



HOUSE OF REPRESENTATIVES

H. No. 1409

BY REPRESENTATIVES SANTIAGO (J.), RODRIGUEZ, SANTIAGO (N.), TEODORO
AND DEL MAR

AN ACT PROHIBITING AND PENALIZING THE PILFERAGE AND THEFT, UNAUTHORIZED USE, INTERCONNECTION OR RECEPTION OF ANY SIGNAL OR SERVICE OFFERED OVER A CABLE TELEVISION (CATV) OR CABLE INTERNET SYSTEM AND/OR NETWORK OR THROUGH ANY UNAUTHORIZED INSTALLATION, ACCESS OR CONNECTION THERETO THROUGH THE USE OF CABLE OR OTHER EQUIPMENT AND PRESCRIBING PENALTIES THEREFOR

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 referred to as “The Anti
2 Cable Television and Cable Internet Pilferage Act of 2008”.

3 SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to
4 protect the general public and legitimate operators of (a) cable television
5 (CATV) systems and/or networks that secure programming through the
6 reception of local and foreign satellite, as well as other electromagnetic signals,

1 and (b) cable internet services that provide access to the worldwide web
2 through the CATV system/network, from unauthorized connection or tapping
3 to existing facilities through wired, wireless or electromagnetic means. Only
4 subscribers duly authorized and/or registered with the CATV and/or cable
5 internet service operator shall be allowed to receive any service or benefit
6 offered and/or operated over a CATV or internet system/network.

7 SEC. 3. *Definition of Terms.* – As used in this Act:

8 (a) “Cable television (CATV) system/network” refers to processes and
9 facilities associated with the delivery of signals and programs provided for by
10 broadcast television stations, local and foreign satellite program providers or
11 CATV service operators, through origination, relay and reception of electronic
12 or control signals of any design by wired, wireless, optical or other
13 technological means for the purpose of providing multiple-channel CATV
14 service to multiple subscribers within defined service areas.

15 The term shall also include electronic equipment such as digital or
16 analog receiver-decoder boxes, set-top and converter boxes as well as, but not
17 limited to, master antennae television, satellite master antennae television,
18 direct broadcast satellite, multi-point distribution service, a television receive-
19 only satellite program distributor and other providers of video and audio
20 programming, whatever the technology.

1 (b) "Cable internet system/network" refers to processes, including
2 electronic equipment such as modems, associated for the access of the
3 worldwide web through the facilities of the CATV system/network.

4 (c) "Cable television (CATV) service operator" refers to any person,
5 natural or juridical, public or private, granted a Certificate of
6 Authority/Provisional Authority as provided under existing laws, rules and
7 regulations, to install, operate and maintain a CATV system/network and
8 service and is actually providing such service to its subscribers.

9 (d) "Cable internet service operator" refers to any person, natural or
10 juridical, public or private, which was issued a registration certificate as
11 provider under existing laws, rules and regulations, to provide and facilitate
12 access to the worldwide web through a CATV system/network and is actually
13 providing such service to its subscribers.

14 SEC. 4. *Prohibited Acts.* – It is hereby declared unlawful for any
15 person, whether natural or juridical, public or private, to:

16 (a) Intercept or receive, or assist in intercepting or receiving, any
17 signal or service offered over CATV and cable internet system/network by
18 tapping, making or causing to be made any unauthorized connection to existing
19 wired or wireless facilities with drop, feeder and/or trunk lines, or through the
20 use of electronic equipment such as digital or analog receiver-decoder boxes,
21 set-top or converter boxes, modems or any equivalent circumvention devices

1 or methods that allow for unauthorized access or decoding of unencrypted or
2 encrypted satellite program signals or other electromagnetic signals, or
3 unauthorized access into the system/network of the cable internet service
4 operator, or by the recording, manufacture, distribution, importation or sale, of
5 intercepted or received CATV signals and cable internet service;

