

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



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez*

House Bill No. **2747**

**EXPLANATORY NOTE**

This bill was filed during the 15<sup>th</sup> Congress and was re-filed during the 16<sup>th</sup> Congress, where it was approved by the House of Representatives and transmitted to the Senate. It was again approved by the House of Representatives and transmitted to the Senate during the 17<sup>th</sup> Congress.

The Subscriber Identification Module or Subscriber Identity Module (SIM) card holds all of a subscriber's personal information and phone settings. In essence, it is the subscriber's authorization to use the network. It also holds the phone number, personal security key and other data necessary for the handset to function. The subscriber can then choose either a post-paid account or a prepaid account. The main difference is that in a postpaid account, the SIM card is registered under the subscriber's name including all the details necessary to identify said subscriber, while in a prepaid account, no registration is necessary, and anyone can simply buy a prepaid SIM card and start using it.

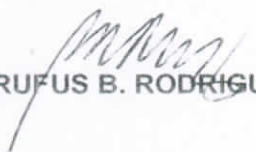
No one disputes the convenience of a "contract free", "commitment free" prepaid cellular service and all the advantages it brings. However, one cannot also discount the fact that there are many disadvantages with using a prepaid SIM card, the main one being the fact that the user cannot be identified. This makes it easier to commit mischief and crimes.

It cannot be denied that prepaid SIM cards are used by criminals in making ransom demands, used by different gangs like the "dugo-dugo gang" to commit robbery, used by individuals to make threat and harass others and it is even used by unscrupulous individuals to impersonate personalities and solicit donations. Basically, anyone with a prepaid SIM card can do anything and not be caught because he cannot be traced, his identity cannot be determined and he can simply throw away the SIM card after use.

It is therefore about time that we follow the example of other countries like Kenya and Singapore and start requiring registration of prepaid SIM cards. Since 2006, the Singapore government has made the prepaid SIM registration a mandatory requirement. This means that the card must be registered under the name of the person who will be using it and the person will be required to produce his/her passport or Singapore ID at the time of buying the prepaid mobile card.

With this, it would be easier to track down the owner or user of the prepaid SIM card. While it may not guarantee that the criminal user of the SIM card would be caught, at least there is an increase in the chances that they will be unlike the zero chance of identification when there is no registration required.

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

  
RUFUS B. RODRIGUEZ

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House Bill No. **2747**

AN ACT

**REQUIRING THE REGISTRATION OF ALL USERS OF SUBSCRIBER IDENTITY MODULE CARDS**

*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”.

SEC. 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, but possession of the most modern technology carries with it tremendous responsibility. Thus, a mechanism must be installed to maximize the benefits of modern telecommunications technology and to deter illegal or malicious utilization of the same that benefit only a few.

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

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

(a) *Direct seller* refers to a person, natural or juridical, who directly dispenses or sells a SIM card to an end user;

(b) *End user* refers to any individual/subscriber who directly purchases a SIM card from a direct seller;

(c) *Postpaid subscription* refers to the subscription wherein service is provided by virtue of a prior arrangement with a public telecommunications entity, and the end user thereof is billed at the end of the monthly billing cycle according to the use of mobile service;

(d) *Prepaid subscription* refers to the subscription wherein 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;

(e) *Public Telecommunications Entity* or *PTE* refers to any person, natural or juridical, government or private, engaged in the provision of telecommunications services to the public for compensation;

(f) *SIM* refers to the Subscriber Identity Module which is an embedded circuit that securely stores international mobile subscriber identity and related keys used to identify and authenticate subscribers on mobile devices, such as mobile phones and computers;

(g) *SIM card* refers to a removable card into which an electronic integrated circuit is embedded and is transferrable between different mobile devices; and

(h) *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 the subscriber's full name, date of birth, gender, and address.



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

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

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

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

- (1) Passport;
- (2) Digitized Social Security Service (SSS) ID;
- (3) Government Service Insurance System (GSIS) e-Card;
- (4) Driver's license;
- (5) Firearms' License to Own and Possess (LTOP) ID;
- (6) Professional Regulation Commission (PRC) ID;
- (7) Integrated Bar of the Philippines (IBP) ID;
- (8) Overseas Workers Welfare Administration (OWWA) ID;
- (9) Digitized Bureau of Internal Revenue (BIR) ID;
- (10) Voter's ID;
- (11) Senior Citizen's card;
- (12) Person with Disabilities (PWDs) card; or
- (13) 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; 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 or 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.

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

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

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

In case of loss of a SIM card or any change in information contained in the registration form after purchase of the SIM card, the subscriber shall notify the PTE within forty-eight (48) hours from such loss or change in information. Within fifteen (15) days from receipt of notification from the subscriber, the concerned PTE must notify the DICT of such loss or change in information.

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

SEC. 11. *Registration of Existing Prepaid 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 the effectivity of this Act. An extension period of not longer than one hundred twenty (120) days shall be allowed upon a valid written request to the DICT.

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

SEC. 12. *Penalties.* – The following penalties shall be imposed for failure to comply with any of the provisions 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 (P300,000.00);
- (2) Second offense: a fine of Five hundred thousand pesos (P500,000.00); and
- (3) Third and subsequent offenses: a fine of One million pesos (P1,000,000.00) for every offense;

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

(c) If the offense is committed by an officer or 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 thereby 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 provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,