or Sender.*** – It shall be unlawful for
25 any person to make an outbound or unsolicited call or text without first subscribing to a
26 special four-digit identifier code with a cellular mobile telephone service (CMTS) operator
27 and registering the number with the Commission, or availing of the services of a content
28 provider duly accredited by the Commission to provide mobile phone marketing and
29 advertising services. The person registering shall provide the Commission with minimum
30 information as to the identification, mobile and fixed-line contact numbers, background and
31 nature of operations or business of said person. It shall likewise be unlawful to make an
32 outbound or unsolicited call or text message without disclosing the full name of the person
33 making the call or sending the text message, the company or organization for whose benefit
34 the call or text message 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 punishable under this Act.

SEC. 9. Removal of Numbers. – Telephone numbers registered in the No Calls and No Text Registry shall not be changed or removed except upon the request of the owner in writing who was assigned the number and for those invalid or disconnected telephone numbers upon adequate validation of the Commission.

SEC. 10. Liability of Caller or Sender. – Any person who, acting for one's own benefit, or for the benefit of another person, company, organization or association which did not officially engage one's services, and who violates any provision of this Act, shall be held solely liable. Any person who is acting on behalf and for the benefit of another person, company or organization which officially engaged one's services shall be held separately liable with such person, company, organization or association for any violation under this Act.

It shall be the responsibility of any caller or sender to register under Section 4 hereof and inform the Commission of the numbers which have been registered in the No Calls and No Text Registry. It shall be deemed *prima facie* evidence of knowledge on the part of the caller or sender where the telephone number of the recipient is registered in the No Calls and No Text Registry under Sections 6 and 7 hereof, prior to the date the call or text message is made, as to be in violation of this Act. Non-registration of the caller 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 or randomly contacts telephone numbers is prohibited and any person, company, organization or association who uses the same shall be held liable.

It shall be unlawful for any person to make any prohibited call or text message.

SEC. 11. Exception. – This Act shall not apply to calls or text messages made in order to remind, collect or update the recipient of one's existing bills or past due accounts, subject to pertinent rules and regulations of the Bangko Sentral ng Pilipinas and other applicable laws.

SEC. 12. Penalties. – Any person who is found to be in violation of the provisions of this Act, shall suffer the following penalties, without prejudice to administrative sanctions as may be imposed by the Commission and without prejudice to civil or criminal liability:

- 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).

SEC. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Department of Trade and Industry (DTI), in coordination with the National Telecommunications Commission (NTC) and the Department of Science and Technology – Information and Communications Technology Office (DOST-ICTO), shall promulgate the rules and regulations for the effective implementation of this Act.

SEC. 14. *Implementing Agency.* – The Commission shall enforce the provisions of this Act and its implementing rules and regulations.

SEC. 15. *Appropriations.* – The National Telecommunications Commission shall immediately include in the Commission's programs the implementation of this Act, the initial funding of which shall be charged against the current year's appropriations of the Commission. Thereafter, such sums as maybe necessary for the continued implementation of this Act shall be included in the Annual General Appropriations Act.

Registration fees and other penalties herein imposed shall accrue to the general fund.

SEC. 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.

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

SEC. 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,

FACT SHEET

House Bill No. **6420**

(In Substitution of House Bill Nos. 2380, 2799, 2851 and 4060)

NO CALLS AND NO TEXT REGISTRATION ACT OF 2012

Introduced by: REPRESENTATIVES ROMAN T. ROMULO, EMMANUEL D. PACQUIAO, RUFUS B. RODRIGUEZ, MAXIMO B. RODRIGUEZ, JR. AND JOSEPH VICTOR G. EJERCITO

Committee Referral: COMMITTEE ON INFORMATION AND COMMUNICATIONS TECHNOLOGY

Committee Chairperson: REP. SIGFRIDO R. TIÑA

OBJECTIVE:

- To protect cellular phone subscribers from unwanted calls and text messages that intrude, disturb and disrupt the activities of any individual, thereby promoting more responsible and accountable business practices by marketing and sales agents.

