

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

**TWENTIETH CONGRESS**  
*First Regular Session*

**HOUSE BILL NO. 485**



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**Introduced by Representative Roman T. Romulo**

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### **EXPLANATORY NOTE**

According to Sec. 9, Article XVI of the 1987 Constitution, the State shall protect consumers from trade malpractices and from substandard or hazardous products.

The advent of new technologies and their swift development has brought both positive and negative impacts on society. In order to manage and curtail the growing number of fraudulent and unwanted commercial offers for goods and services and intrusion into one's privacy, the government must set reasonable regulations to promote sound and acceptable commercial practices which respects the privacy and right of choice of consumers.

This bill would prevent unwanted calls and texts that intrude, disturb, and disrupt the activity of any individual and require a more responsible and accountable business practice. The freedom of the business-oriented person or entities to promote and sell its goods and services ends where the freedom of individuals to privacy is exercised.

Through the passage of this Bill, the consumers would be protected from unsolicited calls and texts with an end view of empowering them with the freedom to choose their transactions and maintaining consumers' right to be left alone.

In view of the foregoing, this representation seeks the immediate passage of this measure.

A handwritten signature in black ink, appearing to read "Roman T. Romulo".

**ROMAN T. ROMULO**  
Lone District, Pasig City

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

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

1           **SECTION 1. *Short Title.*** — This Act shall be known as the "No Calls, No Text  
2 Messages, and No Electronic Mails Registration Act,".

3           **SEC. 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, text  
5 messages, and electronic mails inducing the 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 and  
9           agents, who initiate a call, text message, or electronic mail;

10          (b) *Negative Option* refers to a feature that shall enable a person to stop  
11          receiving any call, text message, or electronic mail from a caller and/or  
12          sender;

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

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

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

1 (f) *Prohibited call, text message, and/or electronic mail* refers to a hoax, junk,  
2 and/or scam call, text message, and/or electronic mail. This message  
3 includes the following:

- 4 1. Message congratulating the recipient for winning any prize in a promo  
5 or award of the prize when the recipient did not join or subscribe to  
6 any game or activity of chance;
- 7 2. Message supposedly coming from a relative abroad asking the  
8 recipient to reload their "new" roaming number;
- 9 3. Message requiring the recipient to register by texting his or her name  
10 and other personal details to a phone number; or
- 11 4. Any other similar call, text message, and/or electronic mail;

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

13 (h) *Upselling* refers to soliciting the purchase of goods or services following an  
14 initial transaction during a single phone call, text message or electronic mail

15 (i) *Unsolicited call, text message or electronic mail* refers to a call, text message  
16 or electronic mail which is not initiated by the recipient of the call and/or text  
17 message such as upselling, surveys, award of the prize when the recipient  
18 did not join or subscribe to any game or activity and/or solicitation to any non-  
19 profit and charitable institution whether or not the call and/or text messages  
20 induce purchases of goods or services.

21 **SEC. 4. Establishment of the No Calls, No Text Messages, and No**  
22 **Electronic Mails Registries.** — The National Telecommunications Commission  
23 (NTC) shall establish No Calls, No Text Messages, and No Electronic Mails Registries  
24 respectively; Provided, that the identity and privacy of the persons registered shall be  
25 kept highly confidential such that only the phone numbers and the electronic mail  
26 addresses may be accessed from the registry.

27 Any person shall register first with the NTC before they can access the phone  
28 numbers and electronic mail addresses in the registries.

29 **SEC. 5. Allowable Phone Numbers Registered Per Person.** — Any person  
30 shall only be allowed to register up to three (3) mobile phone numbers regardless of  
31 the network provider: Provided, that the registration of mobile numbers of persons  
32 below 18 years of age may be done by their parents or legal guardian.

33 Registration of fixed land telephone numbers shall only be allowed for  
34 residential lines.

1           **SEC. 6. Registration in the No Calls, No Text Messages, and No Electronic**  
2 **Mails Registries.** — Outbound and unsolicited calls, text messages, and/or electronic  
3 mails may be managed or limited by any cell phone or electronic mail user by  
4 registering in the No Calls, No Text Messages, and No Electronic Mails Registries  
5 respectively of the NTC.

6           No outbound and unsolicited calls, text messages, or electronic mails shall be  
7 made or sent to the phone numbers or electronic mail addresses on the No Calls, No  
8 Texts, and No Electronic Mails registries respectively.

