



HOUSE OF REPRESENTATIVES

H. No. 5793

BY REPRESENTATIVES YAP (V.), LOPEZ, ABAYA, BIAZON, LOYOLA, OLIVAREZ, GATCHALIAN, CASTELO, RODRIGUEZ, VARGAS, ROMULO, PINEDA, ROMERO, AGABAS, SY-ALVARADO, LAZATIN, VIOLAGO, KHO (W.), TIANGCO, PADUANO, BORDADO, ROMUALDO, MARQUEZ, ABANTE, TAMBUNTING, CABREDO, AUMENTADO, TAN (A.S.), LACSON, DY (F.M.C.), GUICO, VILLAFUERTE, ALBANO (A.), CABOCHAN, TORRES-GOMEZ, LACSON-NOEL, ESPINO, MADRONA, VERGARA, ROMAN, GERON AND SAVELLANO, PER COMMITTEE REPORT NO. 131

AN ACT REQUIRING THE REGISTRATION OF SUBSCRIBER
IDENTITY MODULE CARDS

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

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

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

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

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

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

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

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

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

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

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

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

26 (f) *SIM* refers to the Subscriber Identity Module which
27 is an embedded circuit that securely stores international
28 mobile subscriber identity and related keys used to identify

1 and authenticate subscribers on mobile devices, such as mobile
2 phones and computers;

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

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

10 SEC. 4. *Sale and Registration of SIM Cards.* – Every PTE or
11 direct seller shall require the end user of a SIM card to
12 present a valid identification document with photo to ascertain the
13 latter's identity. The PTE or direct seller shall further require the
14 end user to accomplish and sign a control-numbered registration
15 form issued by the respective PTE of the SIM card purchased.
16 The registration form shall include an attestation by the end
17 user that the person appearing before the direct seller is the
18 same person who accomplished and signed the registration form and
19 that the identification documents presented are valid and correct.
20 Failure of an end user to comply with the requirements under this
21 section shall be a ground for the PTE or direct seller to refuse the
22 sale and issuance of a SIM card.

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

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

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

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

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

1 necessary. The purchase of a SIM card may be withheld pending
2 submission of the additional requirements;

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

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

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

10 (i) Passport;

11 (ii) Proof of address in the Philippines; and

12 (iii) Return ticket to own country of the tourist or any
13 other ticket showing the date and time of departure from the
14 Philippines.

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

17 (i) Passport;

18 (ii) Full name as indicated in the passport;

19 (iii) Proof of address in the Philippines;

20 (iv) Alien Employment Permit issued by the Department
21 of Labor and Employment (DOLE);

22 (v) Alien Certificate of Registration Identification Card or
23 ACRI-Card issued by the Bureau of Immigration (BI); or

24 (vi) School registration and ID for students.

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

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

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

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

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

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

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

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

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

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

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

23 (1) First offense: a fine not exceeding Three hundred thousand
24 pesos (P300,000.00);

25 (2) Second offense: a fine not exceeding Five hundred
26 thousand pesos (P500,000.00); and

27 (3) Third and subsequent offenses: a fine not exceeding
28 One million pesos (P1,000,000.00) for every offense;

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

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

10 SEC. 13. *Implementing Rules and Regulations (IRR).* -
11 Within ninety (90) days from the effectivity of this Act,
12 the NTC, in coordination with the DICT and other concerned
13 agencies, shall promulgate the rules and regulations and other
14 issuances as may be necessary to ensure the effective
15 implementation of this Act.

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

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

27 SEC. 16. *Repealing Clause.* - All laws, decrees, executive
28 orders, proclamations, rules and regulations, and issuances,

1 or parts thereof which are inconsistent with the provisions of
2 this Act are hereby repealed, amended or modified accordingly.

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

Approved,

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