

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

6 AUG -7 24:01

SENATE
S.B. No. 2435

RECEIVED BY: JMF

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

With the advancement in technology, communicating with one another has been made easier. However, it is also much easier now to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person just by calling his phone, mobile or otherwise.

Most telecommunication device users have already experienced being on the receiving end of a malicious phone call. These calls are sometimes just in the nature of a repeated call where the caller without speaking, will deliberately hang up or break the telephone connection as or after the telephone call is answered. However, some callers go as far as threatening physical harm or damage to the person on the other line in the course of their conversation.

Through caller ID, some telecommunication device users are able to track down the culprit. However, they are unable to make the culprit stop because of the absence of laws punishing malicious phone calls. Most telecommunication device users just ignore the callers. However, some of them are forced to resort to illegal means just to make the malicious callers stop.

This bill aims to give telecommunication users a legal remedy against malicious phone calls by allowing them to file a case against the callers under this Act.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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6 AUG -7 P4:01

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Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PENALIZE MALICIOUS USE OF A TELECOMMUNICATION DEVICE

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

SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Prank Calls Act of 2006.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the general welfare of the people. To this end, the State aims to prohibit malicious and improper use of telecommunication devices.

SECTION 3. *Prohibitions.* – (1) Any person who maliciously uses any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

(a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.

(b) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.

(c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a

telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.

(d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.

(e) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.

(f) Making an unsolicited commercial telephone call that is received between the hours of 9 p.m. and 9 a.m. For the purpose of this subdivision, "an unsolicited commercial telephone call" means a call made by a person or recording device, on behalf of a person, corporation, or other entity, soliciting business or contributions.

(g) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing his or her telecommunications service or device.

SECTION 4. *Penalties.* – A person violating this Act may be imprisoned for not more than two years or fined not more than P100,000.00, or both. An offense is committed under this Act if the communication either originates or terminates in this country and may be prosecuted at the place of origination or termination.

SECTION 5. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 6. *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 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,