

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 2312



Introduced by Honorable Wes Gatchalian

AN ACT
TO ERADICATE MOBILE PHONE-AIDED TERRORISM AND CRIMINAL
ACTIVITIES MANDATING FOR THIS PURPOSE OWNERSHIP
REGISTRATION OF ALL PRE-PAID SIM CARDS FOR CELLULAR
PHONES

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 for nefarious and illegal activities. Nowadays, we hear of 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 bombs 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.

The same measure had been filed in the 17th Congress which was approved by the House of Representatives on 3rd Reading on May 15, 2018. The House Bill was transmitted to the Senate on May 17, 2018.

In view of the unlawful activities that proliferate with the use of these SIM cards, we earnestly seek for the swift deliberation and immediate approval of this measure.



Wes T. Gatchalian
Representative, 1st District, Valenzuela

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*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 “**SIM**
2 **REGISTRATION ACT**”.

3 **SEC. 2. Definitions.** - For purposes of this Act, the following terms shall
4 mean:

5 (A) **SIM Card** - is an integrated circuit chip that is intended to securely
6 store the international mobile subscriber identity (IMSI) number and its related
7 key, which are used to identify and authenticate subscribers on mobile telephony
8 devices.

9 (B) **Cellular Phone-Aided crimes** - shall mean any crime committed with
10 the use of SIM card attached to a device such as mobile phone.

11 (C) **Third party reseller** - shall mean any sale/transfer that did not
12 emanate directly from the service providers are considered third party reseller.

1 **SEC. 3. Prepaid SIM Card Registration** - In order to neutralise the
2 rampancy in carrying out of cellular phone-aided crimes, such as but not limited
3 to: bombings with the use of cellular pre-paid phones to trigger the defusing of
4 bombs; text scams; unsolicited/unwanted indecent or obscene messages;
5 deceptive messages, all mobile phone service providers shall require ownership
6 registration as pre-requisite to selling pre-paid SIM cards on the guidelines set
7 forth in Sec. 3: Provided, however, that owners of active pre-paid SIM acquired
8 prior to the implementation of the Act shall likewise undergo the same
9 registration process, before the activation of their cellular services in the
10 succeeding credit reload.

11
12 **SEC. 4. Registration Guidelines** - The National Telecommunications
13 Commission (NTC) in close coordination with the Department of Trade and
14 Industry (DTI) and Telecommunication Companies and in consultation with major
15 Consumer Groups with national membership, shall formulate the necessary
16 guidelines in the proper implementation of the pre-paid SIM card registration
17 process based on the following parameters:

- 18 1. Submission of duly accomplished owner's registration form;
- 19 2. Submission of government issued identification cards and/or other valid
20 IDs or other similar forms of government issued documents that will duly
21 identify the pre-paid SIM card buyer, and in case of an alien tourist, a copy
22 of his/her passport;
- 23 3. Each buyer can only register up to three (3) pre-paid SIM cards across all
24 service providers; owners of more than three (3) prepaid SIM cards prior to

1 the implementation of this Act will be given the option to either discontinue
2 or transfer the ownership of the excess pre-paid SIM;

3 4. Active pre-paid SIM cards acquired prior to the implementation of this Act
4 that fail to be registered within (15) days from its intended credit reload as
5 provided for in Sec. 1, shall automatically be deactivated by the concerned
6 cellular service provider; and

7 5. A registered SIM card owner should at least be fifteen (15) years of age.
8

9 **SEC. 5. Registration by Representatives** - Ownership of more than three

10 (3) SIM Cards shall be allowed provided the buyer is a parent/legal guardian,
11 registering for and in behalf of his/her minor children/ward; company or bulk
12 purchases in behalf of the Corporation agency.
13

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

17 a) Full name and complete address of the end user appearing in a valid
18 government-issued identification document with photo. In view thereof,
19 SIM card end users shall be required to present the original and
20 submit a true and faithful reproduction or photocopy of any of the
21 following government identification documents with photo:

- 22 1. Driver's License
- 23 2. Social Security Service/Government Service Insurance System
24 (SSS/GSIS) Card
- 25 3. Passport
- 26 4. Senior Citizen's Card
- 27 5. Person with Disabilities Card
- 28 6. National Bureau of Investigation (NBI) Clearance
- 29 7. Police Clearance
- 30 8. Firearms License

1 9. Voter's Identification Card

2 10. Taxpayer's Identification Number (TIN)

3 11. Professional Regulation Commission (PRC) Identification Card

4 12. Government Office Identification Card

5 13. School Identification Card (in case of a minor)

6 14. Other Government-issued Identification Cards

7 The direct seller may make further inquiries or require the
8 submission of additional identification if necessary, and withhold the sale
9 of the SIM card pending compliance with the additional requirements.

