

**SEVENTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES**
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 2874

HOUSE OF REPRESENTATIVES

RECEIVED

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**REGISTRATION UNIT
BILLS AND INDEX SERVICE**

Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

With the advance of communication technology, phones are now common in every household and on the person of every Filipino allowing us to conveniently do business and to maintain interpersonal relationships. However, though largely for the good, telephone technology has also opened up a frontier of unregulated behavior allowing criminal elements and the societal malcontents to intimidate, harass, stalk, vex and threaten our innocent citizens.

Present criminal laws have not adapted quickly enough to cover malicious communication utilizing telephone technology. This has provided unregulated avenues for criminal elements to commit harassment and to worsen their activities. Due to the lack of a law, untold numbers of citizens receive unwanted messages and calls every day. This bill aims to punish repeated, unwanted contact by offenders through telephone or telephone related services.

The bill defines certain acts of repeated and/or unwanted contact as crimes and provides appropriate penalties. This bill fills a penal gap and is necessary for the public good.

The urgent passage of this bill is earnestly sought.



VICTOR A. YAP

Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. **2874**

Introduced by Representative Victor A. Yap

AN ACT
PENALIZING MALICIOUS USE OF A TELECOMMUNICATION DEVICE

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

SECTION 1. Title. – This Act shall be known as the "Anti-Prank Calls Act of 2016".

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to promote the general welfare or the people. To this end, the State aims to prohibit malicious and improper use or telecommunication devices.

SECTION 3. Prohibited Acts. – Any person who maliciously uses any service provided by a telecommunication service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet or another person by any of the following:

- a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications *service* or device;
- b) Falsely and deliberately reporting through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident;
- c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use or a telecommunications service or device;
- d) Using, vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device;
- e) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered;
- f) Making an unsolicited commercial telephone call that is received between the hours of 7PM and 9AM. "An unsolicited commercial telephone call" means a call made by a person or

1 recording device, on behalf of a person, corporation, or other entity, soliciting business or
2 contributions;
3 g) Deliberately engaging or causing to engage the use of a telecommunications service or
4 device of another person in a repetitive manner that causes interruption in
5 telecommunications service or prevents the person from utilizing his or her
6 telecommunications service or device.

7
8 **SECTION 4. Penal Provision.** – A person violating this act may be imprisoned for not more than
9 two (2) years, or fined not more than One Hundred Thousand Pesos (P100,000.00), or both. An offense
10 is committed under this Act if the communication either, originates or terminates in this country and may
11 be prosecuted at the place of origination or termination.

12
13 **SECTION 5. Separability Clause.** - If any of the provision of this Act is declared invalid,
14 the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

15
16 **SECTION 6. Repealing Clause.** - All laws, decrees, ordinances, rules and regulations,
17 administrative or executive orders, and other presidential issuances inconsistent with this Act, are
18 hereby repealed, amended or modified accordingly.

19
20 **SECTION 7. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
21 the Official Gazette or in at least two (2) newspapers of general circulation.

22
23 Approved,