


14th Congress of the Republic)
of the Philippines)
First Regular Session)

7 JUL -4 P4 51

SENATE

RECEIVED BY: 

S. B. No. 1138

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

This bill seeks to prohibit cellphone network companies from unsolicited materials to their subscribers via text message or short message service (SMS), cellphone companies look for ways to entice their customers to avail of their cellphone services through various gimmicks, subscriptions and contents. Customers therefore are often victimized by such offerings sent by cellphone companies via text or short messages (SMS) that jacked up this monthly bills or consumed their pre-paid credit.

There is a need therefore to regulate these indiscriminate offerings by prohibiting any matter sent by network companies via text or SMS which are not solicited by the subscriber.


For these reasons, the passage of this bill is earnestly requested.


AQUILINO Q. PIMENTEL, JR.

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**AN ACT
TO PROHIBIT CELLPHONE NETWORK COMPANIES FROM SENDING
UNSOLICITED MATERIAL TO THEIR SUBSCRIBERS
VIA TEXT OR SHORT MESSAGE SERVICE (SMS)**

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

Section 1. With the exception of legitimate notifications of past due accounts, cellphone network companies are hereby prohibited from sending unsolicited materials such as advertisements, offering, promotions, subscriptions and other notifications to their subscribers via text or short message service (SMS).

Section 2. Penalty. - Cellphone network companies found to have violated this Act shall be punished with a fine of twenty thousand pesos (P20,000.00) to one hundred thousand pesos (P100,000.00) per violation.

Section 3. Separability Clause. - If any clause, provision, paragraph or part of this Act shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

Section 4. Repealing Clause. - All laws, decreed, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

Section 5. Effectivity. - This Act take effect fifteen (15) days following its publication in the Official Gazette or a major daily newspaper of general circulation in the Philippines, whichever comes earlier.

Approved,