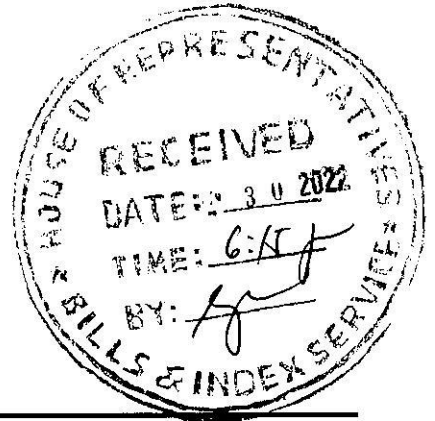


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

NINETEENTH CONGRESS  
1<sup>st</sup> Regular Session

House Bill No. 506



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**Introduced by Representatives EDVIC G. YAP, ERIC G. YAP, PAOLO Z. DUTERTE, JOCELYN P. TULFO, RALPH TULFO, and JEFFREY SORIANO**

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**EXPLANATORY NOTE**

Paragraph 1, Section 3 of the Bill of Rights provides that the privacy of communication and correspondence shall be inviolable, except upon lawful order of the court or when public safety or order requires otherwise as prescribed by law.

The number of mobile phone users in our country has been consistently increasing since 2017. In 2019, there is an estimated 169 million mobile phone users. In the Philippines, various cybercrime incidents have been reported especially since the onset of the COVID-19 pandemic. The police recorded 6,110 cybercrime offenses in 2020 such as online scams, computer-related identity theft, and phishing. Private telecommunication companies have monitored a higher number of cybercrimes. In fact, Globe Telecom, for example, has blocked a total of 1.15 billion scam and spam messages, around 7,000 mobile numbers linked to scammers, and 2,000 unofficial social media accounts and phishing sites in 2021.

To ensure the safety of the general public, this bill seeks to institutionalize the mandatory registration of SIM or subscriber identification module card to combat fraudsters amid the recent influx of spam or phishing text messages.

This proposed measure will also mandate social media companies to register the real names and phone numbers of individuals creating accounts on their platforms.

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



EDVIC G. YAP




PAOLO Z. DUTERTE



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**AN ACT**  
**ERADICATING MOBILE PHONE, INTERNET OR ELECTRONIC**  
**COMMUNICATION-AUDED CRIMINAL ACTIVITIES, MANDATING FOR**  
**THIS PURPOSE OWNERSHIP REGISTRATION OF ALL SUBSCRIBER**  
**IDENTITY MODULE (SIM) CARDS FOR ELECTRONIC DEVICES AND SOCIAL**  
**MEDIA ACCOUNTS**

*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 and encourages its growth and development.

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

Towards this end, the State shall require the registration of SIM cards for all electronic devices and social media accounts by all users.

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

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

- a. *End user* refers to any individual or subscriber, natural or juridical, who directly purchases a SIM card from a direct seller;

- b. *Public Telecommunications Entity* or *PTE* refers to any person, firm, partnership, corporation, government or private, engaged in the provision of telecommunications services to the public for compensation, as defined under Republic Act No. 7925 or the Public Telecommunications Policy Act of the Philippines;
- c. *SIM (Subscriber Identity Module or Subscriber Identification Module) Card* refers to an integrated circuit chip that is intended to securely store the international mobile subscriber identity or IMSI number and its related key or an electronic equivalent thereof, which are used to identify and authenticate subscribers on mobile telephone devices;
- d. *Spoofing* refers to the act of transmitting misleading or inaccurate information about the source of the phone call or text message, with the intent to defraud, cause harm, or wrongfully obtain anything of value, and
- e. *Third-party reseller* refers to agents, dealers, or anyone who sells SIM cards other than the PTEs themselves.

**SEC. 4. *SIM Card and Social Media Accounts Registration.*** – In order to deter the proliferation of SIM card, internet or electronic communication-aided crimes, such as, but not limited to: terrorism; text scams; unsolicited, indecent, or obscene messages; bank fraud; libel; anonymous online defamation; trolling; hate speech, spread of digital disinformation or fake news as defined under pertinent laws, all PTEs shall require the registration of SIM cards as prerequisite to the sale and activation thereof, in accordance with the guidelines set forth under this Act. Similarly, all social media account providers shall require real-name and phone number upon creation of account.

