

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4322



Introduced by Rep. **BERNADETTE "BH" HERRERA-DY**

AN ACT CREATING THE TELECOMMUNICATIONS RELAY SYSTEM FOR PERSONS WITH HEARING DISABILITIES AND PERSONS WITH SPEECH DISABILITIES AND FOR OTHER PURPOSES

EXPLANATORY NOTE

A significant portion of the Filipino population has hearing or speech disabilities, including dual sensory disabilities. In the most recent nationwide survey on hearing disability and ear disorders conducted by Better Hearing Philippines, Inc., the prevalence of hearing disability was established at 8.8%, and hearing loss or impairment at 28%. Meanwhile, a general survey on disability by the Department of Health and the University of the Philippines pegs the prevalence of speaking disability at about a third (1/3) of the percentage of hearing disability. These numbers are expected to increase as the growth rate of the elderly population continue to increase.

These disabilities render normal telecommunications services useless without additional specialized devices, many of which are cost prohibitive for end-users. The telecommunications system is intended to provide access to a basic communications network between all persons, yet, many persons with hearing disabilities or speech disabilities currently have no access to the basic telecommunications system. Furthermore, persons who not have a hearing disability or speech disability are generally excluded from access to the basic telecommunication system to communicate with persons who have hearing disability or speech disability without the use of specialized telecommunications devices.

Republic Act 7277, Section 23, began to recognize this need by encouraging telephone providers to install devices to assist the hearing disabled, however with the advancements in telecommunications relay service technology and the multitude of disabilities that affect a user's ability to access the telecommunications system, more robust guidance is needed to adequately serve the hearing and speech disabled population. Moreover, creating a firm requirement to provide these services will ensure to the greatest extent possible that the needs of the hearing and speech disabled are met.

There additionally exists a need for a telecommunications relay system whereby the cost for access to basic telecommunications services for persons who have a hearing disability or speech disability is no greater than the amount paid by other telecommunications customers. Telecommunications services provide a rapid and essential communications link among the general public and with essential offices and organizations such as police, fire and medical facilities. Therefore, all persons should have basic telecommunications services available to them at reasonable and affordable costs.

It is the declared purpose of this Act to establish a system whereby Filipinos who are hearing disabled, speech disabled, or dual sensory disabled have access to basic telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of specialized telecommunications equipment necessary to ensure that citizens who are hearing disabled, speech disabled or dual sensory disabled have access to basic telecommunications relay services is borne by all the telecommunications customers of the State.

Communications is an essential human need and, therefore, a basic human right. Without it, no individual or community can exist or prosper. Communication strengthens human dignity and validates human equality. As policy makers, it is our responsibility to give way that Filipinos enjoy the benefit of this right by promoting the ability of all Filipinos to access the basic communications networks. Hence, the urgent approval of this bill is earnestly sought.


BERNADETTE HERRERA-DY

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CHAPTER 1- GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the "Telecommunications Relay System Act of 2019."

SEC. 2. Declaration of National Policy. – It is hereby declared the policy of the State to recognize, protect, realize and enhance the right of Filipinos with hearing disabilities, speech disabilities and dual sensory disabilities to basic telecommunications services as essential to the full enjoyment of life and all human rights.

In the pursuit of this Policy, this Act shall have the following objectives:

- a) To establish a telecommunications relay system to provide equitable basic access to telecommunications network for persons with hearing disabilities speech disabilities or dual sensory disabilities.
- b) To establish a telecommunications relay system that ensure that users of telecommunications relay services pay rates no greater than the rates paid by nondisabled customers for functionally equivalent telecommunications services.
- c) To establish a telecommunications relay system that uses-of-the-art technology for specialized telecommunications devises and telecommunications relay services and encourages the incorporation of new developments in technology, to the extent that it has demonstrated benefits consistent with the intent of this Act and is the best interest of individuals residing in this State.
- d) To establish a telecommunications relay system that is as cost efficient as possible without diminishing the effectiveness or the quality of the system.
- e) To ensure that the total cost of providing telecommunications relay services and distributing specialized telecommunications devices be spread equitably among and collected from customers of all common carrier telecommunications companies.

SEC. 3. Definition of Terms. – As used under this Act, the following words or terms shall have the following meaning:

a) "Common carrier" or "carrier" shall refer to any common carrier engaged in communication by wire, radio, or Internet.

b) "Telecommunications relay services" shall refer to any telecommunications transmission services that allow a person who has a hearing or speech disability, or dual sensory disability, to communicate by wire, radio or Internet in a manner that is functionally equivalent to

1 the ability of a person who does not have such disability. Such term shall include any service
2 that enables two-way communication between a person who uses a telecommunications device
3 or other non-voice terminal device and a person who does not use such a device.

4 **SEC. 4. Availability of telecommunications relay services.** – In order to carry out the
5 purposes established under Republic Act 7277 and to make available to all individuals in the
6 Philippines a rapid, efficient nationwide communication service, and to increase the utility of
7 telecommunications services in the Philippines, the national Telecommunications Commission
8 (NTC) shall ensure that telecommunications relay services are available, to the extent possible
9 and in the most efficient manner, to persons with hearing disabilities, persons with hearing
10 disabilities, persons with speech disabilities, and persons with dual sensory disabilities in the
11 Philippines.

