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SENATE

COMMITTEE REPORT NO. 742

Submitted Jointly by the Committees on Public Information and Mass Media and on Justice and Human Rights NOV 11 2009

Re: Senate Bill No. 3530 (Prepared by the Committees)

Recommending its approval in substitution of S. B. Nos. 347, 1227, 2180, 2588, 2655 and 3089, taking into consideration HBN 1409

Sponsor: Senators Alan Peter S. Cayetano and Francis G. Escudero

**Mr. President:**

The Committees on Public Information and Mass Media and on Justice and Human Rights to which were primarily and secondarily referred Senate Bill No. 347, introduced by Senator Ejercito Estrada, entitled:

**“AN ACT  
PROHIBITING AND PENALIZING THE UNAUTHORIZED USE, EXPLOITATION, INTER-CONNECTION WITH, OR RECEPTION OF ANY SIGNAL OR SERVICE OF EXISTING CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM NETWORK AND PRESCRIBING PENALTIES THEREFORE,”**

Senate Bill No. 1227, introduced by Senator Enrile, entitled:

**“AN ACT  
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION, OR RECEPTION OF ANY SIGNAL OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT, AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,”**

Senate Bill No. 2180, introduced by Senator Revilla Jr., entitled:

**“AN ACT  
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION, OR RECEPTION OF ANY SIGNAL**

OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT, AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,"

Senate Bill No. 2588, introduced by Senator Villar, entitled:

**"AN ACT  
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION, OR RECEPTION OF ANY SIGNAL OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT, AND PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,"**

Senate Bill No. 2655, introduced by Senator Escudero, entitled:

**"AN ACT  
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION OR RECEPTION OF ANY SIGNAL OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT AND PRESCRIBING PENALTIES THEREFOR,"**

Senate Bill No. 3089, introduced by Senator Zubiri, entitled:

**"AN ACT  
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION OR RECEPTION OF ANY SIGNAL OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT AND PRESCRIBING PENALTIES THEREFOR,"**  
taking into consideration

House Bill No. 1409, introduced by Reprs. Santiago (J.), Rodriguez, Santiago (N.), Teodoro, and Del Mar, entitled:

**"AN ACT  
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION OR RECEPTION OF ANY SIGNAL OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT AND PRESCRIBING PENALTIES THEREFOR"**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S.B. No. 3530, prepared by the Committees, entitled:

**“AN ACT  
PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT,  
UNAUTHORIZED USE, INTERCONNECTION OR RECEPTION OF ANY SIGNAL  
OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE  
INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED  
INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF  
CABLE OR OTHER EQUIPMENT AND PRESCRIBING PENALTIES THEREFOR”**

be approved in substitution of S. B. Nos. 347, 1227, 2180, 2588, 2655 and 3089, taking into consideration HBN 1409, with Senators Ejercito Estrada, Enrile, Revilla Jr., Villar, Escudero, Zubiri and Cayetano (A.), as authors thereof.

Respectfully submitted:



**FRANCIS G. ESCUDERO**  
*Chairperson*  
Committee on Justice and Human  
Rights



**ALAN PETER S. CAYETANO**  
*Chairperson*  
Committee on Public Information  
and Mass Media  
*Member, Committee on Justice*  
and Human Rights

**BENIGNO S. AQUINO III**  
*Vice Chair, Committee on Justice and Human Rights*

Members



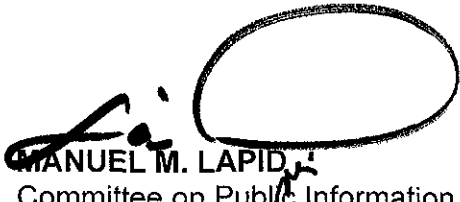
**GREGORIO B. HONASAN**  
Committee on Public Information and  
Mass Media  
Committee on Justice and Human  
Rights



**MAR ROXAS**  
Committee on Justice and Human  
Rights

**RODOLFO G. BIAZON**  
Committee on Justice and Human  
Rights

**RICHARD J. GORDON**  
Committee on Public Information and  
Mass Media



**MANUEL M. LAPID**  
Committee on Public Information and  
Mass Media



**RAMON BONG REVILLA JR.**  
Committee on Justice and Human  
Rights

**M.A. MADRIGAL**  
Committee on Justice and Human  
Rights



**FRANCIS N. RANGILINAN**  
Committee on Justice and Human  
Rights

**MANNY VILLAR**  
Committee on Public Information and  
Mass Media


Ex-Officio Members



**JINGGOY EJERCITO ESTRADA**  
*President Pro-Tempore*



**JUAN MIGUEL F. ZUBIRI**  
*Majority Leader*



**AQUILINO Q. PIMENTEL, JR.**  
*Minority Leader*

**HON. JUAN PONCE ENRILE**  
*President*  
Senate of the Philippines  
Pasay City

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SENATE

S. B. No. 3530

(In substitution of Senate Bill Nos. 347, 1227, 2180, 2588, 2655 and 3089, taking into consideration HBN 1409)

