

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 1055

Submitted by the Committees on Information and Communications Technology and Appropriations on **June 14, 2021**.

Re : House Bill No. **9608**

Recommending its approval in substitution of House Bills Numbered 297, 659, 1352, 2909 and 5514

Sponsors : Representatives Victor A. Yap, Eric Go Yap, Francis Gerald A. Abaya and Roman T. Romulo

Mr. Speaker:

The Committee on Information and Communications Technology to which were referred House Bill No. 297 introduced by Rep. Victor A. Yap, entitled:

**“AN ACT
ESTABLISHING THE 'NO CALL AND NO TEXT REGISTRATION' SYSTEM, PROVIDING PENALTIES FOR VIOLATIONS THEREOF”**

House Bill No. 659 introduced by Rep. Francis Gerald A. Abaya, entitled:

**“AN ACT
ESTABLISHING THE 'NO CALLS AND NO TEXT REGISTRATION' SYSTEM, PROVIDING PENALTIES FOR VIOLATIONS THEREOF”**

House Bill No. 13529 introduced by Rep. Precious Hipolito Castelo, entitled:

**“AN ACT
IMPOSING HIGHER FINE OR PENALTY AGAINST TELECOMMUNICATION COMPANIES INVOLVED IN MISLEADING OR DECEPTIVE TRADE AND/OR BUSINESS PRACTICE AND ADVERTISEMENTS AND FOR OTHER PURPOSES”**

House Bill No. 2909 introduced by Rep. Precious Hipolito Castelo, entitled:

**“AN ACT
GRANTING NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) DIRECT REGULATORY POWER TO IMPOSE FINE AND REVOKE FRANCHISE OF ERRING TELECOMMUNICATION COMPANY OR ANY OF ITS SERVICE PROVIDER ON UNSOLICITED OR UNWANTED MESSAGE OR MATERIAL VIA TEXT TO MOBILE PHONE USER/SUBSCRIBER AND FOR OTHER PURPOSES”**

and House Bill No. 5514 introduced by Rep. Roman T. Romulo, entitled:

**“AN ACT
PROVIDING FOR THE ESTABLISHMENT OF THE NO CALLS AND NO TEXT
REGISTRATION SYSTEM AND FOR OTHER PURPOSES”**

have considered the same and recommend that the attached House Bill No. 9608, entitled:

**“AN ACT
ESTABLISHING THE ‘NO CALL, NO TEXT, AND NO E-MAIL REGISTRATION SYSTEM’
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF”**

