

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'22 JUL 12 P5 :20

SENATE
S. No. ~~429~~

RECEIVED BY:

INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

AN ACT
ERADICATING MOBILE PHONE, INTERNET OR ELECTRONIC
COMMUNICATION-AIDED CRIMINAL ACTIVITIES, MANDATING FOR THIS
PURPOSE OWNERSHIP REGISTRATION OF ALL SUBSCRIBER IDENTITY
MODULE (SIM) CARDS FOR ELECTRONIC DEVICES

EXPLANATORY NOTE

The COVID-19 pandemic has highlighted the importance of electronic devices and the innovation that comes with it which includes: access to social media, e-commerce, food deliveries, and online bank transactions, among others. Nonetheless, this innovation has also been widely used to perpetrate crimes. In 2020, at least ten (10) riders delivered food amounting to Twenty Thousand Pesos (P20,000) to a subdivision residence in Las Pinas City, who claimed to have not placed any order through a food delivery app. Sadly, when these instances happen, there is no way one could identify the perpetrator and thus, the delivery riders are left with no choice but to bear the burden of losing their hard-earned money.

Bombings triggered by cellphones are likewise not new in our country. In 27 January 2019, security footage of a bombing shows one of the bombers holding a mobile phone that was used to trigger bomb blasts that targeted two (2) churches in the south. On 04 September 2016, a blast in Davao City used a mobile phone to trigger an improvised explosive device detonation and on 26 January 2011, five (5) people were killed in Manila when a mortar triggered by a cellphone was detonated in a bus.

Considering the gravity of the aforementioned crimes committed anonymously, the proposed measure seeks to impose mandatory SIM card registration as a prerequisite for the sale thereof. All existing SIM card subscribers with active services shall likewise be required to register with their respective Public Telecommunications Entity in order to deter the proliferation of SIM card, internet or electronic communication-aided crimes.

This proposed measure is an amended version of the bill passed by the 18th Congress but was vetoed by President Rodrigo Roa Duterte due to certain provisions concerning possible state intrusion with regard to social media account registration.

In view of the foregoing, the passage of the bill is urgently sought.


RONALD "BATO" DELA ROSA

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MODULE (SIM) CARDS FOR ELECTRONIC DEVICES

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 "*Subscriber Identity*
2 *Module (SIM) Card Registration Act.*"

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

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

9 Towards this end, the State shall require the registration of SIM cards for
10 electronic devices by all users to promote accountability in the use of SIM card, and
11 provide law enforcement agencies the tools to resolve crimes which involve its
12 utilization and the platform to deter the commission of wrongdoings.

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

2 a) *End user* refers to any individual or subscriber, natural or juridical, who
3 directly purchases a SIM card from a direct seller;

4 b) *Public Telecommunications Entity* or *PTE* refers to any person, firm,
5 partnership or corporation, government or private, engaged in the provision of
6 telecommunications services to the public for compensation, as defined under
7 Republic Act No. 7925 or the “Public Telecommunications Policy Act of the Philippines”;

8 c) *SIM (Subscriber Identity Module or Subscriber Identification Module) Card*
9 refers to an integrated circuit chip that is intended to securely store the international
10 mobile subscriber identity or IMSI number and its related key or an electronic
11 equivalent thereof, which are used to identify and authenticate subscribers on mobile
12 telephone devices;

13 d) *Spoofing* refers to the act of transmitting misleading or inaccurate information
14 about the source of the phone call or text message, with the intent to defraud, cause
15 harm, or wrongfully obtain anything of value; and

16 e) *Third-party reseller* refers to agents, dealers, or anyone who sells SIM cards
17 other than the PTEs themselves.

18 **SEC. 4. *SIM Card Registration.*** – In order to deter the proliferation of SIM card,
19 internet or electronic communication-aided crimes, such as, but not limited to:
20 terrorism; text scams; unsolicited, indecent or obscene messages; bank fraud; libel;
21 anonymous online defamation; trolling; hate speech, spread of digital disinformation
22 or fake news as defined under pertinent laws, all PTEs shall require the registration of
23 SIM cards as pre-requisite to the sale and activation thereof, in accordance with the
24 guidelines set forth under this Act.

1 All existing SIM card subscribers with active services shall register with their
2 respective PTEs within one hundred eighty (180) days from the effectivity of this Act.
3 An extension period of no longer than one hundred twenty (120) days shall be allowed
4 upon a valid written request to the Department of Information and Communications
5 Technology (DICT).

6 Failure to register within the prescribed period shall authorize the PTEs to
7 automatically deactivate or retire the SIM card number and registration.

