

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
1st Regular Session

House Bill No. 931

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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Hon. Francis Gerald Aguinaldo Abaya

EXPLANATORY NOTE

Our world has indeed become a knowledge-based society brought by mass production and widespread use of so-called digital logic circuits, and their derive technologies that allow individuals to explore their personalized needs even with just a click of their hand. The rise and continuous usage of cellular phones entail the use of a certain smart card that carries not only necessary information transmitted back and forth to the network but also the subscriber's personal data which includes phone contacts, text messages and history of calls.

This smart card is what we call the Subscriber Identity Module (SIM) Card which is accessible from direct sellers without any form of identity documentation procedure. While it is undoubtedly convenient to consumers, the unregulated system for the sale of SIM cards paved the way for the commission of various nefarious activities such as kidnapping for ransom, extortion of money and other mischiefs, harassment, and even petty crimes like theft. It is high time that we establish a registration mechanism or platform that will regulate the sale of SIM Cards to prevent the above-mentioned illegal acts.

This bill seeks to establish a system of sale and registration of SIM Cards through mandatory recording of pertinent data of the SIM Card buyer in a registration form and to require Public Telecommunications Entities (PTEs) and direct sellers to maintain a registry that shall serve as the repository of all their subscribers' information. The said system will be of great help to law enforcement agencies in tracking down and identifying lawless criminals.

For the foregoing reasons, the approval of this bill is earnestly sought.


FRANCIS GERALD AGUINALDO ABAYA
Representative, First District, Cavite

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

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 the “Subscriber Identity
2 Module (SIM) Card Registration Act”.

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

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

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

12 **SECTION 3. *Definition of Terms.*** – As used on this Act:

13 a.) *Direct seller* refers to a person or entity, whether natural or juridical, who
14 directly dispenses or sells a SIM card to an end user;

15 b.) *End user* refers to any individual/subscriber who directly purchases a SIM
16 card from a direct seller for personal use;

17 c.) *Post paid mobile phone* refers to a mobile phone the service of which is
18 provided by a prior arrangement with a Public Telecommunications Entity.

19 The user in this situation is billed after the fact, according to their use of
20 mobile services at the end of the monthly billing cycle;

- 1 d.) *Prepaid mobile phone* refers to a mobile phone for which credit is purchase
2 in advance of service use. The purchased credit is used to pay for mobile
3 phone services at the point the service is accessed or consumed. If there is
4 no available credit then access to the requested service is denied,
- 5 e.) *Public Telecommunication Entity or PTE* refers to any duly enfranchised and
6 authorized public telecommunications entity that offers voice, short
7 messaging system (SMS/text), mobile data, value-added services (VAS) or
8 any other telecommunications services to the public for a fee;
- 9 f.) *SIM card* refers to the Subscriber Identity Module (SIM), which is an
10 integrated circuit that securely stores the international mobile subscriber
11 identity and the related key used to identify and authenticate subscribers on
12 mobile telephony devices, such as mobile phones and computers. A SIM
13 card is a removable plastic card into which a SIM circuit is embedded, and
14 can be transferred between different mobile devices;
- 15 g.) *SIM card registration* refers to the process of recording and verifying mobile
16 phone number and personal information of a subscriber, by a PTE or other
17 direct seller, including the subscriber's photograph, name, date of birth,
18 gender, and address.

19 **SECTION 4. Sale and Registration of SIM Cards.** – Every direct seller shall
20 require the end user of a SIM card to present valid identification with photo to ascertain
21 the latter's identity. The direct seller shall further require the end user to accomplish
22 and sign a control-numbered registration form issued by the respective PTE of the SIM
23 card being purchased. The registration form shall include an attestation by the end
24 user that the person personally appearing before the direct seller and the identification
25 documents presented are true and correct and that the person is one and the same
26 who has accomplished and signed the registration for,.

27 Except in cases where the PTE is the direct seller, the accomplished
28 registration form must be submitted to the concerned PTE within fifteen (15) days from
29 the date of sale. The confidentiality clause in the SIM card registration under Section
30 9 hereof shall start to apply at the point of sale.

31 An end user who does not produce valid identification with photo and fails to
32 accomplish a registration form in accordance with the preceding paragraph shall be
33 refused the sale of a SIM card by a direct seller. The direct seller shall only issue the

SIM card to the end user after compliance with the requirements mentioned above and in the succeeding sections.

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

In case the person intending to purchase a SIM card 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 parents or guardian.

The direct seller may deny the request for representative registration after an assessment that the reason given therefor 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 Service/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 Clearance
- 9) Voter's Identification Card

- 10) Taxpayer's Identification Number
- 11) Professional Regulation Commission (PRC) Identification Card
- 12) Government Office Identification Card
- 13) School Identification Card (in case of a minor)
- 14) Other Government-issued Identification Cards

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

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

SECTION 7. Submission of Registration Form. – The registration form required under 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 of the National Telecommunications Commission (NTC) within fifteen (15) days from the date of sale or receipt of such form from their respective direct sellers. The required registration form 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 PTEs shall submit to the NTC, within thirty (30) days from the date of the effectivity of this Act, a verified list of their current authorized dealers or 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 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 PTEs are required to submit an updated SIM Card Register of their subscribers to the NTC every six (6) months of both

1 postpaid and prepaid mobile phone users, and maintain a record containing
2 information required under Section 6 of this Act.

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

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

10 **SECTION 12. *Registration of Existing Prepaid Mobile Phone Subscribers.***

11 – All existing mobile phone subscribers with prepaid SIM cards are required to register
12 with their respective PTE within one hundred eighty (180) days from effectivity of this
13 Act. Such deadline may be extended by the NTC but shall not be longer than one
14 hundred twenty (120) days, upon a valid written request.

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

18 **SECTION 13. *Penalties.*** – The following penalties shall be imposed for
19 violation of any provision of this Act: a.) If the offense is committed by a PTE, the
20 President and other executive officers shall be held liable and the following penalties
21 shall be imposed:

- 22 1) First offense: A fine of Three hundred thousand pesos (P300, 000.00);
23 2) Second offense: A fine of Five hundred thousand pesos (P500, 000.00); and
24 3) Third and subsequent offenses: A fine of One million pesos (P1,
25 000,000.00) for every offense.

26 b.) A penalty of suspension of its operation and a fine ranging from Five thousand
27 pesos (P5, 000.00) to Fifty thousand pesos (P50, 000.00) shall be imposed on any
28 direct seller who fails to comply with the provisions of this Act.

29 **SECTION 14. *Implementing Rules and Regulations (IRR).*** – Within ninety
30 (90) days from the effectivity of this Act, the NTC, in coordination with concerned
31 agencies, shall promulgate the rules and regulations and other issuances as may be
32 necessary, to ensure the effective implementation of this Act.

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

4 **SECTION 16. *Repealing Clause.*** – All laws, decrees, executive orders,
5 proclamation, rules and regulations, and issuances, or parts thereof which are
6 inconsistent with the provisions of this Act, are hereby repealed, amended or modified
7 accordingly.

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

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11 Approved,