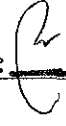


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SECRET
OFFICE OF THE SECRETARY

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SENATE
S. No. **2288**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 24, provides:

“The State recognizes the vital role of communication and information in nation-building.”

Rep. Act No. 7925, otherwise known as the Public Telecommunications Policy Act, provides:

“Section 5. Responsibilities of the National Telecommunications Commission. –

x x x

- e) Promote consumers' welfare by facilitating access to telecommunications services whose infrastructure and network must be geared towards the needs of the individuals and business users;
- f) Protect consumers against misuse of a telecommunications entity's monopoly or quasi-monopolistic powers by, but not limited to, the investigation of complaints and exacting compliance with service standards from such entity.”

Advancement in our telecommunications industry exposes the Filipino consumers to certain undesirable business practices, such as unsolicited telephone marketing calls and the use of automated and pre-recorded telephone calls. These practices encroach upon privacy rights of telephone subscribers who object to such telephone solicitations.

Accordingly, this bill seeks to impose restrictions on the use of automatic telephone dialing systems, artificial or prerecorded voice messages, and telephone facsimile (fax) machines to send unsolicited advertisements.*


MIRIAM DEFENSOR SANTIAGO
per.

* This bill was re-filed during the Thirteenth Congress, First Regular Session.

1 any person whose number is listed by a common carrier pursuant to subsection (2) as the
2 telephone number of a person who objects to receiving unsolicited advertisements by telephone
3 facsimile machine.

4 (B) Each common carrier shall maintain, in accordance with regulations prescribed by the
5 Commission, a list of the telephone numbers of subscribers for telephone exchange service of
6 that common carrier who notify the carrier that such subscriber objects to receiving unsolicited
7 advertisements by telephone facsimile machine. Such regulations shall –

8 (1) Specify the methods by which a subscriber may give or revoke such
9 notification to a common carrier;

10 (2) Prohibit any subscriber from being charged for giving or revoking such
11 notification or for being on such list; and

12 (3) Specify the methods by which such list shall be made available to any person
13 desiring to transmit unsolicited advertisements by telephone facsimile
14 machine and the costs to be recovered from such persons.

15 SECTION 5. *Regulations.* –

16 (1) The Commission shall revise the regulations setting technical and procedural
17 standards for telephone facsimile machines to require that any such machine which –

18 (A) is manufactured after six (6) months after the date of enactment of this
19 section; and

20 (B) is used for the distribution of unsolicited advertising, be equipped to identify,
21 in a margin at the top or bottom of each transmitted page, the date and time sent, an
22 identification of the business sending the advertising, and the telephone number of the
23 sending machine.

24 (2) The regulations required by this section shall be prescribed within six (6) months after
25 the date of enactment of this Act.

26 (3) The requirements of this section shall take effect thirty (30) days after the date that
27 such regulations are prescribed.

1 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
3 and subsisting.

4 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
5 order, letter of instruction order, rule or regulation contrary to or inconsistent with, the provisions
6 of this Act is hereby repealed, modified, or amended accordingly.

7 SECTION 8. *Effectivity Clause.* – This Act effect fifteen (15) days after its publication in
8 at least two (2) newspapers of general circulation.

Approved,