8 **SEC. 5. *Sale and Registration Guidelines.*** – The National Telecommunications
9 Commission (NTC), in close consultation with the PTEs, the concerned agencies of
10 government including, but not limited to, the Department of Trade and Industry (DTI),
11 DICT, National Privacy Commission (NPC) and in consultation with major consumer
12 groups, shall formulate the necessary guidelines in the proper implementation of the
13 real-name registration program through a SIM card registration process based on the
14 following parameters:

- 15 a. Submission of duly accomplished control-numbered owner's registration form
16 with full name, date of birth, and address. The registration form shall include
17 an attestation by the SIM card buyer that the person personally appearing
18 before the direct seller and the identification documents presented are true and
19 correct, and that said person is the one who has accomplished and signed the
20 registration form;
- 21 b. Presentation of valid government-issued identification cards or other similar
22 forms of documents that will verify the identity of the SIM card buyer, or a valid
23 passport in the case of aliens;

1 c. A buyer who fails to comply with the requirements for registration shall be
2 refused the sale of a SIM card by the seller;

3 d. The sale of a SIM card to a minor shall not be prohibited: *Provided*, That said
4 minor is accompanied by a parent or legal guardian at the time of its purchase
5 and registration;

6 e. The sale of SIM cards to foreign nationals shall be allowed, *Provided*, That:

7 i. Those visiting as tourists for not more than thirty (30) days shall
8 register their full name, passport number, and address in the SIM
9 card registration form and present their passport and proof of
10 address in the Philippines; and

11 ii. Those staying for more than thirty (30) days either as workers or
12 students shall register their full name, passport number, and address
13 in the SIM card registration form and present their passport, proof of
14 address in the Philippines, Alien Certificate of Registration
15 Identification Card or ACRI- Card issued by the Bureau of
16 Immigration (BI), and Alien Employment Permit issued by the
17 Department of Labor and Employment (DOLE) or school registration
18 and ID, whichever is applicable.

19 **SEC. 6. SIM Card Register.** – The registration form required under this Act shall
20 be accomplished electronically and shall be forwarded and kept by the concerned PTE
21 to a centralized database. The database shall strictly serve as a SIM card register to
22 be used by PTEs to process, activate or deactivate subscription and shall not be used
23 for any other purpose. The successful submission of the required registration form

1 shall serve as the certification of legitimate purchase by the SIM card buyer and the
2 duly- appointed agents of the PTE or third-party reseller, as the case may be.

3 The registration required under this Act shall be implemented at no cost to the
4 end users or the third-party resellers.

5 In the recordkeeping of information, PTEs shall ensure that the end users' data
6 are secure and protected at all times. The PTEs shall comply with the minimum
7 information security standards prescribed by the DICT consistent with internationally
8 accepted cybersecurity standards and relevant laws, rules and regulations.

9 The DICT shall establish and perform an annual audit on PTEs' compliance with
10 information security standards.

11 In case of loss or any change in the information after the registration of the
12 SIM card, the subscriber must update said registration in the database through the
13 PTE's facility within seventy two (72) hours from such loss or change.

14 In case of a cyber-attack on the register, the incident shall be reported to the
15 DICT within twenty four (24) hours of detection.

16 **SEC. 7. *Submission of Verified List of Third-Party Resellers.*** – The PTEs shall
17 submit to the NTC, within thirty (30) days from the date of effectivity of this Act, a
18 verified list of all their current authorized third-party resellers. Thereafter, the PTEs
19 shall submit to the NTC, every quarter of each year, an updated list of the same.

20 **SEC. 8. *Liabilities of Third-Party Resellers.*** – Any third-party reseller that will
21 engage in the sale of fraudulently-registered or stolen SIM cards shall be held
22 criminally liable under this Act.

23 **SEC. 9. *Confidentiality Clause.*** – Any information obtained in the registration
24 process described under this Act cannot be disclosed to any person.

1 Notwithstanding this provision, disclosure shall be made:

- 2 i. In compliance with any law obligating the PTE to disclose such
3 information in accordance with the provisions of Republic Act. No.
4 10173 or the Data Privacy Act of 2012;
- 5 ii. In compliance with a court order, legal process, or other government
6 regulatory, or enforceable administrative request for information;
- 7 iii. In compliance with Section 10 hereof; or
- 8 iv. With the written consent of the subscriber: *Provided*, That the waiver
9 of absolute confidentiality shall not be made as a condition for the
10 approval of subscription agreements with the mobile phone service
11 providers.

12 **SEC. 10. Disclosure of Information.** – Notwithstanding the provisions on
13 confidentiality *supra*, the PTEs, upon order of a competent authority, duly authorized
14 under existing laws to issue subpoena, shall be required to provide information
15 obtained in the registration process pursuant to an investigation of a complainant’s
16 verified sworn complaint that a specific mobile number was or is being used in the
17 commission of a crime or that it was utilized as a means to commit a malicious,
18 fraudulent or unlawful act including libel, anonymous online defamation, hate speech,
19 trolling, or spread of digital disinformation, or fake news; and that he or she is unable
20 to ascertain the identity of the perpetrator.

21 *Provided, however*, That no PTE shall be held administratively, civilly, or
22 criminally liable on account of any disclosure done in compliance with this Act.

