Republic of the Philippines

House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

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HOUSE BILL NO. **10449**

Introduced by Representative LORDAN G. SUAN

AN ACT
PENALIZING SMISHING OR SMS TEXT SCAMS AND IMPOSING DUTIES ON PUBLIC TELECOMMUNICATIONS ENTITIES

EXPLANATORY NOTE

This proposed measure aims to deter smishing, a form of cybercrime that uses Short Message Service (SMS) to defraud victims. It penalizes individuals who send smishing messages and imposes duties on telecommunication companies or public telecommunication entities to help prevent smishing and report incidents.

In light of the preceding, this bill's approval is fervently sought.

LORDAN G. SUAN
Cagayan de Oro City – 1st District

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AN ACT
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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 *"Anti-Smishing or SMS Text Scam Act."*

SECTION 2. *Definition of Terms.* — For the purposes of this Act:

(a) Smishing refers to the act of sending a deceptive SMS message to trick a recipient into revealing personal information, clicking on malicious links, or performing actions that could lead to financial loss.

(b) A Public Telecommunications Entity (PTE) is any person, natural or juridical, government or private, engaged in providing telecommunications services to the public for compensation, as defined under Republic Act No. 7925, as amended, or the Public Telecommunications Policy Act of the Philippines.

SECTION 3. *Unlawful Acts.* — The following acts are declared unlawful:

(a) Sending a smishing message;

(b) Aiding or abetting in the commission of smishing;

(c) Knowingly providing any information or assistance that facilitates the commission of smishing.

SECTION 4. *Penalties.* — (a) Any person who commits smishing shall be punished by imprisonment of not less than three (3) years but not more than six

(6) years, and a fine of not less than Five Hundred Thousand Pesos (₱500,000.00) but not more than One Million Pesos (₱1,000,000. 00).

(b) Any person who aids or abets in the commission of smishing shall be penalized with imprisonment of not less than one (1) year but not more than three (3) years, and a fine of not less than One Hundred Thousand Pesos (₱100,000.00) but not more than Five Hundred Thousand Pesos (₱500,000.00).

(c) Any person who knowingly provides any information or assistance that facilitates the commission of smishing shall be penalized with imprisonment of not less than six (6) months but not more than one (1) year, or a fine of not less than Fifty Thousand Pesos (₱50,000.00) but not more than One Hundred Thousand Pesos (₱100,000.00), or both.

SECTION 5. *Duties of* Public Telecommunications Entities*.* — (a) Public Telecommunication Entities shall implement technological solutions to identify and block suspicious SMS messages.

(b) Public telecommunication entities shall establish a mechanism for reporting smishing incidents to the authorities.

(c) Public telecommunication entities shall collaborate with law enforcement agencies in investigating smishing activities.

(d) Public telecommunication entities shall conduct information campaigns to raise public awareness about smishing.

(e) Public telecommunication entities shall block website links used in smishing.

(f) Public telecommunication entities shall disable the subscriber identify module (SIM) card used in smishing.

(g) Public telecommunication entities shall deactivate Uniform Resource Locators (URLs), links, and quick response (QR) codes in text messages.

SECTION 6. *Administrative Fines for Public Telecommunication Entities. —* (a) The National Telecommunications Commission (NTC) may impose administrative fines on PTEs that fail to comply with the duties set forth in Section 5 of this Act.

(b) The amount of the administrative fine shall be commensurate with the severity of the violation, considering factors such as the number of smishing incidents that passed through the PTE's network and the PTE's efforts to prevent smishing.

SECTION 7. *Implementing Rules and Regulations.* — Within ninety (90) days from the effectivity of this Act, The NTC, in consultation with relevant

government agencies, shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SECTION 8. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette, in a newspaper of general circulation, or on a website provided for by law.

Approved,