

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

SENATE

S. No. 203



Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT
REQUIRING THE REGISTRATION OF ALL USERS OF PRE-PAID
SUBSCRIBER IDENTITY MODULE (SIM) CARDS

EXPLANATORY NOTE

As a country that is hailed as the texting capital of the world, we should now be familiar with the Subscriber Identity Module or more commonly called SIM cards. The use of the mobile phones with these SIM cards has greatly altered the way of life of every Filipino to an unbelievable degree. The technology has paved the way for an easier and faster medium of communication, a handy tool for information accessibility, and has mobilized a broader citizen engagement for social and civic affairs. Indeed, we have come to acknowledge the great benefit this technology has given us.

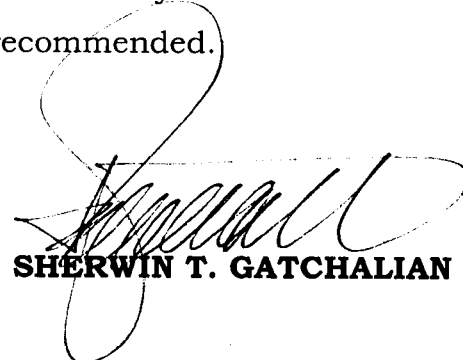
As innovations bring countless advantages, we usually become unconcerned with its inimical effects. Thus, markets for supply of SIM cards continue to flood at an unabated rate. We change SIM cards as fast as we change our soiled shirts. Alarming, this seeming boundless stream of supply has become a magnet of nefarious and illegal activities. Nowadays, we hear countless victims of text scams, ransom demands thru untraceable

mobile numbers and the most alarming of all, are in instances that mobile phones become triggering devices for bomb explosion that kill hapless civilians in our midst.

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, Indonesia and Brunei and other countries that have put this into law and succeeded in its effort of regulation.

This bill was approved by the House of Representatives during the 16th Congress as House Bill No. 5231 on May 19, 2015.

In view of the unlawful activities we earnestly seek to curb with this legislation, immediate approval is highly recommended.



SHERWIN T. GATCHALIAN

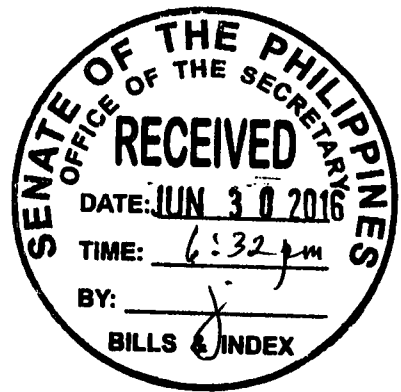
SEVENTEENTH CONGRESS OF THE]

REPUBLIC OF THE PHILIPPINES]

First Regular Session

SENATE

S. N. 203



Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT
REQUIRING THE REGISTRATION OF ALL USERS OF PRE-PAID
SUBSCRIBER IDENTITY MODULE (SIM) CARDS

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

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

3
4 **SEC. 2. Declaration of Policy.** - The State recognizes the vital role of
5 information and communications technology in nation building.

6 The introduction of modern telecommunications technology with the
7 view of providing the widest information dissemination is greatly encouraged.
8 The possession of the most modern technology carries with it tremendous
9 responsibility. Thus, mechanism for its effective use for the good of all and
10 not for an illegal or malicious purpose to benefit a few must be installed.

11 Towards this end, the State shall require the registration of all users of
12 pre-paid subscriber identity module (SIM) cards.

13
14 **SEC. 3. Definition of Terms.** - As used in this Act:

- 1 a. *Direct seller* refers to a person or entity, whether natural or juridical,
2 who directly dispenses or sells a SIM card to an end user;
- 3 b. *End user* refers to any individual/subscriber who directly purchases
4 a SIM card from a direct seller for personal use;
- 5 c. *Postpaid mobile phone* refers to a mobile phone the service of which
6 is provided by a prior arrangement with a Public
7 Telecommunications Entity. The user in this situation is billed after
8 the fact, according to their use of mobile services at the end of the
9 monthly billing cycle;
- 10 d. *Prepaid mobile phone* refers to a mobile phone for which credit is
11 purchased in advance of service use. The purchased credit is used
12 to pay for mobile phone services at the point the service is accessed
13 or consumed. If there is no available credit then access to the
14 requested service is denied;
- 15 e. *Public Telecommunications Entity or PTE* refers to any duly
16 enfranchised and authorized public telecommunications entity that
17 offers voice, short messaging system (SMS/text), mobile data, value-
18 added services (VAS) or any other telecommunications services to
19 the public for a fee;
- 20 f. *SIM card* refers to the Subscriber Identity Module (SIM), which is an
21 integrated circuit that securely stores the international mobile
22 subscriber identity and the related key used to identify and
23 authenticate subscribers on mobile telephony devices, such as
24 mobile phones and computers. A SIM card is a removable plastic
25 card into which a SIM circuit is embedded, and can be transferred
26 between different mobile devices;
- 27 g. *SIM card registration* refers to the process of recording and verifying
28 mobile phone number and personal information of a subscriber, by
29 a PTE or other direct seller, including the subscriber's photograph,
30 name, date of birth, gender and address.
- 31

32 **SEC. 4. Sale and Registration of SIM Cards.** - Every direct seller shall
33 require the end user of a SIM card to present valid identification with photo

1 to ascertain the latter's identity. The direct seller shall further require the end
2 user to accomplish and sign a control-numbered registration form issued by
3 the respective PTE of the SIM card being purchased. The registration form
4 shall include an attestation by the end user that the person personally
5 appearing before the direct seller and the identification documents presented
6 are true and correct and that the person is one and the same who has
7 accomplished and signed the registration form.

8 Except in cases where the PTE is the direct seller, the accomplished
9 registration form must be submitted to the concerned PTE within fifteen (15)
10 days from the date of sale. The confidentiality clause in the SIM card
11 registration under Section 9 hereof shall start to apply at the point of sale.

12 An end user who does not produce valid identification with photo and
13 fails to accomplish a registration form in accordance with the preceding
14 paragraph shall be refused the sale of a SIM card by the direct seller. The
15 direct seller shall only issue the SIM card to the end user after compliance
16 with the requirements mentioned above and in the succeeding sections.

17
18 **SEC. 5. Representative Registration of SIM Cards.** - A person who
19 wants to purchase a SIM card but cannot personally register with the direct
20 seller may, for valid reason, authorize another to register in that person's
21 behalf, subject to the following conditions: (1) the representative is authorized
22 through a duly notarized Special Power of Attorney; and (2) the principal and
23 the representative should present an original and a true and clear copy of any
24 of the valid identification cards with photo listed in Section 6 (a) hereof.

25 In case the person intending to purchase a SIM card is a minor, the
26 parents or guardian shall be required to give their express consent in writing,
27 and submit the same with the registration form and valid identification cards
28 with photo of both the minor and the parents or guardian.

29 The direct seller may deny the request for representative registration
30 after an assessment that the reason given therefore is not valid or that the
31 identification cards or their true copies are not authentic or sufficient.

1 **SEC. 6. Coverage of Registration.** - All direct sellers are hereby
2 mandated to register pertinent data in a registration form devised for the
3 purpose, to include the following information and requirements:

- 4 a) Full name and complete address of the end user appearing in a
5 valid government-issued identification document with photo. In view
6 thereof, SIM card end users shall be required to present the original
7 and submit a true and faithful reproduction or photocopy of
8 any of the following government identification documents with photo:
- 9 1. Driver's License
 - 10 2. Social Security Service/Government Service Insurance System
11 (SSS/GSIS) Card
 - 12 3. Passport
 - 13 4. Senior Citizen's Card
 - 14 5. Person with Disabilities Card
 - 15 6. National Bureau of Investigation (NBI) Clearance
 - 16 7. Police Clearance
 - 17 8. Firearms License
 - 18 9. Voter's Identification Card
 - 19 10. Taxpayer's Identification Number (TIN)
 - 20 11. Professional Regulation Commission (PRC) Identification Card
 - 21 12. Government Office Identification Card
 - 22 13. School Identification Card (in case of a minor)
 - 23 14. Other Government-issued Identification Cards

24 The direct seller may make further inquiries or require the
25 submission of additional identification if necessary, and withhold the
26 sale of the SIM card pending compliance with the additional
27 requirements.

- 28 b) Assigned cell phone number of SIM card(s) and serial number/s.