23 For this purpose, the relevant data and information shall be kept by the PTEs
24 for ten (10) years from the time the end-user deactivates the mobile number.

1 **SEC. 11. Penalties.** – The following penalties shall be imposed for violation of
2 any provision of this Act:

3 a. *For failure to comply with the registration requirement.* – The NTC is hereby
4 authorized to impose a fine of Ten thousand pesos (₱10,000.00) on any
5 third- party reseller who shall fail to comply with the registration
6 requirement under this Act.

7 If the offense is committed by a PTE, the following penalties shall be
8 imposed:

9 1) First offense: a fine not exceeding Three hundred thousand
10 pesos (₱300,000.00);

11 2) Second offense: a fine not exceeding Five hundred thousand
12 pesos (₱500,000.00); and

13 3) Third and subsequent offenses: a fine not exceeding One million
14 pesos (₱1,000,000.00) for every offense;

15 b. *For breach of confidentiality.* – A fine of Two hundred thousand pesos
16 (₱200,000.00) shall be imposed upon the third-party reseller who shall
17 directly reveal or disclose any information of a subscriber obtained during
18 the registration requirement under this Act, unless otherwise permitted by
19 this Act, or other laws.

20 If the offense is committed by a PTE, the following penalties shall be
21 imposed:

22 1) First offense: a fine not exceeding Three hundred thousand
23 pesos (₱300,000.00);

1 2) Second offense: a fine not exceeding Five hundred thousand
2 pesos (₱500,000.00); and

3 3) Third and subsequent offenses: a fine not exceeding One million
4 pesos (₱1,000,000.00) for every offense;

5 The same penalty shall be imposed upon the PTE or its
6 agents or employees or third-party resellers who, despite the
7 written order issued by a competent court, or subpoena issued by
8 competent authority shall refuse the law enforcement agency or
9 officer access to the information specified in said written order.

10 c. *For using fictitious identities to register SIM cards.* – The penalty of
11 imprisonment of no less than six (6) years, or a fine of up to Two hundred
12 thousand pesos (₱200,000.00), or both, shall be imposed upon anyone who
13 uses a fictitious identity to purchase and register a SIM cards.

14 d. *For spoofing registered SIM cards.* – The penalty of imprisonment of no
15 less than six (6) years, or a fine of Two hundred thousand pesos
16 (₱200,000.00), or both, shall be imposed upon anyone who causes to
17 transmit misleading or inaccurate information about the source of the
18 phone call or text message, with the intent to defraud, cause harm, or
19 wrongfully obtain anything of value, unless such transmission is exempted
20 in connection with: (1) authorized activities of law enforcement agencies;
21 or (2) a court order specifically authorizing the use of caller ID
22 manipulation.

23 e. *Unauthorized sale of registered SIM cards.* – The penalty of imprisonment
24 no less than six (6) years, or a fine of two hundred thousand pesos

1 (P200,000.00), or both, shall be imposed upon third-party resellers or
2 anyone who sells or offers for sale a registered SIM card without being
3 authorized to do so.

4 Any person who willfully attempts to commit or abets or aids in the commission
5 of any of the offenses enumerated in this Act shall be held liable.

6 A prosecution under this Act shall be without prejudice to any liability for
7 violation of any provision of the Revised Penal Code, as amended, or special laws.

8 **SEC. 12. *Implementing Rules and Regulations and Reportorial Requirement.*** –

9 The NTC, in close coordination with the DICT, DTI, NPC and major consumer groups,
10 shall set the guidelines for the monitoring and proper implementation of this Act and
11 shall issue the necessary implementing rules and regulations within sixty (60) days
12 upon the effectivity of this Act.

13 All PTEs are required to submit to the NTC, DICT, and both Houses of Congress
14 an annual report on the implementation of the provisions of this Act.

15 **SEC. 13. *Interpretation.*** – Any doubt in the interpretation of any provision of
16 this Act and its implementing rules and regulations shall be construed in a manner
17 that accords the highest respect for privacy, and liberally interpreted in a manner
18 mindful of the rights and interests of SIM card subscribers.

19 **SEC. 14. *Transitory Provision.*** – Upon the effectivity of this Act, all PTEs are
20 mandated to recall all prepaid SIM cards for sale to the public by those establishments
21 not authorized by it. Otherwise, they shall be liable for the penalties prescribed in this
22 Act.

1 PTEs and third-party resellers affected by the implementation of this Act shall
2 be given a one (1) year transitory period from the effectivity of the implementing rules
3 and regulations to comply with its requirements.

4 **SEC. 15. *Repealing Clause.*** – All laws, decrees, executive orders,
5 proclamations, rules and regulations, and issuances, or parts thereof which are
6 inconsistent with the provisions of this Act are hereby repealed, amended or modified
7 accordingly.

8 **SEC. 16. *Separability Clause.*** – Should any part of this Act be declared
9 unconstitutional or invalid, the other provisions hereof that are not affected thereby
10 shall continue to be in full force and effect.

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

13 *Approved,*