KEY PROVISIONS:

- Establishes a system of No Calls and No Text Message Registry for telephone subscribers who do not want to receive calls or text message inducing the purchase of goods and services and solicitations.
- Allows any person to access the Registry upon registration with the National Telecommunications Commission and payment of a reasonable annual registration fee.
- Allows calls and texts done to remind, collect or update the recipient with regards to their billing or past due accounts.
- Allows a subscriber to register up to three (3) mobile phone numbers regardless of network subscription.



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

*Congressman, 1st District, Cavite
Chairman, Committee on Appropriations*

March 7, 2012

HON. SIGFRIDO R. TINGA

Chairman

Committee on Information and Communications Technology

Dear Chairman Tinga:

Please be informed that the Committee on Appropriations, in its meeting held today at the Rolando R. Andaya Hall, approved to report out Substitute Bill to House Bill Nos. 2380, 2799, 2851 and 4060, titled **"AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE NO CALLS AND NO TEXT REGISTRATION SYSTEM AND FOR OTHER PURPOSES"** with the following amendments:

- a.) On Section 15, page 5, lines 14-18, delete the entire provision and in lieu thereof, substitute the following:

SEC. 15. APPROPRIATIONS. – THE NATIONAL TELECOMMUNICATIONS COMMISSION SHALL IMMEDIATELY INCLUDE IN THE COMMISSION'S PROGRAMS THE IMPLEMENTATION OF THIS ACT, THE INITIAL FUNDING OF WHICH SHALL BE CHARGED AGAINST THE CURRENT YEAR'S APPROPRIATIONS OF THE NTC. THEREAFTER, SUCH SUMS AS MAYBE NECESSARY FOR THE CONTINUED IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

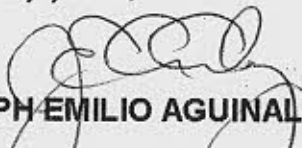
REGISTRATION FEES AND OTHER PENALTIES HEREIN IMPOSED SHALL ACCRUE TO THE GENERAL FUND.

- b.) It is also suggested that the short title of the bill be amended to read:

SEC. 1. SHORT TITLE. – THIS ACT SHALL BE KNOWN AS THE "NO CALLS AND NO TEXT REGISTRATION ACT OF 2012".

Thank you.

Very truly yours,


JOSEPH EMILIO AGUINALDO ABAYA

cc: Hon. Roman T. Romulo
Hon. Emmanuel D. Paquiao
Hon. Rufus B. Rodriguez

Hon. Maximo B. Rodriguez
Hon. Joseph Victor G. Ejercito

See 3/11

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2380

Introduced by Hon. Emmanuel D. Pacquiao

**AN ACT TO PROHIBIT CELLPHONE NETWORK COMPANIES FROM SENDING UNSOLICITED
MATERIAL TO THEIR SUBSCRIBERS VIA TEXT OR SHORT MESSAGE SERVICE (SMS)**

EXPLANATORY NOTE

This bill seeks to prohibit cellphone network companies from unsolicited materials to their subscribers via text message or short message service (SMS), cellphone companies look for ways to entice their customers to avail of their cellphone services through various gimmicks, subscriptions and contents. Customers therefore are often victimized by such offerings sent by cellphone companies via text or short messages (SMS) that jacked up their monthly bills or consumed their pre-paid credit.

There is a need therefore to regulate these indiscriminate offerings by prohibiting any matter sent by network companies via text or SMS, which are not solicited by the subscriber.

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



EMMANUEL D. PACQUIAO

Representative, Lone District of Sarangani Province

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2380

Introduced by Hon. Emmanuel D. Pacquiao

AN ACT TO PROHIBIT CELLPHONE NETWORK COMPANIES FROM SENDING UNSOLICITED MATERIAL TO THEIR SUBSCRIBERS VIA TEXT OR SHORT MESSAGE SERVICE (SMS)

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

SECTION 1. With the exception of legitimate notifications of past due accounts, cellphone network companies are hereby prohibited from sending unsolicited materials such as advertisements, offerings, promotions, subscriptions and other notifications to their subscribers via text or short message service (SMS).

