



Republic of the Philippines
OFFICE OF THE PRESIDENT
NATIONAL TELECOMMUNICATIONS COMMISSION

MEMORANDUM CIRCULAR NO. 04-10-2013

SUBJECT : Implementing Rules and Regulations on Republic Act 10515 or the Anti-Cable Television and Cable Internet Tapping Act of 2013

Pursuant to Section 7 of Republic Act No. 10515 and in line with the provisions of Executive Order Nos. 546 and 205, Act 3846 (Radio Control Law) as amended, Act 146 (Public Service Act) as amended, the National Telecommunications Commission hereby adopts and promulgates the following Rules and Regulations to implement the aforesaid law.

**Article I
General Provisions**

SECTION 1. Title - These Rules shall be known as the Implementing Rules and Regulations of the "Anti-Cable Television and Cable Internet Tapping Act of 2013".

SEC. 2. Construction - These Rules shall be liberally construed to attain the efficient and effective implementation of R.A. 10515.

SEC. 3. Definition of Terms - As used in these Rules:

(a) "NTC" means the National Telecommunications Commission;

(b) "Cable Television (CATV) Service" - refers to the transmission or delivery of video and audio signals and programming for a fee through fiber optics, coaxial cable, and other technological means which shall include, but not limited to, transmission via wired or wireless means, including microwave, radio signal or frequencies, for purposes of providing multiple channel CATV service. The term shall also include electronic equipment such as digital or analog receiver-decoder boxes, set-top and converter boxes as well as, but not limited to, master antenna television, satellite master antenna television, direct broadcast satellite/direct to home, multi-point distribution service, a television receive-only satellite program distributor and other providers of video and audio programming, whatever the technology;

(c) "Cable Internet Service" - refers to the transmission or delivery of electronic signals to provide and facilitate access to the world wide web for a fee through a Cable Internet System or Network;

(d) "CATV System/Network" - refers to a facility engaged in the transmission or delivery of video and audio signals and programming for a fee through fiber optics, coaxial cable, and other technological means;

(e) "Cable Internet System/Network" - refers to a facility engaged in the transmission or delivery of electronic signals to provide and facilitate access to the world wide web for a fee through a transmission or delivery system/network;

(f) "CATV Service Provider" - refers to any person, natural or juridical, public or private, which was granted a Certificate of Authority or Provisional Authority as provided under existing laws, rules and regulations, to install, operate and maintain a CATV System/Network and is actually providing CATV Service to its subscribers.

(g) "Cable Internet Service Provider" - refers to any person, natural or juridical, public or private, which was issued a registration certificate as provided under existing laws, rules and regulations, to provide and facilitate access to the world wide web, for a fee, through a Cable Internet system/network and is actually providing cable Internet service to its subscribers.

Article II Declaration of Policy

SECTION 1. Declaration of Public Policy - The State recognizes the indispensable role of the private sector in the national economy, encourages the proliferation of private enterprise, and provides incentives to needed investments.

SEC. 2. Protection of the CATV and Cable Internet Industries - It shall be the policy of the State to protect the general public and legitimate operators of CATV and Cable Internet services from unauthorized connections or tapping to existing facilities through wired, wireless, electromagnetic and other means of cable pilferage.

Article III Unauthorized Interception, Reception, or Use of Any Signal or Service Over a Cable Television System or Cable Internet System and/or Network

SECTION 1. Prohibited Acts - It shall be unlawful for any person, natural or juridical, public or private to:

(a) intercept or receive, or assist in intercepting or receiving, any signal or service offered over a CATV or Cable Internet System by tapping, making, or causing to be made, any connection to an existing CATV or Cable

Internet System/network, without the authority of the concerned CATV or Cable Internet Service provider;

(b) record, reproduce, distribute, import, or sell any intercepted or received CATV cable Internet system/network signals without the authority of the concerned CATV or Cable Internet Service provider;

(c) use or receive any direct or indirect benefit from any CATV or cable Internet system/network with knowledge that it is a result of any of the preceding prohibited acts; or

(d) wantonly, maliciously, or willfully damage, destroy, or remove CATV or cable internet facilities and accessories of authorized CATV or Cable Internet Service providers.

SEC. 2. Prima Face Evidence of Illegal Tapping, Interconnection or Reception - The presence of any of the following circumstances shall constitute prima fade evidence of illegal tapping, interconnection or reception into the CATV or cable internet system/network, by the person benefited thereby:

(1) For Non-Subscribers - the presence of cable, wires, connectors and pins, devices and equipment designed to intercept and receive CATV or Cable Internet signals which are directly or indirectly connected from the tap-offs, cables, facilities and equipment of the concerned CATV or cable internet service provider, to the premises of a non-subscriber of the former;

(2) For Subscribers - the presence of unregistered or unauthorized CATV or cable Internet extensions in the premises of the subscriber and unauthorized connections and extensions to neighboring tenements from an existing subscriber.

Article IV Penalties

SECTION 1. Penalties - Any person found by final judgment to have committed any of the prohibited acts in Section 1, Article III hereof shall be meted the penalty of imprisonment of not less than two (2) years but not more than five (5) years or a fine of not less than Fifty Thousand Pesos (PhP50,000.00) nor more than One Hundred Thousand Pesos (PhP100,000.00) or both, at the discretion of the court. If the offender is a corporation or association, the president, manager, managing partner, or any officer of the corporation or partnership who directly participated in the violation of this Act shall be held liable. The president, manager or managing partner who authorized or consented to the illegal act shall be considered as direct participation.

**Article V
Information and Dissemination**

SECTION 1. Information Dissemination - The NTC shall undertake an information dissemination campaign to inform the public of the provisions of the Implementing Rules and Regulations, within sixty (60) days from the effectivity thereof.


**Article VI
Repeal and Separability**


SECTION 1. Repeal and Separability - All existing rules, regulations, or order, or any parts thereof inconsistent with these Rules are hereby repealed, amended, or modified accordingly. If any part or provision of these Rules is declared invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.


**Article VII
Effectivity**

SECTION 1. Effectivity - These Rules shall take effect fifteen (15) days after copies hereof have been filed with the Office of the National Administrative Register (ONAR) of the UP Law Center and published in at least two (2) newspapers of general circulation.

Quezon City, Philippines, 16 October 2013.


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Commissioner


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