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SENATE
P.S. Res. No. 182

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Introduced by Senator Maria Lourdes Nancy S. Binay

RESOLUTION

**DIRECTING THE PROPER SENATE COMMITTEE TO INVESTIGATE, IN AID OF
LEGISLATION, ON THE UPSURGE OF TEXT SCAMS, SMISHING, TEXT SPAMS,
AND OTHER MALICIOUS SOLICITATIONS AND UNWANTED TEXT MESSAGES,
AND INQUIRE ON THE CONCRETE SOLUTIONS BEING UNDERTAKEN BY
RESPONSIBLE GOVERNMENT AGENCIES TO PUT AN END TO THE
UNRESTRICTED INTENSIFICATION OF THE MENTIONED ACTIVITIES**

1 WHEREAS, it is both the policy of the State to protect the fundamental human
2 right of privacy of communication while ensuring free flow of information to promote
3 innovation and growth and to ensure that personal information in information and
4 communications systems in the government and in the private sector are secured and
5 protected¹;

6
7 WHEREAS, it is also a state policy to protect the interests of the consumer, promote
8 his general welfare and to establish standards of conduct for business and industry²;

9
10 WHEREAS, while the State recognizes the vital role of information and
11 communications industries such as content production, telecommunications, broadcasting
12 electronic commerce, and data processing, in the nation's overall social and economic
13 development, it also recognizes the need to protect and safeguard the integrity of
14 computer, computer and communications systems, networks, and databases, and the
15 confidentiality, integrity, and availability of information and data stored therein, from all
16 forms of misuse, abuse, and illegal access by making them punishable under the law³;

17
18 WHEREAS, while the general public has long been struggling with phone scammers
19 and fraudulent messages, the surge in the use of technology during the pandemic
20 unleashed unprecedented schemes intended to defraud the public;

21
22 WHEREAS, text scams and invasive text messages have become pervasive that it
23 is usual to receive such mobile messages regularly, ranging from solicitations, job
24 employment offers, cash prizes, smishing, and spams;

25
26 WHEREAS, scammers, through voice calls or text messages, misrepresent
27 themselves as relatives or friends of their victims, or even government officials or

¹ Section 2 of Republic Act 10173, also known as the Data Privacy Act of 2012.

² Section 2 of Republic Act 7394, also known as Consumer Act of the Philippines.

³ Section 2 of Republic Act 10175, also known as Cybercrime Prevention Act of 2012.

1 employees, and ask for financial assistance by tricking their victims to send money via
2 electronic wallet, such as GCash;

3
4 WHEREAS, from January to March of this year, GCash, working with the National
5 Bureau of Investigation (NBI) and the Philippine National Police (PNP), has barred
6 900,000 of its users who are suspected of fraud⁴;

7
8 WHEREAS, while the pandemic drove people to shop online, fraudsters have run
9 rampant by sending fake messages to their victims that request personal details, sensitive
10 information, or ask for payment of online purchases, or by tricking them into downloading
11 a malicious program;

12
13 WHEREAS, in a span of three days, from June 11 to 14 of this year, PLDT and
14 Smart Communications, Inc. (SMART) blocked 23 million smishing text messages,⁵ while
15 the Bangko Sentral ng Pilipinas warned the public against smishing that redirect mobile
16 users to highly suspicious websites⁶;

17
18 WHEREAS, in a Twitter post, Supreme Court Associate Justice Marvic Leonen said,
19 "Unsolicited or scam text messages on our phones already contain our names. This means
20 that there is a data provider out there that has leaked or sold or been careless about our
21 information. This makes all of us now vulnerable. Very dangerous."⁷;

22
23 WHEREAS, from January to July of this year, Globe Telecom, Inc. (GLOBE) had
24 blocked an estimated 784 million scam and spam messages. The Ayala-led telco giant
25 had likewise deactivated 14, 058 scam-linked mobile numbers and blacklisted an
26 additional 8, 973⁸;

27
28
29 WHEREAS, in 2021, the National Privacy Commission (NPC) stated that spam
30 messages come from international organized crime syndicates⁹, however, the root of the
31 problem, on how these crime syndicates got hold of the data is still unclear;

