

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

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'22 JUL -7 P 3 :55

**SENATE**

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**S.B. No. 153**

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**Introduced by SEN. WIN GATCHALIAN**

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**AN ACT  
TO ERADICATE SIM CARD-AIDED TERRORISM AND CRIMINAL  
ACTIVITIES, MANDATING FOR THIS PURPOSE OWNERSHIP  
REGISTRATION OF ALL SIM CARDS FOR ELECTRONIC COMMUNICATION  
DEVICES**

**EXPLANATORY NOTE**

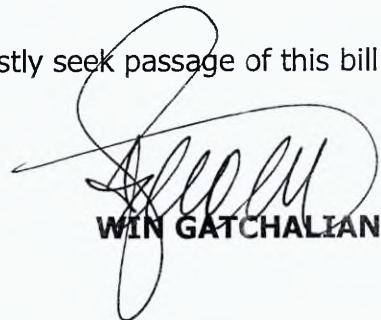
As a country that is hailed as the texting capital of the world, we should now be familiar with the Subscriber Identity Module or more commonly called SIM cards. The use of mobile phones with these SIM cards has greatly altered the way of life of every Filipino to an unbelievable degree. Technology has paved the way for an easier and faster medium of communication, a handy tool for information accessibility, and has mobilized broader citizen engagement for social and civic affairs. Indeed, we have come to acknowledge the great benefit this technology has given us.

As innovations bring countless advantages, we usually become unconcerned with its inimical effects. Thus, markets for the supply of SIM cards continue to flood at an unabated rate. We change SIM cards as fast as we change our soiled shirts. Alarming, this seeming boundless stream of supply has become a magnet for nefarious and illegal activities. Nowadays, we hear countless victims of text scams and ransom demands through untraceable numbers. In fact, the most alarming of all are

in instances where mobile phones become triggering devices for bomb explosions that kill hapless civilians in our midst.

It is thus wise that we find it imperative to regulate the sale and distribution of these SIM cards by establishing a registry or database of validated information of its authorized owner. Through this measure, we seek to establish accountability in the use of the SIM card and to provide law enforcement agencies with tools that will assist them in resolving crimes and deterring its commission. This measure also aims to bolster the confidence of the public to engage in digital transactions and minimize fear of encountering fraudsters who have been abusing the anonymity brought by the use of an unregistered SIM card. We follow the lead taken by Singapore, Malaysia, Indonesia and Brunei and other countries that have put this into law and succeeded in its effort of regulation. Following the veto message of President Rodrigo Duterte, this version does not include the provision requiring social media companies to register its users. Also, we further enhanced the same to include e-SIMs that are used in electronic communication devices.

In view of curbing unlawful activities, we earnestly seek passage of this bill.



**WIN GATCHALIAN**



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*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 "*SIM Card Registration*  
2 *Act.*"

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

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

10 Towards this end, the State shall require the registration of SIM cards for  
11 electronic communication devices by all users to promote accountability in the use of  
12 Subscriber Identity Module (SIM) card, and to provide law enforcement agencies the

1 tools to resolve crimes which involve its utilization and the platform to deter the  
2 commission of wrongdoings.

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

5 a) *End user* refers to any subscriber who directly purchases a SIM card from a  
6 direct seller either primarily for his personal use or for business use; Provided, That if  
7 the use of the SIM card is for business purposes, the end user shall be the one  
8 designated as responsible for the intended use of the SIM card;

9 b) *Public Telecommunications Entity or PTE* — shall refer to any person, firm,  
10 partnership or corporation, government or private, engaged in the provision of  
11 telecommunications services to the public for compensation, as defined under Republic  
12 Act No. 7925 or the Public Telecommunications Policy Act of the Philippines;

13 c) *SIM (Subscriber Identity Module or Subscriber Identification Module) Card* —  
14 shall refer to an integrated circuit chip that is intended to securely store the  
15 international mobile subscriber identity or IMSI number and its related key, which are  
16 used to identify and authenticate subscribers on electronic communication devices,  
17 such as mobile telephones, internet of things and similar devices. It shall also refer to  
18 an electronic or digital equivalent of said chip, such as an eSIM or a programmable  
19 SIM card that is embedded directly into an electronic communication device;

20 d) *Spoofing* — shall refer to the act of transmitting false, misleading or  
21 inaccurate information about the source of the phone call or text message to hide or  
22 disguise one's identity, with the intent to defraud, cause harm, or wrongfully obtain  
23 anything of value from the recipient of the phone call or text message;

24 e) *Subscriber* — shall refer to any person, natural or juridical, who avails of  
25 mobile telecommunications service from a mobile service provider; and

26 f) *Third-party reseller* — shall refer to any person who sells SIM cards other  
27 than the PTEs themselves, including their agents, dealers, employees or  
28 representatives, whether authorized or not, and even if sold through a physical store  
29 or an online platform.

