Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 951

HOUSE OF REPRESENTATIVES
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Introduced by Representative Rex Gatchalian

AN ACT
REQUIRING THE REGISTRATION OF
SUBSCRIBER IDENTITY MODULE CARDS

EXPLANATORY NOTE

This bill was approved on 3rd reading and submitted to the Senate during the 18th Congress because Subscriber Identity Module cards or what is now more commonly called SIM cards, has changed the way the world communicates. Its low cost and the ease by which it can be accessed has allowed Filipinos in every island of the country to stay connected with one another. It provides millions of Filipinos with the latest news, keeps them up to date and provides communication lines to even those living in the farthest regions in the country. During the pandemic, we have seen how effective SIM cards have become in assisting students who were forced to resort to distance learning as face-to-face classes were called off for two years. The considerable benefit that this technology has given us is undeniable.

However, as innovation brings countless advantages, we usually become unconcerned with its inimical effects. There are a number of ill-willed individuals who exploit the weaknesses of this technology. Prepaid SIM cards are currently extremely difficult to trace and its user cannot be easily identified. This untraceable characteristic coupled with the ease with which prepaid SIM cards can be acquired has become a magnet for nefarious and illegal activities. Today, it is not surprising to hear of victims robbed of their life-savings because they fell for a text scam. There are also thousands of Filipinos whose bank accounts and credit cards were hacked because of the use of prepaid SIM cards. There are even those who threaten bodily harm or make ransom demands through prepaid mobile numbers. But the worst of them all are instances where prepaid mobile phones have become triggering devices for bombs used by terrorists that kill innocent civilians, women, and children.

It is in this wise that we find it imperative to regulate the sale and distribution of these SIM cards by establishing a registry or database of validated information of its authorized owner. We follow the lead taken by Singapore, Malaysia, Brunei, and many other countries that have put this into law and succeeded in its effort of regulation.

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

HON. REX GATCHALIAN
Representative
1st District, Valenzuela City

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

SECTION 1. ***Short Title***. – This Act shall be known as the "Subscriber Identity Module (SIM) Card Registration Act".

SEC. 2. ***Declaration of Policy***. – The State recognizes the vital role of information and communications technology in nation building and encourages its growth and development.

It is equally cognizant that beneficial as modern technology is, its illegal or malicious use endangers people's lives, damages property, poses hazards to public order, and even threatens the security of nations

Thus, there is a need to promote accountability in the use of Subscriber Identity Module (SIM) cards and provide law enforcement agencies the tools to resolve crimes which involve its utilization and the platform to deter the commission of wrongdoings.

Towards this end, the State shall require the registration of SIM cards by all users.

SEC. 3. ***Definition of Terms***. – As used in this Act:

(a) *Direct seller* refers to a person, natural or juridical, who directly dispenses or sells a SIM card to an end user;

(b) *End user* refers to any individual/subscriber who directly purchases a SIM card from a direct seller;

(c) *Postpaid subscription* refers to the subscription wherein service is provided by virtue of a prior arrangement with a public telecommunications entity, and the end user thereof is billed at the end of the monthly billing cycle according to the use of mobile service;

(d) *Prepaid subscription* refers to the subscription wherein credit is purchased in advance of service use. The purchased credit is used to pay for mobile phone services at the point the service is accessed or consumed. If there is no available credit, then access to the requested service is denied;

(e) *Public Telecommunications Entity or PTE* refers to any person, natural or juridical, government or private, engaged in the provision of telecommunications services to the public for compensation;

(f) *SIM* refers to the Subscriber Identity Module which is an embedded circuit that securely stores international mobile subscriber identity and related keys used to identify and authenticate subscribers on mobile devices, such as mobile phones and computers;

(g) *SIM card* refers to a removable card into which an electronic integrated circuit is embedded and is transferrable between different mobile devices; and

(h) *SIM card registration* refers to the process of recording and verifying mobile phone number and personal information of a subscriber, by a PTE or other direct seller, including the subscriber's full name, date of birth, gender, and address.

SEC. 4. ***Sale and Registration of SIM Cards***. – Every PTE or direct seller shall require the end user of a SIM card to present a valid identification document with photo to ascertain the latter's identity. The PTE or direct seller shall further require the end user to accomplish and sign a control-numbered registration form

issued by the respective PTE of the SIM card purchased. The registration form shall include an attestation by the end user that the person appearing before the direct seller is the same person who accomplished and signed the registration form and that the identification documents presented are valid and correct. Failure of an end user to comply with the requirements under this section shall be a ground for the PTE or direct seller to refuse the sale and issuance of a SIM card.

Except in cases where the PTE is the direct seller, the accomplished registration form must be submitted by the direct seller to the concerned PTE within fifteen (15) days from the date of sale. Failure on the part of the direct seller to comply under this section shall constitute a violation of this Act.

SEC. 5. ***Coverage of Registration***. – All direct sellers are hereby mandated to register the following information in the SIM card registration form:

(a) Full name, date of birth, gender, and address of the end user appearing in a valid government-issued identification document with photo. SIM card end users shall be required to present the original copy of any of the following valid government identification document (ID) with photo:

(1) Passport;
(2) National ID;
(3) Digitized Social Security Service (SSS) ID;
(4) Government Service Insurance System (GSIS) e-Card;
(5) Driver's license;
(6) Firearms' License to Own and Possess (LTOP) ID;
(7) Professional Regulation Commission (PRC) ID;
(8) Integrated Bar of the Philippines (IBP) ID;
(9) Overseas Workers Welfare Administration (OWWA) ID;
(10) Digitized Bureau of Internal Revenue (BIR) ID;
(11) Voter's ID;
(12) Senior Citizen's card;
(13) Person with Disabilities (PWDs) card; or
(14) Other government-issued ID.

