

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...

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ec8e7a82f9e4/>

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 copies are furnished the UP Law Center.

Adopted: 22 July 2009

(SGD.) RUEL V. CANOBAS
Commissioner

(SGD.) JAIME M. FORTES, JR.
Deputy Commissioner

(SGD.) DOUGLAS MICHAEL N. MALLILLIN
Deputy Commissioner

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