COMMITTEE REPORT NO. 131

Submitted by the Committee on Information and Communications Technology on DEC 11 2019.

5793

Re : House Bill No. 5793

Recommending its approval in substitution of House Bills Numbered 298, 453, 658, 743, 1056, 1773, 2312, 2411, 2747, 3033, 3152, 3629, 3732, 5350 and 5606.


Mr. Speaker:

The Committee on Information and Communications Technology to which were referred House Bill No. 298 introduced by Rep. Victor A. Yap, entitled:

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

House Bill No. 453 introduced by Rep. Manuel Luis T. Lopez, entitled:

"AN ACT
MANDATING THE COOPERATION OF ALL TELECOMMUNICATIONS CORPORATIONS, INTERNET SERVICE PROVIDERS, AND SOCIAL MEDIA NETWORKS IN CREATING AN EFFICIENT IDENTIFICATION MECHANISM FOR THE DETERENCE OF THE COMMISSION OF TERRORIST ACTIVITIES AND PROVIDING PENALTIES FOR A VIOLATIONS THEREOF"

House Bill No. 658 introduced by Rep. Francis Gerald A. Abaya, entitled:

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

House Bill No. 743 introduced by Rep. Rozzano Rufino B. Biazon, entitled:

"AN ACT
REQUIRING THE REGISTRATION OF ALL PRE-PAID SIM CARD USERS AND MOBILE PHONE UNITS AND FOR OTHER PURPOSES"
House Bill No. 1056 introduced by Rep. Dahlia A. Loyola, entitled:

“AN ACT
REGULATING THE SALE OF PRE-PAID SUBSCRIBER IDENTITY MODULE (SIM) CARDS, PROVIDING PENALTY FOR VIOLATION THEREOF AND FOR OTHER PURPOSES”

House Bill No. 1773 introduced by Rep. Eric A. Olivarez, entitled:

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

House Bill No. 2312 introduced by Rep. Wes Gatchalian, entitled:

“AN ACT
TO ERADICATE MOBILE PHONE-AIDED TERRORISM AND CRIMINAL ACTIVITIES MANDATING FOR THIS PURPOSE OWNERSHIP REGISTRATION OF ALL PRE-PAID SIM CARDS FOR CELLULAR PHONES”

House Bills No. 2411 introduced by Rep. Precious Hipolito Castelo, entitled:

“AN ACT
REQUIRING THE RECORDING OF THE IDENTITY OF ALL BUYERS OF PREPAID SUBSCRIBER IDENTITY MODULE (SIM) CARDS FOR CELLULAR TELEPHONE UNITS AND FOR OTHER PURPOSES”

House Bills No. 2747 introduced by Rep. Rufus B. Rodriguez, entitled:

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

House Bill No. 3033 introduced by Rep. Alfred D. Vargas, entitled:

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

House Bill No. 3152 introduced by Rep. Roman T. Romulo, entitled:

“AN ACT
REGULATING THE SALE OR PRE-PAID SUBSCRIBER IDENTITY MODULE (SIM) CARDS, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES”

House Bill No. 3629 introduced by Reps. Enrico A. Pineda and Michael Odylon L. Romero, Ph. D., entitled:

“AN ACT
REQUIRING THE REGISTRATION OF ALL USERS OF SUBSCRIBER IDENTITY MODULE CARDS”
House Bill No. 3732 introduced by Rep. Tyrone D. Agabas, entitled:

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

House Bill No. 5350 introduced by Rep. “Kuya” Jose Antonio R. Sy-Alvarado, entitled:

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

and House Bill No. 5606 introduced by Rep. Carmelo “Jon” B. Lazatin, entitled:

“AN ACT
REQUIRING THE REGISTRATION OF ALL USERS OF PRE-PAID SUBSCRIBER
IDENTITY MODULE (SIM) CARDS OF MOBILE PHONES AND PROVIDING
PENALTIES FOR VIOLATION THEREOF”

has considered the same and recommends that the attached House Bill No. __________, entitled:

“AN ACT
REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE
CARDS”

be approved in substitution of House Bills Numbered 298, 453, 658, 743, 1056, 1773, 2312,
2411, 2747, 3033, 3152, 3629, 3732 and 5350 with Representatives Victor A. Yap, Manuel
Luis T. Lopez, Francis Gerald A. Abaya, Rozzano Rufino B. Biazon, Dahlia A. Loyola, Eric L.
Olivarez, Wes Gatchalian, Precious Hipolito Castelo, Rufus B. Rodriguez, Alfred D. Vargas,
Roman T. Romulo, Enrico A. Pineda, Michael Odylon L. Romero, Ph. D., Tyrone D. Agabas,
“Kuya” Jose Antonio R. Sy-Alvarado, Carmelo “Jon” B. Lazatin, France L. Castro, Micaela S.
Violago, John Reynald M. Tiangco, Joseph Stephen “Caraps” S. Paduano, Gabriel H. Bordado,
Jr., Wilton “Tonton” T. Kho, Xavier Jesus D. Romualdo, Carlito S. Marquez, Bienvenido M.
Abante, Jr., Joy Myra S. Tambunting, Fernando T. Cabredo, Aristotle C. Aumentado, Alyssa
Sheena P. Tan, Virgilio S. Lacson, and Faustino Michael Carlos T. Dy III as authors thereof.