In the absence of any of the above IDs, a National Bureau of Investigation (NBI) clearance, police clearance, or a Philippine Statistics Authority (PSA) certified birth certificate with an ID picture taken within the last six (6) months prior to the purchase of a SIM card shall suffice. The direct seller may make further inquiries or require the submission of additional identification, if necessary. The purchase of a SIM card may be withheld pending submission of the additional requirements;

(b) Assigned cell phone number of SIM card and its serial number.

In the case of end users who are foreign nationals, they shall register their full name, passport number, and address in the SIM card registration form upon presentation of the following:

(1) For foreign nationals visiting as tourists for not more than thirty (30) days:

(i) Passport;
(ii) Proof of address in the Philippines; and
(iii) Return ticket to own country of the tourist or any other ticket showing the date and time of departure from the Philippines.

(2) For foreign nationals staying for more than thirty (30) days either as workers or students:

(i) Passport;
(ii) Full name as indicated in the passport;
(iii) Proof of address in the Philippines;
(iv) Alien Employment Permit issued by the Department of Labor and Employment (DOLE);
(v) Alien Certificate of Registration Identification Card or ACRI-Card issued by the Bureau of Immigration (BI); or
(vi) School registration and ID for students.

SEC. 6. ***Submission of Registration Form***. – The registration form shall be accomplished in triplicate, and forwarded by the direct seller to the concerned

PTE. The required registration form and copies thereof shall be certified by the direct seller or any other duly appointed officer of the PTE.

SEC. 7. ***Submission of Verified List of Dealers or Agents***. – The PTE shall submit to the National Telecommunications Commission (NTC), within thirty (30) days from the date of effectivity of this Act, a verified list of their current authorized dealers/agents nationwide. The PTE shall submit to the NTC every quarter of each year an updated list of the same.

SEC. 8. ***Confidentiality Clause***. – Any information in the SIM card registration shall be treated as absolutely confidential, unless access to information has been granted upon written consent of the subscriber: *Provided,* That the waiver of absolute confidentiality shall not be made a condition for the approval of subscription agreements. The confidentiality clause in the SIM card registration shall take effect at the point of sale.

SEC. 9. ***Disclosure of Information***. – Notwithstanding the provisions of Section 8 hereof and in accordance with Section 12(e) of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", the PTE shall be required to disclose the full name and address contained in the SIM card registration, upon a duly issued subpoena or order of a court upon finding of probable cause, or upon written request from a law enforcement agency in relation to an ongoing investigation, that a particular number is used in the commission of a crime or that it was used as a means to commit an unlawful act.

SEC. 10. ***SIM Card Register***. – All PTEs are required to maintain a SIM Card Register of their subscribers containing information required under Section 5 of this Act.

In case of loss of a SIM card or any change in information contained in the registration form after purchase of the SIM card, the subscriber shall notify the PTE within forty-eight (48) hours from such loss or change in information. All PTEs are required to keep the data of their subscribers and shall ensure that this data is kept with utmost confidentiality.

SEC. 11. ***Registration of Existing Prepaid Mobile Phone Subscribers***. – All existing mobile phone subscribers with prepaid SIM cards are required to register with their respective PTE within one hundred eighty (180) days from the effectivity of this Act. An extension period of not longer than one hundred twenty (120) days shall be allowed upon a valid written request to the Department of Information and Communications Technology (DICT).

Failure to register within the prescribed period shall authorize the PTE to automatically deactivate its services to the concerned prepaid SIM card subscriber.

SEC. 12. ***Penalties***. – The following penalties shall be imposed for failure to comply with any of the provisions of this Act:

(a) If the offense is committed by a PTE, the President and other responsible officers of the PTE shall be held liable, and the following penalties shall be imposed:

(1) First offense: a fine not exceeding Three hundred thousand pesos (P300,000.00);
(2) Second offense: a fine not exceeding Five hundred thousand pesos (P500,000.00); and
(3) Third and subsequent offenses: a fine not exceeding One million pesos (P1,000,000.00) for every offense;

(b) If the offense is committed by a direct seller, a penalty of suspension of its operation and a fine of Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed; and

(c) If the offense is committed by an officer or employee of an implementing agency under this Act, a penalty of suspension or dismissal from service and a fine to be determined by the court shall be imposed without prejudice to the filing of an appropriate criminal, civil and administrative case.

SEC. 13. ***Implementing Rules and Regulations (IRR)***. – Within ninety (90) days from the effectivity of this Act, the NTC, in coordination with the DICT and other

concerned agencies, shall promulgate the rules and regulations and other issuances as may be necessary to ensure the effective implementation of this Act.

SEC. 14. ***Transitory Provision***. - Only direct sellers who have been duly authorized by the PTEs and the NTC shall be allowed to sell prepaid SIM cards. Upon the effectivity of this Act, all PTEs are mandated to recall all prepaid SIM cards for sale to the public by those establishments not authorized by it. Otherwise, they shall be liable for the penalties prescribed in this Act.

SEC. 15. ***Separability Clause***. – Should any part of this Act be declared unconstitutional or invalid, the other provisions hereof that are not affected thereby shall continue to be in full force and effect.

SEC. 16. ***Repealing Clause***. – All laws, decrees, executive orders, proclamations, rules and regulations, and issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 17. ***Effectivity Clause***. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,