

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



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SENATE  
S.B. No. 2608

RECEIVED BY. *Jr*

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Introduced by Senator Ramon Bong Revilla, Jr.

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**AN ACT  
PROVIDING FOR THE ESTABLISHMENT OF THE NO CALLS AND NO TEXT  
REGISTRATION SYSTEM AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Cellular phone use has become a vital part of our lives. Communication has been very effective especially in the advent of cellular phone use. It has also effectively eased information dissemination, not only not only for day to day business, school and family concerns, but also for purposes of communication during emergencies and national calamities.

Because of widespread cellular phone use, cellphone companies or other businesses concerned make use of communication features of cellular phones to send various promos to entice the users. These promos are more often than not unsolicited and unwarranted.

With these unsolicited messages, there is fear that the privacy and also security of users are being jeopardized. This bill seeks to establish a No Calls and No Text Registry which will regulate outbound and unsolicited calls and/or text message by any cellular telephone user. The registry shall be put up and supervised by the National Telecommunications Commission.

  
RAMON BONG REVILLA, JR.

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

1       **Section 1. Title.** - This Act shall be known as the "No Calls and No Text  
2 Registration Act of 2015."  
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4       **Section 2. Declaration of Policy.** – It is the policy of the State to protect and  
5 promote the right of consumers to privacy and protect them from unwanted calls and  
6 text messages inducing purchase of goods or services and solicitations.  
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8       **Section 3. Definition of Terms.** – As used in this Act:  
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- 10       a) *Caller and/or sender* refers to any person, including its employees and agents,  
11 who initiate a call and/or text message for the purpose of making an outbound  
12 and/or unsolicited call and/or text message;
- 13       b) *Negative option* refers to a feature which shall enable a person to stop receiving  
14 any call and text from a caller and/or sender;
- 15       c) *Outbound call and/or text* refers to a telephone call or text message initiated by  
16 any person to induce the purchase of goods and services;
- 17       d) *Person* refers to any person whether natural or juridical;
- 18       e) *Prize* refers to anything offered, or purportedly offered, and given, or purportedly  
19 given, to a person by chance;
- 20       f) *Prohibited call and/or text* refers to a hoax, junk and/or scam call and/or text. This  
21 message includes, but not limited to, the following:
- 22               1. message congratulating the recipient for winning any prize in a promo  
23 or award of prize when the recipient did not join or subscribe to any game  
24 or activity of chance;

1           2. message supposedly coming from a relative abroad asking the recipient  
2           to reload their "new" roaming number;

3           3. message requiring the recipient to register by texting his or her name  
4           and other personal details to a phone number; or

5       g) *Text* refers to any message sent via short message service (SMS);

6       h) *Upselling* refers to soliciting the purchase of goods or services following an initial  
7       transaction during a single telephone call or text message; and

8       i) *Unsolicited call and/or text* refers to a call or text message which is not initiated  
9       by the recipient of the call and/or text message such as, but not limited to,  
10       upselling, surveys, award of prize when the recipient did not join or subscribe to  
11       any game or activity and/or solicitation to any non-profit and charitable institution  
12       whether or not the call and/or text message induce purchases of goods and  
13       services.

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15       **Section 4. Establishment of the No Calls and No Text Registry.** – The  
16       National Telecommunications Commission (NTC) shall establish a No Calls and no Text  
17       Registry. *Provided*, That the identity and privacy of the persons registered shall be kept  
18       highly confidential such that only the telephone numbers may be accessed from the  
19       registry.

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21       Any person shall register first with the NTC before they can access the telephone  
22       numbers in the No Calls and No Text Registry.

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24       **Section 5. Allowable Telephone Numbers Registered per Person.** – Any person  
25       shall only be allowed to register up to three (3) mobile phone numbers regardless of the  
26       network provider; *Provided*, That the registration of mobile numbers or persons below  
27       eighteen (18) years of age may be done by their parents and/or legal guardian.

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29       Registration of fixed telephone numbers shall only be allowed for residential  
30       lines.

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32       **Section 6. Registration in the No Calls and No Text Registry.** – Outbound and  
33       unsolicited calls and/or text message may be managed or limited by any cellular  
34       telephone user by registering in the No Calls and No Text Registry of the NTC.

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36       No outbound and unsolicited calls and/or text message shall be made and/or  
37       sent to the telephone numbers on the No Calls and No Text Registry.

