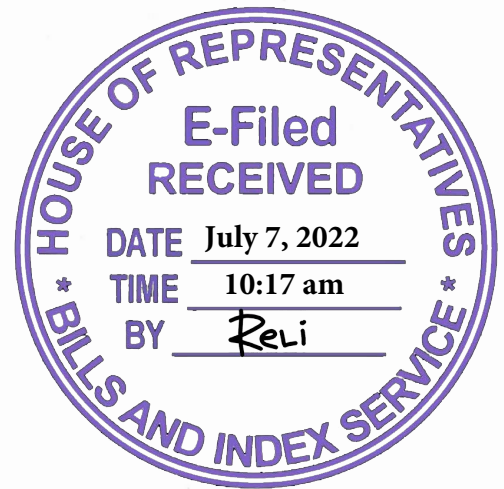


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1528



Introduced by Representative Roman T. Romulo

AN ACT
REGULATING THE SALE OF PREPAID SUBSCRIBER IDENTITY MODULE (SIM) CARDS,
PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The latest trends in information technology, particularly in the field of telecommunications, are greatly evident in our country. Almost all Filipinos nowadays own and use cellular phones to exchange voice calls and text messages, giving the Philippines the distinction of being the world's text-messaging capital. Not only that – we use our phones, tablets and other smart mobile devices also to connect to the internet and use online services. With the use of such devices, business transactions as well as everyday living have become more effective and efficient.

Many owners of such devices prefer to use the pre-paid subscriber identity module (SIM) card. Not only is this pre-paid SIM card easily accessible, i.e., it can be purchased almost everywhere, the owners thereof can likewise easily evade detection since prepaid SIM cards are virtually undetectable. As a result, unscrupulous individuals almost always take advantage of the same in the pursuit of their criminal activities, harming not only a particular interest but that of the whole nation.

The proposed bill therefore seeks to address the above-mentioned problem being brought about by the proliferation of pre-paid SIM cards. It provides for a system of regulating the sale and/or disposition of pre-paid SIM cards and also puts into place the procedures to be followed if a member of the law enforcement agency and/or officer would like to retrieve information concerning the owner of a pre-paid SIM card that had been used in a criminal or illegal activity without prejudice to the rights of the registered owner under existing law. With

this in mind, it is hoped that the proposal will contribute solving our recurring peace and order problem in some way.

Every new technology carries with it tremendous responsibility. The technology should be used to advance the interests of all people and not only of a chosen few. As lawmakers, it is our duty to guarantee that the benefits we gain from this technology are properly utilized and not abused by some segments of our society.

It is for this reason and the advancement of the common good that early passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Roman T. Romulo', with a stylized flourish at the end.

ROMAN T. ROMULO

Lone District, Pasig City

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

1 **SECTION 1. Title.** - This Act shall be known as the "*Prepaid Subscriber Identity Module*
2 *(SIM) Cards Regulations Act of 2022*".

3
4 **SECTION 2. Declaration of Policy.** - The State recognizes the vital role of
5 communication and information in nation building. The introduction of modern
6 telecommunications technology with the view of providing the widest information
7 dissemination is greatly encouraged. However, possession of the most modern technology
8 comes with tremendous responsibility. A mechanism must be put in place to ensure its
9 effective use for the good of all while preventing its illegal or malicious use to benefit a few.
10 Towards this end, the State shall regulate the use and sale of prepaid SIM cards for users of
11 cellular phones and other mobile devices only to persons who shall comply with the
12 requirements herein set forth.

13
14 **SECTION 3. Registration Requirement.** - All persons desiring to own and/or use
15 prepaid SIM cards for cellular phones and other mobile smart devices shall, before the actual
16 purchase thereof, prepare and accomplish before any corporation, partnership, single
17 proprietorship authorized to deal and/or sell the said product a registration form which shall
18 contain the following information:

19
20 (a) Full name and complete address of the buyer, which shall be accompanied by any
21 of the following documents, to wit:

1. A Valid Identification Card with photograph;
2. A Valid Passport;
3. Driver's License;
4. Social Security System Identification Card;
5. Company Identification Card;
6. Government Service Insurance System Identification Card;
7. Voter's Identification Card;
8. Senior's Citizen Card;
9. School Identification Card.

(b) The telephone number of the Prepaid Subscriber Identity Module (SIM) Card that will be issued.

SECTION 4. *Recording by the Corporation, Partnership, Single Proprietorship or Authorized Dealer and the Telecommunications Service Provider.* - The corporation, partnership or single proprietorship authorized to deal and/or sell prepaid SIM cards shall keep a record of the names and other data of all persons who purchased a prepaid SIM card. A certified copy of the registration and/or information sheet prepared by the would-be buyer shall then be transmitted to the Telecommunication Service Provider which shall file and keep a record of the same in a data base to be created for the purpose.

