

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4380



Introduced by Representative Roman T. Romulo

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

EXPLANATORY NOTE

According to Sec. 9, Article XVI of the 1987 Constitution, the State shall protect consumers from trade malpractices and from substandard or hazardous products.

The advent of new technologies and their swift development has brought both positive and negative impacts on society. In order to manage and curtail the growing number of fraudulent and unwanted commercial offers for goods and services and intrusion into 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 intrude, 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 left alone.

In view of the foregoing, this representation seeks the immediate passage of this measure.

A handwritten signature in black ink, appearing to be 'R. Romulo'.

ROMAN T. ROMULO
Lone District, Pasig City

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

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “No Calls, No Text Messages,
2 and No Electronic Mails Registration Act,”.
3

4 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to protect and promote the
5 right of consumers to privacy and protect them from unwanted calls, text messages, and
6 electronic mails inducing the purchase of goods or services and solicitations.
7

8 **SEC. 3. *Definition of Terms.*** – As used in this Act:
9

- 10 (a) *Caller and/or Sender* refers to any person, including its employees and agents, who
11 initiate a call, text message, or electronic mail;
12 (b) *Negative Option* refers to a feature that shall enable a person to stop receiving any
13 call, text message, or electronic mail from a caller and/or sender;
14 (c) *Outbound call and/or text* refers to a phone call or text message initiated by any
15 person to induce the purchase of goods and services;
16 (d) *Person* refers to any person whether natural or juridical;
17 (e) *Prize* refers to anything offered, or purportedly offered, and given, or purportedly
18 given, to a person by chance;
19 (f) *Prohibited call, text message, and/or electronic mail* refers to a hoax, junk, and/or
20 scam call, text message, and/or electronic mail. This message includes the
21 following:
22 1. Message congratulating the recipient for winning any prize in a promo or
23 award of the prize when the recipient did not join or subscribe to any game
24 or activity of chance;

2. Message supposedly coming from a relative abroad asking the recipient to reload their “new” roaming number;
 3. Message requiring the recipient to register by texting his or her name and other personal details to a phone number; or
 4. Any other similar call, text message, and/or electronic mail;
- (g) *Text message* refers to any message sent via short message service (SMS)
- (h) *Upselling* refers to soliciting the purchase of goods or services following an initial transaction during a single phone call, text message or electronic mail
- (i) *Unsolicited call, text message or electronic mail* refers to a call, text message or electronic mail which is not initiated by the recipient of the call and/or text message such as upselling, surveys, award of the prize when the recipient did not join or subscribe to any game or activity and/or solicitation to any non-profit and charitable institution whether or not the call and/or text messages induce purchases of goods or services.

SEC. 4. *Establishment of the No Calls, No Text Messages, and No Electronic Mails Registries.* – The National Telecommunications Commission (NTC) shall establish No Calls, No Text Messages, and No Electronic Mails Registries respectively; Provided, that the identity and privacy of the persons registered shall be kept highly confidential such that only the phone numbers and the electronic mail addresses may be accessed from the registry.

Any person shall register first with the NTC before they can access the phone numbers and electronic mail addresses in the registries.

SEC. 5. *Allowable Phone Numbers Registered Per Person.* – Any person shall only be allowed to register up to three (3) mobile phone numbers regardless of the network provider: Provided, that the registration of mobile numbers of persons below 18 years of age may be done by their parents or legal guardian.

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

SEC. 6. *Registration in the No Calls, No Text Messages, and No Electronic Mails Registries.* – Outbound and unsolicited calls, text messages, and/or electronic mails may be managed or limited by any cell phone or electronic mail user by registering in the No Calls, No Text Messages, and No Electronic Mails Registries respectively of the NTC.

No outbound and unsolicited calls, text messages, or electronic mails shall be made or sent to the phone numbers or electronic mail addresses on the No Calls, No Texts, and No Electronic Mails registries respectively.

SEC. 7. *Negative Option Requirement.* – A person whose number is not registered in the registries may manage and limit outbound and unsolicited calls, text messaging or electronic mails through the negative option feature.

