

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
1st Regular Session

House Bill No. 929

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

Cellular phones have become a necessity for most people and greatly influenced different social and economic transactions around the globe. Not only did it make communication easier but it also changed the way we interact with people. Convenience and availability are the primary advantages of this technology but at the same time, consumers also suffer from constant interruption and invasion of privacy. Unsolicited calls and text messages which may or may not be fraudulent have become one of the sources of consumers' frustration and may be considered a nuisance. While it is important to promote the interests of the private or business sector by allowing it to freely transact and endorse its goods and services, the government may interfere to protect consumers from trade malpractices and from substandard or hazardous products. This public duty is provided under Section 9, Article XVI of the 1987 Constitution. On the ground of public interest and order, the government may also intervene in market affairs to protect the public from exploitative business practices, misleading statements regarding products and services, and other unfair and intrusive advertisements against competitors and consumers.

Moreover, we are also familiar with various schemes that intend to defraud phone users by pretending that the recipient of the message won a prize in a promo when the recipient did not even join any game or activity of chance or by misrepresenting themselves as relatives of the recipient so they can ask him/her to reload their "new" roaming number.

This bill proposes to establish a system of No Calls and No Text Messages Registry that shall protect cellular phone subscribers from unwanted calls and text messages that disturb and disrupt the activities of any individual and, thereby promoting more responsible and accountable business practices of marketing and sales agents. It is imperative that phone users shall be given an option readily available to them to stop any unwanted call or text message in order to uphold their right and freedom to choose their transactions.

For the foregoing reasons, the approval of this bill is earnestly sought.


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

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Introduced by Hon. Francis Gerald Aguinaldo Abaya

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

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 known as the “No Calls and No
2 Text Registration Act”.

3 **SECTION 2. *Declaration of Policy.*** – It is the policy of the State to protect and
4 promote the right of consumers to privacy and protect them from unwanted calls and
5 text messages inducing purchase of goods or services and solicitations.

6 **SECTION 3. *Definition of Terms.*** – As used on this Act:

7 a.) *Caller and/or sender* refers to any person, including its employees and
8 agents, who initiate a call and/or text message for the purpose of making an
9 outbound and/or unsolicited call and/or text message;

10 b.) *Negative option* refers to a feature which shall enable a person to stop
11 receiving any call and text from a caller and/or sender;

12 c.) *Outbound call and/or text* refers to a telephone call or text message initiated
13 by any person to induce the purchase of goods and services;

14 d.) *Person* refers to any person whether natural or juridical;

15 e.) *Prize* refers to anything offered, or purportedly offered, and given, or
16 purportedly given, to a person by chance;

17 f.) *Prohibited call and/or text* refers to a hoax, junk and/or scam call and/or text.

18 This message includes, but is not limited to, the following:

- 1 1) Message congratulating the recipient for winning any prize in a promo
- 2 or award of prize when the recipient did not join or subscribe to any
- 3 game or activity of chance;
- 4 2) Message supposedly coming from a relative abroad asking the
- 5 recipient to reload their “new” roaming number;
- 6 3) Message requiring the recipient to register by texting his or her name
- 7 and other personal details to a phone number; or
- 8 4) Any other similar call and/or text message;
- 9 g.) *Text* refers to any message sent via short message service (SMS);
- 10 h.) *Upselling* refers to soliciting the purchase of goods and services following
- 11 an initial transaction during a single telephone call or text message; and
- 12 i.) *Unsolicited call and/or text* refers to a call or text message which is not
- 13 initiated by the recipient of the call and/or text message such as, but not
- 14 limited to, upselling, surveys, award of prize when the recipient did not join
- 15 or subscribe to any game or activity and/or solicitation to any nonprofit and
- 16 charitable institution whether or not the call and/or text message induce
- 17 purchases of goods and services.

18 **SECTION 4. Establishment of the No Calls and No Text Registry. –**

19 The National Telecommunications Commission (NTC) shall establish a No

20 Calls and No Text Registry: *Provided*, That the identity and privacy of the persons

21 registered shall be kept highly confidential such that only the telephone numbers may

22 be accessed from the registry.

23 Any person shall register first with the NTC before they can access the

24 telephone numbers in the No Calls and No Text Registry.

25 **SECTION 5. Allowable Telephone Numbers Registered per Person. –** Any

26 person shall only be allowed to register up to three (3) mobile phone numbers

27 regardless of the network provider: *Provided*, That the registration of mobile numbers

28 of persons below eighteen (18) years of age may be done by their parents and/or legal

29 guardian.

30 Registration of fixed telephone numbers shall only be allowed for residential

31 lines.

32 **SECTION 6. Registration in the No Calls and No Text Registry. –** Outbound

33 and unsolicited calls and/or text message may be managed or limited by any cellular

34 telephone user by registering in the No Calls and No Text Registry of the NTC.

1 No outbound and unsolicited calls and/or text message shall be made and/or
2 sent to the telephone numbers on the No Calls and No Text Registry.

3 **SECTION 7. *Negative Option Requirement.*** – A person whose number is not
4 registered in the No Calls and No Text Registry may manage and limit outbound and
5 unsolicited calls and/or text messaging through the negative option feature.

6 Any caller and/or sender shall set up a negative option which shall be available
7 to the recipient immediately upon answering the call and/or at the beginning of the text
8 after providing the required information under Section 8 of this Act.

9 Upon selection of the negative option feature, the caller and/or sender shall not
10 make any further steps to persuade the recipient and immediately stop making any
11 calls and/or sending any texts to the recipient: *Provided*, That the recipient shall report
12 and register the name and the number of the person, company and/or organization
13 that made the call and/or sent the message to the No Calls and No Text Registry in
14 order to make the caller and/or sender liable for violation of this Act for any subsequent
15 calls and/or text message: *Provided, further*, That this prohibition shall apply to the
16 caller and/or sender regardless of other goods and/or services offered and other
17 telephone number used to contact the recipient.

18 **SECTION 8. *Information Requirement of the Caller and/or Sender.*** – It shall
19 be unlawful to make an outbound and/or unsolicited call and/or text message without
20 disclosing the full name of the person making the call and/or sending the text message,
21 the company, or organization for whose benefit the call and/or text message is being
22 made, and the telephone number of a fixed line where such identity can be established
23 and verified: *Provided*, That noncompliance with this section shall constitute an
24 outright violation of and shall be punishable under this Act.

25 **SECTION 9. *Removal of Numbers.*** – Telephone numbers registered in the No
26 Calls and No Text Registry shall not be changed or removed except upon the request
27 of the owner in writing and those invalid or disconnected telephone numbers upon
28 adequate validation of the NTC

29 **SECTION 10. *Liability of Callers and/or Senders.*** – Any person who commits
30 any violation under this Act and who acts either for his or her own benefit of another
31 person, company, organization and/or association which did not officially engage his
32 or her services shall be held solely liable: *Provided*, That any person who is acting in
33 behalf and for the benefit of another person, company, organization and/or association