The copy of the registration and/or information sheet submitted to the Telecommunications Service Provider shall be certified to by the President, General Manager, Treasurer or any other responsible officer of the corporation or partnership, or the owner in case of single proprietorship authorized to deal and/or prepaid SIM card.

SECTION 5. *Inquiry into the Telecommunications Service Provider's Database.* - If the user of a cellular phone with prepaid SIM card shall use the same in the commission of a crime or for any malicious fraudulent or illegal purpose, a court of competent jurisdiction may, by written order, authorize the appropriate law enforcement authority to look into the records of the owner of the prepaid SIM card used in the commission of the above-mentioned acts with the Telecommunications Service Provider keeping records of the same: *Provided, That,* such written order shall only be granted upon application in writing of any law enforcement agency and/or officer and only upon examination under oath or affirmation of the applicant and the witnesses he may produce and upon the court being satisfied that: (1) there is reasonable ground to believe that the prepaid SIM card has been used in the commission of a crime or for a malicious, fraudulent or illegal purpose; (2) that there is reasonable ground to believe that the owner of the said prepaid SIM card is probably the perpetrators of the same; and (3) there is no other speedy and adequate means readily available to obtain such facts and information

1 The written order issued by the court for this purpose shall specify: (1) the name of
2 the law enforcement agency and/or officer authorized to look into the database of the
3 Telecommunications Service Provider; (2) instruct the Telecommunications Service Provider
4 to furnish the information requested; (3) direct the law enforcement agency and/or officer to
5 use the information obtained in accordance with the written application; and (4) specify the
6 period of the written order which shall not exceed thirty (30) days unless extended or
7 renewed by the court issuing the same upon good cause shown.
8

9 **SECTION 6. Telecommunications Service Provider's Report.** - The
10 Telecommunications Service Provider to whom the records of all purchases of prepaid SIM
11 card have been forwarded by the corporation, partnership or single proprietorship authorized
12 to deal and/or sell the same shall forthwith prepare duplicate copies of its record containing
13 the names and other data of all registered owners of prepaid SIM cards. The duplicate copies
14 of its record shall be furnished the National Telecommunications Commission and the Bureau
15 of Internal Revenue.
16

17 **SECTION 7. Penal Provisions.**

18 (a) *For Failure to comply with the Registration Requirement:* Any corporation,
19 partnership, single proprietorship or any authorized dealer of prepaid SIM cards who shall
20 commit a violation of Sec. 3 hereof shall suffer the following penalties:
21

- 22 i. A fine of twenty-five thousand pesos (P25,000.00) for the first offense;
- 23 ii. A fine of fifty thousand pesos (P50,000.00) for the second offense;
- 24 iii. A fine of one hundred thousand pesos (P100,000.00) for the third offense
25 and imprisonment from six months and one day to four years. In addition,
26 the license or authority of the corporation, partnership, single
27 proprietorship or the authorized dealer shall likewise be revoked or
28 cancelled; Provided, That, the penalty of imprisonment shall be imposed
29 on the President, General Manager, Treasurer or other responsible officer
30 of the corporation or partnership or the owner in case of a single
31 proprietorship.
32

33 (b) *For failure to keep record.* - The penalty of imprisonment ranging from thirty
34 days and one (1) day to six months or a fine of fifty thousand pesos (P50,000.00) shall be
35 imposed upon the President, General Manager, Treasurer or other responsible officer of the
36 corporation or partnership or the owner in case of a single proprietorship who shall commit
37 a violation of Sec. 4 hereof.
38

39 (c) *Breach of Confidentiality.* - The penalty of imprisonment ranging from four
40 years and one day to six years or a fine of fifty thousand pesos (P50,000.00) shall be imposed
41 upon any employee of the corporation, partnership or single proprietorship authorized to

1 deal and/or sell prepaid SIM or the Telecommunications Service Provider who shall reveal the
2 name of the registered owner of a prepaid SIM card which is not in accordance with the
3 provisions of Sec. 5 hereof.

4
5 The same penalty shall be imposed upon any employee of the Telecommunications
6 Service Provider who, despite the written order issued by a competent court, shall refuse the
7 law enforcement agency and/or officer access to the information specified in said written
8 order.

9
10 **SECTION 8. *Implementing Rules and Regulations.*** - Within sixty (60) days from the
11 approval of this Act, the Department of Justice (DOJ) in coordination with the National
12 Telecommunications Commission shall issue the necessary rules and regulations to
13 implement its provisions.

14
15 **SECTION 9. *Separability Clause.*** - If, for any reason, any provision or section of this Act
16 shall be held to be unconstitutional or invalid, the other provisions or sections hereof which
17 are not affected thereby shall continue to be in full force and effect.

18
19 **SECTION 10. *Effectivity.*** - This Act shall take effect fifteen (15) days after the
20 completion of its publication in the Official Gazette or in at least two (2) newspaper of general
21 circulation.

22
23 *Adopted,*