

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
1st Regular Session

House Bill No. 929

HOUSE OF REPRESENTATIVES

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REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

Cellular phones have become a necessity for most people and greatly influenced different social and economic transactions around the globe. Not only did it make communication easier but it also changed the way we interact with people. Convenience and availability are the primary advantages of this technology but at the same time, consumers also suffer from constant interruption and invasion of privacy. Unsolicited calls and text messages which may or may not be fraudulent have become one of the sources of consumers' frustration and may be considered a nuisance. While it is important to promote the interests of the private or business sector by allowing it to freely transact and endorse its goods and services, the government may interfere to protect consumers from trade malpractices and from substandard or hazardous products. This public duty is provided under Section 9, Article XVI of the 1987 Constitution. On the ground of public interest and order, the government may also intervene in market affairs to protect the public from exploitative business practices, misleading statements regarding products and services, and other unfair and intrusive advertisements against competitors and consumers.

Moreover, we are also familiar with various schemes that intend to defraud phone users by pretending that the recipient of the message won a prize in a promo when the recipient did not even join any game or activity of chance or by misrepresenting themselves as relatives of the recipient so they can ask him/her to reload their "new" roaming number.

This bill proposes to establish a system of No Calls and No Text Messages Registry that shall protect cellular phone subscribers from unwanted calls and text messages that disturb and disrupt the activities of any individual and, thereby promoting more responsible and accountable business practices of marketing and sales agents. It is imperative that phone users shall be given an option readily available to them to stop any unwanted call or text message in order to uphold their right and freedom to choose their transactions.

For the foregoing reasons, the approval of this bill is earnestly sought.


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

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Introduced by Hon. Francis Gerald Aguinaldo Abaya

AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE NO CALLS AND NO TEXT 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 and No
2 Text Registration Act”.

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

6 **SECTION 3. *Definition of Terms.*** – As used on this Act:

7 a.) *Caller and/or sender* refers to any person, including its employees and
8 agents, who initiate a call and/or text message for the purpose of making an
9 outbound and/or unsolicited call and/or text message;

10 b.) *Negative option* refers to a feature which shall enable a person to stop
11 receiving any call and text from a caller and/or sender;

12 c.) *Outbound call and/or text* refers to a telephone call or text message initiated
13 by any person to induce the purchase of goods and services;

14 d.) *Person* refers to any person whether natural or juridical;

15 e.) *Prize* refers to anything offered, or purportedly offered, and given, or
16 purportedly given, to a person by chance;

17 f.) *Prohibited call and/or text* refers to a hoax, junk and/or scam call and/or text.

18 This message includes, but is not limited to, the following:

- 1) Message congratulating the recipient for winning any prize in a promo or award of prize when the recipient did not join or subscribe to any game 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 and/or text message;
- g.) *Text* refers to any message sent via short message service (SMS);
- h.) *Upselling* refers to soliciting the purchase of goods and services following an initial transaction during a single telephone call or text message; and
- i.) *Unsolicited call and/or text* refers to a call or text message which is not initiated by the recipient of the call and/or text message such as, but not limited to, upselling, surveys, award of prize when the recipient did not join or subscribe to any game or activity and/or solicitation to any nonprofit and charitable institution whether or not the call and/or text message induce purchases of goods and services.

SECTION 4. Establishment of the No Calls and No Text Registry. –

The National Telecommunications Commission (NTC) shall establish a No Calls and No Text Registry: *Provided*, That the identity and privacy of the persons registered shall be kept highly confidential such that only the telephone numbers may be accessed from the registry.

Any person shall register first with the NTC before they can access the telephone numbers in the No Calls and No Text Registry.

SECTION 5. Allowable Telephone 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 eighteen (18) years of age may be done by their parents and/or legal guardian.

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

SECTION 6. Registration in the No Calls and No Text Registry. – Outbound and unsolicited calls and/or text message may be managed or limited by any cellular telephone user by registering in the No Calls and No Text Registry of the NTC.

1 No outbound and unsolicited calls and/or text message shall be made and/or
2 sent to the telephone numbers on the No Calls and No Text Registry.

3 **SECTION 7. Negative Option Requirement.** – A person whose number is not
4 registered in the No Calls and No Text Registry may manage and limit outbound and
5 unsolicited calls and/or text messaging through the negative option feature.

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

9 Upon selection of the negative option feature, the caller and/or sender shall not
10 make any further steps to persuade the recipient and immediately stop making any
11 calls and/or sending any texts to the recipient: *Provided*, That the recipient shall report
12 and register the name and the number of the person, company and/or organization
13 that made the call and/or sent the message to the No Calls and No Text Registry in
14 order to make the caller and/or sender liable for violation of this Act for any subsequent
15 calls and/or text message: *Provided, further*, That this prohibition shall apply to the
16 caller and/or sender regardless of other goods and/or services offered and other
17 telephone number used to contact the recipient.

