



HOUSE OF REPRESENTATIVES

H. No. 353

BY REPRESENTATIVES COLMENARES, ZARATE, DUAVIT, ONG, ROMULO, CUA,
ARENAS, ABAYA, ROMUALDO AND ARAGONES

AN ACT MANDATING THE TELECOMMUNICATIONS SERVICE
PROVIDERS TO SEND FREE MOBILE ALERTS IN THE EVENT
OF NATURAL AND MAN-MADE DISASTERS AND CALAMITIES

*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 Free
2 Mobile Disaster Alerts Act”.

3 SEC. 2. *Declaration of Policy.* – The State shall, at all times, protect
4 its citizenry in the events of natural or man-made disasters and calamities. It
5 shall likewise exhaust all possible means to notify and inform its constituents
6 of the impending disasters to prevent injuries, destruction and loss of lives and
7 property.

8 SEC. 3. *Definition of Terms.* –

9 (a) *Mobile phone service provider, service provider* or
10 *telecommunication company* refers to any person, firm or partnership or
11 corporation, government or private, granted a legislative franchise by Congress
12 to provide cellular mobile telephone services to the general public, and issued
13 a certificate of public convenience and necessity (CPCN) by the National
14 Telecommunications Commission (NTC).

1 (b) *Mobile cellular phone, mobile phone or cellphone* refers to a
2 mobile telecommunication device that uses a combination of radio
3 transmission and conventional telephone switching to permit telephone
4 communication to and from mobile users within a specified area or cell.

5 (c) *Basic mobile phone services* refer to short messaging service
6 (SMS) or text messaging and voice call services.

7 (d) *Short messaging service (SMS)* refers to a service that allows
8 short, alphanumeric messages to be sent to cellular phone display panels.

9 (e) *Multimedia messaging service (MMS)* refers to standard for
10 telephony messaging systems that allows sending messages, including
11 multimedia objects (images, audio, video, rich text), and not just text messages
12 through the short messaging service (SMS).

13 (f) *Auxiliary mobile phone service* refers to balance inquiry, customer
14 support, prepaid reloading services and emergency alerts.

15 SEC. 4. *Mobile Disaster Alerts.* – In the event of an impending
16 tropical storm, typhoon, tsunami, or other calamities, mobile phone service
17 providers are mandated to send out alerts at regular intervals as required by the
18 National Disaster Risk Reduction and Management Council (NDRRMC), the
19 Philippine Atmospheric, Geophysical and Astronomical Services
20 Administration (PAGASA), the Philippine Institute of Volcanology and
21 Seismology (PHIVOLCS) and other relevant agencies.

22 The alerts shall consist of up-to-date information from the relevant
23 agencies, and shall be sent directly to the mobile phone subscribers located
24 near and within the affected areas. The alerts shall include contact information
25 of local government units and other agencies required to respond to the
26 situation. The alerts may contain other relevant information such as, but not
27 limited to, evacuation areas, relief sites and pick-up points.

1 The alerts shall be at no cost, whether direct or indirect, to the
2 consumers; and shall be included as part of the service providers auxiliary
3 service. The alerts may be in the form of SMS (text messages), MMS, or email,
4 as needed and appropriate.

5 SEC. 5. *Report of Violations.* – Any natural or juridical person may
6 report before the NTC any violation of this Act.

7 SEC. 6. *Penalties.* – (a) Any person who gives false or misleading
8 data or information or willfully or through gross negligence, conceals or
9 falsifies a material fact, in any investigation, inquiry, study, or other
10 proceeding held pursuant to this Act, shall be punished with imprisonment of
11 not less than two (2) months but not more than six (6) months, and with a fine
12 of not less than One thousand pesos (Php1,000.00) but not more than Ten
13 thousand pesos (Php10,000.00); *Provided, however,* That if the false or
14 misleading data or information shall have been under oath, the maximum
15 penalty for giving false testimony or perjury shall be imposed.

16 (b) If the offender is a corporation, the penalties may range from the
17 imposition of a fine of not less than One million pesos (Php1,000,000.00) but
18 not more than Ten million pesos (Php10,000,000.00) and/or a suspension or
19 revocation of its legislative franchise and other permits and licenses by the
20 NTC. The maximum penalties prescribed in paragraph (a) shall also be
21 imposed on the members of its board and/or management, as applicable.

22 (c) An alien violating this Act shall, in addition to the penalty herein
23 provided, be deported after service of sentence and shall not be permitted
24 reentry into the Philippines.

25 (d) All monetary penalties shall directly accrue to the National
26 Treasury.

1 SEC. 7. *Implementing Rules and Regulations.* – The Department of
2 Transportation and Communications (DOTC), the NTC, the NDRRMC, the
3 PAGASA and other relevant government agencies shall, within sixty (60) days
4 from the effectivity of this Act, submit the implementing rules and regulations
5 (IRR) governing this Act.

6 SEC. 8. *Amendatory and Repealing Clause.* – All laws, decrees, orders,
7 rules and regulations, ordinances or any part thereof inconsistent herewith are
8 hereby repealed or modified accordingly.

9 SEC. 9. *Separability Clause.* – If any provision of this Act is
10 subsequently declared unconstitutional, the remaining provisions hereof shall
11 remain in full force and effect.

12 SEC. 10. *Effectivity Clause.* – This Act shall take effect immediately
13 after its complete publication either in the *Official Gazette* or in a newspaper of
14 general circulation in the Philippines.

Approved,

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