FIFTEENTH CONGRESS OF THE REPUBLIC

OF THE PHILIPPINES

First Regular Session

SENATE
S. No. 2288

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 24, provides:

"The State recognizes the vital role of communication and information in nation-building."

Rep. Act No. 7925, otherwise known as the Public Telecommunications Policy Act, provides:

"Section 5. Responsibilities of the National Telecommunications Commission. -

 $X \times X$

- e) Promote consumers' welfare by facilitating access to telecommunications services whose infrastructure and network must be geared towards the needs of the individuals and business users;
- f) Protect consumers against misuse of a telecommunications entity's monopoly or quasi-monopolistic powers by, but not limited to, the investigation of complaints and exacting compliance with service standards from such entity."

Advancement in our telecommunications industry exposes the Filipino consumers to certain undesirable business practices, such as unsolicited telephone marketing calls and the use of automated and pre-recorded telephone calls. These practices encroach upon privacy rights of telephone subscribers who object to such telephone solicitations.

Accordingly, this bill seeks to impose restrictions on the use of automatic telephone dialing systems, artificial or prerecorded voice messages, and telephone facsimile (fax) machines to send unsolicited advertisements.*

MIRIAM DEFINSOR SANTIAGO

^{*} This bill was re-filed during the Thirteenth Congress, First Regular Session.

FIFTEENTH CONGRESS OF THE REPUBLIC)	OFFICE OF THE SECRETAR	
OF THE PHILIPPINES) First Regular Session)		
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SENATE S. No. 2288	α .	
	MECENED BY:	
Introduced by Senator Miriam Defense	or Santiago	
AN ACT PROHIBITING CERTAIN PRACTICES INVOLVIN OF TELEPHONE FACSIMILE MA		
Be it enacted by the Senate and House of Representation assembled:	ives of the Philippines in Congress	
SECTION 1. Short Title This Act shall be known	wn as the 'Facsimile Advertising	
Regulations Act."		
SECTION 2. Declaration of Policy. – It is the Policy	of the State to recognize the vital	
role of communication and information in nation-building.		
SECTION 3. Definitions For purposes of this Act, th	ne term:	
(A) "Telephone Facsimile Machine" means equipment	which has the capacity –	
(1) To transcribe text or images, or both, from	paper into an electronic signal and	
to transmit that signal over a regular telepho	one line; and	
(2) To receive such signals over such a line	e and to produce a copy of the	
transmitted text and images; and		
(B) "Unsolicited Advertisement" means any mate	rial advertising the commercial	
availability or quality of any property, goods, or services w	which is transmitted to any person	
without that person's prior express invitation or permission.		
(C) "Commission" means the National Telecommunic	ations Commission (NTC).	
SECTION 4. Restrictions on the Use of Telephone Fac	simile Machines. –	
(A) It shall be unlawful for any person, to use any tele	ephone facsimile machine or other	

electronic device to send any unsolicited advertisement to the telephone facsimile machine of

1	any person whose number is listed by a common carrier pursuant to subsection (2) as the
2	telephone number of a person who objects to receiving unsolicited advertisements by telephone
3	facsimile machine.

- (B) Each common carrier shall maintain, in accordance with regulations prescribed by the Commission, a list of the telephone numbers of subscribers for telephone exchange service of that common carrier who notify the carrier that such subscriber objects to receiving unsolicited advertisements by telephone facsimile machine. Such regulations shall—
 - (1) Specify the methods by which a subscriber may give or revoke such notification to a common carrier;
 - (2) Prohibit any subscriber from being charged for giving or revoking such notification or for being on such list; and
 - (3) Specify the methods by which such list shall be made available to any person desiring to transmit unsolicited advertisements by telephone facsimile machine and the costs to be recovered from such persons.

SECTION 5. Regulations. -

- (1) The Commission shall revise the regulations setting technical and procedural standards for telephone facsimile machines to require that any such machine which
 - (A) is manufactured after six (6) months after the date of enactment of this section; and
 - (B) is used for the distribution of unsolicited advertising, be equipped to identify, in a margin at the top or bottom of each transmitted page, the date and time sent, an identification of the business sending the advertising, and the telephone number of the sending machine.
- (2) The regulations required by this section shall be prescribed within six (6) months after the date of enactment of this Act.
- (3) The requirements of this section shall take effect thirty (30) days after the date that such regulations are prescribed.

- SECTION 6. Separability Clause. If any provision or part hereof, is held invalid or
- 2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
- 3 and subsisting.
- 4 SECTION 7. Repealing Clause. Any law, presidential decree or issuance, executive
- 5 order, letter of instruction order, rule or regulation contrary to or inconsistent with, the provisions
- 6 of this Act is hereby repealed, modified, or amended accordingly.
- 7 SECTION 8. Effectivity Clause. This Act effect fifteen (15) days after its publication in
- 8 at least two (2) newspapers of general circulation.

Approved,