



HOUSE OF REPRESENTATIVES

H. No. 3972

BY REPRESENTATIVES ROMULO, CASTELO, DUAVIT, ONG, ABAYA, CUA,
COLMENARES, ARENAS, ROMUALDO AND ARAGONES, PER COMMITTEE
REPORT NO. 80

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
2 and No Text Registration Act of 2014”.

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

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

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

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

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

3 (d) *Person* refers to any person whether natural or juridical;

4 (e) *Prize* refers to anything offered, or purportedly offered, and given,
5 or purportedly given, to a person by chance;

6 (f) *Prohibited call and/or text* refers to a hoax, junk and/or scam call
7 and/or text. This message includes, but is not limited to, the following:

8 (1) Message congratulating the recipient for winning any prize in a
9 promo or award of prize when the recipient did not join or subscribe to any
10 game or activity of chance;

11 (2) Message supposedly coming from a relative abroad asking the
12 recipient to reload their “new” roaming number;

13 (3) Message requiring the recipient to register by texting his or her
14 name and other personal details to a phone number; or

15 (4) Any other similar call and/or text message;

16 (g) *Text* refers to any message sent via short message service (SMS);

17 (h) *Upselling* refers to soliciting the purchase of goods or services
18 following an initial transaction during a single telephone call or text message;
19 and

20 (i) *Unsolicited call and/or text* refers to a call or text message which is
21 not initiated by the recipient of the call and/or text message such as, but not
22 limited to, upselling, surveys, award of prize when the recipient did not join or
23 subscribe to any game or activity and/or solicitation to any nonprofit and
24 charitable institution whether or not the call and/or text message induce
25 purchases of goods or services.

26 SEC. 4. *Establishment of the No Calls and No Text Registry.* – The
27 National Telecommunications Commission (NTC) shall establish a No Calls
28 and No Text Registry: *Provided*, That the identity and privacy of the persons

1 registered shall be kept highly confidential such that only the telephone
2 numbers may be accessed from the registry.

3 Any person shall register first with the NTC before they can access the
4 telephone numbers in the No Calls and No Text Registry.

5 *SEC. 5. Allowable Telephone Numbers Registered per Person.* – Any
6 person shall only be allowed to register up to three (3) mobile phone numbers
7 regardless of the network provider: *Provided*, That the registration of mobile
8 numbers of persons below eighteen (18) years of age may be done by their
9 parents and/or legal guardian.

10 Registration of fixed telephone numbers shall only be allowed for
11 residential lines.

12 *SEC. 6. Registration in the No Calls and No Text Registry.*
13 – Outbound and unsolicited calls and/or text message may be managed or
14 limited by any cellular telephone user by registering in the No Calls and No
15 Text Registry of the NTC.

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

18 *SEC. 7. Negative Option Requirement.* – A person whose number is
19 not registered in the No Calls and No Text Registry may manage and limit
20 outbound and unsolicited calls and/or text messaging through the negative
21 option feature.

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

26 Upon selection of the negative option feature, the caller and/or sender
27 shall not make any further steps to persuade the recipient and immediately stop
28 making any calls and/or sending any texts to the recipient: *Provided*, That the

1 recipient shall report and register the name and the number of the person,
2 company and/or organization that made the call and/or sent the message to the
3 No Calls and No Text Registry in order to make the caller and/or sender liable
4 for violation of this Act for any subsequent calls and/or text message:
5 *Provided, further,* That this prohibition shall apply to the caller and/or sender
6 regardless of other goods and/or services offered and other telephone number
7 used to contact the recipient.

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

16 SEC. 9. *Removal of Numbers.* – Telephone numbers registered in the
17 No Calls and No Text Registry shall not be changed or removed except upon
18 the request of the owner in writing and those invalid or disconnected telephone
19 numbers upon adequate validation of the NTC.

20 SEC. 10. *Liability of Callers and/or Senders.* – Any person who
21 commits any violation under this Act and who acts either for his or her own
22 benefit and/or for the benefit of another person, company, organization and/or
23 association which did not officially engage his or her services shall be held
24 solely liable: *Provided,* That any person who is acting in behalf and for the
25 benefit of another person, company, organization and/or association which
26 officially engage his or her services shall both be held separately liable for any
27 violation under this Act.

1 It shall be the responsibility of any caller and/or sender to register under
2 Section 4 hereof and to be informed of the numbers which have registered in
3 the No Calls and No Text Registry. It shall be considered *prima facie*
4 evidence of knowledge on the part of the caller and/or sender where the
5 telephone number of the recipient is registered on the No Calls and No Text
6 Registry prior to the date the call and/or text message is made in violation of
7 this Act. Nonregistration of the caller and/or sender as required under Section
8 4 of this Act shall not be an excuse from any liability.

9 The use of an automatic dialer or any electronic device that
10 automatically and/or randomly contacts telephone numbers is prohibited. Any
11 person, company, organization and/or association who uses the same shall be
12 held liable.

13 SEC. 11. *Exception.* – This Act shall not apply to a call and/or text
14 message made in order to remind, collect, and/or update the recipient of his or
15 her existing bills and/or credit, subject to applicable laws and pertinent rules
16 and regulations of the Bangko Sentral ng Pilipinas and other applicable laws.

17 SEC. 12. *Penalties.* – Any person found to be in violation of the
18 provisions of this Act shall be imposed the following penalties, without
19 prejudice to administrative sanctions that may be imposed by the NTC, without
20 prejudice to civil or criminal liability:

21 (a) Any juridical person who violates the provisions of this Act or its
22 implementing rules and regulations shall suffer the penalty of a fine of not less
23 that Fifty thousand pesos (P50,000.00) nor more than One hundred thousand
24 pesos (P100,000.00) for each violation: *Provided,* That its officers directly
25 responsible for the violation shall suffer the penalty of a fine of not less than
26 Fifty thousand pesos (P50,000.00) but not more than One hundred thousand
27 pesos (P100,000.00); or

1 (b) Any person who violates the provisions of this Act or its
2 implementing rules and regulations shall suffer the penalty of a fine of not less
3 than Fifty thousand pesos (P50,000.00) but not more than One hundred
4 thousand pesos (P100,000.00).

5 SEC. 13. *Implementing Rules and Regulations.* – Within ninety (90)
6 days from the effectivity of this Act, the Department of Trade and Industry, in
7 coordination with the NTC and the Department of Science and Technology –
8 Information and Communications Technology Office, shall promulgate the
9 rules and regulations for the effective implementation of this Act.

10 SEC. 14. *Implementing Agency.* – The NTC shall enforce the
11 provisions of this Act and its implementing rules and regulations.

12 SEC. 15. *Funding.* – The NTC shall immediately include in its
13 programs the implementation of this Act, the initial funding of which shall be
14 charged against its current year's appropriations. Thereafter, such sums as
15 may be necessary for the continued implementation of this Act shall be
16 included in the annual General Appropriations Act.

17 Proceeds from penalties herein imposed shall accrue to the general fund.

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

21 SEC. 17. *Repealing Clause.* – All other laws, decrees, executive
22 orders, proclamations and administrative regulations or parts thereof
23 inconsistent herewith are hereby repealed or modified accordingly.

24 SEC. 18. *Effectivity Clause.* – This Act shall take effect fifteen (15)
25 days after its publication in the *Official Gazette* or in a newspaper of general
26 circulation.

Approved,