

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH (16TH) CONGRESS
First Regular Session

House Bill No. 4510



Introduced by Hon. Lorna Q. Velasco

EXPLANATORY NOTE

The use of mobile cellphones permeates the daily lives of a large majority of our country's population. As such, it becomes, to a great extent, impressed with public interest. The regulation of its use and its network service providers becomes necessary to ensure public convenience, security and safety of its users.

Mobile cellphones interconnects users and makes sharing of information among them easier. However, higher interconnectivity is accompanied by privacy issues. It is of common occurrence for cellphone users, both postpaid and prepaid subscribers, to receive promotional texts and advertisements sent by telecommunications companies via text or short messages (SMS) that jacks up their monthly bills or consumes their prepaid credit. While some of the messages are received by the subscribers for free, they still remain unsolicited and intrudes into the privacy of the user.

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

In this present age of constant change and intensive use of ever-evolving technology, it is incumbent upon us to enact laws that respond timely and appropriately to new safety and security challenges. Thus, immediate passage of this bill is earnestly sought.

Lorna Q. Velasco
LORNA Q. VELASCO

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

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

Section 1. *Prohibition from Sending Unsolicited Text Messages* - 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 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 orders inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

Section 5. *Effectivity* - This act shall take effect fifteen days (15) after publication in at least two (2) national newspapers of general circulation.

Approved,