

Republic of the Philippines
Congress of the Philippines
Metro Manila

Nineteenth Congress

First Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand twenty-two.



[REPUBLIC ACT NO. 11934]

AN ACT REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE

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

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

The State shall promote responsibility in the use of Subscriber Identity Module (SIM) and provide law enforcement agencies the tools to resolve crimes which involve its utilization and a platform to deter the commission of wrongdoings.

Towards this end, the State shall require the registration of SIM for electronic devices by all users.

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

(a) *End-user* refers to any existing subscriber or any individual or juridical entity which purchases a SIM from the public telecommunications entities (PTEs), its agents, resellers or any entity;

(b) *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;

(c) *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;

(d) *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, as defined under Republic Act No. 7925, as amended, or the Public Telecommunications Policy Act of the Philippines;

(e) *Reseller* refers to a person, natural or juridical, who dispenses or sells a SIM to an end-user;

(f) *SIM* refers to the Subscriber Identity Module which is an embedded circuit that securely stores International Mobile Subscriber Identity (IMSI) and related keys or an electronic equivalent thereof, used to identify and authenticate subscribers on mobile devices, such as mobile phones and computers, and other electronic devices. For purposes of this Act, this shall include e-SIMs and other variations thereof; and

(g) *Spoofing* refers to the act of transmitting misleading or inaccurate information about the source of the phone call or text message, with the intent to defraud, cause harm, or wrongfully obtain anything of value.

SEC. 4. *SIM Registration.* – In order to regulate the registration and use of SIMs, all end-users shall be required to register their SIMs with PTEs as a pre-requisite to the activation thereof, in accordance with the guidelines set forth under this Act.

For purposes of this Act, all the SIMs to be sold by the PTEs, its agents, resellers, or any entity shall be in a deactivated state. It shall only be activated after the end-user completes the process of registration.

All existing SIM subscribers shall register the same with their respective PTEs within one hundred eighty (180) days from the effectivity of this Act. The Department of Information and Communications Technology (DICT) may extend registration for a period not exceeding one hundred twenty (120) days.

Failure to register the existing SIM within the periods prescribed herein shall result in the automatic deactivation of the SIM. The deactivated SIM may only be reactivated after registration in accordance with this Act.

PTEs shall include the data of existing postpaid subscribers in the SIM Register to align with the registration requirement of this Act.

SEC. 5. *Registration Guidelines.* – The SIM registration process shall be guided by the following parameters:

(a) Submission of duly accomplished control-numbered owner's registration form with full name, date of birth, sex, and address. The registration form shall be accomplished electronically through a platform or website to be provided by the PTEs. The same shall include a declaration by the end-user that the identification documents presented are true and correct, and that said person is the one who accomplished the registration form;

(b) Presentation of valid government-issued identification (ID) cards or other similar forms of documents with photo that will verify the identity of the end-user such as, but not limited to the following:

- (1) Passport;
- (2) Philippine Identification;
- (3) Social Security System ID;
- (4) Government Service Insurance System e-Card;
- (5) Driver's license;
- (6) National Bureau of Investigation clearance;
- (7) Police clearance;
- (8) Firearms' License to Own and Possess ID;
- (9) Professional Regulation Commission ID;
- (10) Integrated Bar of the Philippines ID;
- (11) Overseas Workers Welfare Administration ID;
- (12) Bureau of Internal Revenue ID;
- (13) Voter's ID;
- (14) Senior Citizen's card;
- (15) Unified Multi-purpose Identification card;
- (16) Person with Disabilities card; or
- (17) Other valid government-issued ID with photo.

