

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 3732

Introduced by Representative **TYRONE D. AGABAS**

EXPLANATORY NOTE

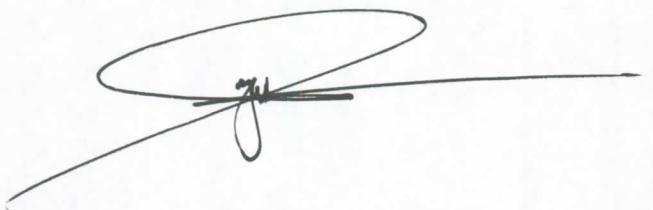
This bill which seeks to require the registration of all users of Subscriber Identity Module (SIM) cards has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. However, it has not yet ripened into a law. On account of the multilateral significance of this bill, there is a need to refile the same to breathe life to its central purpose of protecting everyone's right to life and property.

The State has always recognized the vital role of communication and information in nation-building. Communication is vital in our country's development. The advent of modern technology, especially the use of SIM cards, which practically engulfed everyone's daily activities has considerably affected every human being worldwide. However, this must not run unbridled. There is a need to regulate the use of SIM Cards to forestall its being used as convenient means to commit crimes. The lack of SIM cards' sale and registration system has emboldened the commission of crimes.

The passage of this bill will pave way for the establishment of sale and registration system through mandatory registration of the identity and other related data of the SIM Card buyer. Moreover, the sellers will also be directed to maintain registry repository system of the names of all their subscribers'

data and information. Most importantly, this will help forestall the commission of crimes.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, consisting of a stylized loop and a horizontal line extending to the right.

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HOUSE BILL NO. **3732**

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AN ACT
REQUIRING THE REGISTRATION OF ALL USERS OF
SUBSCRIBER IDENTITY MODULE CARDS

Be it enacted by the Senate and House of Representative 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 communication
5 technology in nation building. The introduction of modern
6 telecommunications technology with the view of providing
7 the widest information dissemination is greatly encouraged, but
8 possession of the most modern technology carries with the view
9 of providing the widest information dissemination is
10 greatly encouraged, but possession of the most modern
11 technology carries with it tremendous responsibility. Thus, a
12 mechanism must be installed to maximize the benefits of
13 modern telecommunications technology and to deter illegal or
14 malicious utilization of the same that benefit only a few.
15 Towards this end, the State shall require the registration of all
16 user of subscriber identity module (SIM) cards.

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

- 18 (a) *Direct seller* refers to a person, natural or juridical, who
19 directly dispense or sells a SIM card to an end user;
- 20 (b) *End user* refers to any individual/subscriber who directly
21 purchase a SIM card from a direct seller;
- 22 (c) *Postpaid subscription* refers to the subscription wherein
23 service is provided by virtue of a prior arrangement with a
24 public telecommunications entity, and the end user thereof is
25 billed at the end of the monthly billing cycle according to the
26 use of the mobile service;
- 27 (d) *Prepaid subscription* refers to the subscription wherein credit
28 is purchased in advance service use. The purchased credit is to
29 pay for mobile phone services at the point the service is
30 accessed or consumed. If there is no available credit, then
31 access to the requested service is denied;
- 32 (e) *Public Telecommunications Entity* or *PTE* refers to any person,
33 natural or juridical, government or private, engaged in the
34 provision of telecommunications services to the public for
35 compensation;
- 36 (f) *SIM* refers to the Subscriber Identity Module which is an
37 embedded circuit that securely stores international mobile
38 subscriber identity and related keys used to identify and
39 authenticate subscribers on mobile devices, such as
40 mobile phones and computers;
- 41 (g) *SIM card* refers to a removable card into which an electronic
42 integrated circuit is embedded and is transferable between
43 different mobile devices; and
- 44 (h) *SIM card registration* refers to the process of recording and
45 verifying mobile phone number and personal information of a
46 subscriber, by a PTE or other direct seller, including the
47 subscriber's full name, date of birth, gender, and address.

48 SEC. 4. *Sale and Registration of SIM Cards.* – Every PTE or
49 direct seller shall require the end user of a SIM card to present
50 valid identification with photo to ascertain the latter's
51 identity. The PTE or direct seller shall further require
52 the end user to accomplish and sign a control-numbered
53 registration form issued by the respective PTE of the SIM card
54 purchased. The registration form shall include an attestation

55 by the end user that the person appearing before the
56 direct seller is the same person who accomplished and
57 signed the registration form and that the identification
58 documents presented are valid and correct. Failure

59 of an end user to comply with the requirements under this
60 section shall be a ground for the PTE or direct seller to
61 refuse the sale and issuance of a SIM card.

62 Except in case where the PTE is the direct seller, the
63 accomplished registration form must be submitted by
64 the direct seller to the concerned PTE within
65 fifteen(15) days from the date of sale. Failure on the part of the
66 direct seller to comply under this section shall constitute a
67 violation of this Act.

