

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH (16TH) CONGRESS
First Regular Session

House Bill No. 4511



Introduced by Hon. Lorna Q. Velasco

EXPLANATORY NOTE

The Philippines was once considered as the texting capital of the world and, ever since, it consistently ranked high globally in the proportion of cellphone users to population. Undeniably, the use of mobile cellphones permeates the daily lives of a large portion of our country's population. The large number of cellphones, unfortunately, gives rise to high incidents of crime involving theft and robbery thereof. These criminal acts not only endanger the physical safety of victims but also compromise the security of the personal and private information stored in the stolen devices' memories.

Thus, participation of mobile cellphone network service providers in combating the high prevalence of theft of cellphones is warranted because they are the ones who issue and provided the mobile cellphones to their respective subscribers.

The purpose of this bill is to require all mobile cellphone network service providers to pre-install a "kill switch" software to all cellphones they issue to their postpaid subscribers to enable them to remotely disable it and erase all data therein, thus rendering them useless, when reported stolen.

The enactment of this bill into law will effectively weaken, if not eliminate completely, the black market for stolen cellphones which in turn will necessarily lead to a reduction in crimes related to mobile cellphones.

In this present age of constant change and intensive use of ever-evolving technology, it is incumbent upon us to enact laws that respond timely and appropriately to new safety and security challenges. Thus, immediate passage of this bill is earnestly sought.


LORNA Q. VELASCO

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AN
ACT REQUIRING ALL CELLPHONE NETWORK SERVICE PROVIDERS TO EQUIP
ALL MOBILE PHONES THEY PROVIDE TO POSTPAID USERS WITH A "KILL-
SWITCH" SOFTWARE TO ENHANCE SECURITY AND PRIVACY OF THEIR
CUSTOMERS

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

Section 1. *Short Title* – This act shall be known as the "*Kill-switch Phone Security Act of 2014*".

Section 2. *Declaration of Policy* – It is the policy of the State to uphold the rights of its citizens to privacy of communication and correspondence. It also recognizes the need to guarantee the protection, security and privacy of the millions of mobile cellphone users from theft and illegal use of data therefrom.

Accordingly, the State shall hereby actively seek devices, schemes and methods to discourage acts anathema to the abovementioned State policy.

Section 3. *Kill-switch Software* – It is a software installed in mobile cellphones that allows network service providers to remotely and permanently disable, erase all data and private information in cellphones reported to be stolen thereby rendering the device useless for future use.

Section 4. *Mandatory Pre-installation of Kill-switch Software* – All mobile cellphone network service providers shall be required to pre-install a reliable and perfectly functioning Kill-switch software in all mobile phones they issue to postpaid subscribers, whenever applicable. The Kill-switch software should enable the network service provider to deactivate the device and erase all its data remotely.

Section 5. *Remote Disabling* – Only upon the request of the registered subscriber, after proper verification, shall the network service provider remotely disable and erase all

data in the mobile cellphone. The Kill-switch software shall in no case be utilized for other purposes other than the prevention of the unauthorized use of a third party.

Section 6. *Implementing Rules and Regulations* – This Act, including its implementing rules and regulations, shall be implemented by the National Telecommunications Commission (NTC), Department of Transportation and Communications (DOTC) and other concerned agencies.

Section 7. *Effectivity* – This act shall take effect fifteen days (15) after publication in at least two (2) national newspapers of general circulation.

Approved,