

**SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)**



Senate
Office of the Secretary

'15 AUG 20 P2:31

SENATE
S. B. No. 2911

RECEIVED BY: _____

Introduced by SENATOR LOREN LEGARDA

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

EXPLANATORY NOTE

Based on the 2011 World Bank report entitled "Information and Communications for Development: Maximizing Mobile", there were 101 mobile cellular subscriptions for every 100 people in the Philippines. Mobile cellular subscription refers to "subscriptions to a public mobile telephone service using cellular technology, which provided access to the public switched telephone network. Postpaid and prepaid subscriptions were included." The staggering figure did not reflect the actual number of end users since there could be multiple subscriptions. The report further cites that 96 percent of the total mobile cellular subscriptions in the Philippines were prepaid.

The popularity of prepaid mobile phones can be attributed to the ease and convenience an end user can purchase a prepaid or "Pay As You Go" mobile SIM (Subscriber Identity Module) card from ubiquitous retailers without having to present identification or submit documents. Unlike postpaid mobile phone users who are required to submit identification papers before entering into a contract with a public telecommunications entity (PTE), prepaid mobile phone users can activate their SIM and use their phones while remaining anonymous. Individuals with malicious and criminal intent can exploit this blanket of anonymity enjoyed by prepaid mobile phone users.

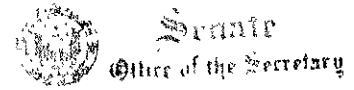
The proposed act known as "Subscriber Identity Module (SIM) Card Registration Act" aims for end users to be accountable for their usage of mobile communications by mandating SIM card registration. It gives direct sellers the responsibility of selling prepaid SIM cards only to users who are able to submit a valid identification with photo. Direct sellers must further require the end users to accomplish and sign a control-

numbered registration form issued by the respective PTE of the SIM card being purchased. PTEs will need to collect accomplished registration forms from direct sellers and submit a copy to the National Telecommunications Commission (NTC). PTEs are instructed to submit an updated SIM card registration of their subscribers to NTC every six months.

Given the importance of this measure in minimizing the opportunity for certain parties to exploit the anonymity provided by prepaid SIMs for malicious and criminal intent, the passage of this bill is urgently sought.


LOREN LEGARDA
Senator *LR*

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



15 AUG 20 P2:31

SENATE
S. B. No. 2911

RECEIVED BY: J

Introduced by SENATOR LOREN LEGARDA

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

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

1 **SECTION 1.** *Short Title.* - This Act shall be known as the "Subscriber
2 Identity Module (SIM) Card Registration Act".
3

4 **SECTION 2.** *Declaration of Policy.* - The State recognizes the vital role of
5 information and communications technology in nation building.
6 The introduction of modern telecommunications technology with the view
7 of providing the widest information dissemination is greatly encouraged.
8 The possession of the most modern technology carries with it tremendous
9 responsibility. Towards this end, a mechanism for the effective use of
10 technology for the common good and not any illegal or malicious purpose
11 must be established.
12

13 **SECTION 3.** *Definition of Terms.* - As used in this Act:
14

15 a. *Direct seller* refers to a person or entity, whether natural or juridical,
16 who directly dispenses or sells a SIM card to an end user;
17

18 b. *End user* refers to any person or entity who directly purchases a SIM
19 card from a direct seller;
20

21 c. *Post paid mobile phone* refers to a mobile phone the service of which is
22 provided by a prior arrangement with a Public Telecommunications
23 Entity. The user in this situation is billed after the fact, according to their
24 use of mobile services at the end of the monthly billing cycle;
25

26 d. *Prepaid mobile phone* refers to a mobile phone for which credit is
27 purchased in advance of service use. The purchased credit is used to pay
28 for mobile phone services at the point the service is accessed or
29 consumed. If there is no available credit then access to the requested

1 service is denied;

2
3 e. *Public Telecommunications Entity or PTE* refers to any duly enfranchised
4 and authorized public telecommunications entity that offers voice, short
5 messaging system (SMS/text), mobile data, value-added services (VAS) or
6 any other telecommunications services to the public for a fee;

7
8 f. *SIM card* refers to the Subscriber Identity Module (SIM), which is an
9 integrated circuit that securely stores the international mobile subscriber
10 identity and the related key used to identify and authenticate subscribers
11 on mobile telephony devices, such as mobile phones and computers. A
12 SIM card is a removable plastic card into which a SIM circuit is
13 embedded, and can be transferred between different mobile devices;

14
15 g. *SIM card registration* refers to the process of recording and verifying
16 mobile phone number and personal information of a subscriber, by a
17 PTE or other direct seller, including the subscriber's photograph, name,
18 date of birth, gender and address.

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

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

34
35 An end user who does not produce valid identification with photo or fails
36 to accomplish a registration form in accordance with the preceding
37 paragraph shall be refused the sale of a SIM card by the direct seller. The
38 direct seller shall issue the SIM card to the end user only after compliance
39 with the requirements mentioned above and in the succeeding sections.

40
41 **SECTION 5. *Representative Registration of SIM Cards.*** - A person who
42 wants to purchase a SIM card but cannot personally register with the
43 direct seller may, for valid reason, authorize another to register in that
44 person's behalf, subject to the following conditions: (1) the representative
45 is authorized through a duly notarized Special Power of Attorney; and (2)
46 the principal and the representative should present an original and a true
47 and clear copy of any of the valid identification cards with photo listed in
48 Section 6 (a) hereof.

