

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



'13 SEP 10 P3:12

SENATE  
S. No. 1619

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Introduced by Senator Miriam Defensor Santiago

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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. —

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 Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*aw*

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



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1 AN ACT  
2 PROHIBITING CERTAIN PRACTICES INVOLVING COMMERCIAL USES  
3 OF TELEPHONE FACSIMILE MACHINES

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Facsimile Advertising  
5 Regulations Act.”

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

8 SECTION 3. *Definitions.* – For purposes of this Act, the term:

9 (A) “Telephone Facsimile Machine” means equipment which has the capacity –

10 (1) To transcribe text or images, or both, from paper into an electronic signal  
11 and to transmit that signal over a regular telephone line; and

12 (2) To receive such signals over such a line and to produce a copy of the  
13 transmitted text and images; and

14 (B) “Unsolicited Advertisement” means any material advertising the commercial  
15 availability or quality of any property, goods, or services which is transmitted to any person  
16 without that person’s prior express invitation or permission.

17 (C) “Commission” means the National Telecommunications Commission (NTC).

18 SECTION 4. *Restrictions on the Use of Telephone Facsimile Machines.* –

1 (A) It shall be unlawful for any person, to use any telephone facsimile machine or  
2 other electronic device to send any unsolicited advertisement to the telephone facsimile machine  
3 of any person whose number is listed by a common carrier pursuant to subsection (2) as the  
4 telephone number of a person who objects to receiving unsolicited advertisements by telephone  
5 facsimile machine.

6 (B) Each common carrier shall maintain, in accordance with regulations prescribed  
7 by the Commission, a list of the telephone numbers of subscribers for telephone exchange  
8 service of that common carrier who notify the carrier that such subscriber objects to receiving  
9 unsolicited advertisements by telephone facsimile machine. Such regulations shall –

- 10 (1) Specify the methods by which a subscriber may give or revoke such  
11 notification to a common carrier;
- 12 (2) Prohibit any subscriber from being charged for giving or revoking such  
13 notification or for being on such list; and
- 14 (3) Specify the methods by which such list shall be made available to any  
15 person desiring to transmit unsolicited advertisements by telephone  
16 facsimile machine and the costs to be recovered from such persons.

17 SECTION 5. *Regulations.* –

18 (A) The Commission shall revise the regulations setting technical and procedural  
19 standards for telephone facsimile machines to require that any such machine which –

- 20 (1) is manufactured after six (6) months after the date of enactment of this  
21 section; and
- 22 (2) is used for the distribution of unsolicited advertising, be equipped to  
23 identify, in a margin at the top or bottom of each transmitted page, the date  
24 and time sent, an identification of the business sending the advertising, and  
25 the telephone number of the sending machine.

26 (B) The regulations required by this section shall be prescribed within six (6) months  
27 after the date of enactment of this Act.

1 (C) The requirements of this section shall take effect thirty (30) days after the date  
2 that such regulations are prescribed.

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

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

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

Approved,