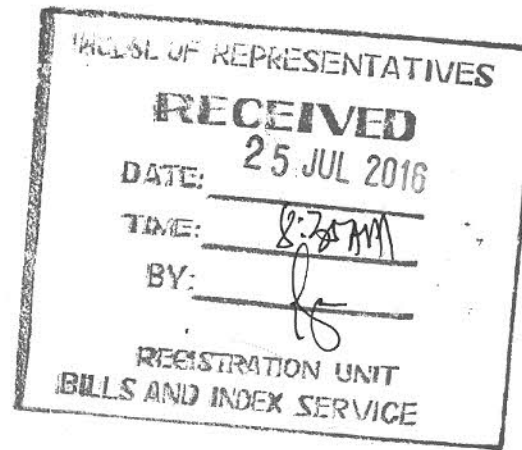


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. 1860



Introduced by **Hon. Sol Aragon**

EXPLANATORY NOTE

This bill seeks to safeguard the right to privacy of users of mobile smart phones and gadgets. According to some news reports, people are getting seriously injured or even killed, for their mobile phones and other gadgets.

The 2012 Annual Report of the National Telecommunications Commission states that the bulk of complaints received by its One Stop Public Assistance or OSPAC is comprised of lost or stolen mobile phones, and the complaints allegedly increased by an average of 7% annually from 2005 to 2009. The report provides that there was an increase of 23% in 2012 compared to 2011.

Hence, the mobile services providers and mobile device manufacturers should be required to provide safeguards in order to provide the consumers the most secure technology available to protect them and their personal data; and consequently, in order to deter the rampant theft of mobile devices in the country.

This bill seeks to require mobile devices sold and imported in the Philippines to include free kill switch technology that would let owners remotely delete their personal data, render the devices inoperable to anyone but the owner, and prevent it from being activated by anyone other than the owner.

In view of the foregoing, the immediate passage of this bill is earnestly requested.


HON. SOL ARAGON
Representative, Third District of Laguna

(B) includes a person authorized by the person described in subparagraph (A) to take actions with respect to the device;

(2) "Commercial mobile data service" means any mobile service that is:

(A) a data service;

(B) provided for profit; and

(C) available to the public or such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;

(3) "Commercial mobile service" means any mobile service that is provided for profit and makes interconnected service available –

(A) to the public or

(B) to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by regulation by the Commission;

(4) "Commission" means National Telecommunications Commission;

and

(5) "Mobile device" means a personal electronic device on which commercial mobile service or commercial mobile data service is provided.

(b) *Requirements.* –

(1) *Function.* – A provider of commercial mobile service or commercial mobile data service on a mobile device shall make available on the device a function that:

(A) may only be used by the account holder; and

1 (B) includes the capability to remotely –

2 (i) delete or render inaccessible from the device all
3 information relating to the account holder that has been placed on
4 the device;

5 (ii) render the device inoperable on the network of any
6 provider of commercial mobile service or commercial mobile
7 data service globally, even if the device is turned off or has the
8 data storage medium removed;

9 (iii) prevent the device from being reactivated or
10 reprogrammed without a passcode or similar authorization after
11 the device has been:

12 (I) rendered inoperable as described in clause (ii);

13 or

14 (II) subject to an unauthorized factory reset; and

15 (iv) reverse any action described in clause (i), (ii), or (iii)

16 if the device is recovered by the account holder.

17 (2) *Device Standards.* – A person may not manufacture in the
18 Philippines, or import into the Philippines for sale or resale to the public, a
19 mobile device unless the device is configured in such a manner that the
20 provider of commercial mobile service or commercial mobile data service on
21 the device may make available on the device the function required under
22 subsection (1).

23 (3) *Exemptions for Functionally Equivalent Technology.* –

1 (A) *Mobile Service Providers.* – The Commission may exempt a
2 provider of commercial mobile service or commercial mobile data
3 service on a mobile device from the requirement under paragraph (1),
4 with respect to that device, if the provider makes available on the device
5 technology that accomplishes the functional equivalent of the function
6 required under paragraph (1).

7 (B) *Manufacturers and Importers.* – The Commission may exempt a
8 person from the requirement under paragraph (2), with respect a mobile device
9 that the person manufactures in the Philippines or imports into the Philippines
10 for sale or resale to the public, if the device is configured in such a manner that
11 the provider of commercial mobile service or commercial mobile data service
12 on the device may make available on the device technology that accomplishes
13 the functional equivalent of the function required under paragraph (1).

14 (4) *Waiver for Low-Cost, Voice-Only Mobile Devices.* – The
15 Commission may waive the applicability of the requirements under paragraphs
16 (1) and (2) with respect to any low-cost mobile device that:

17 (A) is intended for primarily voice-only mobile service; and

18 (B) may have limited data consumption functions focused on text
19 messaging or short message service.

20 (c) *No Fee.* – A provider of commercial mobile service or commercial mobile
21 data service on a mobile device may not charge the account holder any fee for making
22 the function described in subsection (b)(1), or any equivalent technology described in
23 subsection (b)(3)(A), available to the account holder.

1 (d) *Forfeiture Penalty.* – Any person that is determined by the Commission to
2 have violated subsection (b) or (c) of this section shall be liable to the Philippines for a
3 forfeiture penalty, in an amount to be determined by the Commission.

4 (e) *Rule of Construction.* – Nothing in this Act shall be construed to prohibit a
5 manufacturer of mobile devices, or a provider of commercial mobile service or
6 commercial mobile data service, from taking actions not described in this Act to
7 protect consumers from the theft of mobile devices.

8 SECTION 3. *Applicability of Function Requirement.* –

9 (1) *Applicability.* – The provisions of this Act shall apply with respect to any
10 mobile device that, on or after 1 January 1 2015, is –

11 (A) manufactured in the Philippines; or

12 (B) imported into the Philippines for sale to the public.

13 (2) *Compliance Extensions.* – The Commission may exempt a person that is
14 subject to any requirement under Section 2, from that requirement for a temporary
15 period after the date described in this section, upon a showing by the person that the
16 person requires more time to be able to comply with the requirement.

17 SECTION 4. *Separability Clause.* – If any provision or part hereof, is held
18 invalid or unconstitutional, the remainder of the law or the provision not otherwise
19 affected shall remain valid and subsisting.

20 SECTION 5. *Repealing Clause.* – Any law, presidential decree or issuance,
21 executive order, letter of instruction, administrative order, rule or regulation contrary

1 to or is inconsistent with the provision of this Act is hereby repealed, modified, or
2 amended accordingly.

3 SECTION 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
4 after its publication in at least two (2) newspapers of general circulation.

Approved,