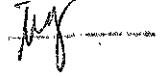


THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

6 JUL 31 1953

SENATE  
S. B. No. 2419

RECEIVED BY



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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The right to privacy is the "right to be let alone". It is considered "the most comprehensive of rights and the right most valued by civilized men."

The Supreme Court in the case of *Morfe v. Mutuc*, 22 SCRA 424 (1968) recognized the existence of a right to privacy when it held that "the right to privacy as such is accorded recognition independently of its identification with liberty; in itself, it is fully deserving of constitutional protection." Thus, while not explicitly identified in the Constitution, the right to privacy is nonetheless recognized and is deserving of protection as other fundamental rights.

With the advancement of technology, no sphere of privacy has been more exposed to violations than communication – specifically, telecommunications. Admittedly, laws such Republic Act No. 4200, otherwise known as the Anti-Wiretapping Act, have been enacted protecting what people say during a call, but no law has yet been passed which addresses access to people through their personal wireless numbers. People, unless they explicitly consent to the publication of their personal wireless numbers, obtain them precisely to ensure that only those to whom they give their numbers are able to contact them. Thus, it becomes a problem when they receive unsolicited, unwelcome or abusive calls and messages

This bill seeks to reinforce the people's right to privacy by regulating the use and disclosure of personal wireless numbers and prescribing penalties for violations of such right

  
MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

6 JUL 31 2014

SENATE  
S. B. No. 2419

RECEIVED BY: JW

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
REGULATING THE USE AND DISCLOSURE OF PERSONAL WIRELESS NUMBERS

*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 "Personal Wireless Numbers Privacy Act of 2006".

SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, this Act seeks to uphold the people's right to privacy by regulating the use and disclosure of personal wireless numbers and prescribing penalties for violations of such right.

SECTION 3. *Definition of "Radio Communications Service Company".* – For purposes of this Act, the term "radio communications service company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide radio communications service, radio paging, or cellular communications service for hire, sale, or resale.

SECTION 4. *Prohibition Against Disclosure of Personal Wireless Numbers.* – A radio communications service company or any direct or indirect affiliate or agent of a provider shall not include the phone number of any subscriber for inclusion in any directory of any form, nor

shall it sell the contents of any directory data base, without first obtaining the express, opt-in consent of that subscriber.

A subscriber shall not be charged for opting not to be listed in the directory.

SECTION 5. *Subscriber's Consent.* – The subscriber's consent required in Section 4 must be obtained either in writing or electronically, and a receipt must be provided to the subscriber. The consent shall be a separate document or located on a separate screen or web page that has the sole purpose of authorizing a radio communications service company to include the subscriber's phone number in a publicly available directory assistance data base.

In obtaining the subscriber's consent, the provider shall unambiguously disclose that, by consenting, the subscriber agrees to have the subscriber's phone number sold or licensed as part of a list of subscribers and that the phone number may be included in a publicly available directory assistance data base. The provider must also disclose that by consenting to be included in the directory, the subscriber may incur additional charges for receiving unsolicited calls or text messages.

SECTION 6. *Revocation of Consent by Subscriber.* – A subscriber who provides express consent pursuant to this section may revoke that consent at any time. A radio communications service company shall comply with the subscriber's request to opt out within a reasonable period of time, not to exceed sixty (60) days.

SECTION 7. *Exceptions.* – This section does not apply to the provision of telephone numbers, for the purposes indicated, to:

(A) Any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or baranggay emergency services planning agency, or private for-profit corporation operating under contract with, and at the direction of, one or more of these agencies, for the exclusive purpose of responding to an emergency call or communicating an imminent threat to life or property. Information or records provided to a private for-profit corporation

pursuant to (b) of this subsection shall be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records shall not be open to examination for any purpose not directly connected with the administration of the services specified in this subsection;

- (B) A lawful process issued under national or local law;
- (C) A telecommunications company providing service between service areas for the provision of telephone services to the subscriber between service areas, or to third parties for the limited purpose of providing billing services;
- (D) A telecommunications company to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services;
- (E) The utilities and transportation commission pursuant to its jurisdiction and control over telecommunications companies; and
- (F) A sales agent to provide the subscriber's cell phone numbers to the cellular provider for the limited purpose of billing and customer service.

SECTION 8. *Penalties.* – Any radio communications service company found guilty of violating Section 4 above shall be fined an amount not more than Three Hundred Thousand Pesos (P300,000.00).

In addition, a penalty of imprisonment of *arresto mayor* may be imposed on the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or officer directly responsible therefore, if any of them are found to have knowingly consented to such inclusion in any directory of any form, nor shall it sell the contents of any directory data base, without first obtaining the express, opt-in consent of that subscriber.

In both in cases, the court shall take into consideration all attending circumstances.

SECTION 9. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *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 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

/rgs