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Prepared by the Committees on Public Information and Mass Media and on Justice and Human Rights, with Senators Ejercito Estrada, Enrile, Revilla Jr., Villar, Escudero, Zubiri, and Cayetano, Alan Peter as authors thereof

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**AN ACT**  
**PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION OR RECEPTION OF ANY SIGNAL OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT AND PRESCRIBING PENALTIES THEREFOR**

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

1           **SECTION 1. Short Title.** - This Act shall be referred to as "The Anti Cable  
2   Television and Cable Internet Services Pilferage Act of 2009".

3

4           **SEC. 2. Declaration of Policy.** - It shall be the policy of the State to protect  
5   the general public and legitimate operators of (a) cable television (CATV) systems  
6   and/or networks that secure programming through the reception of local and foreign  
7   satellite, and other electromagnetic signals, and (b) cable internet services that  
8   provide access to the worldwide web through the CATV system/network, from

1 unauthorized connection or tapping to existing facilities through wired, wireless or  
2 electromagnetic means. Only subscribers duly authorized and/or registered with the  
3 CATV and/or cable internet service operator shall be allowed to receive any service  
4 or benefit offered and/or operated over a CATV or internet system/network.

5

6 **SEC. 3. *Definition of Terms.*** - As used in this Act:

7

8 (a) "Cable television (CATV) system/network" refers to processes and  
9 facilities associated with the delivery of signals and programs provided for  
10 by broadcast television stations, local and foreign satellite program  
11 providers or CATV service operators, through origination, relay and  
12 reception of electronic or control signals of any design by wired, wireless  
13 optical or other technological means for the purpose of providing multiple-  
14 channel CATV service to multiple subscribers within defined service areas

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16 The term shall also include electronic equipment such as digital or analog  
17 receiver-decoder boxes, set-top and converter boxes as well as, but not  
18 limited to, master antennae television, satellite master antennae television,  
19 direct broadcast satellite, multi-point distribution service, a television  
20 receive-only satellite program distributor and other providers of video and  
21 audio programming, whatever the technology.

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23 (b) "Cable internet system/network" refers to processes, including electronic  
24 equipment such as modems, associated for the access of the worldwide  
25 web through the facilities of the CATV system/network.

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(c) "Cable television (CATV) service operator" refers to any person, natural or juridical, public or private, granted a Certificate of Authority/Provisional Authority as provided under existing laws, rules and regulations, to install, operate and maintain a CATV system/network and service and is actually providing such service to its subscribers.

(d) "Cable internet service operator" refers to any person, natural or juridical public or private, which was issued a registration certificate as provider under existing laws, rules and regulations, to provide and facilitate access to the worldwide web through a CATV system/network and is actually providing such service to its subscribers.

**SEC. 4: Prohibited Acts.** - It is hereby declared unlawful for any person, whether natural or juridical, public or private, to:

(a) Intercept or receive, or assist in intercepting or receiving, any signal or service offered over CATV and cable internet system/network by tapping making or causing to be made any unauthorized connection to existing wired or wireless facilities with drop, feeder and/or trunk lines, or through the use of electronic equipment such as digital or analog receiver-decoder boxes, set-top or converter boxes, modems or any equivalent circumvention devices or methods that allow for unauthorized access or decoding of unencrypted or encrypted satellite program signals or other electromagnetic signals, or unauthorized access into the system/network



1 of the cable internet service operator, or by the recording, manufacture.  
2 distribution, importation or sale, of intercepted or received CATV signals  
3 and cable internet service;

4  
5 (b) Engage in the importation, sale, lease, distribution or possession of  
6 electronic equipment such as digital or analog receiver-decoder boxes,  
7 set-top and converter boxes, modem or any equivalent circumvention  
8 devices or methods that actually allow for access or decoding of  
9 unencrypted or encrypted satellite program signals or other  
10 electromagnetic signals, whether local or foreign, or access into the  
11 system/network of the cable internet service operator without the  
12 authorization of a legitimate CATV operator, whether wired or wireless;

13  
14 (c) Knowingly use or receive any direct or indirect benefit from CATV and  
15 cable internet service through the commission of any of the preceding  
16 prohibited acts; and

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18 (d) Wantonly, maliciously or willfully damage, destroy or remove CATV and/or  
19 cable internet facilities and accessories of authorized CATV and cable  
20 internet service operators resulting into system disruption or network  
21 degradation.

