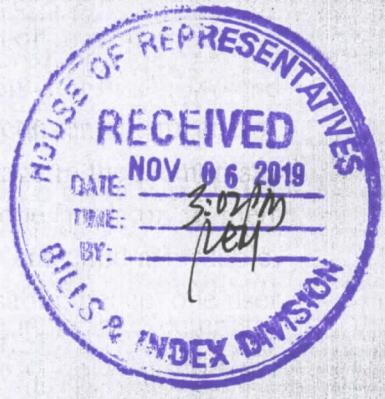


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5350

Introduced by: **HON. "KUYA" JOSE ANTONIO R. SY-ALVARADO**

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

EXPLANATORY NOTE

Having a cellular phone has become a necessity. Being the most convenient means of communication, even parents provide cellphone to their children at an early age in the elementary school. Specially with the internet features of the cellphone, almost everyone holds on to their cellphone or tablet devices. In our country where having a SIM card is very easy and affordable, anybody can have one or sometimes two or more. Our SIM cards are disposable; hence, one user can change it anytime when lost or whenever he wants to change his number.

With this, cellphones have been accessories for theft and acts of terrorism. Text scams and our law enforcers are helpless since SIM cards are unregistered. Reports of such crimes are archived since law enforcers cannot find leads to the SIM card owner.

This measure proposes to register existing and new cellphone user's sim cards. The mandatory SIM card registration will actually protect every subscriber. One for example, being scammed, or your cellphone number being used in a scam. It is also the objective of this bill to end text scams and cellphones being used as bomb detonators.

Therefore, we seek for the passage of this measure.

"KUYA" JOSE ANTONIO R. SY-ALVARADO
Representative
First District of Bulacan

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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) Card Registration Act.”

SECTION 2. Declaration of Policy. – The State recognizes the vital role of information and communications technology in nation building.

The introduction of modern telecommunications technology with the view of providing the widest information dissemination is greatly encouraged. The possession of the most modern technology carries with it tremendous responsibility. Thus, mechanism for its effective use for the good of all and not for an illegal or malicious purpose to benefit a few must be installed.

Toward this end, the State shall require the registration of all users of prepaid subscriber identity module (SIM) cards.

SECTION 3. Definition of Terms. - Whenever used in this Act:

3.1 **Direct seller** refers to a person or entity, whether natural or juridical which directly dispenses or sells a SIM card to an end user;

3.2 **End user** refers to any individual/subscriber who directly purchases a SIM card from a direct seller for personal use;

3.3 **Postpaid mobile phone** refers to a mobile phone. The service of which is provided by a prior arrangement with a public telecommunications entity, the user thereof is billed at the end of the monthly billing cycle according the use of mobile service;

3.4 **Prepaid mobile phone** refers to a mobile phone for which 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;

3.5 **Public Telecommunication entity or PTE** refers to any duly enfranchised and authorized public telecommunications entity that offers voice, short messaging system (SMS/text), mobile date, value-added services (VAS) or any other telecommunications services to the public for a fee;

3.6 **SIM card** refers to the Subscriber Identity Module (SIM), which is an integrated circuit that securely stores the international mobile subscriber identity of the related key used to identify and authenticate subscribers on mobile telephone devices, such as mobile phone and computers. A SIM is a removable plastic card into which a circuit is embedded into a SIM circuit is embedded, and can be transferred between different mobile service;

3.7 SIM card registration refers to the process of recording and verifying mobile phone number and personal information of a subscriber, by a PTE or other direct seller, including but not limited to the subscriber's photograph, name, date of birth, gender, address.

SECTION 4. Sale and Registration of SIM cards. – Every direct seller shall require the end user of a SIM card to present valid identification with photo to ascertain his or her identity. The direct seller shall further require the end user to accomplish and sign a control-numbered. The registration form shall include an attestation by end user that the person personally appearing before the direct seller and the identification document presented are true and correct and that person is one and the same who has accomplished and signed the registration form.

Except in cases where the PTE is the direct seller, the accomplished registration form must be submitted to the concerned PTE within fifteen (15) days from the date of sale. The confidentiality clause in the SIM card registration under Section 9 shall start to apply at the point of sale

An end user who does not produce valid identification with photo and fails to accomplish a registration form in accordance with the preceding paragraph shall be refused the sale of a SIM card by the direct seller. The direct seller shall only issue the SIM card to end user after compliance with the requirements mentioned above and in the succeeding sections.

