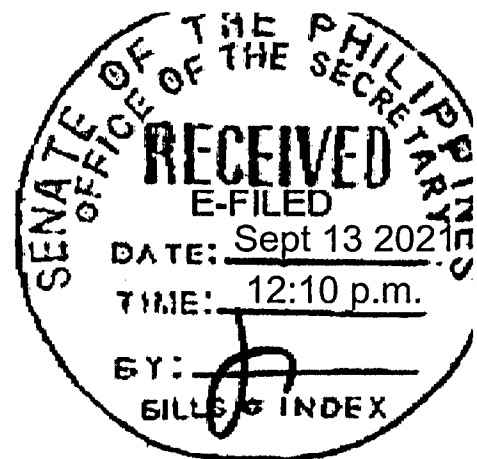


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

COMMITTEE REPORT NO. 306

Prepared and submitted jointly by the Committees on Public Services, and Trade, Commerce and Entrepreneurship, on Sept 13 2021

Re: **Senate Bill No. 2395**

Recommending its approval in substitution of Senate Bill Nos. 25, 109, 176, 236, 340, 388, and 693

Sponsor: **Senator Grace Poe**

MR. PRESIDENT:

The Committees on Public Services, and Trade, Commerce and Entrepreneurship, to which were referred **Senate Bill No. 25**, introduced by **Senator Lacson**, entitled:

**AN ACT
REGULATING THE SALE OF PREPAID SUBSCRIBER IDENTITY
MODULE (SIM) CARDS, PROVIDING PENALTIES FOR VIOLATION
THEREOF, AND FOR OTHER PURPOSES**

Senate Bill No. 109, introduced by **Senator Zubiri**, entitled:

**AN ACT
REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY
MODULE (SIM) CARDS IN MOBILE PHONES**

Senate Bill No. 176, introduced by **Senator Gatchalian**, entitled:

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

Senate Bill No. 236, introduced by **Senators Sotto III and Lacson**, 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**

Senate Bill No. 340, introduced by Senator Villar, entitled:

**AN ACT
PROHIBITING TEXT SCAMS, MISLEADING ADVERTISEMENTS, AND
FRAUDULENT SALES PROMOTIONS, MANDATING FOR THIS
PURPOSE THE REGISTRATION OF ALL USERS OF SUBSCRIBER
IDENTITY MODULE (SIM) CARDS, AND PROVIDING PENALTIES FOR
THE VIOLATIONS THEREOF**

Senate Bill No. 388, introduced by Senator Pacquiao, entitled:

**AN ACT
REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY
MODULE (SIM) CARDS IN MOBILE PHONES**

and Senate Bill No. 693, introduced by Senator Pangilinan, entitled:

**AN ACT
TO ERADICATE CELLULAR PHONE-AIDED TERRORISM AND
CRIMINAL ACTIVITIES MANDATING FOR THIS PURPOSE
OWNERSHIP REGISTRATION OF ALL PREPAID SIM CARDS FOR
CELLULAR PHONES AND FOR OTHER PURPOSES**


have considered the same and have the honor to report back to the Senate with the recommendation that the attached **Senate Bill No. 2395**, entitled:

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

be approved in substitution of Senate Bill Nos. 25, 109, 176, 236, 340, 388, and 693, with **Senators Lacson, Zubiri, Gatchalian, Sotto, Villar, Pacquiao, Pangilinan, and Poe** as authors thereof

Respectfully submitted,

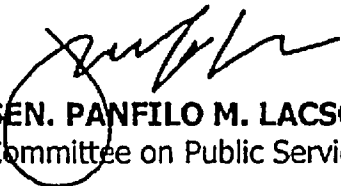

SEN. AQUILINO "KOKO" PIMENTEL III
Chairperson, Committee on Trade,
Commerce and Entrepreneurship


SEN. GRACE POE
Chairperson, Committee on Public
Services; and Vice-Chair, Committee
on Trade, Commerce and
Entrepreneurship

Vice-Chairpersons:



SEN. RAMON BONG REVILLA JR.
Committee on Public Services



SEN. PANFILO M. LACSON
Committee on Public Services

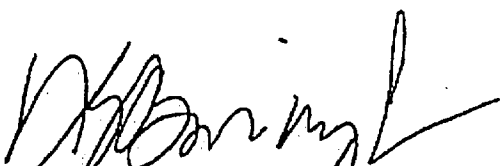


SEN. EMMANUEL "MANNY" D. PACQUIAO
Committee on Public Services



SEN. WIN GATCHALIAN
Committees on Public Services, and
Trade, Commerce and Entrepreneurship

