Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1186

Introduced by **HON. REYLINA "NENENG" G. NICOLAS**

EXPLANATORY NOTE

The latest trend in telecommunications has provided much convenience for everyone. Business transactions have definitely been made more efficient and effective since the advent of the mobile cellular phone technology. However, access to the technology through the purchase and use of Prepaid Subscriber Identity Module (SIM) Packs has been too easy and uncontrolled. Unscrupulous individuals have taken advantage of this unregistered sale of SIM packs to hide themselves behind an untraceable number to mask the pursuit of their illegal or criminal activities to the detriment of many Filipinos.

The proposed bill aims to address the inability of law enforcement agencies to track down criminals or individuals using mobile phones as tools in the commission of a crime or in many cases, to harass, to communicate threats, to send ransom demands or simply, to make an obscene phone call or send an obscene text message. At present, law enforcement agencies are unable to trace the users of cellular phone numbers either due to the refusal of telecommunication companies to cooperate or the latter simply cannot provide any information because the mobile number used is that of a SIM pack, which is unregistered and sold uncontrollably in the market.

The use of technology comes with responsibility. When technology is abused and misused, like a firearm, access to such must be controlled. It is our duty to make life harder for criminals and to curtail their access to tools that may aid them in the pursuit of their criminal ends. It is for this reason and for the greater common good that the identity of all SIM pack users must be recorded, and for telecommunication companies to keep record of these users to aid law enforcement agencies in their fight against criminal elements.

In view of the above-mentioned arguments, approval of this bill is earnestly sought.

REYLINA "NENENG" G. NICOLAS
Representative
4th District of Bulacan

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HOUSE BILL NO. 1186

Introduced by **HON. REYLINA "NENENG" G. NICOLAS**

AN ACT
REQUIRING THE REGISTRATION OF ALL BUYERS OF PREPAID SUBSCRIBER IDENTITY MODULE (SIM) PACKS FOR CELLULAR TELEPHONES AND REQUIRING PUBLIC TELECOMMUNICATION COMPANIES TO KEEP RECORD OF THESE BUYERS FOR THE PURPOSE OF AIDING LAW ENFORCEMENT AGENCIES IN THE INVESTIGATION OF A CRIMINAL OR ILLEGAL ACTIVITY AND PROVIDING PENALTIES FOR VIOLATION THEREOF

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. All corporations, partnerships and single proprietorships engaged in the business of selling prepaid Subscriber Identity Module (SIM) packs for cellular telephones are hereby required to cause the registration of the following data in an information sheet established for the purpose:

a) Full name and complete address of the buyer. To this end, the buyer shall be required to present and submit a photocopy of any of the following acceptable identification document:

1. Driver's License
2. School Identification Card
3. Company Identification Card
4. SSS Card
5. Passport
6. Senior Citizen's Card
7. NBI Clearance
8. Firearms License

b) Issue/telephone number of SIM pack(s),

SECTION 2. A certified true copy of the Information Sheet mentioned in Section 1 shall be forwarded by the concerned corporation, partnership and single proprietorship to the Telecommunications Service Provider for filing and for record purposes.

The required certification shall be executed by the President, General Manager, Treasurer or any other duly appointed officer of the corporation, partnership and single proprietorship, as the case may be.

SECTION 3. Upon the issuance of a proper court order or a valid request from a government law enforcement agency showing proof that a particular cellular phone number was used in the commission of a crime or used for an illegal purpose, the Telecommunications Service Provider shall be mandated to reveal the identity and personal circumstances of the user of such number.

SECTION 4. Any corporation, partnership and single proprietorship, which shall violate the registration requirement provided hereof, shall suffer the following:

A fine of Fifty Thousand Pesos (P50,000.00) for the first offense;

A fine of One Hundred Thousand Pesos (P100,000.00) for the second offense;

Imprisonment ranging from one month to six months and a fine of One Hundred Thousand Pesos (P100,000.00) for the third offense; and

Revocation and cancellation of the business license of the corporation, partnership and single proprietor and a fine of Five Hundred Thousand Pesos (P500,000.00) for the fourth offense.

The penalty of imprisonment shall be imposed on the President, General Manager, Treasurer or other duly appointed officer of the corporation, partnership and single proprietor.

SECTION 5. Any responsible officer of the Telecommunications Service Provider, who shall refuse to reveal the identity and personal circumstances of the cellular phone number user after a proper court order is presented or who refuses to cooperate with the requesting law enforcement agency after the latter has shown proof that the cellular phone number was used in the commission of a crime, for harassment or for an illegal purpose, shall in addition to the penalties provided for under the revised penal code, suffer the following:

A fine of One Hundred Thousand Pesos (P100,000.00) for the first offense;

A fine of One Hundred Fifty Thousand Pesos (P150,000.00) for the second offense;

Imprisonment ranging from six months to one year and a fine of One Hundred Fifty Thousand Pesos (P150,000.00) for the third offense.

SECTION 6. The Department of Justice, in coordination with the National Telecommunications Commission, shall issue the necessary implementing rules and regulations to carry out the provisions of this Act within sixty (60) days from the effectivity date hereof.

SECTION 7. This Act shall take effect immediately upon its approval.

Approved,