SECTION 5. Representative Registration of SIM cards. – Any person who wants to purchase a SIM card but cannot personally register with the direct seller may, for valid reason, authorize another as his representative to register in his behalf, subject to the following conditions: (1) that the representative is authorized through a duly notarized Special Power of Attorney; (2) that the principal and his representative should present an original and a true and clear copy of any of the valid identification cards with photo listed under Section 6 (a) hereof.

In case the person intending to purchase is a minor, the parents or guardian shall be required to give their express consent in writing, and submit the same with the registration form and valid identification cards with photo of both the minor and the parent or guardian.

The direct seller may deny the request for representative registration after an assessment the reason given thereof is not valid or that the identification cards or their true copies are not authentic or sufficient.

SECTION 6. Coverage of Registration. – All direct sellers are hereby mandated to register pertinent data in a registration form devised for the purpose, to include the following information and requirements:

- a) Full name and complete address of the end user appearing in a valid government-issued identification document with photo. In view thereof, SIM card end users shall be required to present the original and submit a true and faithful reproduction or photocopy of any of the following government identification documents with photo:
 1. Driver's license
 2. Social Security System/Government Service Insurance System (SSS/GSIS) card
 3. Passport
 4. Senior citizen's card
 5. Person with disabilities card
 6. National Bureau of Investigation (NBI) clearance
 7. Police clearance
 8. Firearms license
 9. Voter's identification card
 10. Taxpayer's identification id (TIN)
 11. Professional Regulation Commission (PRC) ID
 12. Government office ID
 13. School ID (in case of a minor)

14. Other government issued ID

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

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

SECTION 7. Submission of Registration Form. – The registration form mentioned in Section 6 of this Act shall be accomplished in triplicate, and shall be forwarded by the direct seller to the concerned PTE. The concerned PTE shall submit a copy of the duly accomplished registration form to the NTC within fifteen (15) days from the date of sale or receipt of such form from their respective direct sellers. The required registration forms and the copies thereof shall be certified by either, the President, General Manager, Treasurer, Secretary or any other duly appointed officer of the PTE or direct seller, as the case may be.

SECTION 8. Submission of Verified list of Dealers or Agents. – The Public Telecommunications Entities (PTEs) shall submit to the National Telecommunication Commission (NTC), within thirty (30) days from the date effectivity of this Act, a verified list of their current authorized dealers/agents nationwide. Thereafter, the PTEs shall submit to the NTC, every quarter of each year an updated list of the same.

SECTION 9. Confidentiality Clause. – Any information in SIM card registration shall be treated as absolutely confidential, unless upon 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.

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

SECTION 11. SIM Card Register. – All Public Telecommunications Entities are required to submit a SIM Card Register of their subscribers to the National Telecommunication Commission every six (6) months of both postpaid and prepaid mobile phone users, and maintain a record containing information mentioned under Section 6 of this Act.

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

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

SECTION 12. Registration of Existing repaid Mobile Phone Subscribers. – All existing mobile phone subscribers with prepaid SIM cards are required to register with their respective PTE within one hundred eighty (180) days from effectivity of this Act. An extension of no longer than one hundred twenty (120) days upon a valid written request.

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

SECTION 13. Penalties. – The following penalties shall be imposed for violation of any provision of this Act;

- a) If the offense is committed by a PTE, the President and other executive officers shall be held liable and the following penalties shall be imposed:
- 1) First offense: A fine of three hundred thousand pesos (Php 300,000.00)
 - 2) Second offense: A fine of Five Hundred Thousand pesos (Php 500,000.00)

regulations, and issuances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

- 3) Third and subsequent offenses, a fine of One million pesos (Php 1,000,000.00) for every offense.
- b) A penalty of suspension of its operation and a fine of five thousand pesos (PHP5,000.00) to fifty thousand pesos (PHP50,000.00) shall be imposed on any direct seller who fails to comply with the provisions of this Act.

SECTION 14. Implementing Rules and Regulation (IRR). – Within ninety (90) days from the effectivity of this Act, the National Telecommunications Commission, in coordination with concerned agencies, shall promulgate the rules and regulations and other issuances as may be necessary, to ensure the effective implementation of this Act.

SECTION 15. Separability Clause. – Should any part of this Act be declared unconstitutional or invalid, other provisions hereof that are not affected thereby shall continue to be in full force and effect.

SECTION 16. 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.

SECTION 17. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in any newspaper of general circulation.

Approved,