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

11 **SEC. 7. Submission of Registration Form.** - The registration form
12 required under Section 6 of this Act shall be accomplished in triplicate, and shall
13 be forwarded by the direct seller for to the concerned PTE. The concerned PTE
14 shall submit a copy of the duly accomplished registration form to the National
15 Telecommunications Commission (NTC) within fifteen (15) days from the date of
16 sale or receipt of such form from their respective direct sellers. The required
17 registration form and the copies thereof shall be certified by either, the President,
18 General Manager, Treasurer, Secretary or any other duly appointed officer of the
19 PTE or direct seller, as the case may be.

20
21 **SEC. 8. Submission of Verified List of Dealers or Agents.** - The PTEs
22 shall submit to the NTC, within thirty (30) days from the date of effectivity of this
23 Act, a verified list of their current authorized dealers or agents nationwide.
24 Thereafter, the PTEs shall submit to the NTC, every quarter of each year an
25 updated list of the same.

26
27 **SEC. 9. Obligation and Liabilities of Third Party Resellers** - Within
28 three (3) days from the receipt of a completed ownership, all third party resellers
29 of pre-paid SIM cards must turn-over to the respective service providers the
30 records and accompanying documents of the buyers. Reseller that will engage in
31 the selling of fraudulently-registered or stole pre-paid sim cards shall be held
32 criminally liable.

1 **SEC. 10. Confidentiality Clause.** – Any information in SIM card
2 registration shall be treated as absolutely confidential, unless upon written
3 consent of the subscriber: *Provided*, That the waiver of absolute confidentiality
4 shall not be made as a condition for the approval of subscription agreements with
5 the PTEs.

6
7 **SEC. 11. Disclosure of Information.** – Notwithstanding the provisions of
8 Section 10 hereof, the PTEs shall be required to provide information contained in
9 the SIM card registration only upon order of a competent court upon finding of
10 probable cause that a particular number is used in the commission of a crime or
11 that it was utilized as a means to commit an unlawful act.

12
13 **SEC. 12. SIM Card Register.** - All PTEs are required to submit an
14 updated SIM Card Register of their subscribers to the NTC every six (6) months of
15 both postpaid and prepaid mobile phone users, and maintain a record containing
16 information required under Section 6 of this Act.

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

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

25
26 **SEC. 13. Registration of Existing Prepaid Mobile Phone Subscribers.** –
27 All existing mobile phone subscribers with prepaid SIM cards are required to
28 register with their respective PTE within one hundred eighty (180) days from
29 effectivity of this Act. Such deadline may be extended by the NTC but shall not be
30 longer than one hundred twenty (120) days, upon a valid written request.

31 Failure to register within the prescribed period shall authorize the PTE to
32 automatically deactivate its services to the specific existing prepaid SIM card
33 subscriber.

1 **SEC. 14. Repertorial Requirements and Internal Rules and**
2 **Regulations** - To ensure that all stakeholders will comply with the proper
3 enforcement of the provisions of this Act, the DTI is hereby mandated to oversee
4 its implementation for the next three (3) years and shall submit to Congress
5 report of compliance. For this purpose, the DI and the NTC shall set the
6 guidelines for the monitoring of the proper implementation of this Act and shall
7 issue the necessary implementing rules and regulations within thirty (30) days
8 upon its effectivity.
9

10 **SEC. 15. Penalties** - Any person or entity who violates any provision of
11 this Act shall, upon conviction, be penalised by imprisonment for a maximum
12 period of one year, or a fine of not less than P50,000 nor more than P300,000; or
13 both such fine and imprisonment at the discretion of the court.
14

15 **SEC. 16. Effectivity** - This Act shall take effect fifteen (15) days after its
16 publication in the *Official Gazette* and at least two (2) national newspapers of
17 general circulation.

Approved,