22  
23 **SEC. 5. *Prima Facie Evidence.*** -The presence of any of the following  
24 circumstances shall constitute *prima facie* evidence of the illegal tapping,  
25 interconnection or reception into the CATV or cable internet system/network, by the

1 person benefited thereby, and shall be the basis for (a) the immediate disconnection  
2 by the CATV or cable internet service operator to such person after due notice, (b)  
3 the filing of a criminal complaint for violation of the instant act; (c) the holding of a  
4 preliminary investigation by the public prosecutor and the subsequent filing in court  
5 of the pertinent information; and (d) the lifting of any temporary restraining order or  
6 injunction which may have been issued by a competent court or agency against a  
7 CATV or cable internet service operator:

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9 (1) The presence of drop cable, feeder and/or trunk lines from the CATV or  
10 cable internet system/network to the structures and facilities of the  
11 unauthorized person which has been confirmed by the CATV or cable  
12 internet service operator as not being a duly registered subscriber;

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14 (2) The unauthorized tapping of the drop cable, feeder and/or trunk lines into  
15 the CATV or cable internet system/network, and/or the unauthorized  
16 installation of electronic equipment such as digital or analogue receiver-  
17 decoder boxes, set-top and converter boxes, or modems, by persons not  
18 duly authorized by the CATV or cable internet service provider;

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20 (3) The unauthorized possession and use of electronic equipment such as  
21 digital or analogue receiver-decoder boxes, set-top and converter boxes,  
22 or modem used to intercept CATV signals or access the cable internet  
23 system/network and which equipment have not been duly registered with  
24 the CATV or cable internet service operator or have not been covered by  
25 the appropriate licenses and permits from the proper government

1 regulatory agency or agencies in accordance with existing laws, rules and  
2 regulations.

3

4 **SEC. 6. Penalties.** - Any person who willfully violates any provision of this  
5 Act or commits any of the prohibited acts in Section 4 hereof shall be punished by an  
6 imprisonment of not less than six (6) months and one (1) day but not more than six  
7 (6) years, or a fine ranging from Twenty Thousand Pesos (P20,000.00) to Two  
8 Hundred Thousand pesos (P200,000.00), or both, at the discretion of the court  
9 *Provided that,* for first time offenders, only the penalty of fine shall be imposed. In  
10 the event that the person who is found guilty of violating the provisions of this Act is  
11 unable to pay the fine, subsidiary imprisonment shall be imposed.

12

13 The maximum penalty shall be imposed if it should be found that:

14 (a) the intercepted signal is transmitted or sent to one or more persons  
15 station, establishment or household outside of the household of the  
16 person;

17 (b) the person/s are guilty of the installation of devices and means by which  
18 signals covered by this Act are intercepted, received and used by others:

19 and

20 (c) the immediately preceding illegal act is done for profit.

21

22 **SEC. 7. Recovery of Pilferage Losses.** - Any duly authorized **CATV** or cable  
23 internet service operator may recover pilferage losses which in no case shall be  
24 lower than at least one (1) year basic subscription fees presently charged to

1 registered subscribers from such unauthorized persons found to have committed any  
2 of the herein prohibited acts.

3

4         Provided, that in case several persons are found to have cooperated with  
5 each other in the commission of the prohibited acts in Section 4 of this Act, the  
6 aggrieved CATV operator shall be allowed to recover the full amount of pilferage  
7 losses it is entitled to from any of the said persons. Should any two or more persons  
8 be found guilty of violating the provisions of this Act, they shall be jointly and  
9 severally liable.

10

11         **SEC. 8. *Information Dissemination*** - The National Telecommunications  
12 Commission and the various cable television associations in the Philippines shall, in  
13 a collective effort, undertake a campaign to inform the consuming public of the  
14 existence of this Act within sixty (60) days from its effectivity and at least once a year  
15 thereafter.

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17         No person shall be held liable under this law for any act committed prior to  
18 the lapse of the sixty (60) day period for information dissemination.

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20         **SEC. 9. *Rules and Regulations***. - The National Telecommunications  
21 Commission, in consultation with the Department of Justice and various cable  
22 television associations of the Philippines and other affected parties, shall, within sixty  
23 (60) days from the effectivity of this Act, issue the necessary implementing rules and  
24 regulations.

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1           **SEC. 10. Repealing Clause.** - All other laws, decrees, ordinances, rules  
2 regulations and other issuances or parts thereof which are inconsitent with this Act  
3 are hereby repealed or modified accordingly.

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5           **SEC. 11. Separability Clause.** - The provisions of this act hereby declared to  
6 be separable, and in the event one or more of such provisions are held  
7 unconstitutional, the validity of the other provisions shall not be affected thereby.

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9           **SEC. 12. Effectivity.** - This Act shall take effect fifteen (15) days after the  
10 completion of its publication in the *Official Gazette* or in any two (2) national  
11 newspapers of general circulation.

12

13           Approved,

14