

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

SENATE
S.B. No. 032

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides that:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

In another section, the Constitution, in Article 2, Section 20, provides that:

“Section 20. The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments.”

It is in line with these two policies that the legislature has crafted laws to protect the rights of investors and consumers of water and electricity services against unauthorized “tapping” or pilferage. For instance, there is Presidential Decree no. 401 penalizing the unauthorized installation of water, electrical or telephone connections, the use of tampered water or electrical meters, and other acts. Another example is Republic Act No. 7832 or the “Anti-Electricity and Electric Transmission Lines/Materials Pilferage Act of 1994.” A year after, Republic Act No. 8041, also known as the “National Water Crisis Act of 1995” was also enacted to penalize “tapping” of water services.

However, a third commodity more popularly known as cable television services is also in dire need of protection. Cable television providers and consumers are complaining about other unauthorized users who illegally tap cable services. Not only do these unauthorized users cause bad cable signals and other technical problems, they also deprive cable television providers of income. Some local government units have already enacted ordinances to punish these acts but there is still no national legislation as regards the matter.

This bill aims to penalize said act of "cable-tapping" in order to protect the rights of consumers and cable service providers.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
Rep.

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AN ACT
PENALIZING UNAUTHORIZED INTERCEPTION AND RECEPTION
OF CABLE TELEVISION SERVICES

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

SECTION 1. *Short Title.* - This Act shall be known as the “Anti-Cable Tapping Act of 2007.”

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to recognize the indispensable role of the private sector, to encourage private enterprise, and provides incentives to needed investments. This Act aims to pursue this policy by giving protecting the Cable Television industry from “cable-tapping.”

SECTION 3. *Definition of Terms.* - For purposes of this Act, “Cable television service” shall mean the transmission or delivery of video and audio programming and/or other programming service for a fee, with or without subscriber interaction, through fiber optics, coaxial cable and other future technological means.

SECTION 4. *Cable-Tapping Offense.* - Any person who: (1) shall intercept or receive, or assist in intercepting or receiving, any service offered over a cable television system by tapping, or making or causing to be made, any unauthorized connection, to existing cable television facilities by the recording reproduction, distribution, importation or sale, of intercepted or received cable television system signals; or (2) shall knowingly use or receive any direct or

indirect benefit from any cable television service through any of acts enumerated in the preceding paragraph, shall be guilty of cable-tapping.

SECTION 5. *Penalties.* – Any person who commits any of the unlawful acts enumerated in the next preceding section shall be punished with imprisonment of not less than six (6) months and not more than one (1) year or a fine of not less than five thousand (P5,000.00) pesos nor more than ten thousand (P10,000.00) pesos or both, at the discretion of the court. If the offender is a corporation or association, the president, manager, managing partner or any officer of the corporation or partnership who directly participated in the violation of this Act shall be held liable.

SECTION 6. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.