

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



COMMITTEE REPORT NO. 131

Submitted by the Committee on Information and Communications Technology on
DEC 11 2019.

5793

Re : House Bill No. _____

Recommending its approval in substitution of House Bills Numbered 298, 453, 658, 743, 1056, 1773, 2312, 2411, 2747, 3033, 3152, 3629, 3732, 5350 and 5606.

Sponsors : Representatives Victor A. Yap and Rufus B. Rodriguez.

Mr. Speaker:

The Committee on Information and Communications Technology to which were referred House Bill No. 298 introduced by Rep. Victor A. Yap, entitled:

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

House Bill No. 453 introduced by Rep. Manuel Luis T. Lopez, entitled:

**"AN ACT
MANDATING THE COOPERATION OF ALL TELECOMMUNICATIONS
CORPORATIONS, INTERNET SERVICE PROVIDERS, AND SOCIAL MEDIA
NETWORKS IN CREATING AN EFFICIENT IDENTIFICATION MECHANISM FOR
THE DETERRENCE OF THE COMMISSION OF TERRORIST ACTIVITES AND
PROVIDING PENALTIES FOR A VIOLATIONS THEREOF"**

House Bill No. 658 introduced by Rep. Francis Gerald A. Abaya, entitled:

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

House Bill No. 743 introduced by Rep. Rozzano Rufino B. Biazon, entitled:

**"AN ACT
REQUIRING THE REGISTRATION OF ALL PRE-PAID SIM CARD USERS AND
MOBILE PHONE UNITS AND FOR OTHER PURPOSES"**

House Bill No. 1056 introduced by Rep. Dahlia A. Loyola, entitled:

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

House Bill No. 1773 introduced by Rep. Eric A. Olivarez, entitled:

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

House Bill No. 2312 introduced by Rep. Wes Gatchalian, entitled:

**“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”**

House Bills No. 2411 introduced by Rep. Precious Hipolito Castelo, entitled:

**“AN ACT
REQUIRING THE RECORDING OF THE IDENTITY OF ALL BUYERS OF
PREPAID SUBSCRIBER IDENTITY MODULE (SIM) CARDS FOR CELLULAR
TELEPHONE UNITS AND FOR OTHER PURPOSES”**

House Bills No. 2747 introduced by Rep. Rufus B. Rodriguez, entitled:

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

House Bill No. 3033 introduced by Rep. Alfred D. Vargas, entitled:

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

House Bill No. 3152 introduced by Rep. Roman T. Romulo, entitled:

**“AN ACT
REGULATING THE SALE OR PRE-PAID SUBSCRIBER IDENTITY MODULE (SIM)
CARDS, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER
PURPOSES”**

House Bill No. 3629 introduced by Reps. Enrico A. Pineda and Michael Odylon L. Romero, Ph. D., entitled:

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

House Bill No. 3732 introduced by Rep. Tyrone D. Agabas, entitled:

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

House Bill No. 5350 introduced by Rep. "Kuya" Jose Antonio R. Sy-Alvarado, entitled:

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

and House Bill No. 5606 introduced by Rep. Carmelo "Jon" B. Lazatin, entitled:

**"AN ACT
REQUIRING THE REGISTRATION OF ALL USERS OF PRE-PAID SUBSCRIBER
IDENTITY MODULE (SIM) CARDS OF MOBILE PHONES AND PROVIDING
PENALTIES FOR VIOLATION THEREOF"**

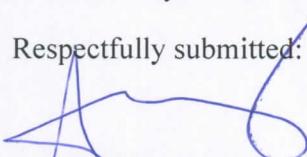
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has considered the same and recommends that the attached House Bill No. _____, entitled:

**"AN ACT
REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE
CARDS"**

be approved in substitution of House Bills Numbered 298, 453, 658, 743, 1056, 1773, 2312, 2411, 2747, 3033, 3152, 3629, 3732 and 5350 with Representatives Victor A. Yap, Manuel Luis T. Lopez, Francis Gerald A. Abaya, Rozzano Rufino B. Biazon, Dahlia A. Loyola, Eric L. Olivarez, Wes Gatchalian, Precious Hipolito Castelo, Rufus B. Rodriguez, Alfred D. Vargas, Roman T. Romulo, Enrico A. Pineda, Michael Odylon L. Romero, Ph. D., Tyrone D. Agabas, "Kuya" Jose Antonio R. Sy-Alvarado, Carmelo "Jon" B. Lazatin, France L. Castro, Micaela S. Violago, John Reynald M. Tiangco, Joseph Stephen "Caraps" S. Paduano, Gabriel H. Bordado, Jr., Wilton "Tonton" T. Kho, Xavier Jesus D. Romualdo, Carlito S. Marquez, Bienvenido M. Abante, Jr., Joy Myra S. Tambunting, Fernando T. Cabredo, Aristotle C. Aumentado, Alyssa Sheena P. Tan, Virgilio S. Lacson, and Faustino Michael Carlos T. Dy III as authors thereof.

