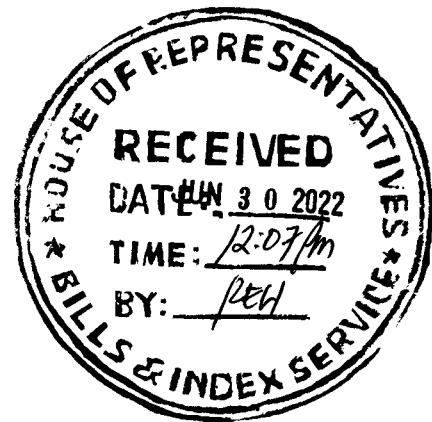




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
First Regular Session

14
HOUSE BILL NO. _____

**Introduced by Representatives FERDINAND MARTIN G. ROMUALDEZ,
YEDDA MARIE K. ROMUALDEZ, FERDINAND ALEXANDER A. MARCOS
and JUDE A. ACIDRE**

EXPLANATORY NOTE

This bill seeks to require ownership registration of Subscriber Identity Module (SIM) cards to eradicate mobile phone-aided criminal activities.

In 2020, World Bank reported that there are 137 mobile cellular subscriptions, including both postpaid subscriptions and active prepaid accounts, per 100 Filipinos. The data indicates that there are Filipinos who have multiple cellular subscriptions. This may be due in part to the affordability and accessibility of prepaid SIM cards in the Philippines. Currently, a SIM card can be purchased for as low as Php30.00 in a *sari-sari* or convenience store.

On one hand, the affordability and accessibility of SIM cards have resulted in the democratization of mobile communications, possibly contributing to a more levelled playing field in terms of employment, education, and access to public information. On the other hand, having an unregulated SIM card market has also given way to several mobile phone scams. The cases range from simple text messages asking users to send cellular loads, to more sophisticated voice phishing methods and marketing spams that are used to gain unauthorized access to sensitive personal information of unsuspecting mobile users.

According to the telecommunications provider, Globe Telecom Inc., it has blocked almost 71 million spam messages and deactivated 5,670 mobile phone numbers in 2021, due to user complaints claiming that they have received text messages containing suspicious job offers.

In a span of three days, between June 11 to 14, 2022, telecommunications provider, PLDT Inc., blocked more than 23 million text messages posing as legitimate organizations but contained links to phishing websites.

While private telecommunications providers are able to block mobile numbers that repeatedly send spam messages, the accessibility of getting SIM cards only prompts scammers to purchase new SIM cards and continue their operations. Furthermore, due to the lack of SIM card regulation in the country, it becomes nearly impossible to trace the persons behind the text scams and hold them accountable for fraud, breach of data privacy or other punishable offenses that they committed using an unknown mobile number.

The time has come to regulate the sale and distribution of SIM cards in order to promote end-user accountability, prevent the proliferation of mobile phone scams and data breaches, and to assist law enforcement agencies in resolving crimes involving the use of mobile phone units.

The proposal was originally filed during the 15th Congress by former Rep. Marcelino Teodoro, re-filed by Rep. Rodolfo Biazon during the 16th Congress, and Rep. Mariano Michael Velarde in the 17th Congress where it was approved on 3rd Reading by the House of Representatives and transmitted to the Senate. During the 18th Congress, Rep. Victor Yap re-filed it and was approved by the House of Representatives on 3rd Reading.

In view of the foregoing, the immediate approval of this bill is earnestly sought.



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**Introduced by Representatives FERDINAND MARTIN G. ROMUALDEZ,
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A. ACIDRE**

1 **AN ACT**
2 **REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE CARDS**
3

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Subscriber Identity Module (SIM)
6 Card Registration Act”.

7 SEC. 2. *Declaration of Policy.* – The State recognizes the vital role of information and
8 communications technology in nation building and encourages its growth and development.

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

12 Thus, there is a need to promote accountability in the use of Subscriber Identity Module (SIM)
13 card and provide law enforcement agencies the tools to resolve crimes which involve its utilization and
14 the platform to deter the commission of wrongdoings.

15 Towards this end, the State shall require the registration of SIM cards by all users.

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

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

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

21 (c) *Postpaid subscription* refers to the subscription wherein service is provided by virtue of a prior

1 arrangement with a public telecommunications entity, and the end user thereof is billed at the end of the
2 monthly billing cycle according to the use of mobile service;

3 (d) *Prepaid subscription* refers to the subscription wherein credit is purchased in advance of service
4 use. The purchased credit is used to pay for mobile phone services at the point the service is accessed or
5 consumed. If there is no available credit, then access to the requested service is denied;

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

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

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

13 (h) *SIM card registration* refers to the process of recording and verifying mobile phone number and
14 personal information of a subscriber, by a PTE or other direct seller, including the subscriber's full name,
15 date of birth, gender, and address.

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

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

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

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

- 32 (1) Passport;
- 33 (2) National ID;
- 34 (3) Digitized Social Security Service (SSS) ID;

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

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

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

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

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

- 21 (i) Passport;
- 22 (ii) Proof of address in the Philippines; and
- 23 (iii) Return ticket to own country of the tourist or any other ticket showing the date and time of
24 departure from the Philippines.

- 25 (2) For foreign nationals staying for more than thirty (30) days either as workers or students:

- 26 (i) Passport;
- 27 (ii) Full name as indicated in the passport;
- 28 (iii) Proof of address in the Philippines;
- 29 (iv) Alien Employment Permit issued by the Department of Labor and Employment (DOLE);
- 30 (v) Alien Certificate of Registration Identification Card or ACRI-Card issued by the Bureau of
31 Immigration (BI); or
- 32 (vi) School registration and ID for students.

1 SEC. 6. *Submission of Registration Form.* – The registration form shall be accomplished in triplicate,
2 and forwarded by the direct seller to the concerned PTE. The required registration form and copies
3 thereof shall be 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 submit to the National
5 Telecommunications Commission (NTC), within thirty (30) days from the date of effectivity of this Act,
6 a verified list of their current authorized dealers/agents nationwide. The PTE shall submit to the NTC
7 every quarter of each year an updated list of the same.

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

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

20 SEC. 10. *SIM Card Register.* – All PTEs are required to maintain a SIM Card Register of their
21 subscribers containing information required under Section 5 of this Act.

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

26 SEC. 11. *Registration of Existing Prepaid Mobile Phone Subscribers.* – All existing mobile phone
27 subscribers with prepaid SIM cards are required to register with their respective PTE within one hundred
28 eighty (180) days from the effectivity of this Act. An extension period of not longer than one hundred
29 twenty (120) days shall be allowed upon a valid written request to the Department of Information and
30 Communications Technology (DICT).

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

33 SEC. 12. *Penalties.* – The following penalties shall be imposed for failure to comply with any of the
34 provisions of this Act:

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

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

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

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

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

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

12 SEC. 13. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of
13 this Act, the NTC, in coordination with the DICT and other concerned agencies, shall promulgate the
14 rules and regulations and other issuances as may be necessary to ensure the effective implementation of
15 this Act.

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

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

22 SEC. 16. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations,
23 and issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed,
24 amended or modified accordingly.

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

Approved,