49
50 In case the person intending to purchase a SIM card is a minor, the

1 parents or guardian shall be required to give their express consent in
2 writing, and submit the same with the registration form and valid
3 identification cards with photo of both the minor and the parents or
4 guardian.

5
6 The direct seller may deny the request for representative registration after
7 an assessment that the reason given therefor is not valid or that the
8 identification cards or their true copies are not authentic or sufficient.

9
10 **SECTION 6. Coverage of Registration.** - All direct sellers are hereby
11 mandated to register pertinent data in a registration form devised for the
12 purpose, to include the following information and requirements:

13
14 a) Full name and complete address of the end user appearing in a valid
15 government-issued identification document with photo. In view thereof,
16 SIM card end users shall be required to present the original and
17 submit a true and faithful reproduction or photocopy of any of the
18 following government identification documents with photo, including the
19 following:

- 20
21 1. Driver's License
22 2. Social Security Service/Government Service Insurance System
23 (SSS/GSIS) Card
24 3. Passport
25 4. Senior Citizen's Card
26 5. Person with Disabilities Card
27 6. National Bureau of Investigation (NBI) Clearance
28 7. Police Clearance
29 8. Firearms License
30 9. Voter's Identification Card
31 10. Taxpayer's Identification Number (TIN)
32 11. Professional Regulation Commission (PRC) Identification Card
33 12. Government Office Identification Card
34 13. School Identification Card (in case of a minor)

35
36 The direct seller may make further inquiries or require the submission of
37 additional identification if necessary, and withhold the sale of the SIM
38 card pending compliance with the additional requirements.

39
40 b) Assigned cell phone number of SIM card(s) and serial number/s.

41
42 **SECTION 7. Submission of Registration Form.** - The registration form
43 required under Section 6 of this Act shall be accomplished in triplicate,
44 and shall be forwarded by the direct seller to the concerned PTE. The
45 concerned PTE shall submit a copy of the duly accomplished registration
46 form to the National Telecommunications Commission (NTC) within fifteen
47 (15) days from the date of sale or receipt of such form from their
48 respective direct sellers. The required registration form and the copies
49 thereof shall be certified by either the President, General Manager,
50 Treasurer, Secretary or any other duly appointed officer of the PTE or

1 direct seller, as the case may be.

2

3 **SECTION 8.** *Submission of Verified List of Dealers or Agents.* – The PTEs
4 shall submit to the NTC, within thirty (30) days from the date of effectivity
5 of this Act, a verified list of their current authorized dealers or agents
6 nationwide. Thereafter, the PTEs shall submit to the NTC every quarter of
7 each year an updated list of the same.

8

9 **SECTION 9.** *Confidentiality Clause.* – Any information in SIM card
10 registration shall be treated as absolutely confidential, and may be
11 released only upon written consent of the subscriber: *Provided,* That the
12 waiver of absolute confidentiality shall not be made as a condition for the
13 approval of subscription agreements with the PTEs.

14

15 **SECTION 10.** *Disclosure of Information.* – Notwithstanding the provisions
16 of Section 9 hereof, the PTEs shall be required to provide information
17 contained in the SIM card registration only upon order of a competent
18 court upon finding of probable cause that a particular number is or has
19 been used in the commission of a crime or any unlawful act.

20

21 **SECTION 11.** *SIM Card Register.* – All PTEs are required to submit an
22 updated SIM Card Register of their subscribers to the NTC every six (6)
23 months of both postpaid and prepaid mobile phone users, and maintain a
24 record containing information required under Section 6 of this Act.

25

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

31

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

36

37 **SECTION 12.** *Registration of Existing Prepaid Mobile Phone Subscribers.* –
38 All existing mobile phone subscribers with prepaid SIM cards are required
39 to register with their respective PTE within one hundred eighty (180) days
40 from effectivity of this Act. Such deadline may be extended by the NTC
41 but shall not be longer than one hundred twenty (120) days, upon a valid
42 written request.

43

44 Failure to register within the prescribed period shall authorize the PTE to
45 automatically deactivate its services to the specific existing prepaid SIM
46 card subscriber.

47

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

1 following penalties shall be imposed:
2 (1) First offense: A fine of Three hundred thousand pesos (P300, 000.00);
3 (2) Second offense: A fine of Five hundred thousand pesos (P500,
4 000.00); and
5 (3) Third and subsequent offenses, a fine of One million pesos (P1,
6 000,000.00) for every offense.
7 b) A penalty of suspension of its operation and a fine ranging from Five
8 thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00) shall be
9 imposed on any direct seller who fails to comply with the provisions of
10 this Act.

11
12 **SECTION 14.** *Implementing Rules and Regulations (IRR).* – Within ninety
13 (90) days from the effectivity of this Act, the NTC, in coordination with
14 concerned agencies, shall promulgate the rules and regulations and other
15 issuances as may be necessary, to ensure the effective implementation of
16 this Act.

17
18 **SECTION 15.** *Separability Clause.* – Should any part of this Act be
19 declared unconstitutional or invalid, other provisions hereof that are not
20 affected thereby shall continue to be in full force and effect.

21
22 **SECTION 16.** *Repealing Clause.* – All laws, decrees, executive orders,
23 proclamations, rules and regulations, and issuances, or parts thereof
24 which are inconsistent with the provisions of this Act, are hereby
25 repealed, amended or modified accordingly.

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

30
31 Approved,