Respectfully submitted:


VICTOR A. YAP

Chairman
Committee on Information and
Communications Technology

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City**

CONGRESS OF THE PHILIPPINES)
EIGHTEENTH CONGRESS)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. **5793**

(Substitute Bill to House Bills Numbered 298, 453, 658, 743, 1056, 1773, 2312, 2411, 2747, 3033, 3152, 3629, 3732, 5350 and 5606)

Introduced by Representatives Victor A. Yap, Manuel Luis T. Lopez, Francis Gerald A. Abaya, Rozzano Rufino B. Biazon, Dahlia A. Loyola, Eric L. Olivarez, Wes Gatchalian, Precious Hipolito Castelo, Rufus B. Rodriguez, Alfred D. Vargas, Roman T. Romulo, Enrico A. Pineda, Michael Odylon L. Romero, Ph.D., Tyrone D. Agabas, "Kuya" Jose Antonio R. Sy-Alvarado, Carmelo "Jon" B. Lazatin, France L. Castro, Micaela S. Violago, Wilton "Tonton" T. Kho, John Reynald M. Tiangco, Joseph Stephen "Caraps" S. Paduano, Gabriel H. Bordado, Jr., Xavier Jesus D. Romualdo, Carlito S. Marquez, Bienvenido M. Abante, Jr., Joy Myra S. Tambunting, Fernando T. Cabredo, Aristotle C. Aumentado, Alyssa Sheena P. Tan, Virgilio S. Lacson, and Faustino Michael Carlos T. Dy III

AN ACT REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE CARDS

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

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

3 SEC. 2. *Declaration of Policy.* — The State recognizes the vital role of
4 information and communications technology in nation building and encourages
5 its growth and development.

6 It is equally cognizant that beneficial as modern technology is, its illegal
7 or malicious use endangers people's lives, damages property, poses hazards to
8 public order, and even threatens the security of nations.

9 Thus, there is a need to promote accountability in the use of Subscriber
10 Identity Module (SIM) card and provide law enforcement agencies the tools to

1 resolve crimes which involve its utilization and the platform to deter the
2 commission of wrongdoings.

3 Towards this end, the State shall require the registration of subscriber
4 identity module (SIM) cards by all users.

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

- 6 (a) *Direct seller* refers to a person, natural or juridical, who directly
7 dispenses or sells a SIM card to an end user;
- 8 (b) *End user* refers to any individual/subscriber who directly purchases
9 a SIM card from a direct seller;
- 10 (c) *Postpaid subscription* refers to the subscription wherein service is
11 provided by virtue of a prior arrangement with a public
12 telecommunications entity, and the end user thereof is billed at the
13 end of the monthly billing cycle according to the use of mobile
14 service;
- 15 (d) *Prepaid subscription* refers to the subscription wherein credit is
16 purchased in advance of service use. The purchased credit is used to
17 pay for mobile phone services at the point the service is accessed or
18 consumed. If there is no available credit, then access to the
19 requested service is denied;
- 20 (e) *Public Telecommunications Entity* or *PTE* refers to any person,
21 natural or juridical, government or private, engaged in the provision
22 of telecommunications services to the public for compensation;
- 23 (f) *SIM* refers to the Subscriber Identity Module which is an embedded
24 circuit that securely stores international mobile subscriber identity
25 and related keys used to identify and authenticate subscribers on
26 mobile devices, such as mobile phones and computers;
- 27 (g) *SIM card* refers to a removable card into which an electronic
28 integrated circuit is embedded and is transferrable between
29 different mobile devices; and
- 30 (h) *SIM card registration* refers to the process of recording and
31 verifying mobile phone number and personal information of a
32 subscriber, by a PTE or other direct seller, including the subscriber's

1 full name, date of birth, gender, and address.