be approved in substitution of House Bills Numbered 297, 659, 1352, 2909 and 5514, with Representatives Victor A. Yap, Francis Gerald A. Abaya, Precious Hipolito Castelo, Roman T. Romulo, Eric Go Yap, Tyrone D. Agabas, France L. Castro, Micaela S. Violago, Enrico A. Pineda, John Reynald M. Tiangco, Rose Marie “Baby” J. Arenas, Dahlia A. Loyola, Joseph Stephen S. Paduano, Gabriel H. Bordado, Jr., Wilton T. Kho, Xavier Jesus D. Romualdo, Carlito S. Marquez, Rufus B. Rodriguez, Rozzano Rufino B. Biazon, Bienvenido M. Abante, Weslie T. Gatchalian, Manuel Luis T. Lopez, Joy Myra S. Tambunting, Fernando T. Cabredo, Aristotle C. Aumentado, Alyssa Sheena P. Tan, Virgilio S. Lacson, Faustino Michael Carlos T. Dy III, Ferdinand L. Hernandez, Pablo John F. Garcia, Jose Christopher Y. Belmonte, Elenita Milagros “Eileen” Ermita-Buhain, Joey Sarte Salceda, Junie E. Cua, Jose “Pingping” I. Tejada, Greg G. Gasataya, Romeo M. Jalosjos, Jr., Horacio P. Suansing, Jr., Francisco Jose “Bingo” F. Matugas II, Jose Enrique “Joet” S. Garcia III, Ruwel Peter Gonzaga, Teodorico Haresco, Jr., Luisa Lloren Cuaresma, Juliette T. Uy, Paul Ruiz Daza, Jocelyn Sy Limkaichong, Manuel F. Zubiri, Manuel T. Sagarbarria, Lorna P. Bautista-Bandigan, John Peter D. Calderon, Luis N. Campos, Jr., David “Jay-Jay” C. Suarez, Sandro L. Gonzales, Romeo S. Momo, Vincent Franco “Duke” D. Frasco, Way Kurat Zamora, Yasser Alonto Balindong, Angelo Marcos Barba, Joseph Sto Nino B. Bernos, Narciso R. Bravo, Jr., Alfel M. Bascug, Wilfredo “Willy” S. Caminero, Carl Nicolas C. Cari, Maximo Y. Dalog, Jr., Alfred C. Delos Santos, Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Jumel Anthony I. Espino, Ria Christina G. Farinas, Jocelyn F. Fortuno, Ann K. Hofer, Cesar “Jawo” L. Jimenez, Jr., Glona G. Labadlabad, Mario Vittorio “Marvey” A. Marino, Maricel G. Natividad-Nagano, Ma. Lucille L. Nava, M.D., Pablo C. Ortega, Emmarie “Lolypop” Ouano-Dizon, Eddiebong G. Plaza, Strike B. Revilla, Geraldine B. Roman, Hector S. Sanchez, Lorna T. Silverio, Christine Singson-Meehan, Kristine Alexie B. Tutor, Diego “Nonoy” C. Ty, Rosanna “Ria” V. Vergara, Elizaldy S. Co, Argel Joseph T. Cabatbat, Sergio C. Dagooc, Godofredo N. Guya, Stella Luz A. Quimbo, Lawrence “Law” H. Fortun, Leonardo L. Babasa, Jr., Manuel DG. Cabochan III, Wilfrido Mark M. Enverga, Raymond Democrito C. Mendoza, Jericho Jonas B. Nograles, Josephine Ramirez-Sato, Rufus B. Rodriguez, Amihilda J. Sangcopan, Edgar Mary S. Sarmiento, Jesus “Bong” C. Suntay and Luis Raymund “LRay” F. Villafuerte, Jr., as authors thereof.

Respectfully submitted:



ERIC GO YAP
Chairperson
Committee on Appropriations



VICTOR A. YAP
Chairperson
Committee on Information and
Communications Technology

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

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EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9608

(In Substitution of House Bills Numbered 297, 659, 1352, 2909 and 5514)

Introduced by Representatives Victor A. Yap, Francis Gerald A. Abaya, Precious Hipolito Castelo, Roman T. Romulo, Eric Go Yap, Tyrone D. Agabas, France L. Castro, Micaela S. Violago, Enrico A. Pineda, John Reynald M. Tiangco, Rose Marie “Baby” J. Arenas, Dahlia A. Loyola, Joseph Stephen S. Paduano, Gabriel H. Bordado, Jr., Wilton T. Kho, Xavier Jesus D. Romualdo, Carlito S. Marquez, Rufus B. Rodriguez, Rozzano Rufino B. Biazon, Bienvenido M. Abante, Weslie T. Gatchalian,, Manuel Luis T. Lopez, Joy Myra S. Tambunting, Fernando T. Cabredo, Aristotle C. Aumentado, Alyssa Sheena P. Tan, Virgilio S. Lacson, Faustino Michael Carlos T. Dy III, Ferdinand L. Hernandez, Pablo John F. Garcia, Jose Christopher Y. Belmonte, Elenita Milagros "Eileen" Ermita-Buhain, Joey Sarte Salceda, Junie E. Cua, Jose “Pingping” I. Tejada, Greg G. Gasataya, Romeo M. Jalosjos, Jr., Horacio P. Suansing, Jr., Francisco Jose “Bingo” F. Matugas II, Jose Enrique "Joet" S. Garcia III, Ruwel Peter Gonzaga, Teodorico Haresco, Jr., Luisa Lloren Cuaresma, Juliette T. Uy, Paul Ruiz Daza, Jocelyn Sy Limkaichong, Manuel F. Zubiri, Manuel T. Sagarbarria, Lorna P. Bautista-Bandigan, John Peter D. Calderon, Luis N. Campos, Jr., David "Jay-Jay" C. Suarez, Sandro L. Gonzales, Romeo S. Momo, Vincent Franco “Duke” D. Frasco, Way Kurat Zamora, Yasser Alonto Balindong, Angelo Marcos Barba, Joseph Sto Nino B. Bernos, Narciso R. Bravo, Jr., Alfel M. Bascug, Wilfredo “Willy” S. Caminero, Carl Nicolas C. Cari, Maximo Y. Dalog, Jr., Alfred C. Delos Santos, Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Jumel Anthony I. Espino, Ria Christina G. Farinas, Jocelyn F. Fortuno, Ann K. Hofer, Cesar “Jawo” L. Jimenez, Jr., Glona G. Labadlabad, Mario Vittorio "Marvey" A. Marino, Maricel G. Natividad- Nagano, Ma. Lucille L. Nava, M.D., Pablo C. Ortega, Emmarie "Lolypop" Ouano- Dizon, Eddiebong G. Plaza, Strike B. Revilla, Geraldine B. Roman, Hector S. Sanchez, Lorna T. Silverio, Christine Singson-Meehan, Kristine Alexie B. Tutor, Diego “Nonoy” C. Ty, Rosanna "Ria" V. Vergara, Elizaldy S. Co, Argel Joseph T. Cabatbat, Sergio C. Dagooc, Godofredo N. Guya, Stella Luz A. Quimbo, Lawrence "Law" H. Fortun, Leonardo L. Babasa, Jr., Manuel DG. Cabochan III, Wilfrido Mark M. Enverga, Raymond Democrito C. Mendoza, Jericho Jonas B. Nograles, Josephine Ramirez-Sato, Rufus B. Rodriguez, Amihilda J. Sangcopan, Edgar Mary S. Sarmiento, Jesus "Bong" C. Suntay and Luis Raymund “LRay” F. Villafuerte, Jr.