Members:



SEN. MARIA LOURDES NANCY S. BINAY
Committees on Public Services, and Trade
Commerce and Entrepreneurship

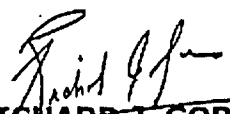
SEN. CHRISTOPHER BONG GO
Committee on Public Services

SEN. FRANCIS "TOL" N. TOLENTINO
Committee on Public Services

SEN. JOEL VILLANUEVA
Committee on Public Services



SEN. MANUEL "LITO" M. LAPID
Committee on Public Services



SEN. RICHARD J. GORDON
Committees on Public Services, and
Trade, Commerce and Entrepreneurship



SEN. FRANCIS "KIKO" N. PANGILINAN
Committees on Public Services, and Trade,
Commerce and Entrepreneurship

SEN. RISA HONTIVEROS
Committee on Public Services

SEN. SONNY ANGARA
Committee on Trade, Commerce and
Entrepreneurship


SEN. CYNTHIA A. VILLAR
Committee on Trade, Commerce and
Entrepreneurship



SEN. LEILA M. DE LIMA
Committee on Trade, Commerce and Entrepreneurship

*Will interpellate
and propose
amendments.*

Ex-Officio Members:



SEN. RALPH G. RECTO
Senate President Pro-Tempore

May amend



SEN. JUAN MIGUEL F. ZUBIRI
Majority Leader

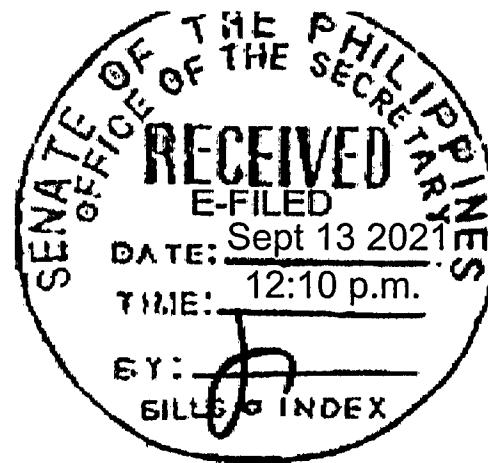


SEN. FRANKLIN M. DRILON
Minority Leader

**Will interpellate
and amend**

HON. VICENTE C. SOTTO III
Senate President

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



SENATE
S. No. 2395

(In Substitution of S. Nos. 25, 109, 176, 236, 340, 388, and 693)

Prepared and submitted jointly by the Committees on Public Services; and Trade, Commerce and Entrepreneurship, with Senators Lacson, Zubiri, Gatchalian, Sotto, Villar, Pacquiao, Pangilinan, and Poe as authors thereof

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

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

- 1 Section 1. *Short Title.* – This Act shall be known as the “*SIM Card Registration*
2 *Act.*”
- 3 Sec. 2. *Definitions.* – For purposes of this Act, the following terms shall mean:
- 4 a) *Public Telecommunications Entity or PTE* – shall refer to any person,
5 firm, partnership or corporation, government or private, engaged in the provision of
6 telecommunications services to the public for compensation, as defined under Republic
7 Act No. 7925 or the Public Telecommunications Policy Act of the Philippines;
- 8 b) *SIM (Subscriber Identity Module or Subscriber Identification Module)*
9 *Card* – shall refer to an integrated circuit chip that is intended to securely store the
10 international mobile subscriber identity or IMSI number and its related key, which are
11 used to identify and authenticate subscribers on mobile telephony devices;
- 12 c) *Spoofing* – shall refer to the act of transmitting misleading or inaccurate
13 information about the source of the phone call or text message, with the intent to
14 defraud, cause harm, or wrongfully obtain anything of value;
- 15 d) *Subscriber* – shall refer to any person, natural or juridical, who avails of
16 mobile telecommunications service from a mobile service provider; and

1 e) *Third-party reseller* – shall refer to agents, dealers, or anyone who sells
2 SIM cards other than the PTEs themselves.