All existing SIM card subscribers with active services shall register with their respective PTEs withing one hundred eighty (180) days from the effectivity of this Act. An extension period of no longer than one hundred twenty (120) days shall be allowed upon a valid written request to the Department of Information and Communications Technology (DICT).

Failure to register within the prescribed period shall authorize the PTEs to automatically deactivate or retire the SIM card and registration.

**SEC. 5. *Sale and Registration Guidelines.*** – The National Telecommunications Commission (NTC), in close consultation with the PTEs, social media providers, the concerned agencies of government including, but not limited to, the Department of Trade and Industry, DICT, National Privacy Commission (NPC) and in consultation with major consumer groups, shall formulate the necessary guidelines in the proper implementation of the real-name registration program through a SIM card registration process based in the following parameters:

- a. Submission of duly accomplished control-numbered owner's registration form with full name, date of birth, and address. The registration form shall include an attestation by the SIM card buyer that the person personally appearing before the direct seller and the identification documents presented are true and correct, and that said person is the one who has accomplished and signed the registration form;
- b. Presentation of valid government-issued identification cards or other similar forms of documents that will verify the identity of the SIM card buyer, or a valid passport in the case of aliens;
- c. A buyer who fails to comply with the requirements for registration shall be refused the sale of a SIM card by the seller;
- d. The sale of a SIM card to a minor shall not be prohibited: Provided, That said minor is accompanied by a parent or legal guardian at the time of its purchase and registration;
- e. The sale of a SIM card to foreign nationals shall be allowed, Provided, That:
  1. Those visiting as tourists for not more than thirty (30) days shall register their full name, passport number, and address in the SIM card registration form and present their passport and proof of address in the Philippines; and
  2. Those staying for more than thirty (30) days either as workers or students shall register their full name, passport, number, and address in the SIM card registration form and present their passport, proof of address in the Philippines, Alien Certificate of Registration Identification Card or ACRI-Card issued by the Bureau of Immigration (BI), and Alien Employment Permit issued by the Department of Labor and Employment (DOLE) or school registration and ID, whichever is applicable.

**SEC. 6. SIM Card Register.** – The registration form required under this Act shall be accomplished electronically and shall be forwarded and kept by the concerned PTE to a centralized database. The database shall strictly serve as a SIM card register to be used by PTEs to process, activate or deactivate subscription and shall not be used for any other purpose. The successful submission of the required registration form shall serve as the certification of legitimate purchase by the SIM card buyer and the duly-appointed agents of the PTE or third-party reseller, as the case may be.

The registration required under this Act shall be implemented at no cost to the end users or the third-party resellers.

In the recordkeeping of information, PRs shall ensure that the end users' data are secure and protected at all times. The PTEs shall comply with the minimum information security standards prescribed by the DICT consistent with internationally accepted cybersecurity and relevant laws, rules and regulations.

The DICT shall establish and perform an annual audit on PTE's compliance with information security standards.

In case of loss or any change in the information after the registration of the SIM card, the subscriber must update said registration in the database through the PTEs facility within seventy two (72) hours from such loss or change.

In case of a cyber-attack on the register, the incident shall be reported to the DICT within twenty four (24) hours of detection.

**SEC. 7. *Submission of Verified List of Third-Party Resellers.*** – The PTEs shall submit to the NTC, within thirty (30) days from the date of effectivity of this Act, a verified list of all their current authorized third-party resellers. Thereafter, the PTEs shall submit to the NTC, every quarter of each year, an updated list of the same.

**SEC. 8. *Liabilities of Third-Party Resellers.*** – Any third-party reseller that will engage in the sale of fraudulently-registered or stolen SIM cards shall be held criminally liable under this Act.

**SEC. 9. *Confidentiality Clause.*** – Any information obtained in the registration process described under this Act cannot be disclosed to any person

Notwithstanding this provision, disclosure shall be made:

- a. In compliance with any law obligating the PTE or social media provider to disclose such information in accordance with the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012;
- b. In compliance with a court order, legal process, or other government regulatory, or enforceable administrative request for information;
- c. In compliance with Section 10 hereof; or
- d. With the 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 mobile phone service providers.