AN ACT
ESTABLISHING THE ‘NO CALL, NO TEXT, AND NO E-MAIL REGISTRATION
SYSTEM’ AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

1

CHAPTER 1

2

TITLE AND DECLARATION OF POLICY

- 1 j. *Subscribers* refer to clients of telecommunications companies, whether under a pre-paid
2 or post-paid plan;
- 3 k. *Text* refers to any message sent via short message service (SMS);
- 4 l. *Upselling* refers to soliciting the purchase of goods or services following an initial
5 transaction during a single telephone call, text message or e-mail;
- 6 m. *Unsolicited call, text or e-mail* refers to a call, a text message or an e-mail which is not
7 initiated by the recipient of the call or message such as upselling, surveys, awarding of
8 a prize when the recipient did not join or subscribe to any game or activity, or
9 solicitation by any non-profit and charitable institution, whether or not the call, text
10 message or e-mail induces the purchase of goods or services.

11 **SEC. 4. *Subscriber's Consent Prior to Sending Promotional Advertisements or***
12 ***Messages.*** – Commercial or promotional advertisements, or push messages may only be sent to a
13 subscriber who has given prior consent or has specifically opted-in to receive said messages
14 without additional cost. All commercial or promotional advertisements, or push messages must
15 contain an accurate description of the message, identity and contact number of the PTE who sent
16 or caused to send the message.

17 **SEC. 5. *Establishment of No Call, No Text, and No E-mail Registries.*** – The National
18 Privacy Commission, hereinafter referred to as the Privacy Commission, shall establish a No Call
19 Registry, No Text Registry, and a No E-mail Registry: *Provided*, That, the identity of persons
20 registered shall be kept highly confidential: *Provided, further*, That only the telephone numbers
21 and the e-mail addresses of registered persons may be accessed from the registries.

22 **SEC. 6. *Registration in the No Call, No Text, and No E-mail Registries.*** - A subscriber
23 may manage and limit the outbound and unsolicited call, text and e-mail messages that maybe
24 received by registering a telephone number in the No Call and No Text Registries or an e-mail
25 address in the No E-mail Registry upon presentation of a government identification and proof of
26 exclusive ownership over a particular telephone number or e-mail address, and upon payment of a
27 fee as determined by the Privacy Commission: *Provided*, That the registration of mobile numbers
28 of a subscriber or e-mail address of a user below eighteen (18) years of age may be done by the
29 user's parent or legal guardian.

