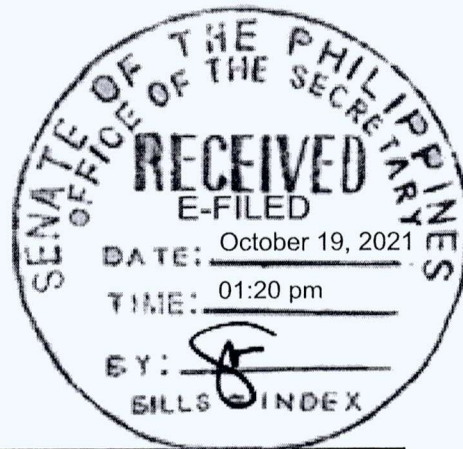


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE

P.S. Res. No. 934



Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED SALE OF
TEXT BLAST MACHINES ON FACEBOOK (MARKETPLACE)
PHILIPPINES AND E-COMMERCE COMPANIES, SUCH AS LAZADA AND
SHOPEE, AND ARE BEING USED FOR PARTISAN POLITICAL
ACTIVITIES

1 WHEREAS, Section 1 of Republic Act (R.A.) No. 3846, otherwise known as the
2 “Radio Control Law” states that “[n]o person, firm, company, association or
3 corporation shall construct, install, establish, or operate a radio station within the
4 Philippine Islands without having first obtained a franchise therefor from the
5 Philippine Legislature; Provided however, That no franchise from the Legislature shall
6 be necessary for the construction, installation, establishment or operation of a
7 broadcasting station, an amateur station, an experimental station, a training station,
8 a station on board a mobile vessel, train, or aircraft, or a private station in a place
9 without any means of communication”;

10 WHEREAS, Section 2 of R.A. No. 10175, otherwise known as the “Cybercrime
11 Prevention Act of 2012”, declares, in part, that “[t]he State recognizes the vital role of
12 information and communications industries such as content production,
13 telecommunications, broadcasting electronic commerce, and data processing, in the
14 nation’s overall social and economic development” and recognizes the “need to protect
15 and safeguard the integrity of computer, computer and communications systems,
16 networks, and databases, and the confidentiality, integrity, and availability of
17 information and data stored therein, from all forms of misuse, abuse, and illegal access
18 by making punishable under the law such conduct or conducts”;

1 WHEREAS, Section 4 of R.A. No. 10639, otherwise known as “The Free Mobile
2 Disaster Alerts Act”, declares that “ [i]n the event of an impending tropical storm,
3 typhoon, tsunami, or other calamities, mobile phone service providers are mandated
4 to send out alerts at regular intervals as required by the National Disaster Risk
5 Reduction and Management Council (NDRRMC), the Philippine Atmospheric,
6 Geophysical and Astronomical Services Administration (PAGASA), the Philippine
7 Institute of Volcanology and Seismology (PHIVOLCS) and other relevant agencies”;

8 WHEREAS, Section 4 (2) of the same states that “[t]he alerts shall consist of
9 up-to-date information from the relevant agencies, and shall be sent directly to the
10 mobile phone subscribers located near and within the affected areas. The alerts shall
11 include contact information of local government units and other agencies required to
12 respond to the situation. The alerts may contain other relevant information such as,
13 but not limited to, evacuation areas, relief sites and pick-up points”;

14 WHEREAS, the National Telecommunication Commission (NTC)
15 Memorandum Order No. 01-02-2013 states that “[t]he sale, purchase, importation,
16 possession or use of Cellular Mobile Repeaters and portable cell sites, operating on
17 800 MHz, 900 MHz, 1800 MHz and 2100 MHz frequency bands shall be prohibited”;

18 WHEREAS, NTC Memorandum Order No. 01-02-2013 also states that “[o]nly
19 duly licensed Cellular Mobile Telephone System (CMTS) Operators, the National
20 Disaster Risk Reduction and Management Council (NDRRMC) and such other
21 government agencies/instrumentality performing functions vital to national security
22 or safety, hereinafter authorized by the Commission, are authorized to purchase,
23 import, possess, and use such devices”;

24 WHEREAS, text blasting is defined as the action in a radio communication
25 system where text messages are being sent to numerous and random recipients. An
26 equipment such as a transmitter is required to perform this action where such devices
27 have the capability to deliver about 100,000 text messages per hour;¹