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

1 Upon selection of the negative option feature, the caller or sender shall not make any
2 further steps to persuade the recipient and immediately stop making any call or sending any
3 texts or electronic mails to the recipient: Provided, That the recipient shall report and register
4 the name and the number of the person, company or organization that made the call or sent
5 the message to the registries in order to make the caller or sender liable for violation for this
6 Act for any subsequent calls, text messages or electronic mails: Provided, further, That this
7 prohibition shall apply to the caller or sender regardless of other goods or services offered,
8 and other phone number used to contact the recipient.
9

10 **SEC. 8. Information Requirement of the Caller or Sender.** – It shall be unlawful to
11 make an outbound or unsolicited call, text message, or electronic mail without disclosing the
12 full name of the person making the call or sending the text message or electronic mail, the
13 company or organization for whose benefit the call, text message or electronic mail is being
14 made, and the phone number of a fixed line where such identity can be established and
15 verified: Provided, that the noncompliance with this section shall constitute an outright
16 violation of the shall be punishable under this Act.
17

18 **SEC. 9. Removal of Numbers.** – Phone numbers registered in the respective registries
19 shall not be changed or removed except upon the request of the owner in writing and those
20 invalid and disconnected phone numbers upon adequate validation of the NTC.
21

22 **SEC. 10. Liability of Callers or Senders.** – Any person who commits any violation under
23 this Act either for his or her own benefit or for the benefit of another person, company,
24 organization, or association that did not officially engage his or her services shall both be held
25 separately liable for any violation under this Act.
26

27 It shall be the responsibility of any caller or sender to register under Section 4 hereof
28 and to get information on the numbers and electronic mail addresses which are registered in
29 the registries. Possession of a certified true copy of the registries prior to the date the call is
30 made, or the text message or electronic mail is sent shall be considered *prima facie* evidence
31 of knowledge on the part of the caller or sender.
32

33 Non-registration of the caller or sender, as required under Section 4 of this Act, shall
34 not be an excuse for any liability.
35

36 The use of an automatic dialer or any electronic device that automatically or randomly
37 contacts phone numbers is prohibited. Any person, company, organization, or association
38 who uses the same shall be held liable.
39

40 **SEC. 11. Exception.** – This Act shall not apply to a call, text message, or electronic mail
41 made in order to remind, collect, or update the recipient of his or her existing bills or credit,
42 subject to applicable laws and pertinent rules and regulations of the Bangko Sentral ng
43 Pilipinas.
44

45 **SEC 12. Penalties.** – Any person found to be in violation of the provisions of this Act
46 shall be imposed the following penalties, without prejudice to civil or criminal liability, or
47 administrative sanctions that may be imposed by the NTC:
48

1 (a) Any juridical person who violates the provisions of this Act or its implementing
2 rules and regulations shall suffer the penalty of a fine of not less than Fifty
3 Thousand Pesos (PhP50,000) or more than One Hundred Thousand Pesos
4 (PhP100,000) for each violation: Provided, that its officers directly responsible for
5 the violation shall suffer the penalty of a fine of not less than Fifty Thousand Pesos
6 (PhP50,000) but not more than One Hundred Thousand Pesos (PhP100,000); or
7

8 (b) Any person who violates the provisions of this Act, or its implementing rules and
9 regulations shall suffer the penalty of a fine of not less than Fifty Thousand Pesos
10 (PhP50,000) but not more than One Hundred Thousand Pesos (PhP100,000).

11 **SEC. 13. Implementing Rules and Regulations.** – Within ninety (90) days from the
12 approval of this Act, the Department of Trade and Industry, in coordination with the NTC and
13 Department of Information and Communications Technology, shall promulgate the rules and
14 regulations implementing the provisions of this Act.
15

16 **SEC. 14. Implementing Agency.** – The NTC shall enforce the provisions of this Act and
17 its implementing rules and regulations.
18

19 **SEC. 15. Funding.** – The NTC shall immediately include in its programs the
20 implementation of this Act, the initial funding of which shall be charged against its current
21 year's appropriation. Thereafter, such sums as may be necessary for the continued
22 implementation of this Act shall be included in the annual General Appropriation Act.
23

24 Proceeds from penalties herein imposed shall accrue to the general fund.
25

26 **SEC. 16. Separability Clause.** – If any provision of this Act is held invalid or
27 unconstitutional, the other provisions not so declared shall remain in full force and effect.
28

29 **SEC. 17. Repealing Clause.** – All other laws, decrees, orders, and rules and regulations
30 contrary to or inconsistent with the provisions of this Act are hereby repealed or amended
31 accordingly.
32

33 **SEC. 18. Effectivity.** – Notwithstanding the This Act shall take effect fifteen (15) days
34 after its publication in the *Official Gazette* or in a newspaper of general circulation.
35

36 *Approved,*