

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY

10 AUG -3 10:17

SENATE
S. No. **2309**

RECEIVED BY: *h*

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.

The arrival of the cellular phone in the early 1980s was a turning point in telecommunications. For the first time, people made and received telephone calls without being tied to a specific location.

Cellular phones have become an essential part of many Filipinos lives with the number of cellular phone users increasing daily. However, cellular phones companies have failed to cope with the increasing demand for cellular phone services, and National Telecommunications Commission has received numerous complaints on poor services by these companies.

This bill seeks to establish minimum standards regarding the quality of wireless telephone service and to monitor complaints regarding such service.*

mir
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

10 AUG -3 A10:17

SENATE
S. No. **2309**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO ESTABLISH MINIMUM STANDARDS REGARDING THE QUALITY OF WIRELESS
3 TELEPHONE SERVICE AND TO MONITOR COMPLAINTS REGARDING SUCH
4 SERVICE

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Cell Phone Subscriber
6 Protection Act.”

7 SECTION 2. *Declaration of Policy.* – It is the policy of the State to recognize the vital
8 role of communication and information in nation-building.

9 SECTION 3. *Definition.* – As used in this Act, the term:

10 (A) “Public Telecommunications Entity” or “PTE” means any person, firm, partnership
11 or corporation, government or private, engaged in the provision of
12 telecommunications services to the public for compensation; and

13 (B) “Commission” means the National Telecommunications Commission.

14 SECTION 4. *Establishment of Standards Regarding Quality of Commercial Mobile
15 Service and Monitoring of Complaints Regarding Such Service.* –

16 (A) *In General.* – The Commission shall, by regulation, establish such requirements as
17 the Commission considers appropriate to ensure that Public Telecommunications Entities meet
18 minimum standards regarding the quality and performance of such service, which shall include
19 standards regarding connection, reception, and billing practices.

1 (B) *Complaint System.* –

2 (1) *Establishment.* – The Commission shall establish and administer a system that
3 makes available a procedure for any subscriber of a commercial mobile service to register
4 a complaint regarding the quality or performance of the service.

5 (2) *Toll-Free Number.* – Such system shall include establishment of a toll-free
6 number applicable to commercial mobile services for reporting a complaint.

7 (3) *Records.* – The Commission shall maintain a record of each complaint made
8 under the system established pursuant to this Act.

9 (4) *Notice.* – The Commission shall require each Public Telecommunications
10 Entity of commercial mobile service to include, in each subscriber's bill for such service,
11 a statement informing the subscriber that a complaint regarding the quality or
12 performance of the service may be registered with the Commission and providing the
13 toll-free number under subparagraph (2) and an address for mailing a complaint. The
14 Commission shall take such other actions as may be appropriate to publicize the
15 availability of the complaint system to subscribers of commercial mobile services.

16 (C) *Reporting of Complaints to Congress.* – Every six (6) months, the Commission shall
17 submit a report to the Congress regarding complaints received under the complaint system
18 required under paragraph (B), which shall –

19 (1) Indicate the number of complaints received, during the period for which the
20 report is made, regarding the service of the Public Telecommunications Entity for which
21 a complaint is made; and

22 (2) Indicate the types of complaints received during such period, including
23 complaints regarding dead spots, dropped calls, network busy signals, and improper
24 billing practices, and the number of each type of complaint received during such period.

25 Upon submission to the Congress of each report under this subparagraph, the
26 Commission shall make such report publicly through publication in at least two (2)
27 newspapers of general circulation.

28 (D) *Effect on Consumer Protection Laws.* – This paragraph may not be construed as
29 relieving any Public Telecommunications Entities from the obligation to comply with any law,

1 presidential decree or issuance, executive order, letter of instruction, administrative order, rule or
2 regulation relating to consumer protection or unfair trade.

3 (E) *Rules and Regulations.* – The Commission shall prescribe such regulations as may be
4 necessary to carry out the provisions of this Act.

5 SECTION 5. *Separability Clause.* – If any provision or part hereof is held invalid or
6 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
7 valid and subsisting.

8 SECTION 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
10 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

11 SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
12 publication in at least two (2) newspapers of general circulation.

Approved,