

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



'22 JUL -7 P2 :29

SENATE
S. No. 99

RECEIVED BY

Introduced by Senator Grace Poe

AN ACT
ERADICATING MOBILE PHONE, INTERNET OR ELECTRONIC COMMUNICATION-AIDED CRIMINAL ACTIVITIES, MANDATING FOR THIS PURPOSE OWNERSHIP REGISTRATION OF ALL SUBSCRIBER IDENTITY MODULE (SIM) CARDS FOR ELECTRONIC DEVICES AND SOCIAL MEDIA ACCOUNTS

EXPLANATORY NOTE

Modern technological breakthroughs have allowed us to harness mobile phones and social media to make our lives easier. However, just as these types of technology advance and become creative in their functions, so do criminals and malefactors who use them to perpetrate crimes and take advantage of unsuspecting Filipinos.

For years, these criminals have taken advantage of our lax system to freely carry out their despicable schemes and evade the long arm of the law. According to the 2019 National ICT Household Survey ng Department of Information and Communications Technology, out of 32,915 respondents all over the country, 6,840 individuals have been victimized by text scams by unregistered mobile numbers.

Unregistered SIM cards and social media accounts can also be used to facilitate other and more heinous crimes such as terrorism, cyber bank heists; the proliferation of unsolicited, indecent or obscene messages; and the dissemination of a massive disinformation campaign which could cause chaos and disorder among the

public. That these crimes are flourishing under the current system only proves that the system is flawed and needs to be changed.

We are not alone in wanting this kind of policy. Globally, the trend skews heavily in favor of SIM card registration. A total of 155 countries in the world have adopted laws that require the mandatory registration of SIM cards – including nations with the highest regard for data privacy rights such as Japan, South Korea, Australia, and most countries in the European Union.

The privacy of consumers shall continue to be given the highest regard. The measure makes clear that any doubt in the interpretation of any of its provisions and its implementing rules and regulations shall be construed in a manner that accords the highest respect for privacy, and liberally interpreted in a manner mindful of the rights and interests of SIM card subscribers.

I file this bill in hopes that we would be able to eradicate mobile phone, internet or electronic communication-aided criminal activities. This has been a long time coming but I hope that the passage of this bill will result in a safer and more secured mobile-use and cyberspace here in our country.

Immediate approval of this measure is eagerly sought.




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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 “Subscriber Identity
2 Module (SIM) Card Registration Act.”

3 Sec. 2. *Declaration of Policy.* – The State recognizes the vital role of
4 information and communications technology in nation building and encourages its
5 growth and development.

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

9 Towards this end, the State shall require the registration of SIM cards for
10 electronic devices and social media accounts by all users.

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

15 Sec. 3. *Definitions.* – For purposes of this Act, the following terms shall mean:

16 a. *End user* – shall refer to any individual or subscriber, natural or juridical, who
17 directly purchases a SIM card from a direct seller;

- 1 b. *Public Telecommunications Entity or PTE* – shall refer to any person, firm,
2 partnership or corporation, government or private, engaged in the provision
3 of telecommunications services to the public for compensation, as defined
4 under Republic Act No. 7925 or the Public Telecommunications Policy Act of
5 the Philippines;
- 6 c. *SIM (Subscriber Identity Module or Subscriber Identification Module) Card* –
7 shall refer to an integrated circuit chip that is intended to securely store the
8 international mobile subscriber identity or IMSI number and its related key or
9 an electronic equivalent thereof, which are used to identify and authenticate
10 subscribers on mobile telephony devices;
- 11 d. *Spoofing* – shall refer to the act of transmitting misleading or inaccurate
12 information about the source of the phone call or text message, with the
13 intent to defraud, cause harm, or wrongfully obtain anything of value; and
- 14 e. *Third-party reseller* – shall refer to agents, dealers, or anyone who sells SIM
15 cards other than the PTEs themselves.

16 **Sec. 4. *SIM Card and Social Media Accounts Registration.*** – In order to deter the
17 proliferation of SIM card, internet or electronic communication-aided crimes, such
18 as, but not limited to: terrorism, text scams, unsolicited, indecent or obscene
19 messages, bank fraud, libel, anonymous online defamation, trolling, hate speech,
20 spread of digital disinformation or fake news as defined under pertinent laws, all
21 PTEs shall require the registration of SIM cards as pre-requisite to the sale and
22 activation thereof, in accordance with the guidelines set forth under this Act.
23 Similarly, all social media account providers shall require real-name and phone
24 number upon creation of account.