For juridical entities, the certificate of registration, as well as the duly-adopted resolution designating the authorized representative, in case of corporations, and a special power of attorney, in case of other entities, shall be presented;

(c) The registration process shall require the input of the assigned mobile number of the SIM with its serial number;

(d) The registration of a SIM by a minor shall be under the name of the minor's parent or guardian: *Provided*, That the minor's parent or guardian shall give their consent and register the SIM; and

(e) In the case of end-users who are foreign nationals, they shall register their full name, nationality, passport number, and address in the Philippines and present the following:

(1) For foreign nationals visiting as tourists under Section 9(a) of Commonwealth Act No. 613, as amended:

(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 with other types of visas:

(i) Passport;

(ii) Proof of address in the Philippines;

(iii) Alien Employment Permit issued by the Department of Labor and Employment (DOLE);

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

(v) School registration and ID for students; or

(vi) Other pertinent documents, whichever is applicable.

The SIMs that are registered under Subsection e(1) shall only be valid temporarily for thirty (30) days, and shall automatically be deactivated upon expiration of the validity of the SIM.

The relevant government agencies and concerned PTEs shall facilitate all SIM registrations in remote areas with limited telecommunication or internet access: *Provided*, That said registration facilities in remote areas shall be established within sixty (60) days from the effectivity of this Act.

A buyer who fails to comply with the requirements for registration shall result in their SIM not being activated.

SEC. 6. SIM Register. – All PTEs shall maintain their own database containing information required under this Act. The database shall strictly serve as a SIM Register to be used by PTEs to process, activate or deactivate a SIM or subscription and shall not be used for any other purpose, unless otherwise provided under this Act. The successful submission and acceptance of the required registration form shall serve as the certification of registration by the end-user.

The registration required under this Act shall be implemented at no cost to the end-users.

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

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

In case of any change in the information of the end-user, or the loss of the SIM, death of the end-user, or any request for deactivation, the end-user shall immediately inform the PTE through its facility established for such purpose: *Provided*, That in the case of death of an end-user, such fact shall be reported to the concerned PTE by the immediate family, relatives, or guardian.

In case of any change in the information of the end-user, the concerned PTE shall clearly note such change in its database.

In case of loss of the SIM, death of the end-user, or request for deactivation, the concerned PTE shall deactivate said SIM within twenty-four (24) hours from the report of the end-user, immediate family, relatives or guardian.

Provided, That regardless of any deactivation, the relevant data and information shall be retained by the PTE pursuant to the pertinent provisions of this Act, which is ten (10) years.

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

PTEs shall provide user-friendly reporting mechanisms for their respective end-users upon the latter's receipt of any potentially fraudulent text or call, and shall, upon due investigation, deactivate, either temporarily or permanently, the SIM used for the fraudulent text or call.

SEC. 7. *Subsequent Sale of a Registered SIM.* – A registered SIM shall not be sold or transferred without complying with the registration requirements under Section 6 of this Act.

SEC. 8. *Sale of a Stolen SIM.* – Any PTE, its agents, resellers, or entity that shall engage in the sale of stolen SIMs shall be criminally liable under this Act.

SEC. 9. *Confidentiality Clause.* – Any information and data obtained in the registration process described under this Act shall be treated as absolutely confidential and shall not be disclosed to any person.

Notwithstanding this provision, disclosure of the full name and address shall be made:

(a) In compliance with any law obligating the PTE to disclose such information in accordance with the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012;

(b) In compliance with a court order or legal process upon finding of probable cause;

- (c) In compliance with Section 10 hereof; or
- (d) With the written consent of the subscriber: *Provided*, That, the waiver of absolute confidentiality shall not be made as a condition for the approval of subscription agreements with the PTEs.

The confidentiality clause in the SIM registration shall take effect at the point of activation.

SEC. 10. Disclosure of Information. – Notwithstanding the provisions on confidentiality, the PTEs shall be required to provide information obtained in the registration process only upon the issuance of a subpoena by a competent authority pursuant to an investigation based on a sworn complaint that a specific mobile number was or is being used in the commission of a crime or that it was utilized as a means to commit a malicious, fraudulent or unlawful act, and that the complainant is unable to ascertain the identity of the perpetrator.