9           **SEC. 7. Negative Option Requirement.** — A person whose number is not  
10 registered in the registries may manage and limit outbound and unsolicited calls, text  
11 messaging or electronic mails through the negative option feature.

12           Any caller or sender shall set up a negative option which shall be available to  
13 the recipient immediately upon answering the call or at the beginning of the text  
14 message or electronic mail after providing the required information under Section 8 of  
15 this Act.

16           Upon selection of the negative option feature, the caller or sender shall not  
17 make any further steps to persuade the recipient and immediately stop making any  
18 call or sending any texts or electronic mails to the recipient: Provided, That the  
19 recipient shall report and register the name and the number of the person, company  
20 or organization that made the call or sent the message to the registries in order to  
21 make the caller or sender liable for violation for this Act for any subsequent calls, text  
22 messages or electronic mails: Provided, further, That this prohibition shall apply to the  
23 caller or sender regardless of other goods or services offered, and other phone  
24 number used to contact the recipient.

25           **SEC. 8. Information Requirement of the Caller or Sender.** — It shall be  
26 unlawful to make an outbound or unsolicited call, text message, or electronic mail  
27 without disclosing the full name of the person making the call or sending the text  
28 message or electronic mail, the company or organization for whose benefit the call,  
29 text message or electronic mail is being made, and the phone number of a fixed line  
30 where such identity can be established and verified: Provided, that the noncompliance  
31 with this section shall constitute an outright violation of the shall be punishable under  
32 this Act.

33           **SEC. 9. Removal of Numbers.** — Phone numbers registered in the respective  
34 registries shall not be changed or removed except upon the request of the owner in  
35 writing and those invalid and disconnected phone numbers upon adequate validation  
36 of the NTC.

37           **SEC. 10. Liability of Callers or Senders.** — Any person who commits any  
38 violation under this Act either for his or her own benefit or for the benefit of another

1 person, company, organization, or association that did not officially engage his or her  
2 services shall both be held separately liable for any violation under this Act.

3 It shall be the responsibility of any caller or sender to register under Section 4  
4 hereof and to get information on the numbers and electronic mail addresses which are  
5 registered in the registries. Possession of a certified true copy of the registries prior to  
6 the date the call is made, or the text message or electronic mail is sent shall be  
7 considered prima facie evidence of knowledge on the part of the caller or sender.

8 Non-registration of the caller or sender, as required under Section 4 of this Act,  
9 shall not be an excuse for any liability.

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

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

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

20 (a) Any juridical person who violates the provisions of this Act or its  
21 implementing rules and regulations shall suffer the penalty of a fine of not  
22 less than Fifty Thousand Pesos (PhP50,000) or more than One Hundred  
23 Thousand Pesos (PhP100,000) for each violation: Provided, that its officers  
24 directly responsible for the violation shall suffer the penalty of a fine of not  
25 less than Fifty Thousand Pesos (PhP50,000) but not more than One  
26 Hundred Thousand Pesos (PhP100,000); or

27 (b) Any person who violates the provisions of this Act, or its implementing rules  
28 and regulations shall suffer the penalty of a fine of not less than Fifty  
29 Thousand Pesos (PhP50,000) but not more than One Hundred Thousand  
30 Pesos (PhP100,000).

31 **SEC. 13. Implementing Rules and Regulations.** — Within ninety (90) days  
32 from the approval of this Act, the Department of Trade and Industry, in coordination  
33 with the NTC and Department of Information and Communications Technology, shall  
34 promulgate the rules and regulations implementing the provisions of this Act.

35 **SEC. 14. Implementing Agency.** — The NTC shall enforce the provisions of  
36 this Act and its implementing rules and regulations.

1           **SEC. 15. *Funding.*** — The NTC shall immediately include in its programs the  
2 implementation of this Act, the initial funding of which shall be charged against its  
3 current year's appropriation. Thereafter, such sums as may be necessary for the  
4 continued implementation of this Act shall be included in the annual General  
5 Appropriation Act.

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

7           **SEC. 16. *Separability Clause.*** — If any provision of this Act is held invalid or  
8 unconstitutional, the other provisions not so declared shall remain in full force and  
9 effect.

10          **SEC. 17. *Repealing Clause.*** — All other laws, decrees, orders, and rules and  
11 regulations contrary to or inconsistent with the provisions of this Act are hereby  
12 repealed or amended accordingly.

13          **SEC. 18. *Effectivity.*** — Notwithstanding the This Act shall take effect fifteen  
14 (15) days after its publication in the *Official Gazette* or in a newspaper of general  
15 circulation.

*Approved,*