

MEMORANDUM ORDER

No. 08-07-2009

SUBJECT: CLARIFYING CERTAIN PROVISIONS OF MEMORANDUM CIRCULAR (MC) NO. 04-07-2009 (FURTHER AMENDING MEMORANDUM CIRCULAR (MC) NO. 03-03-2005A (RULES AND REGULATIONS ON BROADCAST MESSAGING SERVICE))

The following provisions of M.C. No. 04-07-2009 shall be interpreted and given meaning, to wit:

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“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.”

*Interpretation:*

After the subscriber has completed his act of subscription, the delivery of the subscribed content or service shall no longer be deemed a push message.

“3. Commercial and promotional advertisements, surveys and other broadcast messages shall be allowed only upon prior written consent by the subscribers;”

*Interpretation:*

Consent can be made or manifested through any of the operative acts as enumerated in paragraph 2.

“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.”

*Interpretation:*

The common platform refers to a common information and/or data format.

“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.”

*Interpretation:*

The order to disconnect shall only be issued after due notice and affording the concerned party the opportunity to be heard commenced by the issuance of a show cause order.

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This Memorandum Order shall take effect immediately upon publication in a newspaper of general circulation and three (3) certified true copies are furnished the UP Law Center.

Quezon City, Philippines, July 22, 2009.

RUEL V. CANOBAS

Commissioner

JAIME M. FORTES, JR.

Deputy Commissioner

DOUGLAS MICHAEL N. MALLILLIN

Deputy Commissioner