SECTION 2. Penalty.—Cellphone network companies found to have violated this Act shall be punished with a fine of twenty thousand pesos (P20, 000.00) to one hundred thousand pesos (P100, 000.00) per violation.

SECTION 3. Separability Clause.—If any clause, provision, paragraph or part of this Act shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SECTION 4. Repealing Clause.—All laws, decreed, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

SECTION 5. Effectivity.—This Act take effect fifteen (15) days following its publication in the Official Gazette or a major daily newspaper of general circulation in the Philippines, whichever comes earlier.

APPROVED,

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 2799

EXPLANATORY NOTE

There has been an increasing number of text message being received by different people telling them that they won in a raffle or text message seeking air-time load, money or personal information.

While majority ignore these messages, there are still those unsuspecting victims who believe these messages and fall prey to these unscrupulous people.

It is about time that these people sending hoax text messages be penalized for taking advantage of people who are too trusting, or at the very least for being an inconvenience to others.

While it may be difficult to trace these numbers as most numbers used are pre-paid accounts which are not registered, this is not an excuse from not prosecuting. Once the sender of the hoax text messages and unsolicited text offers and advertisements are identified, they have to be penalized and the only way to do that is by enacting a law criminalizing their acts.

In view of the foregoing, immediate passage of this bill is earnestly requested.

RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 2799

AN ACT
PROHIBITING THE SENDING OF HOAX, JUNK AND SCAM TEXT
MESSAGES, PENALIZING THE SENDERS AND FOR OTHER PURPOSES.

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

SECTION 1. It is hereby prohibited for anyone to send hoax, junk and scam text messages. These messages include, but are not limited to the following:

- a. Messages congratulating the recipient for winning cash or a car in a promo;
- b. Messages supposedly coming from family member abroad asking the recipient to reload their "new" roaming number;
- c. Messages requiring the recipient to register by texting his or her name and other personal details to a phone number; or
- d. any other similar text message.

SEC. 2. Anyone found to have violated this Act shall be punished with a fine of twenty thousand pesos (P20,000.00) per violation: *Provided, That each message sent is considered an individual violation of this Act.*

SEC. 3. Implementing Rules. The National Telecommunications Commission shall issue such orders, rules and regulations and other issuances as may be necessary to ensure the effective implementation of this Act.

SEC. 4. Separability Clause. If for any reason, any part of or provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SEC. 5. Repealing Clause. Any law, executive order, letter of instruction, rules and regulations, circulars, issuances or any part thereof inconsistent with any of the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 6. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2851

Authored by Hon. JOSEPH VICTOR G. EJERCITO

EXPLANATORY NOTE

Various cellphone companies look for ways to entice their customers to avail their services through promotions and strategies. Customers therefore are often victimized by such offerings sent by telecommunication companies via text or short messages (SMS) that jack up their monthly bills or consumes their pre-paid credit. While some of the messages are received by the subscribers for free, they still remain unsolicited.

There is a need therefore to regulate these indiscriminate offerings by prohibiting any matter sent by network companies via text or SMS which are not solicited by the subscriber.

This bill seeks to prohibit cellphone network companies from unsolicited materials to their subscribers via text message or short message service (SMS).

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



JOSEPH VICTOR G. EJERCITO

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2851

Authored by Hon. JOSEPH VICTOR G. EJERCITO

AN ACT
PROHIBITING CELLPHONE NETWORK COMPANIES
FROM SENDING UNSOLICITED MATERIALS TO THEIR
SUBSCRIBERS VIA TEXT OR SHORT MESSAGE SERVICE
(SMS)

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

SECTION 1. With the exception of legitimate notifications of past due accounts, cellphone network companies are hereby prohibited from sending unsolicited materials such as advertisements, offering promotions, subscriptions and other notifications to their subscribers via text or short message service (SMS).