2 SEC. 4. *Sale and Registration of SIM Cards.* — Every PTE or direct
3 seller shall require the end user of a SIM card to present a valid identification
4 with photo to ascertain the latter's identity. The PTE or direct seller shall
5 further require the end user to accomplish and sign a control-numbered
6 registration form issued by the respective PTE of the SIM card purchased. The
7 registration form shall include an attestation by the end user that the person
8 appearing before the direct seller is the same person who accomplished and
9 signed the registration form and that the identification documents presented
10 are valid and correct. Failure of an end user to comply with the requirements
11 under this section shall be a ground for the PTE or direct seller to refuse the
12 sale and issuance of a SIM card.

13 Except in cases where the PTE is the direct seller, the accomplished
14 registration form must be submitted by the direct seller to the concerned PTE
15 within fifteen (15) days from the date of sale. Failure on the part of the direct
16 seller to comply under this section shall constitute a violation of this Act.

17 SEC. 5. *Coverage of Registration.* - All direct sellers are hereby mandated
18 to register the following information in the SIM card registration form:

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

- 23 (1) Passport;
24 (2) National ID
25 (3) Digitized Social Security Service (SSS) ID;
26 (4) Government Service Insurance System (GSIS) e-Card;
27 (5) Driver's license;
28 (6) Firearms' License to Own and Possess (LTOP) ID;
29 (7) Professional Regulation Commission (PRC) ID;
30 (8) Integrated Bar of the Philippines (IBP) ID;
31 (9) Overseas Workers Welfare Administration (OWWA) ID;
32 (10) Digitized Bureau of Internal Revenue (BIR) ID;

- (11) Voter's ID;
 - (12) Senior Citizen's card;
 - (13) Person with Disabilities (PWDs) card; or
 - (14) Other government-issued ID.

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

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

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

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

- (i) Passport;
 - (ii) Proof of address in the Philippines;
 - (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 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);
 - (v) Alien Certificate of Registration Identification Card or ACRI-Card issued by the Bureau of Immigration (BI); or
 - (vi) School registration and ID for students.

SEC. 6. Submission of Registration Form. — The registration form shall

1 be accomplished in triplicate, and forwarded by the direct seller to the
2 concerned PTE. The required registration form and copies thereof shall be
3 certified by the direct seller or any other duly appointed officer of the PTE.

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

9 *SEC. 8. Confidentiality Clause.* - Any information in the SIM card
10 registration shall be treated as absolutely confidential, unless access to
11 information has been granted upon written consent of the subscriber: *Provided*,
12 That the waiver of absolute confidentiality shall not be made a condition for the
13 approval of subscription agreements. The confidentiality clause in the SIM card
14 registration shall take effect at the point of sale.

15 *SEC. 9. Disclosure of Information.* - Notwithstanding the provisions of
16 Section 8 hereof and in accordance with Section 12(e) of Republic Act No.
17 10173, otherwise known as the "Data Privacy Act of 2012", the PTE shall be
18 required to disclose the full name and address contained in the SIM card
19 registration, upon a duly issued subpoena or order of a court upon finding of
20 probable cause, or upon written request from a law enforcement agency in
21 relation to an ongoing investigation, that a particular number is used in the
22 commission of a crime or that it was used as a means to commit an unlawful
23 act.

24 *SEC. 10. SIM Card Register.* - All PTEs are required to maintain a SIM
25 Card Register of their subscribers containing information required under
26 Section 5 of this Act.

27 In case of loss of a SIM card or any change in information contained in
28 the registration form after purchase of the SIM card, the subscriber shall notify
29 the PTE within forty-eight (48) hours from such loss or change in information.
30 All PTEs are required to keep the data of their subscribers and shall ensure
31 that this data is kept with utmost confidentiality.

32 *SEC. 11. Registration of Existing Prepaid Mobile Phone Subscribers.* —

1 All existing mobile phone subscribers with prepaid SIM cards are required to
2 register with their respective PTE within one hundred eighty (180) days from
3 the effectivity of this Act. An extension period of no longer than one hundred
4 twenty (120) days shall be allowed upon a valid written request to the DICT.

5 Failure to register within the prescribed period shall authorize the PTE
6 to automatically deactivate its services to the concerned prepaid SIM card
7 subscriber.

