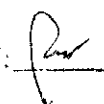


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

Senate
Office of the Secretary

12 JAN 24 10:09

SENATE
Senate Bill No. **3103**

RECEIVED BY: 

Introduced by **Senator Lacson**

AN ACT
ESTABLISHING NUMBER PORTABILITY FOR MOBILE TELEPHONE SERVICE

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 "Mobile Telephone Number Portability Act of 2012."

Sec.2. Declaration of Policy. It is the policy of the State to ensure and promote public interest and convenience in the country. The remarkable growth of mobile telephone subscribers connotes telecommunications as an inevitable public service needing reasonable regulation to promote the interest of the continuously growing consumers or mobile telephone subscribers. In view of this, the State shall promote consumers' choice in telecommunications services to avail of superior services suitable to their needs thereby giving value to the cost of the telephone service.

Sec. 3. Applicability. The provisions in this act shall apply to all mobile telephone service providers who are holders of a franchise and has secured a certificate of Public Convenience and Necessity (CPCN) or Provisional Authority (PA) from the National Telecommunications Commission (NTC).

The option of telephone number portability may be availed of by natural or artificial subscribers with mobile postpaid account and/or mobile prepaid account duly registered with the telephone service provider.

Sec.4. Definition of Terms.

Commission – refers to the National Telecommunications Commission (NTC).

Certificate of Public Convenience and Necessity – refers to an authority issued by the Commission to operate a public telecommunications service based on the promise that the provision of said service and the authorization to do business will promote public interest in a proper and suitable manner.

Franchise – refers to privilege conferred upon a telecommunications entity by Congress authorizing the said entity to engage in a certain type of telecommunications service.

Mobile Telephone Number Portability – refers to the ability to transfer an existing mobile telephone number assigned by a telephone service provider to another service provider.

Provisional Authority – refers a temporary authority issued by the Commission to operate a public telecommunications service.

Postpaid Mobile Account – refers to a model of mobile telephone service whereby the customers or subscribers are charged for usage in the prior month. It is an account for which customers or subscribers are billed for their use of a service provider services on a monthly basis based on either the terms of a contract or on the amount of services they have used.

Prepaid Mobile Account – refers to a model of a mobile telephone service whereby customers or subscribers are required to add a certain amount to their accounts prior to usage and their maximum usage is limited to the amount that is added to the account. It is an account for which credit is purchased in advance of service use.

Sec. 5. Mobile Telephone Number Portability. The Commission shall require all mobile telephone service providers to provide consumers or mobile telephone subscribers the option to retain their numbers in the following events:

- a. Switching from one service provider to another: *Provided, that* the subscriber has duly registered his name and mobile telephone number with the originating service provider; and *Provided further,* that the subscriber opting to switch to another mobile service provider has no existing liability or outstanding obligations with the originating service provider.
- b. Switching from a mobile postpaid account to a mobile prepaid account and vice versa: *Provided, that* the subscriber has duly registered his name and mobile telephone number with the service provider; *Provided further,* that the subscriber opting to switch from a mobile postpaid account to a mobile prepaid account and vice versa has no existing liability or outstanding obligations with the service provider.

Sec. 6. Economic Benefit Provision. All mobile service providers are mandated to impose a uniform rate for all calls and text messaging services, whether within the same network or between two different networks, for all subscribers who will avail of the option provided under this Act.

Sec. 7. Funding Provision. The Commission shall immediately hereinafter include in the Commission's programs the prompt implementation of this Act, funding of which shall be provided for in the Annual General Appropriations Act.

Sec. 8. Separability Clause. - If any part of the provision of this Act is hereby declared unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Sec. 9. Repealing Clause. - All law, executive orders, decrees, rules and regulations, or any part thereof inconsistent with the provision of this Act are deemed repealed or modified accordingly.

Sec. 10. Effectivity. - This Act shall take effect one hundred twenty (120) days following its publication in at least two newspapers of general circulation.

Approved,