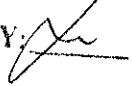


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'11 JUN -2 P 6:10

SENATE
S.B. No. 2864

RECEIVED BY: 

Introduced by SENATOR MANNY VILLAR

EXPLANATORY NOTE

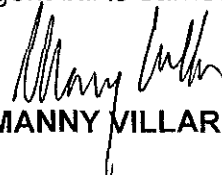
The 1987 Philippine Constitution provides, “[s]cience and technology are essential for national development and progress.” (Art. XIV, Sec. 10) And this policy measure is submitted with the intention of honoring the said provision. This legislation mandates “portability” in telecommunications --- where mobile telephone service providers should offer the option to their mobile telephone subscribers to retain their numbers even if they switch to another service provider or even if they switch from a mobile postpaid account to a mobile prepaid account and vice versa.

The advent of technology boosts dependency to mobile telephones in dealing with everyday life. Mobile telephone subscribers have grown by almost 80 million by 2010. This remarkable number of mobile telephone consumers or subscribers valuing the cost of telephone service is inclined to avail of telephone service that will cater most their needs as valuable consumers. Unfortunately, consumers opting to have better quality of telephone service are often deterred of the burden of changing their number by reason of switching from one service provider with miserable service to a service provider with superior service or by reason of switching from a mobile postpaid account to a mobile prepaid account and vice versa. Changing the subscribers’ service provider or changing the mode of mobile account requires changing subscriber’s number.

Parallel to the booming communication technology is the policy of the State to ensure that quality mobile telephone service is provided to consumers in the country. Inevitable to this policy is the option to provide consumers’ choice in telecommunications service. The mobile telephone portability will provide the subscribers the option to retain their number even if they switch to another service provider or even if they change from a post paid account to a prepaid account and vice versa. Mobile telephone number portability is already available in some parts of Africa, Australia, and most European countries including Britain and even on some parts in Asia. Apparently, the Philippines is behind with these countries who opt to provide convenience and quality telephone service to the consumers.

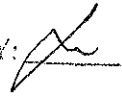
The mobile telephone number portability act shall sustain competition among service providers and shall ultimately promote improvement of the quality of mobile telephone service in the country.

In light of the foregoing, the immediate passage of this urgent bill is earnestly sought.


MANNY VILLAR

'11 JUN -2 P 6 :10

SENATE
S.B. No. 2864

RECEIVED BY: 

Introduced by SENATOR MANNY VILLAR

AN ACT

ESTABLISHING NUMBER PORTABILITY FOR MOBILE TELEPHONE SERVICE

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

Section 1. Title. – This Act shall be known as the “Mobile Telephone Number Portability Act of 2011”

Section 2. Declaration of Policy. – it is the policy of the State to ensure and promote public interest and convenience in the country. The remarkable growth of mobile telephone subscribers connotes telecommunications as an inevitable public service needing reasonable regulation to promote the interest of the continuously growing consumers or mobile telephone subscribers. In view of this, the State shall promote consumers’ choice in telecommunications service to avail of superior services suitable to their needs thereby giving value to the cost of the telephone service.

Section 3. Applicability. – The provisions in this Act shall apply to all mobile telephone service providers who are holders of a franchise and has secured a Certificate of Public Convenience and Necessity (CPCN) or Provisional Authority (PA) from the national Telecommunications Commission (NTC).

The option of telephone number portability may be availed of by natural or juridical subscribers with mobile postpaid account and/or mobile prepaid account duly registered with telephone service provider.

Section 4. Definition of terms.- For purposes of this Act, the following terms shall mean:

- a) *Certificate of Public Convenience and Necessity* – refers to an authority issued by the Commission to operate a public telecommunications service based on the premise that the provision of said service and the authorization to do business will promote public interest in a proper and suitable manner.
- b) *Commission* – refers to the national Telecommunications Commission (NTC).
- c) *Franchise* – refers to the privilege conferred upon a telecommunications entity by Congress authorizing the said entity to engage in a certain type of telecommunications service.
- d) *Mobile Telephone number portability* – refers to the ability to transfer an existing mobile telephone number assigned by a telephone service provider to another service provider.
- e) *Postpaid Mobile Account* – refers to a model of mobile telephone service whereby the customers or subscribers are charged for usage in the prior month. It is an account for which customers or subscribers are billed for their use of a

service provider services on a monthly basis, based on either the terms of a contract or on amount of services they have used.

- f) *Prepaid mobile account* – refers to a model of mobile telephone service whereby customers or subscribers are required to add a certain amount to their accounts prior to usage and their maximum usage is limited to the amount that is added to the account. It is an account for which credit is purchased in advance of service use.
- g) *Provisional Authority* – refers to a temporary authority issued by the Commission to operate a public telecommunications service.

Section 5. Mobile Telephone Number Portability. – The Commission shall require all mobile telephone service providers to provide consumers or mobile telephone subscribers the option to retain their numbers in the following events:

- a) Switching from one service provider to another, provided that; the subscriber has duly registered his name and mobile telephone number with the originating service provider and provided further; that the subscriber opting to switch to another mobile service provider has no existing liability or outstanding obligations with the originating service provider.
- b) Switching from a mobile postpaid account to a mobile prepaid account and vice versa, provided that; the subscriber has duly registered his name and mobile telephone number with the service provider and provided further; that the subscriber opting to switch from a mobile prepaid account and vice versa has no existing liability or outstanding obligations with the service provider.

Section 6. Funding Provision. – The Commission shall immediately hereinafter include in the Commission's programs to prompt implementation of this Act, funding of which shall be provided for in the Annual General Appropriations Act.

Section 7. Repealing Clause. – All laws, orders, issuances and rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 8. Separability Clause. – The provisions of this Act are hereby deemed distinct and separable from each other. If any provision hereof be declared invalid or unconstitutional, such validity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

Section 9. Effectivity. - This Act shall take effect one hundred twenty (120) days following its publication in at least two newspapers of general circulation.

Approved,