30 Such registration shall be valid for a period of one (1) year, subject to renewal.

31 **SEC. 7. *Removal of Numbers and E-mail Addresses.*** – Telephone numbers and e-mail
32 addresses registered in the No Call, No Text, and No E-mail Registries shall not be changed nor
33 removed except upon the request of the owner in writing. Invalid or disconnected telephone
34 numbers and e-mail addresses may be changed or removed upon adequate validation by the
35 Privacy Commission.

1 **SEC. 8. *Opt-out mechanism.*** – All PTEs shall provide a mechanism for subscribers to opt
2 out any time from the broadcast messaging service at no cost to the subscriber or recipient. The
3 opt-out mechanism must enable the subscriber or recipient to indicate the decision not to receive
4 any commercial or promotional advertisement or push message from the PTE.

5 **SEC. 9. *Negative Option Requirement.*** – A person whose number is not registered in the
6 No Call and No Text Registries or whose e-mail is not registered in the No E-mail Registry may
7 manage and limit outbound and unsolicited calls, text messaging or e-mails through the negative
8 option feature.

9 All mobile phone callers or text message senders shall set up a negative option which shall
10 be available to the recipient immediately upon answering the call, or at the beginning of the text or
11 the e-mail after providing the required information under Section 10 of this Act.

12 Upon selection of the negative option feature, the caller or sender shall not make any
13 further step to persuade the recipient and immediately end the call or stop sending any text
14 message or e-mail to the recipient. The recipient shall report and register the name and the number
15 of the person, company or organization who made the call, sent the message or e-mail to the No
16 Call, No Text, and No E-mail Registries in order to make the caller or sender liable for violation
17 of this Act for any subsequent call, text message or e-mail. This prohibition shall apply to the
18 caller or sender regardless of the goods or services offered and the telephone number or e-mail
19 address used to contact the recipient.

20 **SEC. 10. *Requirement for a Caller or Sender.*** – No person shall make an outbound or
21 unsolicited call, text message or e-mail unless such person:

- 22 a. registers and thereafter, obtains a certified true copy of the No Call, No Text, and
23 No E-mail Registries from the Privacy Commission: *Provided*, That the Privacy
24 Commission shall have the power to set reasonable fees for the reproduction of
25 these registries; and
26 b. discloses the full name of the caller or sender, the company, or organization for
27 whose benefit the call, text message or e-mail is being made, and the telephone
28 number of a fixed line where such identity can be established and verified.

29 **SEC. 11. *Responsibility of Caller or Sender.*** – It shall be the responsibility of any caller
30 or sender to register under Section 10 hereof and to get information on the numbers and e-mail
31 addresses which are registered in the No Call, No Text, and No E-mail Registries. Possession of a
32 certified true copy of the No Call, No Text, and No E-mail Registries prior to the date the call is
33 made, or the text message or e-mail is sent shall be considered *prima facie* evidence of knowledge
34 on the part of the caller or sender.

1 **CHAPTER III**

2 **PROHIBITED ACTS, FINES, AND PENALTIES**

3 **SEC. 12. *Prohibited Acts.*** – Non-registration of the caller or sender as required under
4 Section 10 of this Act shall be considered a violation of this Act.

5 Except otherwise provided in this Act, no person, whether natural or juridical, shall make:

- 6 a. an unsolicited call to any telephone number listed in the No Call Registry;
- 7 b. an unsolicited text to any telephone number listed in the No Text Registry; and
- 8 c. an unsolicited e-mail to any e-mail address listed in the No E-mail Registry.

9 The PTE that shall give the special access to numbers or e-mail addresses of their
10 subscribers to commercial or marketing agencies without the latter’s consent shall be held liable
11 under this Act.

12 The use of an automatic dialer or any electronic device that automatically or randomly
13 contacts telephone numbers is prohibited.

14 Any violation of this section shall constitute the crime of unauthorized processing as
15 defined and penalized under Sections 25(a) and 25(b) of the Data Privacy Act of 2012, without
16 prejudice to a further fine that may be imposed by the Privacy Commission as provided for in this
17 Act.

