



SENATE

S. No. 1636

PREPARED AND SUBMITTED BY THE COMMITTEE ON ECONOMIC
AFFAIRS, WITH SENATOR GATCHALIAN AS AUTHOR THEREOF

AN ACT REQUIRING PUBLIC TELECOMMUNICATIONS
ENTITIES TO PROVIDE NATIONWIDE MOBILE
NUMBER PORTABILITY TO SUBSCRIBERS

*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 known as
2 the “Lifetime Cellphone Number Act”.

3 SEC. 2. *Declaration of Policy.* – It is the declared policy
4 of the State to recognize the primary role of the private
5 sector as engine of economic growth and guarantees the right
6 of individuals and private groups, including corporations, to
7 own, establish and operate economic enterprises. Along with
8 this recognition, the 1987 Constitution under its provisions
9 on National Economy and Patrimony states that the use of
10 property bears a social function where all economic agents

1 shall contribute to the common good. The right of corporations to
2 own, establish and operate economic enterprises is therefore
3 subject to the duty of the State to intervene when the
4 common good so demands – including the duty to regulate
5 the acquisition, ownership, use and disposition of private
6 property through the regulation or prohibition of monopolies
7 and combinations in restraint of trade or unfair competition.

8 SEC. 3. *Guiding Principles for Implementation.* – This
9 Act declares the following as guiding principles:

10 (a) The basic premise behind a nationwide mobile
11 number portability system is to promote competition
12 between and among public telecommunications entities by
13 giving consumers the freedom to choose and to respond to
14 quality, price and other relevant considerations without
15 changing their mobile numbers whenever they change
16 service providers.

17 (b) In addition to promoting consumer welfare, mobile
18 number portability will stimulate public telecommunications
19 entities to provide consumers with the best overall value that
20 they can offer. It will also foster technological innovation that

1 will lead to even greater demand for telecommunications
2 products and services and lead to a virtuous cycle of
3 economic growth.

4 SEC. 4. *Definition of Terms.* – As used in this Act:

5 (a) *Donor Provider* refers to the public
6 telecommunications entity to whose network the mobile
7 number belongs at the time the subscriber makes an
8 application for porting.

9 (b) *Mobile Number* refers to the number series
10 assigned by a public telecommunications entity to its
11 postpaid and/or prepaid subscribers.

12 (c) *Mobile Number Portability or MNP* refers to the
13 ability of a postpaid subscriber who has no existing financial
14 obligation to the Donor Provider arising from a subscription
15 contract under a postpaid plan, or a prepaid subscriber, to
16 either retain an existing mobile number when moving from
17 one public telecommunications entity to another, or to
18 change subscription from postpaid to prepaid or from
19 prepaid to postpaid, without impairment of the standards of

1 quality, reliability or convenience prescribed by the National
2 Telecommunications Commission.

3 (d) *Mobile Postpaid Subscriber* refers to any person,
4 natural or juridical, who avails of the mobile telecommunications
5 service under a prior arrangement with a public
6 telecommunications entity. The subscriber is billed after the
7 fact, according to the use of mobile services at the end of the
8 monthly billing cycle.

9 (e) *Mobile Prepaid Subscriber* refers to any person,
10 natural or juridical, who avails of the mobile telecommunications
11 service from a public telecommunications entity by purchasing
12 credit in advance of service use. The purchased credit is used
13 to pay for mobile phone services at the point the service is
14 accessed or consumed.

15 (f) *Porting Application* refers to an application made
16 by a mobile subscriber to the Recipient Provider to move a
17 mobile number from the Donor Provider.

18 (g) *Porting Process* refers to the process by which a
19 subscriber moves a mobile number from a Donor Provider to

1 a Recipient Provider. In no case shall the entire porting
2 process take more than twenty-four (24) hours.

3 (h) *Public Telecommunications Entity or PTE* refers to
4 any duly enfranchised and authorized public
5 telecommunications entity that offers voice, short messaging
6 service (SMS or text), mobile data, value added services
7 (VAS) or any other telecommunications services to the public
8 for a fee.

9 (i) *Recipient Provider* refers to the public
10 telecommunications entity that will be providing mobile
11 telecommunications service to the subscriber after porting.

12 (j) *Subscriber* refers to any person, natural or juridical,
13 who avails of the mobile telecommunications service from a
14 public telecommunications entity.

15 SEC. 5. *Obligation of Public Telecommunications Entities*
16 *to Provide Mobile Number Portability; Limitation.* – It shall
17 be the obligation of every PTE to provide nationwide MNP to
18 all mobile subscribers, whether postpaid or prepaid. In no
19 case, under penalty of law as provided hereunder, shall the

1 benefits of MNP to a mobile subscriber who has decided to
2 either switch from one PTE to another, or to change
3 subscription from postpaid to prepaid or from prepaid to
4 postpaid, be delayed, withheld, refused or otherwise not
5 delivered by more than twenty-four (24) hours from the time
6 such mobile subscriber completes his or her porting
7 application: *Provided*, That a subscriber shall be allowed to
8 port the same number from one PTE to another only after
9 the lapse of sixty (60) days from the completion of the last
10 porting process.

11 SEC. 6. *Obligation of Public Telecommunications Entities*
12 *to Set Up a Mechanism for Mobile Number Portability.* – Every
13 PTE shall, within six (6) months from the promulgation of
14 implementing rules and regulations of this Act, set up a
15 mechanism for the purpose of implementing MNP. It shall
16 interconnect directly or indirectly with the infrastructure,
17 facilities, systems or equipment of other PTEs and not install
18 network features, functions or capabilities that will impede
19 the implementation of a nationwide MNP system. It shall
20 also provide subscribers sufficient and relevant information

1 on MNP including, but not limited to, its features, the
2 porting application requirements, and the porting process.

