

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



HOUSE OF REPRESENTATIVES

House Bill No. 841

Introduced by Representative Christian Tell A. Yap

Prepaid mobile phone subscription in the form of Subscriber Identity Modules (or SIM) cards are by design accessible, anonymous and untraceable. Notwithstanding the freedom of users to subscribe to more than one telecommunications provider, the proliferation of anonymous prepaid mobile phone subscriptions continues to pose considerable risks to society especially in law enforcement and crime prevention.

The anonymity involved in prepaid SIM cards constitutes the major threat to law enforcement. Banking and financial frauds, kidnapping, sexual exploitation of children, cybertheft and other similar crimes have been reported but remain unsolved due to the untraceable nature of disposable prepaid SIM cards. These nefarious activities are not surprising given the major shift to digitalization and online activities due to the COVID-19 pandemic. Indeed, now is the best time to enact up-to-date measures to protect our people.

This proposed bill seeks to mandate the registration of all newly purchased and existing SIM cards to its authorized subscriber and establishes a database of validated information maintained by the Public Telecommunications Entities (PTEs), to be submitted to the Department of Information and Communications Technology (DICT). This bill intends the deterrence of illegal acts using SMS technology and aid law enforcers in tracking down criminals who exploit the anonymity provided by the current system.

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


CHRISTIAN TELL A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 841

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AN ACT
REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE
CARDS

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

1 SEC. 1. *Short Title.* - This Act shall be known as the “Subscriber Identity Module
2 (SIM) Card Registration Act”.

3
4 SEC. 2. *Declaration of Policy.* — The State recognizes the vital role of information
5 and communications technology in nation building and encourage its growth and
6 development.

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

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

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

15
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
18 sells a SIM card to an end user;

19 (b) *End user* refers to any individual/subscriber who directly purchases a SIM card

1 from a direct seller;

- 2 (c) *Postpaid subscription* refers to the subscription wherein service is provided by
3 virtue of a prior arrangement with a public telecommunications entity, and the
4 end user thereof is billed at the end of the monthly billing cycle according to
5 the use of mobile service;
- 6 (d) *Prepaid subscription* refers to the subscription wherein credit is purchased in
7 advance of service use. The purchased credit is used to pay for mobile phone
8 services at the point the service is accessed or consumed. If there is no
9 available credit, then access to the requested service is denied;
- 10 (e) *Public Telecommunications Entity* or *PTE* refers to any person, natural or
11 juridical, government or private, engaged in the provision of
12 telecommunications services to the public for compensation;
- 13 (f) *SIM* refers to the Subscriber Identity Module which is an embedded circuit that
14 securely stores international mobile subscriber identity and related keys used
15 to identify and authenticate subscribers on mobile devices, such as mobile
16 phones and computers;
- 17 (g) *SIM card* refers to a removable card into which an electronic integrated circuit
18 is embedded and is transferrable between different mobile devices; and
- 19 (h) *SIM card registration* refers to the process of recording and verifying mobile
20 phone number and personal information of a subscriber, by a PTE or other
21 direct seller, including the subscriber's full name, date of birth, gender, and
22 address.

23

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

33 Except in cases where the PTE is the direct seller, the accomplished registration
34 form must be submitted by the direct seller to the concerned PTE within fifteen (15) days

1 from the date of sale. Failure on the part of the direct seller to comply under this section
2 shall constitute a violation of this Act.

3
4 *SEC. 5. Coverage of Registration.* - All direct sellers are hereby mandated to register
5 the following information in the SIM card registration form:

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

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

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

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

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

- 1 (1) For foreign nationals visiting as tourists for not more than thirty (30) days:
- 2 (i) Passport;
- 3 (ii) Proof of address in the Philippines;
- 4 (iii) Return ticket to own country of the tourist or any other ticket showing the
- 5 date and time of departure from the Philippines.
- 6 (2) For foreign nationals staying for more than thirty (30) days either as workers or
- 7 students:
- 8 (i) Passport;
- 9 (ii) Full name as indicated in the passport;
- 10 (iii) Proof of address in the Philippines;
- 11 (iv) Alien Employment Permit issued by the Department of Labor
- 12 and Employment (DOLE), school registration and ID for students.

13 SEC. 6. *Submission of Registration Form.* — The registration form shall be

14 accomplished in triplicate, and forwarded by the direct seller to the concerned PTE. The

15 required registration form and copies thereof shall be certified by the direct seller or any

16 other duly appointed officer of the PTE.

17 SEC. 7. *Submission of Verified List of Dealers or Agents.* - The PTE shall submit to

18 the National Telecommunications Commission (NTC), within thirty (30) days from the date

19 of effectivity of this Act, a verified list of their current authorized dealers/agents

20 nationwide. The PTE shall submit to the NTC every quarter of each year an updated list of

21 the same.

22

23 SEC. 8. *Confidentiality Clause.* - Any information in the SIM card registration shall

24 be treated as absolutely confidential, unless access to information has been granted upon

25 written consent of the subscriber: *Provided,* That the waiver of absolute confidentiality shall

26 not be made a condition for the approval of subscription agreements. The confidentiality

27 clause in the SIM card registration shall take effect at the point of sale.

28

29 SEC. 9. *Disclosure of Information.* - Notwithstanding the provisions of Section 8

30 hereof and in accordance with Section 12(e) of Republic Act No. 10173, otherwise known

31 as the “Data Privacy Act of 2012”, the PTE shall be required to disclose the full name and

32 address contained in the SIM card registration, upon a duly issued subpoena or order of a

1 court upon finding of probable cause, or upon written request from a law enforcement
2 agency in relation to an ongoing investigation, that a particular number is used in the
3 commission of a crime or that it was used as a means to commit an unlawful act.

4
5 SEC. 10. *SIM Card Register*. - All PTEs are required to maintain a SIM Card
6 Register of their subscribers containing information required under Section 5 of this Act.

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

12
13 SEC. 11. *Registration of Existing Prepaid Mobile Phone Subscribers*. — All existing
14 mobile phone subscribers with prepaid SIM cards are required to register with their
15 respective PTE within one hundred eighty (180) days from the effectivity of this Act. An
16 extension period of no longer than one hundred twenty (120) days shall be allowed upon a
17 valid written request to the DICT.

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

20
21 SEC. 12. *Penalties*. — The following penalties shall be imposed for failure to
22 comply with any of the provisions of this Act:

23 (a) If the offense is committed by a PTE, the President and other executive
24 officers of the PTE shall be held liable, and the following penalties shall be
25 imposed:

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

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

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

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

1 (c) If the offense is committed by an officer or employee of an implementing
2 agency under this Act, a penalty of suspension or dismissal from service and a
3 fine to be determined by the court shall be imposed without prejudice to the
4 filing of an appropriate criminal, civil and administrative case.
5

6 SEC. 13. *Implementing Rules and Regulations (IRR)*. - Within ninety (90) days from
7 the effectivity of this Act, the NTC , in coordination with the Department of Information
8 and Communications Technology (DICT) and other concerned agencies, promulgate the
9 rules and regulations and other issuances as may be necessary to ensure the effective
10 implementation of this Act.
11

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

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

22 SEC. 16. *Repealing Clause*. - All laws, decrees, executive orders, proclamations,
23 rules and regulations, and issuances, or parts thereof which are inconsistent with the
24 provisions of this Act are hereby repealed, amended or modified accordingly
25 .

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