SECTION 2. *Penalty.* – Cellphone network companies found to have violated this Act shall be punished with a fine of Twenty Thousand Pesos (P20,000.00) to One Hundred Thousand Pesos (P100,000.00) per violation.

SECTION 3. *Separability Clause.* – If any clause, provision, paragraph or part of this Act shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SECTION 4. *Repealing Clause.* – All laws, decrees, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

SECTION 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,

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:

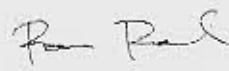
"The State shall protect consumers from trade malpractices and from substandard or hazardous products."

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

HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

15th CONGRESS

HOUSE BILL NO. 4060

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

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 (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.

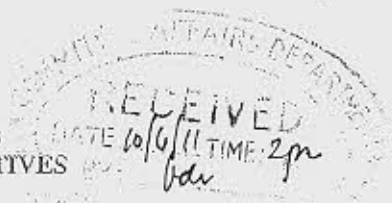
Section 17. *Repealing Clause* - All other laws, decrees, executive orders, proclamations and administrative regulations, or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

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.



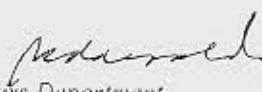
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



COMMITTEE ON INFORMATION COMMUNICATIONS TECHNOLOGY

05 October 2011

FOR : HON. FELICIANO BELMONTE, JR.
Speaker

THRU : ATTY. ARLENE DADA-ARNALDO 
Deputy Secretary General, Committee Affairs Department

SUBJECT : SPOT REPORT ON THE MEETING OF THE COMMITTEE ON INFORMATION COMMUNICATIONS TECHNOLOGY HELD ON EVEN DATE, 10:00 A.M., AT CONFERENCE ROOM NO. 7 & 8, MITRA BUILDING, HOUSE OF REPRESENTATIVES

Initial Consideration of House Bill No. 5179 re: Pole Attachments Act of 2011, authored by Rep. Sigfrido R. Tinga

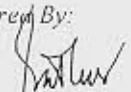
Being the author of the measure under consideration, Chairman Sigfrido Tinga relinquished the Chairmanship to Rep. Cesar Sarmiento to equitably defend his proposal. The author explained that there is a need to regulate the use of utility poles and other support structures related thereto as this would encourage growth and development of cable and telecommunications systems and will provide the widest possible diversity formation sources and services to the public. He added that the proposal will likewise promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.

Following a thorough discussion, the Body referred the bill to a Technical Working Group (TWG) for refinement. The following agencies were designated as members of the TWG: representatives from the DILG-LGUs, DOST-Information and Communications Office (DOST-ICTO), National Telecommunications Commission (NTC), Energy Regulatory Commission (ERC), MERALCO, PLDT, Smart, Globe, Digitel/Sun Telecommunications, Phil. Cable TV Association (PCTA) Federation of International Cable TV Association of the Phils. (FICAP), regional electric cooperatives, the author or his representative, interested Members and the Committee secretariat. Rep. Rufus Rodriguez volunteered to be part of the TWG.

Consideration and Approval of the Substitute Bill to House Bill No. 4060 in consolidation with House Bill Nos. 2380, 2799 and 2851 re: No Calls and No Text Registration Act of 2011, authored by Representatives Roman Romulo, Emmanuel Pacquiao, Rufus Rodriguez, Maximo Rodriguez and Joseph Victor Ejercito.

One of the authors, Rep. Joseph Victor Ejercito moved, duly seconded, that the Substitute Bill to House Bill No. 4060 in consolidation with House Bill Nos. 2380, 2799 and 2851 re: No Calls and No Text Registration Act of 2011, be approved. Sans objection, the motion was carried.

Prepared By:


RANIER M. ALVARADO
Committee Secretary

Noted by:


LINA MORTEGA
Service Director
Committee Technical Support Service I

cc: The Deputy Speaker; The Honorable Chairman, Committee on Rules; The Secretary General
The Executive Director, CAD; The Deputy Executive Director, CAD
The Service Director, Committee Administrative Support Service