¹ Campus, M. (2021). *Text blasting machines illicitly sold; ‘weaponized’ by pols*.
Retrieved on 16 October 2021 from: <https://newsinfo.inquirer.net/1499745/text-blasting-machines-illicitly-sold-weaponized-by-pols>

1 WHEREAS, the Emergency Alert Short Message Service (SMS) is usually
2 reserved for emergencies by the NDRRMC and shall not be used for partisan election
3 propaganda;

4 WHEREAS, the possible use and abuse of such unlicensed radio equipment
5 figured in the national news on 6 October 2021 after unsuspecting recipients at Sofitel
6 Harbor Garden tent—which was used by the Commission on Elections (COMELEC) as
7 a venue for filing for certificates of candidacy for the May 2022 polls—received a text
8 blast cheering for an aspiring presidential candidate;

9 WHEREAS, in its aftermath, the NTC ordered Facebook, Lazada and Shopee to
10 immediately stop selling text blast machines. On 11 October 2021, NTC issued to
11 Facebook, Lazada and Shopee a cease-and-desist order from selling the above-
12 mentioned and similar equipment and were called to appear before the NTC on 27
13 October 2021;²

14 WHEREAS, the equipment sold were reportedly unauthorized. The
15 Commission stated that no authorization was issued to the importation, manufacture,
16 sale, and distribution of devices, such as Hitech SMS blaster, SMS location blasting
17 system, and other similar products found within their platforms;³

18 WHEREAS, the use of unauthorized SMS blasting devices can be used to create
19 panic and uproar within the local area. The small box-like devices can blast up to
20 100,000 text messages per hour in a target location free of telco charges. They are also
21 virtually invisible on cellular networks and can fabricate or obscure the origin of text
22 messages. With such devices, creating panic and chaos is undeniably easy to those in
23 possession of said devices;⁴

24 WHEREAS, the abovementioned incident occurring at the Sofitel area was
25 reportedly not the first instance of such abuses as the “weaponization” of text blast
26 machines was already prevalent in smaller towns during the 2019 elections;⁵

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

1 WHEREAS, the COMELEC said that the use of emergency channels for
2 campaigning are legally allowed under electoral laws. COMELEC spokesperson James
3 Jimenez tweeted: “There is no penalty specifically for the use of emergency channels
4 for campaigning – at least not under electoral laws.” He added: “However, it can be
5 assumed that the emergency alert system operates under guidelines that would
6 prevent the use of the system for non-emergency uses.” Jimenez, however, described
7 the use of an emergency alert system for propaganda as “ill-advised.” “While there is
8 no doubt that this use of the emergency alert system is ill-advised at best, whether or
9 not criminal liability will attach to those who are behind this move will have to be
10 determined by the appropriate agencies of government,” the poll body official said;⁶

11 WHEREAS, the use of emergency government channels for campaign purposes
12 could set a dangerous precedent in future elections if it is left unchecked;

13 WHEREAS, Section 4 (c) (3) of the Cybercrime Prevention Act prohibits
14 unsolicited commercial communications. There is need to consider whether the same
15 should likewise be prohibited for political and election-related “spamming” activities;

16 WHEREAS, there is a need for Congress to formulate amendments to existing
17 laws in order to prevent the use of text blast machines for partisan politics;

18 WHEREAS, it is also necessary to strengthen the “The Free Mobile Disaster
19 Alerts Act” and prevent the use of text blast machines not intended for emergency use;

20 WHEREAS, it is the primordial duty of the Philippine Senate, in the exercise of
21 its legislative and oversight functions, to ensure that the government is strictly
22 implementing the law about emergency alerts according to its intention and provide
23 mechanisms to improve the country’s policy regarding emergency alerts and text
24 blasting especially during election periods;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, that the Senate of
26 the Philippines to direct the appropriate Senate Committee to conduct an inquiry, in

⁶ Gonzales, C. (7 October 2021). *Comelec: Political propaganda use of emergency alert system is 'ill-advised'*. INQUIRER.net. Retrieved October 14, 2021, from: <https://newsinfo.inquirer.net/1497931/comelec-political-propaganda-use-of-emergency-alert-system-is-ill-advised>.

- 1 aid of legislation, on the reported sale of text blast machines on Facebook
- 2 (marketplace) Philippines and e-commerce companies, such as Lazada and Shopee,
- 3 and are being used for partisan political activities.

Adopted,


LEILA M. DE LIMA