3 Sec. 3. *SIM Card Registration.* – In order to deter the proliferation of SIM card-
4 aided crimes, such as but not limited to terrorism; text scams; unsolicited, indecent or
5 obscene messages; bank fraud; and massive disinformation which cause chaos and
6 disorder, all PTEs shall require the registration of SIM cards as pre-requisite to the
7 sale thereof, in accordance with the guidelines set forth under this Act.

8 All existing SIM card subscribers with active services shall register with their
9 respective PTEs within a year from effectivity of this Act.

10 Failure to register within the prescribed period shall authorize the PTEs to
11 automatically deactivate or retire the SIM card number.

12 Sec. 4. *Sale and Registration Guidelines.* – The National Telecommunications
13 Commission (NTC), in close coordination with the PTEs, the concerned agencies of
14 government including but not limited to the Department of Trade and Industry (DTI),
15 Department of Information and Communications Technology (DICT), National Privacy
16 Commission (NPC), and in consultation with major consumer groups, shall formulate
17 the necessary guidelines in the proper implementation of the SIM card registration
18 process based on the following parameters:

- 19 a. Submission of duly accomplished control-numbered owner's registration form.
20 The registration form shall include an attestation by the SIM card buyer that
21 the person personally appearing before the direct seller and the identification
22 documents presented are true and correct, and that said person is the one who
23 has accomplished and signed the registration form;
- 24 b. Presentation of valid government-issued identification cards or other similar
25 forms of documents that will verify the identity of the SIM card buyer, or a
26 valid passport in the case of aliens; and
- 27 c. Active SIM cards acquired prior to the implementation of this Act that fail to be
28 registered within thirty (30) days from its intended credit reload shall
29 automatically be deactivated by the concerned PTE.
- 30 d. A buyer who fails to comply with the requirements for registration shall be
31 refused the sale of a SIM card by the seller.

1 e. The sale of a SIM card to a minor shall not be prohibited provided that said
2 minor is accompanied by a parent or legal guardian at the time of its purchase
3 and registration.

4 Sec. 5. *Sim Card Registry.* – The registration form required under this Act shall
5 be accomplished electronically and shall be forwarded by the concerned PTE to a
6 centralized database accessible by the NTC and DICT. The successful submission of
7 the required registration form shall serve as the certification of legitimate purchase by
8 the SIM card buyer and the duly-appointed agents of the PTE or third-party reseller,
9 as the case may be.

10 The NTC shall ensure that the recordkeeping of such information is in
11 accordance with the provisions of the Data Privacy Act of 2012.

12 In case of loss or any change in the information after the registration of the
13 SIM card, the subscriber must update said registration in the database through the
14 PTE’s facility within seven (7) days from such loss or change.

15 Sec. 6. *Submission of Verified List of Third-Party Resellers.* – The PTEs shall
16 submit to the NTC, within thirty (90) days from the date of effectivity of this Act, a
17 verified list of all their current authorized third-party resellers. Thereafter, the PTEs
18 shall submit to the NTC, every quarter of each year, an updated list of the same.

19 Sec. 7. *Obligation and Liabilities of Third-Party Resellers.* – Any third-party
20 reseller that will engage in the sale of fraudulently-registered or stolen SIM cards shall
21 be held criminally liable under this Act.

22 Sec. 8. *Confidentiality Clause.* – Any information obtained in the SIM card
23 registration process shall be treated as absolutely confidential, in accordance with the
24 provisions of the Data Privacy Act of 2012, and cannot be disclosed to unauthorized
25 persons, except upon the written consent of the subscriber: *Provided*, that the waiver
26 of absolute confidentiality shall not be made as a condition for the approval of
27 subscription agreements with the mobile phone service providers.

28 Sec. 9. *Disclosure of Information.* – Notwithstanding the provisions on
29 confidentiality, the PTEs shall be required to provide information obtained in the SIM
30 card registration process only upon the order of a competent court and upon finding
31 of probable cause that a specific mobile number was or is being used in the
32 commission of a crime or that it was utilized as a means to commit a malicious,

1 fraudulent or unlawful act: *Provided*, that such written order shall only be granted
2 upon application in writing of any law enforcement agency and/or officer, and only
3 upon examination under oath or affirmation of the applicant and the witnesses he may
4 produce and upon the court being satisfied that: (1) there is reasonable ground to
5 believe that the SIM card has been used in the commission of a crime or for a
6 malicious, fraudulent or unlawful purpose; (2) that there is reasonable ground to
7 believe that the registered owner of the said SIM card is probably the perpetrator of
8 the same; and (3) there is no other speedy and adequate means readily available to
9 obtain such facts and information.

