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

EIGHTEENTH CONGRESS  
1st Regular Session  

House Bill No. 658  

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
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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658
House Bill No. ____________

Introduced by Hon. Francis Gerald Aguinaldo Abaya

AN ACT REQUIRING THE REGISTRATION OF ALL USERS OF SUBSCRIBER
IDENTITY MODULE CARDS

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”.

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

The introduction of modern telecommunications technology with the view of providing the widest information dissemination is greatly encouraged, but possession of the most modern technology carries with it tremendous responsibility. Thus, a mechanism must be installed to maximize the benefits of modern telecommunications technology and to deter illegal or malicious utilization of the same that benefit only a few.

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

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

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

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

c.) Postpaid subscription refers to subscription wherein service is provided by virtue of a prior arrangement with a public telecommunications entity, and
the end user thereof is billed at the end of the monthly billing cycle according
to the use of mobile service;

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

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

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

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

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

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

Except in cases where the PTE is the direct seller, the accomplished
registration form must be submitted by the direct seller to the concerned PTE within
fifteen (15) days from the date of sale. Failure on the part of the direct seller to comply
under this Section shall constitute a violation of this Act.
SECTION 5. **Coverage of Registration.** — All direct sellers are hereby mandated to register the following information in the SIM card registration form:

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

1) Passport;

2) Digitized Social Security Service (SSS) ID;

3) Government Service Insurance System (GSIS) e-Card;

4) Driver’s license;

5) Firearms’ License to Own and Possess (LTOP) ID;

6) Professional Regulation Commission (PRC) ID;

7) Integrated Bar of the Philippines (IBP) ID;

8) Overseas Worker’s Welfare Administration (OWWA) ID;

9) Digitized Bureau of Internal Revenue (BIR) ID;

10) Voter’s ID;

11) Senior Citizen’s Card;

12) Person with Disabilities Card; or

13) Other government issued ID.

14) National Bureau of Investigation (NBI) Clearance

15) Police Clearance

16) Firearms Clearance

17) Voter’s Identification Card

18) Taxpayer’s Identification Number

19) Professional Regulation Commission (PRC) Identification Card

20) Government Office Identification Card

21) School Identification Card (in case of a minor)

22) Other Government-issued Identification Cards

In the absence of any of the above IDs, a National Bureau of Investigation (NBI) clearance, Police Clearance, or a Philippine Statistics Authority (PSA) Certified Birth Certificate with an ID picture taken within the last six (6) months prior to the purchase of a SIM card shall suffice. The direct seller may make further inquiries or require the submission of additional identification,
if necessary. The purchase of a SIM card may be withheld pending submission
of the additional requirements.
b) Assigned cell phone number of SIM card(s) and its serial number.
In case of end users who are foreign nationals, they shall register their full
name, passport number, and address in the SIM card registration form upon
presentation of the following:
a) For foreign nationals visiting as tourists for not more than thirty (30) days:
   1. Passport;
   2. Proof of address in the Philippines;
   3. Return Ticket to own country of the tourist or any other ticket showing
      the date and time of departure from the Philippines; and
   4. Any other information as may be required by the Department of
      Information and Communications Technology (DICT).
b) For foreign nationals staying for more than thirty (30) days either as workers
or students:
   1. Passport;
   2. Full name as indicated in the passport;
   3. Proof of address in the Philippines;
   4. Alien Employment Permit issued by the Department of Labor and
      Employment (DOLE); school registration and ID for students; and
   5. Any other information as may be required by the DICT.

SECTION 6. Submission of Registration Form. – The registration form shall
be accomplished in triplicate, and forwarded by the direct seller to the concerned PTE.
The concerned PTE shall submit a copy of the duly accomplished registration form to
the DICT within fifteen (15) days from the date of sale or receipt of such form from
their respective direct sellers. The required registration form and copies thereof shall
be certified by the direct seller or any other duly appointed officer of the PTE.

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

SECTION 8. Confidentiality Clause. – Any information in SIM card registration
shall be treated as absolutely confidential, unless access to information has been
granted 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. The confidentiality clause in the SIM card registration shall take effect at
the point of sale.

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

SECTION 10. SIM Card Register. – All PTEs are required to maintain a SIM
Card Register of their subscribers containing information required under Section 5 of
this Act and to submit the same to the DICT every six (6) months.

In case of loss of a SIM card or any change in the information contained in the
registration form after the purchase of the SIM card, the subscriber shall notify the PTE
within forty-eight (48) hours from such loss or change in information. Within fifteen (15)
days from receipt of notification from the subscriber, the concerned PTE must notify
the DICT of such loss or change in information.

All PTEs are required to keep the data of their subscribers and the DICT shall
ensure that this data is kept with utmost confidentiality.

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

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

SECTION 12. Penalties. – The following penalties shall be imposed for failure
to comply with any of the provisions of this Act:
a.) If the offense is committed by a PTE, the President and other executive
officers shall be held liable and the following penalties shall be imposed:

1) First offense: A fine of Three hundred thousand pesos (P300, 000.00);
2) Second offense: A fine of Five hundred thousand pesos (P50, 000.00);
and
3) Third and subsequent offenses: A fine of One million pesos (P1, 000,000.00) for every offense.

b.) If the offense is committed by a direct seller, a penalty of suspension of its operation and a fine of Five thousand pesos (P5, 000.00) to Fifty thousand pesos (P50, 000.00) shall be imposed.
c.) If the offense is committed by an officer or an employee of an implementing agency under this Act, a penalty of suspension or dismissal from service and a fine to be determined by the court shall be imposed without prejudice to the filing of an appropriate criminal, civil, and administrative case.

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

SECTION 14. Transitory Provision. – Only direct sellers who have been duly authorized by the PTEs and the NTC, shall be allowed to sell prepaid SIM cards. 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 imposed the penalties prescribed in this Act.

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

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

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

Approved,