

HOUSE OF REPRESENTATIVES
RECEIVED
DATE: JUL 02 2019
TIME: 3:32 PM
BY: JCU
BILLS & INDEX DIVISION

House Bill No. 1056

EXPLANATORY NOTE

However, majority if not all cellular phone owners prefer to use the pre-paid subscriber identity module (SIM) card. Not only is this prepaid subscriber identity module (SIM) card easily accessible, i.e., it can be bought almost everywhere, the owners thereof can likewise easily evade detection since prepaid SIMs are virtually undetectable. Due to this, unscrupulous individuals almost always take advantage of the same in the pursuit of their criminal activities to the detriment not only of a particular interest but that of the whole nation.

Every new technology carries with it tremendous responsibility. The technology should be used for the advancement of the interest of all and not only of a chosen few. It therefore becomes our imperative duty as lawmakers to ensure that the benefits we derive from this technology should be used properly 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.



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Fifth District, Cavite

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session

House Bill No. 1056

Introduced by Honorable Dahlia A. Loyola

AN ACT
REGULATING THE SALE OF PRE-PAID SUBSCRIBER IDENTITY MODULE
(SIM) CARDS, PROVIDING PENALTY FOR VIOLATION THEREOF AND FOR
OTHER PURPOSES

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

1 **SECTION 1. TITLE.** - This Act shall be known as the ***“Pre-paid***
2 ***Subscriber Identity Module (SIM) Cards Registrations Act of 2019”***.

3
4 **SEC. 2. DECLARATION OF POLICY.** - The State recognizes
5 the vital role of communication and information in nation building. The
6 introduction of modern telecommunications technology with the view of
7 providing the widest information dissemination is greatly encouraged. The
8 possession of the most modern technology though, carries with it
9 tremendous responsibility. Mechanism for its effective use for the good of
10 all and not for an illegal or malicious purpose to benefit a few must be
11 installed. Towards this end, the State shall regulate the use and sale of pre-
12 paid subscriber identity module (SIM) card for cellular phone users only to
13 persons who shall comply with the requirements herein set forth.

SEC. 3. REGISTRATION REQUIREMENT. - All persons desiring to own and/or use pre-paid subscriber identification module (SIM) card for cellular phones shall, before the actual purchase thereof, prepare and accomplish before any corporation, partnership, single proprietorship authorized to deal and/or sell the said product 33 f a registration form which shall contain the following information:

(a) Full name and complete address of the buyer which shall be accompanied by any 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 Pre-paid Subscriber Identity Module (SIM) Card that will be used

SEC. 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/

47 or sell pre-paid subscriber identity module (SIM) card shall keep a record of
48 names and other data of all persons who purchased a pre-paid subscriber
49 identity module (SIM) card. A certified copy of the registration and/or
50 information sheet prepared by the would-be buyer shall then be transmitted
51 to the Telecommunication Service Provider who shall file and keep a record
52 of the same in a data base to be created for the purpose.

53
54 The copy of the registration and/or information sheet submitted to
55 the Telecommunications Service Provider shall be certified to by the
56 President, General Manager, Treasurer or any other responsible officer of
57 of the corporation or partnership, or the owner in case of single proprietor-
58 ship authorized to deal and/or pre-paid subscriber identity module (SIM)
59 card.

60
61 **SEC. 5. INQUIRY INTO THE TELECOMMUNICATIONS**
62 **SERVICE PROVIDER'S DATABASE. -** If the user of a cellular phone
63 with pre-paid subscriber identity module (SIM) card shall use the same in
64 the commission of a crime or for any malicious fraudulent or illegal purpose,
65 a court of competent jurisdiction may, by written order, authorize the appro-
66 priate law enforcement authority to look into the record of the owner of the
67 pre-paid subscriber identity module (SIM) card used in the commission of
68 above-mentioned acts with the Telecommunications Service Provider
69 keeping records of the same: *Provided that*, such written order shall only
70 be granted upon application in writing of any law enforcement agency and/
71 or officer and only upon examination under oath or affirmation of the appli-
72 cant and the witnesses he may produce and upon the court being satisfied
73 that: (1) there is reasonable ground to believe that the pre-paid subscriber
74 identity module (SIM) card has been used in the commission of the a crime
75 or for a malicious, fraudulent, or illegal purpose; (2) that there is
76 reasonable ground to believe that the owner of the said pre-paid subscriber
77 identity module (SIM) card is probably the perpetrators of the same and

78 (3) there is no other speedy and adequate means readily available to obtain
79 such facts and information.