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

71 (a) Full name, date of birth, gender, and address of the end user
72 appearing in a valid government-issued identification document
73 with photo. SIM card end users shall be required to present
74 the original copy of any of the following valid
75 government identification documents (ID) with photo:

76 (1) Passport;

77 (2) Digitized Social Security Service (SSS) ID;

78 (3) Government Service Insurance System (GSIS) e-Card;

- 79 (4) Driver's License
80 (5) Firearms' License to Own and Possess (LTOP) ID;
81 (6) Professional Regulation Commission (PRC) ID;
82 (7) Integrated Bar of the Philippines (IBP) ID;
83 (8) Overseas Workers Welfare Administration (OWWA) ID;
84 (9) Digitized Bureau of Internal Revenue (BIR) ID;
85 (10) Voter's ID;
86 (11) Senior Citizen's Card;
87 (12) Person With Disabilities (PWDs) card ; or
88 (13) Other government issued ID.

89 In the absence of any of the above IDs, a National Bureau Of
90 Investigation (NBI) clearance, police clearance, or a Philippine
91 Statistics Authority (PSA) certified birth certificate with an ID
92 picture taken within the last six (6) months prior to the
93 purchased of a SIM card shall suffice. The direct seller may
94 make further inquiries or require the submission of additional
95 identification, if necessary. The purchase of a SIM card may be
96 withheld pending submission of the additional requirements;

97 (b) Assigned cell phone number of SIM card(s) and its serial
98 number.

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

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

- 104 (i) Passport;
105 (ii) Proof of address in the Philippines;
106 (iii) Return ticket to own country of the tourist or any other
107 ticket showing the date and time of departure from the
108 Philippines; and

(iv) Any other information as may be required by the Department of Information and Communications Technology (DICT); and (2) For foreign nationals staying for more than thirty (30) days either as workers or students:

- (i) Passport;
- (ii) Full name as indicated in the passport;
- (iii) Proof of address in the Philippines;
- (iv) Alien Employment Permit issued by the department of labor and employment (DOLE), school registration and ID for students; and
- (v) Any other information as may be required by the DICT.

SEC. 6 Submission of Registration Form. – The registration form shall be accomplished in triplicate, and forwarded by the direct seller to the concerned PTE. The concerned PTE shall submit a copy of the duly accomplished registration form to the DICT within fifteen (15) days from the date of sale or receipt of such form from their respective direct sellers. The required registration form and copies thereof shall be certified by the direct seller or any other duly appointed officer of the PTE.

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

139 SEC. 8. *Confidentiality Clause.* – Any information in the
140 SIM card registration shall be treated as absolutely
141 confidential, unless access to information has been
142 granted upon written consent of the subscriber; *Provided*, That
143 the waiver of absolute confidentiality shall not be made a
144 condition for the approval of subscription agreements. The
145 confidentiality clause in the SIM card registration shall take
146 effect at the point of sale.

147

148 SEC. 9. *Disclosure of Information.* – Notwithstanding the
149 provisions of Section 8 hereof and in accordance with
150 section 12(e) of Republic Act No. 10173, otherwise known as
151 the “Data Privacy Act of 2012”, the PTE or the DICT shall be
152 required to disclose the full name and address contained in
153 the SIM card registration, upon a duly issued subpoena or
154 order of a court upon finding of probable cause or upon written
155 request from a law enforcement agency in relation to an
156 ongoing investigation, that a particular number is used in the
157 commission of a crime or that it was used as a means to
158 commit an unlawful act.

159

160 SEC. 10. *SIM Card Register.* – All PTEs are required to
161 maintain a SIM card register of their subscribers containing
162 information required under section 5 of this Act and to
163 submit the same to the DICT every six (6) months.

164 in case of lost of SIM card or any change in information
165 contained in the registration form after purchase of the SIM
166 card, the subscriber shall notify the PTE within forty eight
167 (48) hours from such loss or change in information. Within
168 fifteen (15) days from receipt of notification from the

169 subscriber , the concerned PTE must notify the DICT of such
170 loss and change in information.

171 All PTEs are required to keep the data of their subscribers and
172 the DICT shall ensure that this data is kept with utmost
173 confidentiality.

174

175 SEC. 11. *Registration of Existing Prepaid Mobile Phone*
176 *subscribers.* – All existing mobile phone subscribers with
177 prepaid sim cards are required to register with their respective
178 PTE within on hundred eighty (180) days from the effectivity of
179 this Act. An extension period of no longer than one hundred
180 twenty (120) days shall allowed upon a valid written request to
181 the DICT.

182 Failure to register within the prescribed period shall
183 authorize the PTE to automatically deactivate its services to the
184 concerned prepaid SIM card subscriber.

185

186 SEC. 12. *Penalties.* – the following penalties shall be imposed to
187 failure to comply with any provisions of this Act;

188 (a) If the offense is committed by a PTE, the President and other
189 executive officers shall be held liable, and the following
190 penalties shall be imposed:

191 (1) First Offense: a fine of three hundred thousand pesos
192 (300,000);

193 (2) Second Offense: a fine of five hundred thousand pesos
194 (500,000); and

195 (3) Third and Subsequent Offenses: a fine of One million pesos
196 (1,000,000) for every offense;

197 (b) If the offense is committed by a direct seller, a penalty
198 of suspension of its operation and a fine of Five thousand pesos
199 (5,000) to fifty thousand pesos (50,000) shall be imposed ; and

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

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

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

SEC. 15. *Separability Clause.* – Should any part of this act be declared unconstitutional or invalid, the other provisions hereof that are not affected hereby shall continue to be in full force and effect.

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

231 SEC. 17. *Effectivity.* – This act shall take effect fifteen (15) days
232 after its publication in the *Official Gazette* newspaper of general
233 circulation.

234

235 Approved,