18 **SEC. 13. *Exceptions.*** – This Act shall not apply to a caller or sender under the following
19 circumstances:

- 20 a. in representation of a public agency who is not promoting any of its programs for
21 commercial purpose;
- 22 b. action undertaken in a personal capacity;
- 23 c. action prompted by a necessity to respond to an emergency that threatens the life,
24 health or safety of any individual;
- 25 d. when the sole purpose of the call, text or e-mail is to –
 - 26 1. facilitate, complete or confirm a transaction that the recipient of the
27 message has previously agreed to enter with the sender;
 - 28 2. provide warranty information, product recall information or safety or
29 security information with respect to a product or service purchased or used
30 by the recipient of the message;
 - 31 3. deliver goods or services, including product updates or upgrades, that the
32 recipient message is entitled to receive under the terms of the transaction
33 that the recipient previously agreed to enter with the sender;
- 34 e. when with reference to an ongoing purchase or use by the recipient of goods or
35 services offered by the sender, the sole purpose of the call, text or e-mail is to –

1. notify a change in its terms or features,
 2. notify a change in the standing or status of the recipient of the message, or
 3. provide, at regular periodic intervals, account balance information or other type of account statement with respect to a subscription, membership, account, loan or comparable ongoing commercial relationship;
- f. when its sole purpose is to conduct market research or market survey;
 - g. when sent to an organization other than an individual acting in a personal capacity, for whatever purpose of the receiving organization;
 - h. when done by duly recognized charities, religious institutions, or educational institutions which are not considered as telemarketers, non-profit organizations, and other exempt organizations under appropriate rules and regulations; or
 - i. other acts that may be identified by the Privacy Commission.

SEC. 14. *Filing of Complaint.* – Complainants may initially file their complaints with the PTE, which shall act on all complaints received within fifteen (15) days from receipt of such complaints.

Complainants who are not satisfied with the action of the PTE may bring the matter to the Privacy Commission.

SEC. 15. *Liability of Caller or Sender.* – A caller or sender who commits any violation under Sections 4, 9, and 10 of this Act shall be held solely liable. If the caller or sender acted for the benefit of another person, natural or juridical, and with authority from the latter, they shall be both held separately liable for the violation. However, if the caller or sender acted for the benefit of another person, natural or juridical, without authority from the latter, the former shall be held solely liable.

Any caller or sender who calls, sends a text message or e-mail to a subscriber who is in the No Call, No Text, and No E-mail Registries shall be fined for each call, text or e-mail.

SEC. 16. *Penalties.* – Without prejudice to administrative sanctions that may be imposed by the Privacy Commission, or to civil or criminal liability, any person found to be in violation of any provision of this Act or its implementing rules and regulations, shall be imposed the following penalties:

- a) For a juridical person, a fine of not less than Fifty thousand pesos (P50,000) nor more than One hundred thousand pesos (P100,000.00) for each violation: *Provided*, That its officers directly responsible for the violation shall suffer the penalty of fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00); or

1 b) For a natural person, a fine of not less than Fifty thousand pesos (P50,000.00) but not
2 more than One hundred thousand pesos (P100,000.00).

3 **SEC. 17. *Charges and Fees.*** – The Privacy Commission shall, within one hundred (100)
4 days from the enactment of this Act, develop and promulgate a schedule of fees and charges it
5 may collect from entities who shall access the No Call, No Text, and No E-mail Registries.

6 **CHAPTER IV**
7 **FINAL PROVISIONS**

8 **SEC. 18. *Appropriations.*** – The Privacy Commission shall immediately include in its
9 programs the implementation of this Act, the initial funding of which shall be charged against its
10 current year’s appropriations. Thereafter, such sums as maybe necessary for the continued
11 implementation of this Act shall be included in the Annual General Appropriations Act.

12 Proceeds from penalties herein imposed shall accrue to the General Fund.

13 **SEC. 19. *Implementing Rules and Regulations.*** – Within ninety (90) days from the
14 effectivity of this Act, the Privacy Commission shall promulgate the necessary rules and
15 regulations for the effective implementation of this Act.

16 **SEC. 20. *Separability Clause.*** – If any part or provision of this Act shall be held
17 unconstitutional or invalid, other provisions hereof that are not affected thereby shall continue to
18 be in full force and effect.

19 **SEC. 21. *Repealing Clause.*** – All other laws, decrees, executive orders, proclamations and
20 administrative regulations, or parts thereof inconsistent herewith are hereby repealed or modified
21 accordingly.

22 **SEC. 22. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
23 the Official Gazette or in a newspaper of general circulation.