1           **Section 7. Negative Option Requirement** – A person whose number is not  
2 registered in the No Calls and No Text Registry may manage and limit outbound and  
3 unsolicited calls and/or text messaging through the negative option feature.  
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5           Any caller and/or sender shall set up a negative option which shall be available to  
6 the recipient immediately upon answering the call and/or at the beginning of the text  
7 after providing the required information under Section 8 of this Act.  
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9           Upon selection of the negative option feature, the caller and/or sender shall not  
10 make any further steps to persuade the recipient and immediately stop making any calls  
11 and/or sending any texts to the recipient: *Provided*, That the recipient shall report and  
12 register the name and the number of the person, company and/or organization that  
13 made the call and/or sent the message to the No Calls and No Text Registry in order to  
14 make the caller and/or sender liable for violation of thi Act for any subsequent calls  
15 and/or text message: *Provided further*, That this prohibition shall apply to the caller  
16 and/or sender regardless of other goods and/or services offered and other telephone  
17 number used to contact the recipient.  
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19           **Section 8. Information Requirement of the Caller and/or Sender.** – It shall be  
20 unlawful to make an outbound and/or unsolicited call and/or text message without  
21 disclosing the full name of the person making the call and/or sending the text message,  
22 the company or organization for whose benefit the call and/or text message is being  
23 made, and the telephone number of a fixed line where such identity can be established  
24 and verified: *Provided*, That noncompliance with this section shall constitute an outright  
25 violation of and shall be punishable under this Act.  
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27           **Section 9. Removal of Numbers.** Telephone numbers registered in the No Calls  
28 and No Text Registry shall not be changed or removed except upon the request of the  
29 owner in writing and those invalid or disconnected telephone numbers upon adequate  
30 validation of the NTC.  
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32           **Section 10. Liability of Callers and/or Senders.** – Any person who commits any  
33 violation under this Act and who acts either for his or her own benefit and/or for the  
34 benefit of another person, company, organization and/or association which did not  
35 officially engage his or her services shall be held solely liable: *Provided*, That any  
36 person who is acting in behalf and for the benefit of another person, company,  
37 organization and/or association which officially engage his or her services shall both be  
38 held separately liable for any violation under this Act.

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It shall be the responsibility of any caller and/or sender to register under Section 4 hereof and to be informed of the numbers which have registered in the No Calls and No Text Registry. It shall be considered *prima facie* evidence of knowledge on the part of the caller and/or sender where the telephone number of the recipient is registered on the No Calls and No Text Registry prior to the date the call and/or text message is made in violation of this Act. Nonregistration of the caller and/or sender as required under Section 4 of this Act shall not be an excuse from any liability.

The use of an automatic dialer or any electronic device that automatically and/or randomly contacts telephone numbers is prohibited. Any person, company, organization and/or association who uses the same shall be held liable.

**Section 11. Exception.** – This Act shall not apply to a call and/or text message made in order to remind, collect, and/or update the recipient of his or her existing bills and/or credit, subject to applicable laws and pertinent rules and regulations of the Bangko Sentral ng Pilipinas and other applicable laws.

**Section 12. Penalties.** – Any person found to be in violation of the provisions of this Act shall be imposed the following penalties, without prejudice to administrative sanctions that may be imposed by the NTC, without prejudice to civil or criminal liability:

- a) Any juridical person who violates the provisions of this Act or its implementing rules and regulations shall suffer the penalty of a fine of not less than Fifty thousand pesos (P50,000.00) nor more than One hundred thousand pesos (P100,000.00) for each violation: *Provided*, That its officers directly responsible for the violation shall suffer the penalty of a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00); or
- b) Any person who violates the provisions of this Act or its implementing rules and regulations shall suffer the penalty of a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00)

**Section 13. Implementing Rules and Regulations** – Within ninety (90) days from the effectivity of this Act, the Department of Trade and Industry, in coordination with the NTC and the Department of Science and Technology – Information and Communications Technology Office, shall promulgate the rule and regulations for the effective implementation of this Act.

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**Section 14. *Implementing Agency.*** – the NTC shall enforce the provisions of this Act and its implementing rules and regulations.

**Section 15. *Funding*** – The NTC shall immediately include in its programs the implementation of this Act, the initial funding of which shall be charged against its current year's appropriations. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Proceeds from penalties herein imposed shall accrue to the general fund.

**Section 16. *Separability Clause*** – If any part or provision of this Act shall be held unconstitutional or invalid, the other provisions hereof that are not affected thereby shall continue to be in full force and effect.

**Section 17. *Repealing Clause.*** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

**Section 18. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

***Approved,***