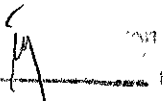


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

7 JUL -2 11:24

SENATE

RECEIVED BY: 

S.B. No. 347

Introduced by Senator JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

In this electronic age, the most popular media of communication that are affordable but highly informative that reach the great many regardless of status in life are cable television and internet.

Unfortunately, providers of CATV and internets are threatened by high incidence of theft through unauthorized interception of CATV programming or internet services.

This has become a very serious issue that cable television and internet providers face today.

Not only has theft or unauthorized interception caused financial damage to providers, it had also made the signal poor, thus, depriving the consuming public quality service. Thus, the need to declare such acts as unlawful and providing penalties therefore.

Cable television and internet must survive and remain competitive to provide affordable and fast media and communication services to their subscribers.


It is the purpose and intent of this measure to protect the industry and promote its growth in order to assure high-quality service to the viewing public.


JINGGOY EJERCITO ESTRADA
Senator

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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7 JUL -2 10:21

SENATE

RECEIVED BY: 

S.B. No. 347

Introduced by Senator JINGGOY EJERCITO ESTRADA

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

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

SECTION 1. Short Title - This Act shall be known as "The Anti-Cable Television internet theft of Signal Service Act of 2006".

SEC. 2. Declaration of Policy. - it is the policy of the State to protect the public and legitimate operators of: cable television (CATV) systems that secure and air programming through the reception of local and foreign satellite, or other electromagnetic signals; as well as cable internet services that provide access to the worldwide web through the CATV system/network.

SEC. 3. Cable Television (CATV) System / Internet, Defined. – CATV or System Internet refers to electronic system, processes and facilities involving the delivery of signals and programs by broadcast television stations, local and foreign satellite program providers or CATV service operators, through the use of electronic equipment, such as digital or analog receiver-decoder box, set-top or converter box, modem, or any equivalent device or method that allows access or decoding of unencrypted or encrypted satellite program signals or other electromagnetic signals or access into the system/network of the cable Internet service operator, or by the recording, manufacture, distribution, importation or sale, of intercepted or received CATV signals and cable internet service.

SEC. 4. Prohibited Acts - The following are prohibited:

- a) Possession of electronic equipment, such as, digital or analog receiver-decoder boxes, set-up and converter boxes, modem or any equivalent circumvention devices or unencrypted or encrypted cosatellite program or other electromagnetic signals, whether local or foreign, or access into the system/network of the cable internet service operator Cable Television (CATV) System/Internet, when not duly licensed, authorized or permitted in writing by the licensed CATV or internet operator;
- b) Connection to or tapping on the existing facilities, systems, lines or networks of the cable or internet service operation of Cable Television (CATV) System/Internet operators through wire or electromagnetic means of electronic equipment, such as, digital or analog receiver-decoder boxes, set-top and converter boxes, modem or any equivalent circumvention

devices or methods when not duly authorized and/or registered with the CATV and/or cable internet service operator; and,

- c) Damaging, destroying or removing any CATV and/or cable internet service operators without any prior written authorization from said operators or for malice, money or purposely to sabotage or cause their systems disruptions or network degradation.

SEC. 5. *Prima Facie Evidence.* - presence of any of the following circumstances shall constitute *prima facie* evidence of illegal tapping, interconnection or reception into the CATV or cable internet system/network by the person benefited thereby, and, shall be the basis for the immediate disconnection by the CATV or cable internet service operator to (a) such person after due notice, (b) the holding of preliminary investigation by the public prosecutor and the subsequent filling in court of the pertinent information, and (c) the lifting of any temporary restraining order or injunction which may have been issued against a CATV or cable internet operator:

- (1) The presence of drop cable, feeder and/ or trunk lines from the CATV or cable internet system/ network to the structure and facilities of the unauthorized person which has been confirmed by the CATV or cable internet service operator as not being authorized.
- (2) The unauthorized tapping of drop cable, feeder and/ or trunk lines into the CATV or cable system/network, and or the unauthorized installation of electronic equipment such a digital or analog receiver-decoder boxes, set-top and converted boxes, or modems, by person not duly authorized by the CATV or cable internet service operator.
- (3) The unauthorized possession and use of electronic equipment such as digital or analog receiver-decoder boxes, set-top and converter boxes, or modem used to intercept CATV signals or access the cable internet system/network and which equipment have not been covered by the appropriate licenses and permits from the proper government regulatory agency or agencies in accordance with existing laws, rules and regulations.

SEC. 6. *Penalties.* - Anyone who violates any provision of this Act or commits any of the prohibited acts in Section 4 hereof shall be punished by imprisonment of not less than three (3) years but not more than five (5) years, or a fine ranging from Fifty Thousand Pesos (P50,000.00) to One Hundred Thousand Pesos (P100,000.00), or both, at the discretion of the court.

SEC. 7. *Civil Indemnity.* - Upon conviction, the duly authorized CATV or cable internet service operator may recover indemnity from persons convicted under this Act in an amount equivalent to one (1) year basic subscription fees presently charged to registered subscribers of such CATV or cable internet service operators.

SEC. 8. *Information Dissemination.* - The National Telecommunications Commission and the Cable Television Associations in the Philippines, shall undertake an information dissemination campaign to the public of the salient features of this Act, within sixty (60) days from its effectivity and at least once a year thereafter.

SEC. 9. *Rules and Regulations.* - The National Telecommunications Commission, in consultation with the Cable Association of the Philippines and the public, shall issue the implementing rules and regulations to ensure the efficient and effective implementation of the provisions of this Act after a public hearing which must

commence within thirty (30) working days upon the effectivity of this Act and to be concluded not later than sixty (60) days thereafter.

SEC. 10. *Repealing Clause.* - All other laws, decrees, ordinances, rules, regulations and other issuances or parts thereof, which are inconsistent with this Act are hereby repealed.

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

Approved,