

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



Senate
Office of the Secretary

'13 SEP -9 P3:32

SENATE

Senate Bill No. 1583

RECEIVED BY: *ji*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Various cellphone companies look for ways to entice their customers to avail of their services through various promotions and strategies. Customers therefore are often victimized by such offerings sent by telecommunications companies via text or short messages (SMS) that jacks up their monthly bills or consumes their pre-paid credit. While some of the messages are received by the subscribers for free, they still remain unsolicited.

There is a need therefore to regulate these indiscriminate offerings by prohibiting any matter sent by network companies via text or SMS which are not solicited by the subscriber.

This bill seeks to prohibit cellphone network companies from unsolicited materials to their subscribers via text message or short message service (SMS).

For these reasons, the passage of this bill is earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
PROHIBITING CELLPHONE NETWORK COMPANIES FROM SENDING
UNSOLICITED MATERIAL TO THEIR SUBSCRIBERS VIA TEXT OR SHORT
MESSAGE SERVICE (SMS)

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

SECTION 1. With the exception of legitimate notifications of past due accounts, cellphone network companies are hereby prohibited from sending unsolicited materials such as advertisements, offering, promotions, subscriptions and other notifications to their subscribers via text or short message service (SMS).

SEC 2. *Penalty.* – Cellphone network companies found to have violated this Act shall be punished with a fine of Twenty thousand pesos (P20,000.00) to One hundred thousand pesos (P100,000.00) per violation.

SEC 3. *Separability Clause.* – If any clause, provision, paragraph or part of this Act shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC 4. *Repealing Clause.* – All laws, decreed, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

SEC 5. *Effectivity.* – This Act take effect fifteen (15) days following its publication in the Official Gazette or a major daily newspaper of general circulation in the Philippines, whichever comes earlier.

Approved,