

**[NTC MEMORANDUM CIRCULAR NO. 04-07-2009,
July 07, 2009]**

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 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