

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5033**



INTRODUCED BY HONORABLE GAVINI "Apol" C. PANCHO

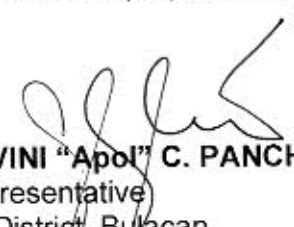
EXPLANATORY NOTE

Emerging domestic security threats and challenges to our society include current threats posed by non-traditional security issues like the exploitation of technology for criminal activities. Proliferation and use of communications technology like cell phones, radio transmitters, palmtops, and similar equipment have been exploited for illicit activities. Criminals have used these communications devices and exploited current technology to upgrade their capabilities in an effort to perpetuate their criminal activities and triumph against our law enforcers and defenders of the state.

In an effort to curb the crimes that prey on banking industry, many banks abroad have opted to ban the use of cellular phones and other similar devices while within the banking premises to avoid the exchange of information among criminals and avoid theft and robbery. Some countries like Brazil have already enacted legislation for this.

In the Philippines this security challenge has yet to be fully addressed by existing legislation. This bill which calls for the prohibition of the use of cellular phones and other similar devices while within the banking premises, seeks to answer this challenge. The provisions of this Act cover all banks operating in country and apply to bank employees, customers and persons inside a banking establishment.

Through this Act, the State can more effectively realize its responsibility and mandate to protect banking establishments and our citizens against the possibility of exploitation and misuse by lawless and unscrupulous individuals, the use of technology of cellular telephones and similar devices, as their means of communication when carrying out their criminal activities. With this purpose in mind, the immediate approval of this bill is strongly requested.


GAVINI "Apol" C. PANCHO
Representative
2nd District, Bulacan

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**AN ACT BANNING THE USE OF CELLULAR PHONES OR SIMILAR DEVICES
INSIDE BANKS AND PROVIDING PENALTY FOR VIOLATION THEREOF**

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

SECTION 1. Short Title. --- *This Act shall be known as "Cell Phone In Banks
Prohibition Act of 2014".*

SECTION 2. Declaration of Policy. *It is hereby declared that:*

*(a) The State recognizes its responsibility and mandate to protect banking
establishments and its patrons going about their business inside or within banking
establishments, against lawless and unscrupulous individuals through the use of
personal communication devices such as cellular phones and the like, as their
means of communication when carrying out their criminal activities;*

*(b) There now exists an exigency to address the vulnerability of banks from
these criminals through timely and relevant legislation;*

*(c) Towards this end, the State shall guarantee the safety of its citizens and
banking establishments in the country pursuant to this Act.*

SECTION 3. Definition of Terms.

*a) "Banks/ Banking Establishments" shall refer to entities engaged in
the lending of funds obtained in the form of deposits. This includes Universal banks,
Commercial banks, Thrift banks as defined in the Republic Act No. 7906 (hereafter
the "Thrift Banks Act"), Rural banks, as defined in Republic Act No. 7353 (hereafter
the "Rural Banks Act"), Cooperative banks, as defined in Republic Act No. 6938
(hereafter the "Cooperative Code"), Islamic banks as defined in Republic Act No.
6848, otherwise known as the "Charter of Al Amanah Islamic Investment Bank of the
Philippines"; and other classifications of banks as determined by the Monetary Board
of the Bangko Sentral ng Pilipinas;*

b) **"Bank Employees"** shall mean all personnel included in the Bank's payroll regardless of position, capacity or function;

c) **"Management"** pertains to any individual or a group of individuals that are tasked with the responsibilities to run the bank. For the purpose of this Act the term management will include personnel in supervisory capacity and those considered as senior ranking employees (e.g. Senior tellers and the like.

d) **"Personal Communications Device"** shall mean any wireless telephone that uses radio frequencies to send and receive communications with other telephones, both wireless and land-based which may or may not have the capability to take pictures and videos. Personal communication devices may also be considered any device capable of being networked by a private network provider to obtain information and send information over the internet. This includes commercial wireless devices, such as cellular phones, pagers, radios, personal digital assistants (PDAs, including Palm, Pocket PCs, Windows CE, etc.), and mobile e-mail devices and other handheld personal devices.

SECTION 4. Scope. This Act shall cover all banking establishments in the country and applies to bank clients, their clerks and staff and all persons entering these banking establishments.

SECTION 5. Prohibitions.

a) Clients and other persons using their cellular phones or similar personal communication devices will not be allowed inside banking premises, or if already inside, will be directed to remove themselves from the premises.

b) Likewise use of personal communication devices by Bank Employees is prohibited in common areas in plain view of their clients and patrons;

c) Bank Employees may use cell phones/electronic communication devices during lunch or break periods or as authorized in private space away from all clients and common work areas. Personal cell phones/electronic communication devices are to be silenced and stored during working hours.

d) Only medical doctors and emergency health care practitioners will be allowed use of such personal communication devices within bank premises when the use of such personal communication device is related to the care of patients and other emergencies.

SECTION 6. Penal Provisions. Other than medical doctors and emergency health care practitioners as qualified by Section 3d of this Act, persons who will refuse to abide by Bank Management or its security personnel and insist on using their cellular phones inside banking establishments shall be punished by a fine not exceeding one thousand pesos (P 1,000.00) and detention in available detention facilities of the Barangay or Police Station that has jurisdiction over the geographical location concerned banking establishment.

Banking establishments must include the provisions of this Act in their respective employee manuals to guide their personnel accordingly. Banking staff that will be observed using their cellular phones within the area of the bank in public view during official working hours must be immediately reported to manager and security guard on duty for appropriate action of Banking Management.

Any bank personnel who fails or refuses to comply with the prohibitions provided in this Act shall be punished by a fine of not less than two thousand pesos (P2,000.00) or suspension, or both, if found guilty in an appropriate administrative investigation. Negligence on the part of the bank's management to check and act on erring personnel will be similarly sanctioned with all applicable charges in violation of this Act.

SECTION 7. Implementing Rules and Regulations. *Within ninety (90) days after the effectivity of this Act, the Department of Finance (DOF) together with the Department of Interior and Local Government (DILG), and the Philippine National Police (PNP) shall promulgate the necessary implementing rules and regulations to carry out the purposes of this act. The IRR will include administrative sanctions applicable to banking staff and personnel that will violate the provisions of this Act.*

SECTION 8. Information Program. *The DOF, DILG and the PNP shall, in coordination with the respective banking establishments develop and implement a continuous information dissemination program on the provisions of this Act, both at the national and local level, immediately after the enactment of this law.*

SECTION 9. Separability Clause. *If for any reason, any provision of part hereof is declared invalid, the other provisions not affected thereby shall remain in full force and effect.*

SECTION 10. Repealing Clause. *– Any provision of the law, presidential decree, executive orders, rules and regulations contrary to the provision of this Act is hereby repealed, amended or modified accordingly.*

SECTION 11. Effectivity. *– This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.*

Approved,