

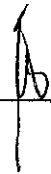
FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

OFFICE OF THE SECRETARY

9 JUN 24 P1:28

SENATE
S.B. No. 3323

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Third-parties should not be permitted to give personal information about a credit or debit cardholder to the issuer of the card. The cardholder is ultimately responsible for the use of the card, and their credit history is affected by any use of or changes to the account. Any errors in the information provided by a third-party might be recorded on a consumer credit report, where even providing a different street address can affect a consumer's credit history. Also, if a third-party were permitted to give the address of the cardholder to the issuer, they might be able to divert monthly statements to another address or raise the limit of the line of credit attached to the card.

This bill would not limit the transmittal of financial or transaction information by merchants or businesses; because the transmittal of these types of information is necessary for the use of credit and debit cards. What this legislation recognizes is the fact that the cardholder is ultimately responsible for the use of their card, hence making them the sole source of personal information about themselves.


MIRIAM DEFENSOR SANTIAGO

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AN ACT PROHIBITING CARD ISSUERS FROM ACCEPTING
THIRD-PARTY SOURCED PERSONAL INFORMATION

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

3 SECTION 1. *Prohibited User Information Requests.* Issuers of Credit/Debit Cards are
4 prohibited from knowingly accepting or soliciting the personal information of a card holder from
5 a third-party.

6 SECTION 3. *Penalty.* Upon conviction of a violation of this Act, a fine of One
7 Hundred Thousand Pesos (Php 100, 000.00) per occurrence shall be imposed.

8 SECTION 4. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
9 parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or
10 modified accordingly.

11 SECTION 5. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
12 following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

13 Approved,

24 (ii) a wireless telecommunications service account with a wireless
25 service provider that the purchaser has a preexisting relationship with or
26 establishes a carrier-customer relationship with via the purchase of a
27 prepaid wireless telecommunications service handset package.

28 (c) PREPAID TELEPHONE CALLING SERVICE PROVIDER- The term
29 'prepaid telephone calling service provider' means any entity, corporation, company,
30 association, firm, partnership, or person providing prepaid telephone calling service to the
31 public using its own, or a resold, telecommunications network or voice over Internet
32 technology.

33 SEC. 3. *Prohibited Acts.* - It shall be unlawful for any prepaid telephone calling
34 service provider to do any of the following:

35 1) To impose any expiration period on the validity of the peso value
36 loaded from a prepaid telephone call-text card.

37 2) To forfeit any peso value loaded from a prepaid telephone call-text
38 card.

39 SEC. 4. *Penalties.* - Any director, officer or agent of a corporation who shall
40 authorize, order or perform any of the acts or practices constituting in whole or in part a
41 violation of Section 3, and who has knowledge or notice of noncompliance received by
42 the corporation from the Commission, shall upon conviction, be subject to a fine of not
43 less than One hundred thousand pesos (P100,000.00) but not more than One Million
44 Pesos (P1,000,000.00) or imprisonment of not less than six (6) years but not more than
45 twelve (12) years, or both upon the discretion of the court.

46 In case the violation is committed by, or in the interest of a juridical person duly
47 licensed to engage in business in the Philippines, such license to engage in business shall
48 also be immediately revoked.

49 SEC. 5. *Authority Of The Commission* - The Commission shall enforce this Act in
50 the same manner and by the same means as though all applicable terms and provisions of
51 the Public Telecommunications Policy Act of the Philippines were incorporated into and
52 made part hereof. The Commission may prescribe regulations to carry out this Act.

53 SEC 6. *Separability Clause.* – If any provision or part thereof, is held invalid or
54 unconstitutional, the remainder of the law or the provision not otherwise affected shall
55 remain valid and subsisting.

56 SEC 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
57 order, letter of instruction, administrative order, rule or regulation contrary to, or
58 inconsistent with the provisions of this Act is hereby repealed, modified or amended
59 accordingly.

60 SEC 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
61 publication in at least two (2) newspapers of general circulation.

Approved.