6 (b) Engage in the unauthorized importation, sale, lease, distribution or
7 possession of electronic equipment such as digital or analog receiver-decoder
8 boxes, set-top and converter boxes, modem or any equivalent circumvention
9 devices or methods that allow for unauthorized access or decoding of
10 unencrypted or encrypted satellite program signals or other electromagnetic
11 signals, whether local or foreign, or unauthorized access into the
12 system/network of the cable internet service operator;

13 (c) Knowingly use or receive any direct or indirect benefit from CATV
14 and cable internet service through the commission of any of the preceding
15 prohibited acts; and

16 (d) Wantonly, maliciously or willfully damage, destroy or remove
17 CATV and/or cable internet facilities and accessories of authorized CATV and
18 cable internet service operators resulting into system disruption or network
19 degradation.

20 SEC. 5. *Prima Facie Evidence.* – The presence of any of the following
21 circumstances shall constitute *prima facie* evidence of the illegal tapping,

1 interconnection or reception into the CATV or cable internet system/network,
2 by the person benefited thereby, and shall be the basis for (a) the immediate
3 disconnection by the CATV or cable internet service operator to such person
4 after due notice, (b) the holding of a preliminary investigation by the public
5 prosecutor and the subsequent filing in court of the pertinent information, and
6 (c) the lifting of any temporary restraining order or injunction which may have
7 been issued against a CATV or cable internet service operator:

8 (1) The presence of drop cable, feeder and/or trunk lines from the
9 CATV or cable internet system/network to the structures and facilities of the
10 unauthorized person which has been confirmed by the CATV or cable internet
11 service operator as not being a duly registered subscriber;

12 (2) The unauthorized tapping of the drop cable, feeder and/or trunk
13 lines into the CATV or cable internet system/network, and/or the unauthorized
14 installation of electronic equipment such as digital or analogue receiver-
15 decoder boxes, set-top and converter boxes, or modems, by persons not duly
16 authorized by the CATV or cable internet service provider;

17 (3) The unauthorized possession and use of electronic equipment such
18 as digital or analogue receiver-decoder boxes, set-top and converter boxes, or
19 modem used to intercept CATV signals or access the cable internet
20 system/network and which equipment have not been duly registered with the
21 CATV or cable internet service operator or have not been covered by the

1 appropriate licenses and permits from the proper government regulatory
2 agency or agencies in accordance with existing laws, rules and regulations.

3 SEC. 6. *Penalties.* – Any person who willfully violates any provision of
4 this Act or commits any of the prohibited acts in Section 4 hereof shall be
5 punished by an imprisonment of not less than two (2) years but not more than
6 five (5) years, or a fine ranging from Fifty thousand pesos (P50,000.00) to One
7 hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

8 SEC. 7. *Information Dissemination.* – The National Telecommunications
9 Commission and the various cable television associations in the Philippines
10 shall, in a collective effort, undertake a vigorous campaign to inform the
11 consuming public of the existence of this Act within sixty (60) days from its
12 effectivity and at least once a year thereafter.

13 SEC. 8. *Rules and Regulations.* – The National Telecommunications
14 Commission, in consultation with various cable television associations of the
15 Philippines and other affected parties, shall, within sixty (60) days from the
16 effectivity of this Act, issue the necessary implementing rules and regulations.

17 SEC. 9. *Recovery of Pilferage Losses.* – Any duly authorized CATV or
18 cable internet service operator may recover pilferage losses equivalent to at
19 least one (1) year basic subscription fees presently charged to registered
20 subscribers from such unauthorized persons found to have committed any of
21 the herein prohibited acts.

1 SEC. 10. *Repealing Clause.* – All other laws, decrees, ordinances,
2 rules, regulations and other issuances or parts thereof which are inconsistent
3 with this Act are hereby repealed or modified accordingly.

4 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after
5 the completion of its publication in the *Official Gazette* or in any two (2)
6 national newspapers of general circulation.

Approved,

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