



Republic of the Philippines  
COMMISSION ON INFORMATION AND COMMUNICATIONS TECHNOLOGY  
**NATIONAL TELECOMMUNICATIONS COMMISSION**



**MEMORANDUM CIRCULAR**

**No. 04-07-2009**

**SUBJECT: FURTHER AMENDING MEMORANDUM CIRCULAR (MC)  
NO. 03-03-2005A (RULES AND REGULATIONS ON  
BROADCAST MESSAGING SERVICE)**

WHEREAS, the 1987 Constitution fully recognizes the vital role of communications in nation building and provides for the emergence of communications structures suitable to the needs and aspirations of the nation;

WHEREAS, the promotion of competition in the telecommunications market is a key objective of Republic Act No. 7925 (RA 7925, for brevity), otherwise known as The Public Telecommunications Policy Act of the Philippines, which mandates that "a healthy competitive environment shall be fostered, one in which telecommunications carriers are free to make business decisions and interact with one another in providing telecommunications services, with the end in view of encouraging their financial viability while maintaining affordable rates";

WHEREAS, Sec. 20 of RA 7925 provides that subscribers/end-users are entitled to thorough and prompt investigation of, and action upon complaints. Public Telecommunications Entities (PTEs) shall allow complaints to be received over the telephone and shall keep a record of all written or phoned-in complaints;

WHEREAS, one of the major reasons for "disappearing and/or vanishing load/s" is the act of "opting-in" by subscribers to unsolicited content and/or information services offered by the content and/or information service providers and/or PTEs;

WHEREAS, MC No. 03-03-2005A allows the content and/or information providers to solicit subscriptions through "opting-in" by subscribers to content and/or information services through push messages;

WHEREAS, such practice of soliciting subscriptions through push messages has been the source of disputes between the subscribers and the content and/or information service providers and PTEs;

NOW, THEREFORE, pursuant to RA 7925, Executive Order (EO) No. 546 series of 1979, and in order to protect and promote the interest of



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subscribers/end-users of PTEs and content and/or information service, the Commission hereby promulgates the following amendments to MC No. 03-03-2005A:

1. Content and/or information providers shall not be allowed to send and/or initiate push messages as defined under MC No. 03-03-2005;
2. A subscriber who wants to avail the service/s offered by content and/or information providers and/or PTEs may avail of such service/s only through his/her operative act of communicating with the content and/or information providers and/or PTEs through written correspondence, text messaging, internet or other similar means of communication;
3. Commercial and promotional advertisements, surveys and other broadcast messages shall be allowed only upon prior written consent by the subscribers;
4. Contents and any form of information for a fee shall only be delivered to subscribers who requested for such content and/or information on a per request basis as provided for in paragraph (2) of this MC. PTEs shall keep records of all requests for contents and/or information from the subscribers for the delivery of content and/or information by the content and/or information providers for a period of at least two (2) months. Records related to complaints filed by consumers shall not be disposed of until such complaints are finally resolved. Records that are subject of complaints shall be forwarded to the Commission upon its request.
5. All subscriptions for the delivery of contents and/or information made prior to the effectivity of this Circular shall continue to be honored until the expiration of the subscription. PTEs and/or content and/or information providers shall be allowed to notify existing subscribers of the option to continue with the service only once or to immediately terminate the same prior to its expiration.



6. PTEs and content and/or information service providers shall follow a common platform to ensure that information/data required under MC No. 04-06-2007 are captured.
7. The Commission may direct the disconnection of the content and/or information providers' access to the networks, systems or facilities of PTEs pending the investigation of a complaint filed by a subscriber/user if the Commission finds that there is strong evidence against the contents and/or information provider.
8. Violation of any of the provisions of this Circular shall be a ground for the revocation or cancellation of the registration as contents and/or information provider and/or imposition of fines in accordance with law.
9. Any circular, order, memoranda or parts thereof inconsistent herewith are deemed repealed or amended accordingly.
10. This Circular shall take effect fifteen (15) days after publication in a newspaper of general circulation and three (3) certified true copies are furnished the UP Law Center.

Quezon City, Philippines, July 7, 2009.

  
**RUEL V. CANOBAS**  
Commissioner

  
**JAIME M. FORTES, JR.**  
Deputy Commissioner

  
**DOUGLAS MICHAEL N. MALLILLIN**  
Deputy Commissioner