10 Sec. 10. *Penalties.* – The following penalties shall be imposed for violation of
11 any provision of this Act:

12 (a) *For failure to comply with the registration requirement.* – The National
13 Telecommunications Commission (NTC) is hereby authorized to impose the
14 following fines on any PTE or third-party reseller who shall fail to comply
15 with the SIM card registration requirement under this Act:

- 16 i. A fine of ten thousand pesos (P10,000.00) in the case of a third-
17 party reseller; and
18 ii. A fine of one hundred thousand pesos (P100,000.00) in the case
19 of a PTE.

20 (b) *For breach of confidentiality.* – A fine of two hundred thousand pesos
21 (P200,000.00) shall be imposed upon the PTE, or its agent or employee, or
22 third-party reseller who shall reveal or disclose any information of a
23 subscriber obtained during the SIM card registration process.

24 The same penalty shall be imposed upon the PTE or any of its agents or
25 employees who, despite the written order issued by a competent court, shall
26 refuse the law enforcement agency and/or officer access to the information
27 specified in said written order.

28 (c) *For using fictitious identities to register SIM cards.* – The penalty of
29 imprisonment ranging from six (6) months and one (1) day to twelve (12)
30 years, or a fine of up to two hundred thousand pesos (P200,000.00), or
31 both, shall be imposed upon anyone who uses a fictitious identity to
32 purchase and register a SIM card.

1 (d) *For spoofing registered SIM cards.* – The penalty of imprisonment ranging
2 from six (6) months and one (1) day to twelve (12) years, or a fine of two
3 hundred thousand pesos (P200,000.00), or both, shall be imposed upon
4 anyone who causes to transmit misleading or inaccurate information about
5 the source of the phone call or text message, with the intent to defraud,
6 cause harm, or wrongfully obtain anything of value, unless such
7 transmission is exempted in connection with: (1) authorized activities of law
8 enforcement agencies; or (2) a court order specifically authorizing the use
9 of caller ID manipulation.

10 (e) *Unauthorized sale of registered SIM cards.* – The penalty of imprisonment
11 ranging from six (6) months and one (1) day to twelve (12) years, or a fine
12 of two hundred thousand pesos (P200,000.00), or both, shall be imposed
13 upon third-party resellers or anyone who sells or offers for sale a registered
14 SIM card without being authorized to do so.

15 Sec. 11. *Other offenses.* – Any person who willfully attempts to commit or abets
16 or aids in the commission of any of the offenses enumerated in this Act shall be held
17 liable.

18 Sec. 12. *Liability under Other Laws.* – A prosecution under this Act shall be
19 without prejudice to any liability for violation of any provision of the Revised Penal
20 Code, as amended, or special laws.

21 Sec. 13. *Implementing Rules and Regulations and Reportorial Requirement.* –
22 The NTC, in close coordination with the DICT, DTI, NPC and major consumer groups,
23 shall set the guidelines for the monitoring and proper implementation of this Act and
24 shall issue the necessary implementing rules and regulations within sixty (60) days
25 upon the effectivity of this Act.

26 All PTEs are required to submit to the NTC, DICT, and to both Houses of
27 Congress an annual report on the implementation of the provisions of this Act.

28 Sec. 14. *Interpretation.* – Any doubt in the interpretation of any provision of
29 this Act and its implementing rules and regulations shall be construed in a manner
30 that accords the highest respect for privacy, and liberally interpreted in a manner
31 mindful of the rights and interests of SIM card subscribers.

1 Sec. 15. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
2 other issuances or parts thereof inconsistent with the provisions of this Act, are hereby
3 repealed and modified accordingly.

4 Sec. 16. *Separability Clause.* – If any portion or provision of this Act is declared
5 unconstitutional, the remainder of this Act or any provision not affected thereby shall
6 remain in force and effect.

7 Sec. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its
8 publication in the *Official Gazette* or at least two (2) national newspapers of general
9 circulation.

Approved,