32
33 WHEREAS, the National Telecommunications Commission announced that it is
34 coordinating with the NPC in investigating the proliferation of unsolicited text scams from
35 unknown numbers¹⁰ and has issued a memorandum directing the DITO Telecommunity
36 Corp., GLOBE and SMART to block the SIM cards being used in fraudulent activities and
37 enhance their information campaign against recent scam variants¹¹;

⁴ GCash, NBI, PNP Joint Effort Blocks 900,000 Fraudulent Accounts. Available at <https://www.globe.com.ph/about-us/newsroom/consumer/gcash-nbi-pnp-block-fraudulent-accounts.html>. Accessed on August 31, 2022.

⁵ Smart blocks 23M smishing text messages in 3 days. Available at <https://www.pna.gov.ph/articles/1177118>. Accessed on August 31, 2022.

⁶ BSP warns public vs SMiShing scam. Available at <https://businessmirror.com.ph/2022/08/09/bsp-warns-public-vs-smishing-scam/>. Accessed on August 31, 2022.

⁷ Leonen, Marvic (@marvicleonen). Twitter Post. August 31, 2022, <https://twitter.com/marvideonen/status/1564770178331967488>.

⁸ Privacy body completes initial probe into text scams. Available at <https://www.philstar.com/business/2022/08/31/2206451/privacy-body-completes-initial-probe-text-scams>. Accessed on September 1, 2022.

⁹ Inquirer News Website, NPC: Spam messages come from global syndicate, not from contact tracing forms, <https://newsinfo.inquirer.net/1518850/spam-messages-come-from-global-syndicate-no-evidence-phone-numbers-obtained-from-contact-tracing-forms-npc>

¹⁰ NTC joins privacy body in probe on text scams with users' names. Available at <https://www.pna.gov.ph/articles/1182815>. Accessed on September 5, 2022.

¹¹ NTC directs telcos to blast warnings as text scams now contain subscribers' names. Available at <https://www.cnnphilippines.com/business/2022/8/31/NTC-telcos-blast-warnings-text-scams-now-contain-subscribers-names.html>. Accessed on September 5, 2022.

1 WHEREAS, the NPC said that one of their hypotheses was that the modus operandi
2 has something to do with a popular e-wallet platform, noting that the formatting of the
3 personal information included in the messages seemed familiar¹²;


4
5 WHEREAS, despite the existence of various anti-cybercrime agencies, such as, the
6 Department of Justice's, Office of Cybercrime, the NBI Cyber Crime Division, the PNP
7 Anti-Cybercrime Group, the Cybercrime Investigation and Coordinating Center under the
8 Department of Information and Communications Technology, and the creation of an
9 inter-agency group, consisting of ten (10) agencies, that will go after those behind the
10 proliferation of smishing and text spams¹³, such fraudulent activities have remained
11 unabated and have, in fact, escalated;

12
13 WHEREAS, the unabated digital scams will erode the trustworthiness of electronic
14 commerce and may reverse our shift to a digital economy;

15
16 WHEREAS, it is the right of our people to have a safe digital ecosystem and it is
17 the duty of the government to provide and secure such an environment.

18
19 NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate
20 directs the proper Senate committee to investigate, in aid of legislation, on the upsurge
21 of text scams, smishing, text spams, and other malicious solicitations and unwanted text
22 messages, and inquire on the concrete solutions being undertaken by responsible
23 government agencies to put an end to the unrestricted intensification of the mentioned
24 activities.

Adopted,


MARIA LOURDES NANCY S. BINAY 

¹² Inquirer News Website, Text scam that knows phone user's name raises alarm, <https://newsinfo.inquirer.net/1656570/text-scam-that-knows-phone-users-name-raises-alarm>. Accessed on September 5, 2022.

¹³ Interagency group vows to catch scammers behind smishing, text spams. Available at <https://www.privacy.gov.ph/2021/12/interagency-group-vows-to-catch-scammers-behind-smishing-text-spams/>. Accessed on September 5, 2022.