

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1833

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

Cellular phones and other modern gadgets capable of mobile communications have become a necessity for many people not only in the Philippines but throughout the world as well. The capacity to keep in touch with family, friends, and business associates is one of the reasons for the ever increasing importance of and demand for mobile cellular phones. Recent advances in technology also allows cellular phones to store data, take still pictures and videos, organize daily schedule, access to internet and map assistance. Unsurprisingly, most people readily concedes that they cannot live without a cell phone, in fact, almost half of cellular phone users today carry with them a second and third phone for convenience.

However, access to wireless technology through the prepaid Subscriber Identity Module (SIM) cards does not allow same protection and regulation as postpaid cellular phone does. In stark contrast, the latter entails a lot of documentation requirement to be availed while the former can be accessed without much effort. At present, unregistered sale of prepaid SIM cards permits anybody to use cellular phone anonymously. Making matters worst, SIM cards can be bought in almost every street of the country at extremely low price. In fact it is not uncommon for some cellular phone users to keep multiple SIM cards for various reasons. Thus, criminal elements have smartly opted to use these anonymous SIM cards as a new avenue to freely conduct their illegal activities, i. e., contacting families of kidnap victim, extortion of money and harassment.

This measure proposes to mandate persons and entities engaged in the business of selling SIM cards to establish a registry of SIM card buyers. Through this bill, the name and certain information pertaining to a SIM card buyer is recorded in an Information Sheet, with the end in view of aiding law enforcement agencies in tracking criminals. Likewise, the measure will provide penalties and fine for violators of the same to ensure compliance with the law and to guarantee accomplishment of its objectives. The proposal will have its own safety features for it will require order of competent court or appropriate request from concerned agency upon showing of proof that revelation of one's identity is necessary.

In view of the foregoing considerations, immediate approval of this bill is earnestly sought.



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AN ACT
MANDATING THE REGISTRATION OF ALL PREPAID SUBSCRIBER
IDENTITY MODULE (SIM) CARDS FOR CELLULAR TELEPHONES AND
REQUIRING TELECOMMUNICATION COMPANIES TO KEEP A REGISTRY
OF THESE BUYERS 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 and dispensing prepaid Subscriber Identity Module (SIM) cards for cellular phones are hereby mandated to register pertinent data in an information sheet set up for the purpose, to wit:

- a) Full name and complete address of the buyer appearing in a valid identification card. In view thereof, SIM card buyers shall be required to present and submit a photocopy of any of the following identification document:
 - 1. Driver's License
 - 2. School Identification Card
 - 3. Company Identification Card
 - 4. SSS/GSIS Card
 - 5. Passport
 - 6. Senior Citizen's Card
 - 7. NBI Clearance
 - 8. Firearms License
- b) Assigned cell phone number of SIM card(s) and its serial number.

SECTION 2. The Information Sheet mentioned in Section 1 of this Act shall be accomplished in triplicate copies, and shall be forwarded by the concerned corporation, partnership and single proprietorship for filing and record purposes to the Telecommunications Service Provider and the local government unit (LGU) under whose territorial jurisdiction the sale occurred.

The required Information Sheet and the copies thereof shall be certified by the President, General Manager, Treasurer or any other duly appointed officer and the Secretary of the corporation, partnership and single proprietorship, as the case may be.

SECTION 3. Upon order of any competent court or appropriate request from a government law enforcement agency when it has been established that

there is probable cause that a particular cellular phone number was used in commission of a crime or used for any illegal purpose, the Telecommunications Service Provider or the concerned LGU 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 refuse or fail to comply with the registration requirement provided hereof, shall suffer the following:

A fine of Twenty Five Thousand Pesos (P 25,000) for the first offense;

A fine of Fifty Thousand Pesos (P50,000) for the second offense;

Imprisonment ranging from one month to six months and a fine of One Hundred Thousand Pesos (P100,000) 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) for the fourth offense.

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

SECTION 5. Any officer of a Telecommunications Company or concerned LGU, who shall refuse or fail to comply with the provision enshrined under Section 3 hereof suffer the following:

A fine of Fifty Thousand Pesos (P 50,000) for the first offense;

A fine of One Hundred Thousand Pesos (P100,000) for the second offense;

Imprisonment ranging from six months to one year and a fine of One Hundred Fifty Thousand Pesos (P150,000) for the third and succeeding 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 of this Act.

SECTION 7. This Act shall take effect fifteen (15) days from its complete publication in two (2) newspapers of general circulation.

Approved,