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

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

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

(a) *For failure or refusal to register a SIM.* – The following fines shall be imposed upon the PTEs who shall fail or refuse to register a SIM, without a valid reason, despite compliance by the end-user with the requirements for SIM registration under this Act:

(1) First offense: a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00);

(2) Second offense: a fine of not less than Three hundred thousand pesos (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00); and

(3) Third and subsequent offenses: a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00) for every offense thereof;

(b) *For breach of confidentiality.* – The penalty of a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Four million pesos (P4,000,000.00) shall be imposed upon PTEs, its agents or its employees who shall directly or indirectly reveal or disclose any information or data of an end-user obtained during the registration requirement under this Act, unless otherwise permitted by this Act or other laws;

(c) *For breach of confidentiality due to negligence.* – The penalty of a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Four million pesos (P4,000,000.00) shall be imposed upon PTEs, its agents or its employees who, due to negligence, shall reveal or disclose any information or data of an end-user obtained during the registration requirement under this Act;

(d) *For providing false or fictitious information or for using fictitious identities or fraudulent identification documents to register a SIM.* – The penalty of imprisonment ranging from six (6) months to two (2) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00), or both, shall be imposed upon anyone who provides false or fictitious information or who uses a fictitious identity or fraudulent identification documents to register a SIM;

(e) *For spoofing a registered SIM.* – The penalty of imprisonment of no less than six (6) years, or a fine of Two hundred thousand pesos (P200,000.00), or both, shall be imposed upon anyone who causes to transmit misleading or inaccurate information about the source of the phone call or text message, with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted in connection with: (1) authorized activities of law

enforcement agencies; or (2) a court order specifically authorizing the use of caller ID manipulation;

(f) *For sale of a stolen SIM.* – The penalty of imprisonment ranging from six (6) months to two (2) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00), or both, shall be imposed upon the PTEs, its agents, resellers, or any entity that will engage in the sale of stolen SIM as provided under this Act.

If the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime; and

(g) *For sale or transfer of a registered SIM without complying with the required registration.* – The penalty of imprisonment ranging from six (6) months to six (6) years, or a fine of One hundred thousand pesos (P100,000.00) to Three hundred thousand pesos (P300,000.00), or both, shall be imposed upon anyone who sells or transfers a registered SIM without complying with the required registration under this Act.

Any person who abets or aids in the commission of any of the offenses enumerated in this Act shall be held liable as a co-principal.

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

SEC. 12. *Implementing Rules and Regulations (IRR).* – Within sixty (60) days from the effectivity of this Act, the National Telecommunications Commission (NTC), in coordination with other concerned agencies such as, but not limited to, DICT, Department of Trade and Industry (DTI), National Privacy Commission (NPC), as well as PTEs and major consumer groups, shall set the guidelines for the monitoring and proper implementation of this Act and shall promulgate the implementing rules and regulations as may be necessary to ensure the effective implementation of this Act.

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

SEC. 13. *Transitory Provision.* – Upon the effectivity of this Act, all PTEs are mandated to deactivate all prepaid SIMs for sale to the public. Otherwise, they shall be liable for the penalties prescribed in this Act.

SEC. 14. *Interpretation.* – Any doubt in the interpretation of any provision of this Act and its implementing rules and regulations shall be construed in a manner that accords the highest respect for privacy, and liberally interpreted in a manner mindful of the rights and interests of SIM subscribers.

SEC. 15. *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. 16. *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. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

 FERDINAND MARTIN G. ROMUALDEZ
Speaker of the House
of Representatives

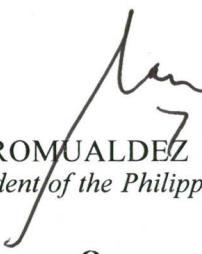
 JUAN MIGUEL F. ZUBIRI
President of the Senate

This Act, which is a consolidation of Senate Bill No. 1310 and House Bill No. 14, was passed by the Senate of the Philippines and the House of Representatives on September 28, 2022.


REGINALD S. VELASCO
Secretary General
House of Representatives


RENATO N. BANTUG JR.
Secretary of the Senate

Approved: OCT 10 2022


FERDINAND ROMUALDEZ MARCOS JR.
President of the Philippines