3 The cost of carrying out the obligation under this
4 section shall not, directly or indirectly, be passed on to the
5 subscribers.

6 SEC. 7. *Obligation of the Recipient Provider.* – The
7 Recipient Provider shall complete the porting process within
8 a period of twenty-four (24) hours from the time of receipt
9 of the mobile number porting application from the
10 subscriber.

11 Within such 24-hour period, it must transmit the
12 mobile number porting application to the Donor Provider for
13 the purpose of clearing the mobile number for porting. Upon
14 notification that the mobile number has been cleared for
15 porting, it shall immediately activate the subscriber's ported
16 number under its network.

17 SEC. 8. *Obligation of the Donor Provider.* – The Donor
18 Provider shall, within the same 24-hour period provided
19 under Section 7 of this Act, clear the mobile number for

1 porting. It shall however continue to provide all subscribed
2 telecommunications services to the subscriber until the
3 mobile number has been completely ported to the Recipient
4 Provider. The porting process shall be deemed complete upon
5 the subsequent activation of the mobile number under the
6 network of the Recipient Provider.

7 If the mobile number sought to be ported has any pre-
8 existing obligation arising from a subscription contract with
9 the Donor Provider, such provider shall give the subscriber a
10 period of not more than three (3) days from the time of
11 receipt of the mobile number porting application to settle the
12 outstanding obligation. Upon full payment, the Donor
13 Provider shall immediately notify the Recipient Provider
14 that the mobile number is cleared for porting.

15 Without prejudice to an existing reasonable minimum
16 contractual period, the Donor Providers shall not impose
17 conditions and procedures for contract termination or for
18 completion of a porting application which have the effect of
19 serving as a disincentive or deterrent against moving to a
20 different service provider.

1 SEC. 9. *Cost of Mobile Number Portability.* – Every PTE
2 shall provide mobile number portability to subscribers
3 completely free of charge.

4 SEC. 10. *Non-imposition of Interconnection Fee or Charge.*
5 – No interconnection fee or charge shall be imposed by any
6 PTE for domestic calls and SMS made by a subscriber after
7 the effectivity of this Act.

8 SEC. 11. *Privacy of Data.* – PTEs and other third party
9 entities to whom mobile numbers, or other classes of
10 personal information have been disclosed, shall maintain the
11 confidentiality of the information obtained, and shall not
12 monitor or disclose the contents of any usage transaction
13 contained within the databases under its control, except to
14 the extent necessary for the purpose of maintaining compliance
15 with the provisions of this Act and its implementing rules
16 and regulations.

17 The information gathered by PTEs and other third
18 party entities under the provisions of this Act shall be
19 subject to the provisions of Republic Act No. 10173,

1 otherwise known as the "Data Privacy Act of 2012", and its
2 implementing rules and regulations.

3 SEC. 12. *Penalties.* – For every failure to comply with,
4 or for every instance of violation of any provision of this Act,
5 the PTE shall pay a fine of not less than One hundred
6 thousand pesos (P100,000.00) up to Three hundred thousand
7 pesos (P300,000.00) for the first offense, and a fine of not less
8 than Four hundred thousand pesos (P400,000.00) up to
9 Six hundred thousand pesos (P600,000.00) for the second
10 offense. In case of a subsequent offense, the penalty shall be
11 a fine of not less than Seven hundred thousand pesos
12 (P700,000.00) up to One million pesos (P1,000,000.00) and
13 revocation of the PTE's franchise to operate.

14 SEC. 13. *Implementing Rules and Regulations (IRR).* –
15 Within ninety (90) days from the effectivity of this Act, the
16 National Telecommunications Commission, as the government
17 entity mandated to implement nationwide MNP, shall
18 coordinate with the Department of Information and
19 Communications Technology, the National Privacy
20 Commission, the Philippine Competition Commission, and

1 other concerned agencies, and promulgate rules and
2 regulations and other issuances as may be necessary to
3 ensure the effective implementation of this Act.

4 Within six (6) months from the promulgation of the
5 rules and regulations, the PTEs shall comply with the
6 provisions of this Act and set up a mechanism for the
7 purpose of implementing nationwide MNP.

8 The rules and regulations shall provide an expeditious
9 framework to govern all relevant aspects of MNP including,
10 but not limited to, the following factors: (1) the most
11 appropriate, efficient and cost-effective porting scheme to be
12 adopted; (2) the specific rights and obligations of mobile
13 subscribers, the Donor and Recipient Providers, and other
14 parties to the porting process; (3) the coordinated procedure
15 to be followed by each party in processing a mobile number
16 porting application, including a scheme for porting notifications
17 as may be required and the specific time limits given to every
18 party to complete the required steps in the entire porting
19 process which process shall, in no case, exceed twenty-four
20 (24) hours; and, (4) the measures to ensure the least amount

1 of disruption of service to the consumer when implementing
2 mobile number portability.

3 SEC. 14. *Separability Clause.* – If any provision of this
4 Act is held invalid or unconstitutional, the other provisions
5 not affected thereby shall remain in full force and effect.

6 SEC. 15. *Repealing Clause.* – All laws, decrees, executive
7 orders, proclamations, rules and regulations, and issuances,
8 or parts thereof which are inconsistent with the provisions of
9 this Act, are hereby repealed, amended or modified accordingly.

10 SEC. 16. *Effectivity Clause.* – This Act shall take effect
11 fifteen (15) days after its publication in the *Official Gazette*
12 or in at least two (2) newspapers of general circulation.

Approved,