1           Sec. 4. *SIM Card Registration.* — In order to deter the proliferation of SIM card-  
2 aided crimes, all PTEs shall require the registration of SIM cards as pre-requisite to  
3 the sale thereof, in accordance with the guidelines set forth under this Act.

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

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

11  
12           Sec. 5. *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 end-user's registration  
20 form with real full name, date of birth, complete address and declared use of the SIM  
21 card. The registration form shall include an attestation by the end user that the  
22 individual personally appearing before the direct seller and the end user is one and  
23 the same, that the personal information indicated in the registration form and the  
24 identification documents presented are true and correct and belong to the end user,  
25 and that said person is the one who has accomplished and signed the registration  
26 form;

27           b. Presentation of valid government-issued identification cards or other similar  
28 forms of documents that will verify the identity of the end-user, or a valid passport in  
29 the case of aliens; and

1 c. The end-user who fails to comply with the requirements for registration shall  
2 be refused the sale of a SIM card by the seller.

3 d. The sale of a SIM card to a minor shall not be prohibited, *Provided*, That said  
4 minor is accompanied by a parent or legal guardian at the time of its purchase and  
5 registration.

6 e. The sale of SIM cards to foreign nationals shall be allowed, *Provided*, That:

7 i. Those visiting as tourists for not more than thirty (30) days shall  
8 register their real full name, passport number, and Philippine address in the  
9 SIM card registration form and present their passport and proof of address in  
10 the Philippines; and

11 ii. Those staying for more than thirty (30) days either as workers or  
12 students shall register their real full name, passport number, and Philippine  
13 address in the SIM card registration form and present their passport, proof of  
14 address in the Philippines, Alien Certificate of Registration Identification Card  
15 or ACRI-card issued by the Bureau of Immigration (BI), and Alien Employment  
16 Permit issued by the Department of Labor and Employment (DOLE) or school  
17 registration and ID, whichever is applicable.

18  
19 *Sec. 6. SIM Card Registry.* — The registration form required under this Act shall  
20 be accomplished electronically and shall be forwarded and stored by the concerned  
21 PTE to a centralized database. The database shall strictly serve as a SIM card register  
22 to be used by PTEs to process, activate or deactivate subscription and shall not be  
23 used for any other purpose. The successful submission of the required registration  
24 form shall serve as the certification of legitimate purchase by the end-user and the  
25 duly appointed agents of the PTE or third-party reseller, as the case may be.

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

28 In the recordkeeping and storage of information, PTEs shall ensure that the  
29 end-users' data are secure and protected at all times. The PTEs shall comply with the  
30 minimum information security standards prescribed by the DICT consistent with

1 internationally accepted cybersecurity standards and relevant laws, rules and  
2 regulations, as well as data storage security best practices as determined by the NPC.

3 The DICT and the NPC shall establish and perform an annual audit on PTE's  
4 compliance with information security standards and data privacy standards,  
5 respectively.

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

9 In case of a cyber-attack on the register, the incident shall be reported to the  
10 DICT within twenty-four (24) hours of detection, without prejudice to compliance with  
11 the requirements of the Data Privacy Act of 2012.

12  
13 *Sec. 7. Submission of Verified List of Third-Party Resellers.* — The PTEs shall  
14 submit to the NTC, within thirty (30) days from the date of effectivity of this Act, a  
15 verified list of all their current authorized third-party resellers. Thereafter, the PTEs  
16 shall submit to the NTC, every quarter of each year, an updated list of the same.

17  
18 *Sec. 8. Liabilities of Third-Party Resellers.* — Any third-party reseller that will  
19 engage in the sale of fraudulently-registered or stolen SIM cards shall be held  
20 criminally liable under this Act.

21  
22 *Sec. 9. Confidentiality Clause.* — Any information obtained in the SIM card  
23 registration process shall be treated as absolutely-confidential, and cannot be  
24 disclosed to unauthorized persons, except

- 25 a. Upon the written consent of the end-user; *Provided, That* the waiver of  
26 absolute confidentiality shall not be made as a condition for the approval of  
27 subscription agreements with the PTEs; or  
28 b. In compliance with any law obligating the PTE to disclose such information  
29 in accordance with the provisions of the Data Privacy Act of 2012; or

1 c. In compliance with a court order, legal process, or other government  
2 regulatory or enforceable administrative request for information.  
3