80
81 The written order issued by the court for this purpose shall specify:
82 (1) name of the law enforcement agency and/or officer authorized to look in-
83 to the data base of the Telecommunications Service Provider; (2) instruct
84 the Telecommunications Service Provider to furnish the information
85 requested; (3) direct the law enforcement agency and/or officer to use
86 the information obtained in accordance with the written application and
87 (4) specify the period of the written order which shall not exceed thirty (30)
88 days unless extended or renewed by the court issuing the same upon good
89 cause shown.

90
91
92 **SEC. 6. TELECOMMUNICATIONS SERVICE PROVIDER'S**
93 **REPORT.** - The Telecommunications Service Provider to whom the
94 records of all purchases of pre-paid subscriber identity module (SIM) card
95 has been forwarded by the corporation, partnership or single proprietorship
96 authorized to deal and/or sell the same shall forthwith prepare duplicate
97 copies of its record containing the names and other data of all registered
98 owners of pre-paid subscriber identity module (SIM) card. The duplicate
99 copies of its record shall be furnished the National Telecommunications
100 Commission and the Bureau of Internal Revenue.

101
102
103 **SEC. 7. PENAL PROVSIONS.** - (a) *For Failure to Comply*
104 *with the Registration Requirement:* Any corporation, partnership, single
105 proprietorship or any authorized dealer of pre-paid subscriber identity
106 module (SIM) card who shall commit a violation of Sec. 3 hereof shall suffer
107 the following penalties:
108

- 109 i. A fine of twenty-five thousand pesos (P 25, 000.00) for the
110 offense;
111 ii. A fine of fifty thousand pesos (P 50, 000.00) for the second
112 offense;
113 iii. A fine of one hundred thousand pesos (P 100, 000.00) for the
114 third offense and imprisonment from six months and one day
115 to four years. In addition, the license or authority of the corpo-
116 ration, partnership, single proprietorship or the authorized
117 dealer shall likewise be revoked or cancelled; Provided, That,
118 the penalty of imprisonment shall be imposed on the
119 President, General Manager, Treasurer or other responsible
120 officer of the corporation or partnership or the owner in case
121 of a single proprietorship.

122
123 (b) *For failure to keep record.* - The penalty of imprisonment
124 ranging from thirty days and one day to six months or a fine of fifty
125 thousand pesos (P 50, 000.00) shall be imposed upon the President,
126 General Manager, Treasurer or other responsible officer of the
127 corporation or partnership or the owner in case of a single
128 proprietorship who shall commit a violation of Sec. 4 hereof.

129
130 (c) *Breach of Confidentiality.* - The penalty of imprisonment
131 ranging from four years and one day to six years or a fine of fifty
132 thousand pesos (P 50, 000.00) shall be imposed upon any employee
133 of the corporation, partnership or single proprietorship authorized to
134 deal and/or sell pre-paid subscriber identity module (SIM) card or the
135 Telecommunications Service Provider who shall reveal the name of
136 registered owner of a pre-paid subscriber identity module (SIM) card
137 which is not in accordance with the provisions of Sec. 5 hereof.

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139 The same penalty shall be imposed upon any employee of the

140 Telecommunications Service Provider who, despite the written order
141 issued by a competent court, shall refuse the law enforcement
142 agency and/or officer access to the information specified in said
143 written order.
144

145
146 **SEC. 8. IMPLEMENTING RULES AND REGULATIONS -**

147 Within sixty (60) days from the approval of this Act, the Department of
148 Justice in coordination with the National Telecommunications Commission
149 shall issue the necessary rules and regulations to implement its provisions.
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151
152 **SEC. 9. SEPARABILITY CLAUSE.** - If, for any reason, any
153 provision or section of this Act shall be held to be unconstitutional
154 or invalid, the other provisions or sections hereof which are not affected
155 thereby shall continue to be in full force and effect.
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157
158 **SEC. 10. EFFECTIVITY.** - This Act shall take effect fifteen
159 (15) days after the completion of its publication in the Official Gazette or in
160 at least two (2) newspaper of general circulation.

Approved,