18 **SECTION 8. Information Requirement of the Caller and/or Sender.** – It shall
19 be unlawful to make an outbound and/or unsolicited call and/or text message without
20 disclosing the full name of the person making the call and/or sending the text message,
21 the company, or organization for whose benefit the call and/or text message is being
22 made, and the telephone number of a fixed line where such identity can be established
23 and verified: *Provided*, That noncompliance with this section shall constitute an
24 outright violation of and shall be punishable under this Act.

25 **SECTION 9. Removal of Numbers.** – Telephone numbers registered in the No
26 Calls and No Text Registry shall not be changed or removed except upon the request
27 of the owner in writing and those invalid or disconnected telephone numbers upon
28 adequate validation of the NTC

29 **SECTION 10. Liability of Callers and/or Senders.** – Any person who commits
30 any violation under this Act and who acts either for his or her own benefit of another
31 person, company, organization and/or association which did not officially engage his
32 or her services shall be held solely liable: *Provided*, That any person who is acting in
33 behalf and for the benefit of another person, company, organization and/or association

1 which officially engage his or her services shall both be held separately liable for any
2 violation under this Act.

3 It shall be the responsibility of any caller and/or sender to register under Section
4 4 hereof and to be informed of the numbers which have registered in the No Calls and
5 No Text Registry. It shall be considered *prima facie* evidence of knowledge on the part
6 of the caller and/or sender where the telephone number of the recipient is registered
7 on the No Calls and No Text Registry prior to the date the call and/or text message is
8 made in violation of this Act. Non-registration of the caller and/or sender as required
9 under Section 4 of this Act shall not be an excuse from any liability.

10 The use of an automatic dialer or any electronic device that automatically and/or
11 randomly contacts telephone numbers is prohibited. Any person, company,
12 organization and/or association who uses the same shall be held liable.

13 **SECTION 11. *Exception.*** – This Act shall not apply to a call and/or text
14 message made in order to remind, collect, and/or update the recipient of his or her
15 existing bills and/or credit, subject to applicable laws and pertinent rules and
16 regulations of the Bangko Sentral ng Pilipinas and other applicable laws.

17 **SECTION 12. *Penalties.*** – Any person found to be in violation of the provisions
18 of this Act shall be imposed the following penalties, without prejudice to administrative
19 sanctions that may be imposed by the NTC, without prejudice to civil or criminal
20 liability:

21 a) Any juridical person who violates the provisions of this Act or its implementing
22 rules and regulations shall suffer the penalty of a fine not less than Fifty
23 thousand pesos (P 50, 000.00) nor more than One hundred thousand pesos (P
24 100000.00) for each violation: *Provided*, That its officers directly responsible
25 for the violation shall suffer the penalty of a fine of not less than Fifty thousand
26 pesos (P 50, 000.00) but not more than One hundred thousand pesos (P
27 100000.00); or

28 b) Any person who violates the provisions of this Act or its implementing rules and
29 regulations shall suffer the penalty of a fine of not less than Fifty thousand pesos
30 (P 50, 000.00) but not more than One hundred thousand pesos (P 100000.00).

31 **SECTION 13. *Implementing Rules and Regulations (IRR).*** – Within ninety
32 (90) days from the effectivity of this Act, the Department of Trade and Industry (DTI),
33 in coordination with the NTC and the Department of Science and Technology –

1 Information and Communications Technology Office (DOST-ICTO), shall promulgate
2 the rules and regulations for the effective implementation of this Act.

3 **SECTION 14. *Implementing Agency.*** – The NTC shall enforce the provisions
4 of this Act and its implementing rules and regulations.

5 **SECTION 15. *Funding.*** – The NTC shall immediately include in its programs
6 the implementation of this Act, the initial funding of which shall be charged against its
7 current year's appropriations. Thereafter, such sums as may be necessary for the
8 continued implementation of this Act shall be included in the General Appropriations
9 Act.

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

11 **SECTION 16. *Separability Clause.*** – If any part or provision of this Act shall
12 be held unconstitutional or invalid, the other provisions hereof that are not affected
13 thereby shall continue to be in full force and effect.

14 **SECTION 17. *Repealing Clause.*** – All other laws, decrees, executive orders,
15 proclamations, and administrative regulations or parts thereof which are inconsistent
16 herewith are hereby repealed or modified accordingly.

17 **SECTION 18. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
18 complete publication in the Official Gazette or in a newspaper of general circulation.

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20 Approved,