Respectfully submitted:

VICTOR A. YAP
Chairman
Committee on Information and
Communications Technology

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City
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. **Short Title.** - This Act shall be known as the “Subscriber Identity Module (SIM) Card Registration Act”.

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.

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

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

SEC. 3. Definition of Terms. — As used in 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 the 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 Telecommunications 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; and

(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
full name, date of birth, gender, and address.

SEC. 4. Sale and Registration of SIM Cards. — Every PTE or direct
seller shall require the end user of a SIM card to present a 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 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 that 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.

SEC. 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:

- Passport;
- National ID
- Digitized Social Security Service (SSS) ID;
- Government Service Insurance System (GSIS) e-Card;
- Driver’s license;
- Firearms’ License to Own and Possess (LTOP) ID;
- Professional Regulation Commission (PRC) ID;
- Integrated Bar of the Philippines (IBP) ID;
- Overseas Workers Welfare Administration (OWWA) ID;
- Digitized Bureau of Internal Revenue (BIR) ID;
(11) Voter’s ID;
(12) Senior Citizen’s card;
(13) Person with Disabilities (PWDs) card; or
(14) Other government-issued ID.

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 the 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:
(1) For foreign nationals visiting as tourists for not more than thirty (30)
days:
(i) Passport;
(ii) Proof of address in the Philippines;
(iii) Return ticket to own country of the tourist or any other ticket
 showing the date and time of departure from the Philippines.
(2) For foreign nationals staying for more than thirty (30) days either as
 workers or students:
(i) Passport;
(ii) Full name as indicated in the passport;
(iii) Proof of address in the Philippines;
(iv) Alien Employment Permit issued by the Department of Labor
 and Employment (DOLE);
(v) Alien Certificate of Registration Identification Card or ACRI-Card
 issued by the Bureau of Immigration (BI); or
(vi) School registration and ID for students.

SEC. 6. Submission of Registration Form. — The registration form shall
be accomplished in triplicate, and forwarded by the direct seller to the concerned PTE. The required registration form and copies thereof shall be certified by the direct seller or any other duly appointed officer of the PTE.

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

SEC. 8. Confidentiality Clause. - Any information in the 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 a condition for the approval of subscription agreements. The confidentiality clause in the SIM card registration shall take effect at the point of sale.

SEC. 9. Disclosure of Information. - Notwithstanding the provisions of Section 8 hereof and in accordance with Section 12(e) of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", the PTE 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 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.

SEC. 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.

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

SEC. 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 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 DICT.

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

SEC. 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 responsible officers of the PTE shall be held liable, and 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) 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 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.

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

SEC. 15. 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. 16. 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. 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,
FACT SHEET

House Bill No. 5793
(In substitution of House Bills Numbered 298, 453, 658, 743, 1056, 1773, 2312, 2411, 2747, 3033, 3152, 3629, 3732, 5350, and 5606 as approved on November 13, 2019)

“SUBSCRIBER IDENTITY MODULE (SIM) CARD REGISTRATION ACT”


Committee Referral: COMMITTEE ON INFORMATION AND COMMUNICATIONS TECHNOLOGY (Primary)

Committee Chairperson: Hon. VICTOR A. YAP

OBJECTIVE:

- To help law enforcement agencies in tracking down lawless criminals who use mobile phones with post-paid and pre-paid SIM cards to pursue nefarious activities such as kidnapping for ransom and petty crimes like theft

KEY PROVISIONS:

- Establishes a system of Sale and Registration of Subscriber Identity Module (SIM) Card for all users of SIM cards by registering pertinent data in a registration form set up for the purpose;

- Provides for mandatory registration of end users who are foreign nationals;

- Mandates all Public Telecommunications Entities (PTEs) and direct sellers selling SIM cards to establish a register and submit the same to the Department of Information and Communications Technology (DICT);

- Provides for a Confidentiality Clause that prohibits disclosure of any information of a subscriber, unless upon subpoena or lawful order from a competent court or written request from law enforcement agency in relation to an ongoing investigation, that a particular number requested is used in the commission of a crime;
• Mandates all PTEs to maintain a SIM Card Register of their subscribers and to submit the same to the Department every six (6) months. All PTEs are required to keep the data of their subscribers and the Department shall ensure that these data are being kept with utmost confidentiality;

• Mandates the registration of existing pre-paid SIM card phone subscribers, the failure to comply therewith within the prescribed period shall authorize the Public Telecommunications Entities (PTEs) to automatically deactivate its services to the specific existing prepaid SIM Card subscriber.

• Provides for the following penalties for violation of the Act:
  o If committed by a PTE:
    - 1st Offense - a fine of Three hundred thousand pesos (Php 300,000.00)
    - 2nd Offense - a fine of Five hundred thousand pesos (Php 500,000.00)
    - 3rd and subsequent offenses - a fine of One million pesos (Php 1,000,000.00)

  o If committed by a direct seller, a penalty of suspension of operation and a fine ranging from Five thousand pesos (Php 5,000.00) to Fifty thousand pesos (Php 50,000.00) shall be imposed.

RELATED LAWS:

• Act No. 3815, as amended, otherwise known as the “Revised Penal Code”

• Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012”