


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SENATE
S. B. 2129

RECEIVED BY: 

Introduced by Senator Poe

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

EXPLANATORY NOTE

On average, 19 cyclones enter the Philippines annually. Last year, however, was an extraordinary year for the Philippines: a total of 25 weather disturbances wrought havoc to a nation considered as one of the most disaster-prone countries in the world.

Super typhoon "Yolanda" (international name: "Haiyan") swept several provinces on November 8, leaving more than 6,000 people dead and some 1,700 still missing. The typhoon was catastrophic that it left millions without shelter, and thousands of families are still reeling from the massive destruction of the typhoon.

According to state weather bureau Philippine Atmospheric Geophysical and Astronomical Services Administration, "Yolanda" is considered one of the four most powerful typhoons ever recorded in the world and the most intense to have made landfall. It is also the strongest and most destructive cyclone to hit the Philippines in more than four decades.

Although the national government and local governments affected had been constantly reminding residents about the looming weather disturbances, still, many victims of past calamities blame the lack of pre-disaster alerts and a concerted response to the situation.

Modern notification systems, such as mobile phone alerts, can be used to augment the existing and inefficient system as the Philippines had about 107 million mobile phones as of October 2013—ranked 12th in the world—and was expected to rise to 117 million mobile phone users by 2016. The government can also capitalize on wireless emergency alerts to warn and inform the public about local hazards—as is


done by the United States, Australia and the Netherlands—since the Philippines is considered as the texting capital of the world due to a large volume of SMS traffic exchange in the country daily.

In this light, swift passage of this measure is sought.


GRACE POE

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AN ACT
MANDATING THE TELECOMMUNICATIONS SERVICE PROVIDERS TO SEND
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DISASTERS AND CALAMITIES

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

SECTION 1. Short Title – This Act shall be known as “The Free Mobile Disaster Alerts Act.”

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

SECTION 3. Definition of Terms

- a. “Mobile phone service provider”, “service provider” or “telecommunication company” refers to any person, firm or partnership or corporation, government or private, granted a legislative franchise by Congress to provide cellular mobile telephone services to the general public, and issued certificates of public convenience and necessity (CPCN) by the National Telecommunications Commission (NTC);
- b. “Mobile cellular phone,” “mobile phone” or “cellphone” as used in this Act refer to a mobile telecommunication device that uses a combination of radio transmission and conventional telephone switching to permit telephone communication to and from mobile users within a specified area or cell;
- c. “Basic mobile phone services” refer to short messaging service (SMS) or text messaging and voice call services;

- d. "Short messaging service" (SMS) refers to a service that allows short, alphanumeric messages to be sent to cellular phone display panels;
- e. "Multimedia messaging service" (MMS) refers to standard for telephony messaging systems that allows sending messages, including multimedia objects (images, audio, video, rich text), and not just text messages through the short messaging service (SMS), and
- f. "Auxiliary mobile phone service" refers to balance inquiry, customer support, prepaid reloading services, and emergency alerts.

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

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

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

SECTION 4. Report of Violations – Any natural or juridical person may report before the NTC any violation of this Act.

SECTION 5. Penalties

- a. Any person who gives false or misleading data or information or willfully or through gross negligence, conceals or falsifies a material fact, in any investigation, inquiry, study, or other proceeding held pursuant to this Act, shall be punished with imprisonment of not less than two but not more than six months, and with a fine of not less than One Thousand Pesos (Php 1,000.00) but not more than Ten Thousand Pesos (Php 10,000.00); Provided, however, that if the false or misleading data or information shall have been under oath, the maximum penalty for giving false testimony or perjury shall be imposed;
- b. If the offender is a corporation, the penalties may range from the imposition a fine not less than One Million Pesos (Php 1,000,000.00) but not more than Ten Million Pesos (Php 10,000,000.00) and/or a suspension or revocation of its Legislative Franchise and other permits and licenses by

NTC. The maximum penalties prescribed in paragraph (a) shall also be imposed on the members of its board and/or management, as applicable;

- c. An alien violating this Act shall, in addition to the penalty herein provided, be deported after service of sentence and shall not be permitted reentry into the Philippines, and
- d. All monetary penalties shall directly accrue to the National Treasury.

SECTION 6. Implementing Rules and Regulation – The Department of Transportation and Communications, National Telecommunications Commission, National Disaster Risk Reduction Management Council, Philippine Atmospheric and Geophysical and Astronomical Services Administration and other relevant government agencies shall, within sixty (60) days from the effectivity of this Act, submit the implementing rules and regulations (IRR) governing this Act.

SECTION 7. Amendatory and Repealing Clause – All laws, decrees, orders, rules and regulations, ordinances, or any parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

SECTION 8. Separability Clause – If any provision of this Act is subsequently declared unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

SECTION 9. Effectivity Clause. – This Act shall take effect immediately after its complete publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,