24 Approved,

FACT SHEET

House Bill No. 9608

(In Substitution of House Bills Numbered 297, 659, 1352, 2909 and 5514)

NO CALL, NO TEXT, AND NO E-MAIL REGISTRATION SYSTEM ACT

Introduced by **REPRESENTATIVES VICTOR A. YAP, FRANCIS GERALD A. ABAYA, PRECIOUS HIPOLITO CASTELO, ROMAN T. ROMULO, ERIC GO YAP, TYRONE D. AGABAS, FRANCE L. CASTRO, MICAELA S. VIOLAGO, ENRICO A. PINEDA, JOHN REYNALD M. TIANGCO, ROSE MARIE "BABY" J. ARENAS, DAHLIA A. LOYOLA, JOSEPH STEPHEN S. PADUANO, GABRIEL H. BORDADO, JR., WILTON T. KHO, XAVIER JESUS D. ROMUALDO, CARLITO S. MARQUEZ, RUFUS B. RODRIGUEZ, ROZZANO RUFINO B. BIAZON, BIENVENIDO M. ABANTE, WESLIE T. GATCHALIAN,, MANUEL LUIS T. LOPEZ, JOY MYRA S. TAMBUNTING, FERNANDO T. CABREDO, ARISTOTLE C. AUMENTADO, ALYSSA SHEENA P. TAN, VIRGILIO S. LACSON, FAUSTINO MICHAEL CARLOS T. DY III, FERDINAND L. HERNANDEZ, PABLO JOHN F. GARCIA, JOSE CHRISTOPHER Y. BELMONTE, ELENITA MILAGROS "EILEEN" ERMITA-BUHAIN, JOEY SARTE SALCEDA, JUNIE E. CUA, JOSE "PINGPING" I. TEJADA, GREG G. GASATAYA, ROMEO M. JALOSJOS, JR., HORACIO P. SUANSING, JR., FRANCISCO JOSE "BINGO" F. MATUGAS II, JOSE ENRIQUE "JOET" S. GARCIA III, RUWEL PETER GONZAGA, TEODORICO HARESCO, JR., LUISA LLOREN CUARESMA, JULIETTE T. UY, PAUL RUIZ DAZA, JOCELYN SY LIMKAICHONG, MANUEL F. ZUBIRI, MANUEL T. SAGARBARRIA, LORNA P. BAUTISTA-BANDIGAN, JOHN PETER D. CALDERON, LUIS N. CAMPOS, JR., DAVID "JAY-JAY" C. SUAREZ, SANDRO L. GONZALES, ROMEO S. MOMO, VINCENT FRANCO "DUKE" D. FRASCO, WAY KURAT ZAMORA, YASSER ALONTO BALINDONG, ANGELO MARCOS BARBA, JOSEPH STO NINO B. BERNOS, NARCISO R. BRAVO, JR., ALFEL M. BASCUG, WILFREDO "WILLY" S. CAMINERO, CARL NICOLAS C. CARI, MAXIMO Y. DALOG, JR., ALFRED C. DELOS SANTOS, CHERYL P. DELOSO-MONTALLA, ABDULLAH D. DIMAPORO, JUMEL ANTHONY I. ESPINO, RIA CHRISTINA G. FARINAS, JOCELYN F. FORTUNO, ANN K. HOFER, CESAR "JAWO" L. JIMENEZ, JR., GLONA G. LABADLABAD, MARIO VITTORIO "MARVEY" A. MARINO, MARICEL G. NATIVIDAD-NAGANO, MA. LUCILLE L. NAVA, M.D., PABLO C. ORTEGA, EMMARIE "LOLYPOP" OUANO- DIZON, EDDIEBONG G. PLAZA, STRIKE B. REVILLA, GERALDINE B. ROMAN, HECTOR S. SANCHEZ, LORNA T. SILVERIO, CHRISTINE SINGSON-MEEHAN, KRISTINE ALEXIE B. TUTOR, DIEGO "NONOY" C. TY, ROSANNA "RIA" V. VERGARA, ELIZALDY S. CO, ARGEL JOSEPH T. CABATBAT, SERGIO C. DAGOOC, GODOFREDO N. GUYA, STELLA LUZ A. QUIMBO, LAWRENCE "LAW" H. FORTUN, LEONARDO L. BABASA, JR., MANUEL DG. CABOCHAN III, WILFRIDO MARK M. ENVERGA, RAYMOND DEMOCRITO C. MENDOZA, JERICHO JONAS B. NOGRALES, JOSEPHINE RAMIREZ-SATO, RUFUS B. RODRIGUEZ, AMIHILDA J. SANGCOPAN, EDGAR MARY S. SARMIENTO, JESUS "BONG" C. SUNTAY AND LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