**SEC. 10. *Disclosure of Information.*** – Notwithstanding the provisions on confidentiality supra, the PTEs and social media providers, upon order of a competent authority, duly authorized under existing laws to issue subpoena, shall be required to provide information obtained in the registration pursuant to an investigation of a complainant's verified sworn complaint that a specific mobile number or social media account was or is being used in the commission of a crime or that it was utilized as a means to commit a malicious, fraudulent, or unlawful act, including libel, anonymous online defamation, hate speech, trolling, or spread of digital disinformation, or fake news; and that he or she is unable to ascertain the identity of the perpetrator.

Provided, however, That no PTE or social media provider shall be held administratively, civilly, or criminally liable on account of any disclosure done in compliance with this Act.

For this purposed, the relevant data and information shall be kept by the PTEs or social media providers for ten (10) years from the time the end-user deactivates the mobile number or social media account.

**SEC. 11. *Penalties.*** - The following penalties shall be imposed for violation of any provision of this Act:

- a. *For failure to comply with the registration requirement.* - The NTC is hereby authorized to impose a fine of Ten thousand pesos (P10,000.000) on any third-party reseller who shall fail to comply with the registration requirement under this Act.

If the offense is committed by a PTE, the following penalties shall be imposed:

1. First offense: a fine not exceeding Three hundred thousand pesos (P300,000.00);
2. Second offense: a fine not exceeding Five hundred thousand pesos (P500,000.00); and
3. Third and subsequent offenses: a fine not exceeding One million pesos (P1,000,000.00) for every offense;

- b. *For breach of confidentiality.* - A fine of Two hundred thousand pesos (P200,000.000) upon the third-party reseller who shall directly reveal or disclose any information of a subscriber obtained during the registration requirement under this Act, unless otherwise permitted by this Act, or other laws.

If the offense is committed by a PTE or a social media provider, the following penalties shall be imposed:

1. First offense: a fine not exceeding Three hundred thousand pesos (P300,000.00);
2. Second offense: a fine not exceeding Five hundred thousand pesos (P500,000.00); and
3. Third and subsequent offenses: a fine not exceeding One million pesos (P1,000,000.00) for every offense;

The same penalty shall be imposed upon the PTE or social media provider or any of its agents or employees or third-party resellers who, despite the written order issued by a competent court, or subpoena issued by competent authority shall refuse the law enforcement agency or officer access to the information specified in said written order.



- c. *For using fictitious identities to register SIM cards or social media accounts.* - The penalty of imprisonment of no less than six (6) years, or a fine of up to Two hundred thousand pesos (P200,000.00), or both, shall be imposed upon anyone who uses a fictitious identity to purchase and register a SIM card or social media account.
- d. *For spoofing registered SIM cards.* - The penalty of imprisonment of no less than six (6) years, or a fine of Two hundred thousand pesos (P200,000.00), or both shall be imposed upon anyone who causes to transmit misleading or inaccurate information about the source of the phone call or text message, with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted in connection with: (1) authorized activities of law enforcement agencies; or (2) a court order specifically authorizing the use of caller ID manipulation.
- e. *Unauthorized sale of registered SIM cards.* - The penalty of imprisonment no less than six (6) years, or a fine of Two hundred thousand pesos (P200,000.00), or both, shall be imposed upon third-party resellers or anyone who sells or offers for sale a registered SIM card without being authorized to do so.

Any person who willfully attempts to commit or abets or aids in the commission of any of the offenses enumerated in this Act shall be held liable.

Any prosecution under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code, as amended, or special laws.

**SEC.12. *Implementing Rules and Regulations (IRR).*** - The NTC, in close coordination with the DICT, DTI, NPC and major consumer groups, shall set the guidelines for the monitoring and proper implementation of this Act and shall issue the necessary implementing rules and regulations within sixty (60) days upon the effectivity of this Act.

**SEC.13. *Interpretation.*** - Any doubt in the interpretation of any provision of this Act and its implementing rules and regulations shall be construed in a manner that accords the highest respect for privacy, and liberally interpreted in a manner mindful of the rights and interests of SIM card subscribers and social media account owners.

**SEC.14. *Transitory Provision.*** - 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 liable for the penalties prescribed in this Act.

PTEs, third-party resellers, and social media providers affected by the implementation of this Act shall be given a one (1) year transitory period from the effectivity of the implementing rules and regulations to comply with its requirements.



**SEC.15. *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. 16. *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. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,