25 All existing SIM card subscribers with active services shall register with their
26 respective PTEs within one hundred eighty (180) days from the effectivity of this
27 Act. An extension period of no longer than one hundred twenty (120) days shall be
28 allowed upon a valid written request to the Department of Information and
29 Communications Technology (DICT).

30 Failure to register within the prescribed period shall authorize the PTEs to
31 automatically deactivate or retire the SIM card number and registration.

1 *Sec. 5. Sale and Registration Guidelines.* – The National Telecommunications
2 Commission (NTC), in close consultation with the PTEs, social media providers, the
3 concerned agencies of government including, but not limited to, the Department of
4 Trade and Industry (DTI), DICT, National Privacy Commission (NPC) and in
5 consultation with major consumer groups, shall formulate the necessary guidelines
6 in the proper implementation of the real-name registration program through a SIM
7 card registration process based on the following parameters:

- 8 a. Submission of duly accomplished control-numbered owner’s registration form
9 with full name, date of birth, and address. The registration form shall include
10 an attestation by the SIM card buyer that the person personally appearing
11 before the direct seller and the identification documents presented are true
12 and correct, and that said person is the one who has accomplished and
13 signed the registration form;
- 14 b. Presentation of valid government-issued identification cards or other similar
15 forms of documents that will verify the identity of the SIM card buyer, or a
16 valid passport in the case of aliens;
- 17 c. A buyer who fails to comply with the requirements for registration shall be
18 refused the sale of a SIM card by the seller;
- 19 d. The sale of a SIM card to a minor shall not be prohibited: Provided, That said
20 minor is accompanied by a parent or legal guardian at the time of its
21 purchase and registration;
- 22 e. The sale of SIM cards to foreign nationals shall be allowed provided that:
 - 23 i. Those visiting as tourists for not more than thirty (30) days shall
24 register their full name, passport number, and address in the SIM card
25 registration form and present their passport and proof of address in
26 the Philippines; and
 - 27 ii. Those staying for more than thirty (30) days either as workers or
28 students shall register their full name, passport number, and address in
29 the SIM card registration form and present their passport, proof of
30 address in the Philippines, Alien Certificate of Registration Identification
31 Card or ACRI-Card issued by the Bureau of Immigration (BI), and Alien
32 Employment Permit issued by the Department of Labor and

1 Employment (DOLE) or school registration and ID, whichever is
2 applicable.

3 *Sec. 6. Sim Card Register.* – The registration form required under this Act
4 shall be accomplished electronically and shall be forwarded and kept by the
5 concerned PTE to a centralized database. The database shall strictly serve as a SIM
6 card register to be used by PTEs to process, activate or deactivate subscription and
7 shall not be used for any other purpose. The successful submission of the required
8 registration form shall serve as the certification of legitimate purchase by the SIM
9 card buyer and the duly-appointed agents of the PTE or third-party reseller, as the
10 case may be.

11 The registration required under this Act shall be implemented at no cost to
12 the end users or the third-party resellers.

13 In the recordkeeping of information, PTEs shall ensure that the end users’
14 data are secure and protected at all times. The PTEs shall comply with the minimum
15 information security standards prescribed by the DICT consistent with internationally
16 accepted cybersecurity standards and relevant laws, rules and regulations.

17 The DICT shall establish and perform an annual audit on PTEs’ compliance
18 with information security standards.

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

22 In case of a cyber-attack on the register, the incident shall be reported to the
23 DICT within twenty-four (24) hours of detection.

24 *Sec. 7. Submission of Verified List of Third-Party Resellers.* – The PTEs shall
25 submit to the NTC, within thirty (30) days from the date of effectivity of this Act, a
26 verified list of all their current authorized third-party resellers. Thereafter, the PTEs
27 shall submit to the NTC, every quarter of each year, an updated list of the same.

28 *Sec. 8. Liabilities of Third-Party Resellers.* – Any third-party reseller that will
29 engage in the sale of fraudulently-registered or stolen SIM cards shall be held
30 criminally liable under this Act.

31 *Sec. 9. Confidentiality Clause.* – Any information obtained in the registration
32 process described under this Act cannot be disclosed to any person.

1 Notwithstanding this provision, disclosure shall be made:

- 2 i. In compliance with any law obligating the PTE or social media provider
3 to disclose such information in accordance with the provisions of
4 Republic Act No. 10173 or the Data Privacy Act of 2012;
- 5 ii. In compliance with a court order, legal process, or other government,
6 regulatory, or enforceable administrative request for information;
- 7 iii. In compliance with Section 10 hereof; or
- 8 iv. With the written consent of the subscriber; Provided that, the waiver of
9 absolute confidentiality shall not be made as a condition for the
10 approval of subscription agreements with the mobile phone service
11 providers.