4 Sec. 10. *Disclosure of Information.* — Notwithstanding the provisions on  
5 confidentiality, the PTEs shall be required to provide information obtained in the SIM  
6 card registration process only upon the order of a competent authority duly authorized  
7 under existing laws to issue subpoena and upon finding of probable cause that a  
8 specific mobile number was or is being used in the commission of a crime or that it  
9 was utilized as a means to commit a malicious, fraudulent or unlawful act: *Provided,*  
10 *That* such written order shall only be granted upon application in writing of any law  
11 enforcement agency and/or officer, and only upon examination under oath or  
12 affirmation of the applicant and the witnesses he may produce and upon the  
13 competent authority being satisfied that: (1) there is reasonable ground to believe  
14 that the SIM card has been used in the commission of a crime or for a malicious,  
15 fraudulent or unlawful purpose; (2) that there is reasonable ground to believe that  
16 the registered owner of the said SIM card is probably the perpetrator of the same;  
17 and (3) there is no other speedy and adequate means readily available to obtain such  
18 facts and information; *Provided, finally,* That no PTE shall be held administratively,  
19 civilly or criminally liable on account of any disclosure done in compliance with this  
20 Act.

21 For this purpose, the relevant data and information shall be kept and stored by  
22 the PTE for ten (10) years from the time the end-user deactivates the mobile number.  
23

24 Sec. 11. *Penalties.* — The following penalties shall be imposed for violation of  
25 any provision of this Act:

26 (a) *For failure to comply with the registration requirement.* — The NTC is  
27 hereby authorized to impose a fine of Ten thousand pesos (P10,000.00) on any third-  
28 party reseller who shall fail to comply with the SIM card registration requirement under  
29 this Act.



1           If the offense is committed by a PTE, the following penalties shall be  
2 imposed:

3           i) First offense: a fine not exceeding Three hundred thousand pesos  
4 (P300,000.00);

5           ii) Second offense: a fine not exceeding Five hundred thousand pesos  
6 (P500,000.00);

7           iii) Third and subsequent offenses: a fine not exceeding One million pesos  
8 (P1,000,000.00) for every offense;

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

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

14           i) First offense: a fine not exceeding Three hundred thousand pesos  
15 (P300,000.00);

16           ii) Second offense: a fine not exceeding Five hundred thousand pesos  
17 (P500,000.00);

18           iii) Third and subsequent offenses: a fine not exceeding One million pesos  
19 (P1,000,000.00) for every offense;

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

24           (c) *For using fictitious identities to register SIM cards.* — The penalty of  
25 imprisonment of not less than six (6) years, or a fine of up to two hundred thousand  
26 pesos (P200,000.00), or both, shall be imposed upon anyone who uses a fictitious  
27 identity to purchase and register a SIM card.

28           (d) *For spoofing registered SIM cards.* — The penalty of imprisonment of not  
29 less than six (6) years, or a fine of two hundred thousand pesos (P200,000.00), or  
30 both, shall be imposed upon anyone who causes to transmit misleading or inaccurate

1 information about the source of the phone call or text message, with the intent to  
2 defraud, cause harm, or wrongfully obtain anything of value, unless such transmission  
3 is exempted in connection with: (1) authorized activities of law enforcement agencies;  
4 or (2) a court order specifically authorizing the use of caller ID manipulation.

5 (e) *Unauthorized sale of registered SIM cards.* — The penalty of imprisonment  
6 of not less than six (6) years, or a fine of two hundred thousand pesos (P200,000.00),  
7 or both, shall be imposed upon third-party resellers or anyone who sells or offers for  
8 sale a registered SIM card without being authorized to do so.

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

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

13  
14 *Sec. 12. Implementing Rules and Regulations and Reportorial Requirement.* —  
15 The NTC, in close coordination with the DICT, DTI, NPC and major consumer groups,  
16 shall set the guidelines for the monitoring and proper implementation of this Act and  
17 shall issue the necessary implementing rules and regulations within sixty (60) days  
18 upon the effectivity of this Act.

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

21  
22 *Sec. 13. Interpretation.* — Any doubt in the interpretation of any provision of  
23 this Act and its implementing rules and regulations shall be construed in a manner  
24 that accords the highest respect for privacy, and liberally interpreted in a manner  
25 mindful of the rights and interests of SIM card subscribers.

26  
27 *Sec. 14. Repealing Clause.* — All laws, decrees, orders, rules and regulations or  
28 other issuances or parts thereof inconsistent with the provisions of this Act, are hereby  
29 repealed and modified accordingly.

30

1           Sec. 15. *Separability Clause.* — If any portion or provision of this Act is declared  
2 unconstitutional, the remainder of this Act or any provision not affected thereby shall  
3 remain in force and effect.

4

5           Sec. 16. *Effectivity.* — This Act shall take effect fifteen (15) days after its  
6 publication in the Official Gazette or at least two (2) national newspapers of general  
7 circulation.

*Approved,*