29
30 **SEC. 7. Submission of Registration Form.** - The registration form
31 required under Section 6 of this Act shall be accomplished in triplicate, and
32 shall be forwarded by the direct seller for to the concerned PTE. The concerned
33 PTE shall submit a copy of the duly accomplished registration form to the

1 National Telecommunications Commission (NTC) within fifteen (15) days from
2 the date of sale or receipt of such form from their respective direct sellers. The
3 required registration form and the copies thereof shall be certified by either,
4 the President, General Manager, Treasurer, Secretary or any other duly
5 appointed officer of the PTE or direct seller, as the case may be.

6
7 **SEC. 8. Submission of Verified List of Dealers or Agents.** – The PTEs
8 shall submit to the NTC, within thirty (30) days from the date of effectivity of
9 this Act, a verified list of their current authorized dealers or agents
10 nationwide. Thereafter, the PTEs shall submit to the NTC, every quarter of
11 each year an updated list of the same.

12
13 **SEC. 9. Confidentiality Clause.** – Any information in SIM card
14 registration shall be treated as absolutely confidential, unless upon written
15 consent of the subscriber: *Provided,* That the waiver of absolute
16 confidentiality shall not be made as a condition for the approval of
17 subscription agreements with the PTEs.

18 **SEC. 10. Disclosure of Information.** – Notwithstanding the provisions
19 of Section 9 of this Act, the PTEs shall be required to provide information
20 contained in the SIM card registration only upon order of a competent court
21 upon finding of probable cause that a particular number is used in the
22 commission of a crime or that it was utilized as a means to commit an
23 unlawful act.

24 **SEC. 11. SIM Card Register.** - All PTEs are required to submit an
25 updated SIM Card Register of their subscribers to the NTC every six (6)
26 months of both postpaid and prepaid mobile phone users, and maintain a
27 record containing information required under Section 6 of this Act.

28 In case of loss or any change in the information after the acquisition of
29 the SIM card, the subscriber must notify the PTEs within thirty (30) days
30 from such loss or change. The concerned PTE in return must notify the NTC
31 of such loss or change in the information within fifteen (15) days from receipt
32 of notification from the subscriber.

1 All PTEs are required to keep the data of their subscribers and the NTC
2 shall see to it that this data is being kept with utmost confidentiality as
3 provided for under Section 9 of this Act and in accordance with existing laws.

4 **SEC. 12. Registration of Existing Prepaid Mobile Phone**
5 **Subscribers.** – All existing mobile phone subscribers with prepaid SIM cards
6 are required to register with their respective PTE within one hundred eighty
7 (180) days from effectivity of this Act. Such deadline may be extended by the
8 NTC but shall not be longer than one hundred twenty (120) days upon valid
9 written request.

10 Failure to register within the prescribed period shall authorize the PTE
11 to automatically deactivate its services to the specific existing prepaid SIM
12 card subscriber.

13
14 **SEC. 13. Penalties.** The following penalties shall be imposed for
15 violation of any provision of this Act:

16 a) If the offense is committed by a PTE, the President and other
17 executive officers shall be held liable and the following penalties shall be
18 imposed:

19 (1) First offense: A fine of Three hundred thousand pesos
20 (P300,000.00);

21 (2) Second offense: A fine of Five hundred thousand pesos
22 (P500,000.00); and

23 (3) Third and subsequent offenses, a fine of One million pesos
24 (P1,000,000.00) for every offense.

25 b) A penalty of suspension of its operation and a fine ranging from five
26 thousand pesos (P5,000.00) to fifty thousand pesos (P50,000.00) shall be
27 imposed on any direct seller who fails to comply with the provisions of this
28 Act.

29
30 **SEC. 14. Implementing Rules and Regulations (IRR).** – Within ninety
31 (90) days from the effectivity of this Act, the NTC, in coordination with
32 concerned agencies, shall promulgate the rules and regulations and other

1 issuances as may be necessary, to ensure the effective implementation of this
2 Act.

3
4 **SEC. 15. Separability Clause.** – Should any part of this Act be
5 declared unconstitutional or invalid, other provisions hereof that are not
6 affected thereby shall continue to be in full force and effect.

7
8 **SEC. 16. Repealing Clause.** – All laws, decrees, executive orders,
9 proclamations, rules and regulations, and issuances, or parts thereof which
10 are inconsistent with the provisions of this Act, are hereby repealed, amended
11 or modified accordingly.

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

Approved,