Committee Referral: COMMITTEE ON INFORMATION AND COMMUNICATIONS TECHNOLOGY

Committee Chairperson: REP. VICTOR A. YAP

*Committee Referral: **COMMITTEE ON APPROPRIATIONS***
*Committee Chairperson: **REP. ERIC GO YAP***

OBJECTIVE:

- To protect mobile phone subscribers and e-mail users from unwanted calls, text messages, and e-mails that intrude into, disturb and disrupt their activities.
- To promote the adoption by marketing and sales agents of more responsible and accountable business practices.

KEY PROVISIONS:

- Establishes a system of No Call, No Text, and No E-mail Registries for subscribers who do not want to receive calls, text message or e-mails inducing the purchase of goods and services and solicitations.
- Requires prior consent from the subscriber before commercial or promotional advertisements, or push messages may be sent to them or when the subscriber has specifically opted to receive said messages without additional cost.
- Allows any person to access the No Call Registry, No Text Registry or No E-mail Registry upon registration with the National Privacy Commission and payment of a reasonable annual registration fee.
- Permits any caller or sender to set-up a negative option which shall be available to the recipient immediately upon answering the call or at the beginning of the text or e-mail after providing the required information under the Act.
- Prohibits the non-registration of the caller or sender and the use of an automatic dialer or any electronic device that automatically or randomly contacts telephone numbers. Public telecommunications entities who shall give special access to numbers or e-mail addresses of their subscribers without the latter's consent shall be held liable under the Act.
- Exempts from the coverage of the Act calls, texts, and e-mails done by a person under the following circumstances:
 1. in representation of a public agency who is not promoting any of its programs for commercial purpose;
 2. action undertaken in a personal capacity;
 3. action prompted by a necessity to respond to an emergency that threatens the life, health, or safety of any individual;

4. when the sole purpose of the call, text or e-mail is to –
 - a. facilitate, complete or confirm a transaction that the recipient of the message has previously agreed to enter with the sender;
 - b. provide warranty information, product recall information or safety or security information with respect to a product or service purchased or used by the recipient of the message;
 - c. deliver goods or services, including product updates or upgrades, that the recipient message is entitled to receive under the terms of the transaction that the recipient previously agreed to enter with the sender;
 5. when with reference to an ongoing purchase or use by the recipient of goods or services offered by the sender, the sole purpose of the call, text or e-mail is to –
 - a. notify a change in the terms or features,
 - b. notify a change in the standing or status of the recipient of the message, or
 - c. provide, at regular periodic intervals, account balance information or other type of account statement with respect to, a subscription, membership, account, loan or comparable ongoing commercial relationship;
 6. when its sole purpose is to conduct market research or market survey;
 7. when sent to an organization other than an individual acting in a personal capacity, for whatever purpose of the receiving organization;
 8. when done by duly recognized charities, religious institutions, or educational institutions, which are not considered as telemarketers, non-profit organizations and other exempt organizations under appropriate rules and regulations; or
 9. other acts that may be identified by the National Privacy Commission.
- Imposes the following penalties on any person found to be in violation of the provisions of this Act:
 - A fine of not less than Fifty thousand pesos (P50,000) nor more than One hundred thousand pesos (P100,000.00) for each violation shall be imposed to juridical persons: *Provided*, That officers directly responsible for the violation shall suffer the penalty of fine of not less than Fifty thousand pesos (P50,000.00) but not more than One Hundred thousand pesos (P100,000.00); or
 - A fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred Thousand pesos (P100,000.00) shall be imposed on natural persons.

The Imposition of the abovementioned penalties shall be without prejudice to the imposition of administrative sanctions that may be imposed by the National Privacy Commission and/or to the imposition of penalties for civil or criminal liability under existing laws.