

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5224



Introduced by Rep. Winston "Winnie" Castelo

EXPLANATORY NOTE

When subscribers receive otherwise unsolicited, unnecessary, and unwanted messages or material(s) via text which can be commercial offerings, promotions, advertisements, and surveys – these should constitute as undue intrusion into the private space of mobile phone subscribers and therefore is deemed associated with some unforeseen adverse effects on quality of life and personal freedom.

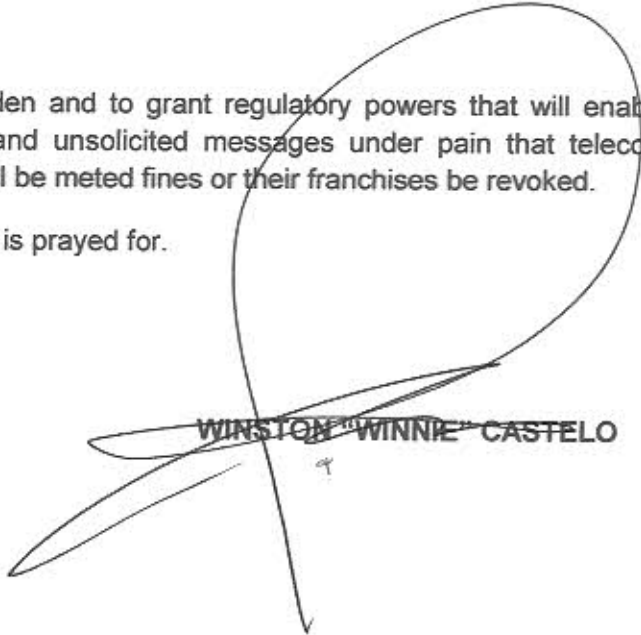
Since these spam messages, whether they come from known or unknown sources should be regulated precisely because the subscribers did not ask for them, then the National Telecommunication Commission should exercise its disciplinary as well as regulatory powers over the telecommunication companies that 'father' these rather not-too-desirable and in fact, unwelcome developments.

The vicious and unregulated bombardment of these texts or messages gets in the way of the free, open, clean and supposedly unobtrusive personal and private use of legitimate mobile phone subscribers of their units in ways that please, satisfy, and supply their needs and the costs they paid for in their chosen post-paid or pre-paid plans.

It is never incumbent upon any nefarious source to stand in the way of this freedom of communication when, without mutual consent or at least the consent of the receiver, any mobile phone owner or subscriber, just receives any text or any message from known or unknown source unless with due permission or upon the demand of the receiver from the sender of such spam.

This bill henceforth seeks to broaden and to grant regulatory powers that will enable NTC to effectively ban these unwanted and unsolicited messages under pain that telecom companies or service providers involved will be meted fines or their franchises be revoked.

Thus, the urgent passage of this bill is prayed for.



WINSTON "WINNIE" CASTELO

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AN ACT
GRANTING NATIONAL TELECOMMUNICATIONS COMMISSION
DIRECT REGULATORY POWER TO IMPOSE FINE AND REVOKE FRANCHISE
OF ERRING TELECOMMUNICATION COMPANY OR ANY OF ITS SERVICE PROVIDER ON
UNSOLICITED OR UNWANTED MESSAGE OR MATERIAL VIA TEXT TO MOBILE PHONE
USER/SUBSCRIBER AND FOR OTHER PURPOSES

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

SECTION 1. This Act shall be known as the 'Mobile Phone User's Freedom Act of 2014'.

SEC. 2. Every mobile phone owner, user, and subscriber enjoys the inviolable right to a free, open, clean, and unobtrusive freedom to use mobile phone unit free of otherwise unsolicited, unnecessary, and unwanted message or text sent from known or unknown source for commercial offering, promotion, advertisement, and survey without consent and permission.

SEC. 3. To effectively carry out the intent of this Act, the National Telecommunication Communications is hereby authorize to impose fine of P300,000 on any telecommunication company and any of its service providers involved in the violation of this Act and/or the revocation of its franchise. Further, said agency shall issue appropriate rules, regulations, and guidelines to the entire industry sector to strictly preclude cases of violation of this Act.

SEC. 4. This Act shall take effect upon its publication in the Official Gazette and in at least three (3) newspapers of general circulation sixty (60) days upon the effectivity of this Act.

Approved,