

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



Senate
Office of the Secretary

'13 NOV 26 P2 57

SENATE
S. No. 1950

RECEIVED BY: *ju*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

With the advancement in technology, communicating with one another has been made easier. However, it is also much easier now to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person just by calling his or her phone, mobile or otherwise.

Most telecommunication device users have already experienced being on the receiving end of a malicious phone call. These calls are sometimes just in the nature of a repeated call where the caller without speaking, will deliberately hang up or break the telephone connection as or after the telephone call is answered. However, some callers go as far as threatening physical harm or damage to the person on the other line in the course of their conversation.

Through caller ID, some telecommunication device users are able to track down the culprit. However, they are unable to make the culprit stop because of the absence of laws punishing malicious phone calls. Most telecommunication device users just ignore the callers. However, some of them are forced to resort to illegal means just to make the malicious callers stop.

This bill aims to give telecommunication users a legal remedy against malicious phone calls by allowing them to file a case against the callers under this Act.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
DC

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



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1 AN ACT
2 PENALIZING MALICIOUS USE OF A TELECOMMUNICATION DEVICE

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Prank Calls Act.”

4 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 promote the general welfare of the people. To this end, the State aims to prohibit malicious and
6 improper use of telecommunication devices.

7 SECTION 3. *Prohibitions.* – Any person who maliciously uses any service provided by a
8 telecommunications service provider with intent to terrorize, frighten, intimidate, threaten,
9 harass, molest, or annoy another person, or to disturb the peace and quiet of another person by
10 any of the following:

11 (A) Threatening physical harm or damage to any person or property in the course of a
12 conversation or message through the use of a telecommunications service or device.

13 (B) Falsely and deliberately reporting through the use of a telecommunications
14 service or device that a person has been injured, has suddenly taken ill, has suffered death, or has
15 been the victim of a crime or an accident.

16 (C) Deliberately refusing or failing to disengage a connection between a
17 telecommunications device and another telecommunications device or between a
18 telecommunications device and other equipment provided for the transmission of messages
19 through the use of a telecommunications service or device.

1 (D) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or
2 lascivious act in the course of a conversation or message through the use of a
3 telecommunications service or device.

4 (E) Repeatedly initiating a telephone call and, without speaking, deliberately hanging
5 up or breaking the telephone connection as or after the telephone call is answered.

6 (F) Making an unsolicited commercial telephone call that is received between the
7 hours of 7PM and 9AM. "An unsolicited commercial telephone call" means a call made by a
8 person or recording device, on behalf of a person, corporation, or other entity, soliciting business
9 or contributions.

10 (G) Deliberately engaging or causing to engage the use of a telecommunications
11 service or device of another person in a repetitive manner that causes interruption in
12 telecommunications service or prevents the person from utilizing his or her telecommunications
13 service or device.

14 SECTION 4. *Penalties.* -- A person violating this Act may be imprisoned for not more
15 than two (2) years, or fined not more than One Hundred Thousand Pesos (P100,000.00), or both.
16 An offense is committed under this Act if the communication either originates or terminates in
17 this country and may be prosecuted at the place of origination or termination.

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

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

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

Approved,