12 **SEC. 5. Provision of services.** – Each common carrier shall, not later than 3 years
13 after the enactment of this Act, provide in compliance with the regulations prescribed in Section
14 6, throughout the area in which it offers service, telecommunications relay services, individually,
15 through designees, through a competitively selected vendor, or in concert with other carriers.

16 **CHAPTER 2 – REGULATIONS**

17 **SEC. 6. Regulations.** – The NTC shall, not later than 1 year after the enactment of this
18 Act, prescribe regulations to implement this Section, including regulations that:

- 19 a) Establish functional requirements, guidelines and operations procedures
20 telecommunications relay services;
- 21 b) Establish minimum standards that shall be met in carrying out Section 5 of this Act;
- 22 c) Require that telecommunications relay services operate seven (7) days a week for
23 twenty-four (24) hours per day;
- 24 d) Require that telecommunications relay services provide for the automatic and
25 immediate handling of emergency calls;
- 26 e) Require that telecommunications relay service conversations must be relayed in
27 real time;
- 28 f) Require that common carriers must answer all incoming telecommunications relay
29 service requests within a reasonable time period;
- 30 g) Require that common carriers must make best efforts to accommodate the
31 requested gender of the relay operator;
- 32 h) Require that users of telecommunications relay services pay rates no greater than
33 the rates paid for functionally equivalent communications services with respect to such factors
34 as the duration of the communication, the time of the day, and the distance from point of
35 origination to point of termination;
- 36 i) Prohibit relay operators from failing to fulfill the obligations of common carriers by
37 refusing communications or limiting the length of communications that use telecommunications
38 relay services;
- 39 j) Prohibit relay operators from disclosing the content of any relayed conversation
40 and from keeping records of the content of any such conversation beyond the duration of the
41 communication; and
- 42 k) Prohibit relay operators from intentionally altering a relayed conversation.

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44 **SEC. 7. Technology.** – The NTC shall ensure that regulations prescribed to
45 implement this section encourage the use of existing technology and do not discourage impair
46 the development of improved technology.

1 **SEC. 8. Recovery of costs.** – The NTC shall establish a rate for each subscriber line
2 of a carrier to allow the carrier to recover costs incurred under this Act and may waive the costs
3 assessed under this Act to persons with hearing disabilities, persons with speech disabilities and
4 persons with dual sensory disabilities. The rate established by the NTC under this Section may
5 be assessed as a line item on an end-user's bill. A portion of this rate may be remitted to the NTC
6 and allocated to a telecommunications relay system, fund (TRS fund) to offset administrative
7 costs in the management of the telecommunications relay system, including the certification and
8 revocation procedures outlined in Sections 10 and 11. In establishing the rates under this Act,
9 including the formula for the amounts to be remitted to the NTC and the TRS fund, the NTC shall
10 be guided by best practices and the deployment of empirical methods with the aim of sustaining
11 the long-term viability of the telecommunications sector and the welfare of its end users at large.

12 **SEC. 9. Review of rate.** – The NTC annually shall review the rate established in
13 Section 8, including the remittance portion, and may make adjustments to the rate and remittance
14 portion to ensure full recovery of costs for the carrier and adequate resources for the TRS fund,
15 with the fund balance not to exceed six months of projected expenses.

16 **SEC. 10. Certification.** – Each common carrier shall submit to the NTC a description
17 of the program for implementing telecommunications relay services. After review of such
18 documentation, the NTC shall certify the program if the NTC determines that the program makes
19 available to hearing disabled, speech disabled, and dual sensory disabled individuals, either
20 individually, through designees, through a competitively selected vendor, or in concert with other
21 carriers telecommunications relay services in a manner that meets or exceeds the requirements
22 of regulations prescribed by the NTC under Section 6 of this Act.

23 **SEC. 11. Revocation of certification.** – The NTC may suspend or revoke such
24 certification, if after notice and opportunity for hearing, the NTC determines that such certification
25 is no longer warranted. When a program has been suspended or revoked, the NTC shall take
26 such steps as may be necessary, consistent with this Section, to ensure continuity of
27 telecommunications relay services.

28 **CHAPTER 3 – MISCELLANEOUS PROVISIONS**

29 **SEC. 12. Enforcement.** – The NTC shall enforce this Act. Any complaints
30 alleging violations of this Act shall be filed with the NTC and shall be subject to its
31 implementing rules and regulations as well as the Rules of Court in case of appeal.

32 **SEC. 13. Severability Clause.** – In the event that any provision of this Act is
33 declared unconstitutional, invalid or illegal, the constitutionality, validity or legality of the
34 remainder of the provisions of this Act shall not be affected thereby.

35 **SEC. 14. Repealing Clause.** – All laws, presidential decrees, letters of
36 instructions, executive orders, administrative orders, rules, regulations and other
37 issuances or parts thereof which are contrary to or inconsistent with the provisions of this
38 Act are hereby revoked, repealed or modified accordingly.

39 **SEC. 15. Effectivity.** – This Act shall take effect within fifteen (15) days
40 following the completion of its publication in any two (2) national newspapers of general
41 circulation.

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43 **Approved,**