12 Sec. 10. *Disclosure of Information.* – Notwithstanding the provisions on
13 confidentiality, the PTEs and social media providers, upon order of a competent
14 authority duly authorized under existing laws to issue subpoena, shall be required to
15 provide information obtained in the registration process pursuant to an investigation
16 of a complainant’s verified sworn complaint that a specific mobile number or social
17 media account was or is being used in the commission of a crime or that it was
18 utilized as a means to commit a malicious, fraudulent or unlawful act including libel,
19 anonymous online defamation, hate speech, trolling, or spread of digital
20 disinformation, or fake news; and that he or she is unable to ascertain the identity of
21 the perpetrator.

22 Provided, however, that no PTE or social media provider shall be held
23 administratively, civilly, or criminally liable on account of any disclosure done in
24 compliance with this Act.

25 For this purpose, the relevant data and information shall be kept by the PTEs
26 or social media providers for ten (10) years from the time the end-user deactivates
27 his or her mobile number or social media account.

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

- 30 a. *For failure to comply with the registration requirement.* – The NTC is hereby
31 authorized to impose a fine of Ten thousand pesos (P10,000.00) on any third-

1 party reseller who shall fail to comply with the registration requirement under
2 this Act.

3 If the offense is committed by a PTE, the following penalties shall be
4 imposed:

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

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

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

11 b. *For breach of confidentiality.* – A fine of Two hundred thousand pesos
12 (P200,000.00) shall be imposed upon the third-party reseller who shall
13 directly reveal or disclose any information of a subscriber obtained during the
14 registration requirement under this Act, unless otherwise permitted by this
15 Act, or other laws.

16 If the offense is committed by a PTE or a social media provider, the
17 following penalties shall be imposed:

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

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

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

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

29 c. *For using fictitious identities to register SIM cards or social media accounts.* –
30 The penalty of imprisonment of no less than six (6) years, or a fine of up to
31 Two hundred thousand pesos (P200,000.00), or both, shall be imposed upon

1 anyone who uses a fictitious identity to purchase and register a SIM cards or
2 social media account.

3 d. *For spoofing registered SIM cards.* – The penalty of imprisonment of no less
4 than six (6) years, or a fine of Two hundred thousand pesos (P200,000.00),
5 or both, shall be imposed upon anyone who causes to transmit misleading or
6 inaccurate information about the source of the phone call or text message,
7 with the intent to defraud, cause harm, or wrongfully obtain anything of
8 value, unless such transmission is exempted in connection with: (1)
9 authorized activities of law enforcement agencies; or (2) a court order
10 specifically authorizing the use of caller ID manipulation.

11 e. *Unauthorized sale of registered SIM cards.* – The penalty of imprisonment no
12 less than six (6) years, or a fine of Two hundred thousand pesos
13 (P200,000.00), or both, shall be imposed upon third-party resellers or anyone
14 who sells or offers for sale a registered SIM card without being authorized to
15 do so.

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

18 A prosecution under this Act shall be without prejudice to any liability for
19 violation of any provision of the Revised Penal Code, as amended, or special laws.

20 *Sec. 12. Implementing Rules and Regulations and Reportorial Requirement.* –

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

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

27 *Sec. 13. Interpretation.* – Any doubt in the interpretation of any provision of
28 this Act and its implementing rules and regulations shall be construed in a manner
29 that accords the highest respect for privacy, and liberally interpreted in a manner
30 mindful of the rights and interests of SIM card subscribers and social media account
31 owners.

1 Sec. 14. *Transitory Provision.* – Upon the effectivity of this Act, all PTEs are
2 mandated to recall all prepaid SIM cards for sale to the public by those
3 establishments not authorized by it. Otherwise, they shall be liable for the penalties
4 prescribed in this Act.

5 PTEs, third-party resellers and social media providers affected by the
6 implementation of this Act shall be given a one (1) year transitory period from the
7 effectivity of the implementing rules and regulations to comply with its
8 requirements.

9 Sec. 15. *Repealing Clause.* – All laws, decrees, executive orders,
10 proclamations, rules and regulations, and issuances, or parts thereof which are
11 inconsistent with the provisions of this Act are hereby repealed, amended or
12 modified accordingly.

13 Sec. 16 *Separability Clause.* – Should any part of this Act be declared
14 unconstitutional or invalid, the other provisions hereof that are not affected thereby
15 shall continue to be in full force and effect.

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

Approved,