8 SEC. 12. *Penalties.* — The following penalties shall be imposed for failure
9 to comply with any of the provisions of this Act:

10 (a) If the offense is committed by a PTE, the President and other
11 responsible officers of the PTE shall be held liable, and the following
12 penalties shall be imposed:

13 (1) First offense: a fine not exceeding Three hundred thousand
14 pesos (P300,000.00);

15 (2) Second offense: a fine not exceeding Five hundred thousand
16 pesos (P500,000.00); and

17 (3) Third and subsequent offenses: a fine not exceeding One million
18 pesos (P1,000,000.00) for every offense;

19 (b) If the offense is committed by a direct seller, a penalty of
20 suspension of its operation and a fine of Five thousand pesos
21 (P5,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed;
22 and

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

28 SEC. 13. *Implementing Rules and Regulations (IRR).* - Within ninety (90)
29 days from the effectivity of this Act, the NTC , in coordination with the
30 Department of Information and Communications Technology (DICT) and other
31 concerned agencies, promulgate the rules and regulations and other issuances
32 as may be necessary to ensure the effective implementation of this Act.

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

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

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

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

Approved,

FACT SHEET

House Bill No. 5793

(In substitution of House Bills Numbered 298, 453, 658, 743, 1056, 1773, 2312, 2411, 2747, 3033, 3152, 3629, 3732, 5350, and 5606 as approved on November 13, 2019)

“SUBSCRIBER IDENTITY MODULE (SIM) CARD REGISTRATION ACT”

Introduced by: REPS. VICTOR A. YAP, MANUEL LUIS T. LOPEZ, FRANCIS GERALD A. ABAYA, ROZZANO RUFINO B. BIAZON, DAHLIA A. LOYOLA, ERIC L. OLIVAREZ, WES GATCHALIAN, PRECIOUS HIPOLITO CASTELO, RUFUS B. RODRIGUEZ, ALFRED D. VARGAS, ROMAN T. ROMULO, ENRICO A. PINEDA, MICHAEL ODYLON L. ROMERO, Ph. D., TYRONE D. AGABAS, “KUYA” JOSE ANTONIO R. SY-ALVARADO, CARMELO “JON” B. LAZATIN II, FRANCE L. CASTRO, MICAELA S. VIOLAGO, JOHN REYNALD M. TIANGCO, JOSEPH STEPHEN “CARAPS” S. PADUANO, GABRIEL H. BORDADO, JR., WILTON “TONTON” T. KHO, XAVIER JESUS D. ROMUALDO, CARLITO S. MARQUEZ, BIENVENIDO M. ABANTE, JR., JOY MYRA S. TAMBUNTING, FERNANDO T. CABREDO, ARISTOTLE C. AUMENTADO, ALYSSA SHEENA P. TAN, VIRGILIO S. LACSON, and FAUSTINO MICHAEL CARLOS T. DY III

Committee Referral: COMMITTEE ON INFORMATION AND COMMUNICATIONS TECHNOLOGY (Primary)

Committee Chairperson: Hon. VICTOR A. YAP

OBJECTIVE:

- To help law enforcement agencies in tracking down lawless criminals who use mobile phones with post-paid and pre-paid SIM cards to pursue nefarious activities such as kidnapping for ransom and petty crimes like theft

KEY PROVISIONS:

- Establishes a system of Sale and Registration of Subscriber Identity Module (SIM) Card for all users of SIM cards by registering pertinent data in a registration form set up for the purpose;
- Provides for mandatory registration of end users who are foreign nationals;
- Mandates all Public Telecommunications Entities (PTEs) and direct sellers selling SIM cards to establish a register and submit the same to the Department of Information and Communications Technology (DICT);
- Provides for a Confidentiality Clause that prohibits disclosure of any information of a subscriber, unless upon subpoena or lawful order from a competent court or written request from law enforcement agency in relation to an ongoing investigation, that a particular number requested is used in the commission of a crime;

- Mandates all PTEs to maintain a SIM Card Register of their subscribers and to submit the same to the Department every six (6) months. All PTEs are required to keep the data of their subscribers and the Department shall ensure that these data are being kept with utmost confidentiality;
- Mandates the registration of existing pre-paid SIM card phone subscribers, the failure to comply therewith within the prescribed period shall authorize the Public Telecommunications Entities (PTEs) to automatically deactivate its services to the specific existing prepaid SIM Card subscriber.
- Provides for the following penalties for violation of the Act:
 - If committed by a PTE:
 - 1st Offense - a fine of Three hundred thousand pesos (Php 300,000.00)
 - 2nd Offense - a fine of Five hundred thousand pesos (Php 500,000.00)
 - 3rd and subsequent offenses - a fine of One million pesos (Php 1,000,000.00)
 - If committed by a direct seller, a penalty of suspension of operation and a fine ranging from Five thousand pesos (Php 5,000.00) to Fifty thousand pesos (Php 50,000.00) shall be imposed.

RELATED LAWS:

- Act No. 3815, as amended, otherwise known as the “Revised Penal Code”
- Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012”