



S E N A T E

S. No. 2395

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES
ON PUBLIC SERVICES; AND TRADE, COMMERCE AND
ENTREPRENEURSHIP WITH SENATORS LACSON,
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AN ACT TO ERADICATE MOBILE PHONE, INTERNET
OR ELECTRONIC COMMUNICATION-AIDED
CRIMINAL ACTIVITIES, MANDATING FOR THIS
PURPOSE OWNERSHIP REGISTRATION OF ALL
SIM CARDS FOR ELECTRONIC DEVICES

*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
2 the “SIM Card Registration Act”.

3 SEC. 2. *Definitions.* – For purposes of this Act, the
4 following terms shall mean:

5 (a) *Public Telecommunications Entity or PTE* – shall
6 refer to any person, firm, partnership or corporation,

1 government or private, engaged in the provision of
2 telecommunications services to the public for
3 compensation, as defined under Republic Act No. 7925 or
4 the Public Telecommunications Policy Act of the
5 Philippines;

6 (b) *SIM (Subscriber Identity Module or Subscriber*
7 *Identification Module) Card* – shall refer to an integrated
8 circuit chip that is intended to securely store the
9 international mobile subscriber identity or IMSI number
10 and its related key or an electronic equivalent thereof,
11 which are used to identify and authenticate subscribers on
12 mobile telephony devices;

13 (c) *Spoofing* – shall refer to the act of transmitting
14 misleading or inaccurate information about the source of
15 the phone call or text message, with the intent to defraud,
16 cause harm, or wrongfully obtain anything of value;

17 (d) *Subscriber* – shall refer to any person, natural or
18 juridical, who avails of mobile telecommunications service
19 from a mobile service provider; and

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

SEC. 3. *SIM Card Registration.* – In order to deter the proliferation of SIM card, internet or electronic communication-aided crimes, such as, but not limited to: terrorism; text scams; unsolicited, indecent or obscene messages; bank fraud; libel; anonymous online defamation; trolling; hate speech, spread of digital disinformation or fake news as defined under pertinent laws, all PTEs shall require the registration of SIM cards as pre-requisite to the sale and activation thereof, in accordance with the guidelines set forth under this Act.

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

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

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

13 (a) Submission of duly accomplished control-
14 numbered owner's registration form with full name, date of
15 birth, and address. The registration form shall include an
16 attestation by the SIM card buyer that the person
17 personally appearing before the direct seller and the
18 identification documents presented are true and correct,
19 and that said person is the one who has accomplished and
20 signed the registration form;

(b) Presentation of valid government-issued identification cards or other similar forms of documents that will verify the identity of the SIM card buyer, or a valid passport in the case of aliens;

(c) Active SIM cards acquired prior to the implementation of this Act that fail to be registered within thirty (30) days from its intended credit reload shall automatically be deactivated by the concerned PTE;

(d) A buyer who fails to comply with the requirements for registration shall be refused the sale of a SIM card by the seller; and

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

SEC. 5. *Social Media Account Registration.* – All social media account providers shall require real-name and phone number upon creation of account.

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

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

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

16 SEC. 7. *Submission of Verified List of Third-Party*
17 *Resellers.* – The PTEs shall submit to the NTC, within
18 thirty (30) days from the date of effectivity of this Act, a
19 verified list of all their current authorized third-party

1 resellers. Thereafter, the PTEs shall submit to the NTC,
2 every quarter of each year, an updated list of the same.

3 SEC. 8. *Obligation and Liabilities of Third-Party*
4 *Resellers.* – Any third-party reseller that will engage in the
5 sale of fraudulently-registered or stolen SIM cards shall be
6 held criminally liable under this Act.

7 SEC. 9. *Confidentiality Clause.* – Any information
8 obtained in the SIM card registration process shall be
9 treated as absolutely confidential, in accordance with the
10 provisions of the Data Privacy Act of 2012, and cannot be
11 disclosed to unauthorized persons, except upon the written
12 consent of the subscriber: *Provided,* That the waiver of
13 absolute confidentiality shall not be made as a condition
14 for the approval of subscription agreements with the
15 mobile phone service providers or under Section 10 hereof.

16 SEC. 10. *Disclosure of Information.* – Notwithstanding
17 the provisions on confidentiality, the PTEs and social
18 media providers shall be required to provide information
19 obtained in the registration process only upon the issuance

1 of a subpoena of a competent authority pursuant to an
2 investigation of a sworn complaint that a specific mobile
3 number or social media account was or is being used in the
4 commission of a crime or that it was utilized as a means to
5 commit a malicious, fraudulent or unlawful act including
6 libel, anonymous online defamation, hate speech, trolling,
7 or spread of digital disinformation, or fake news; and that
8 he or she is unable to ascertain the identity of the
9 perpetrator.

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

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

17 (i) A fine of Ten thousand pesos (P10,000.00) in the
18 case of a third-party reseller; and

(ii) A fine of One hundred thousand pesos (P100,000.00) in the case of a PTE or social media provider.

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

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

(c) For using fictitious identities to register SIM cards or social media accounts. – The penalty of imprisonment ranging from six (6) months and one (1) day to twelve (12) years, or a fine of up to Two hundred thousand pesos (P200,000.00), or both, shall be imposed upon anyone who

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

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

15 (e) Unauthorized sale of registered SIM cards. – The
16 penalty of imprisonment ranging from six (6) months and
17 one (1) day to twelve (12) years, or a fine of Two hundred
18 thousand pesos (P200,000.00), or both, shall be imposed
19 upon third-party resellers or anyone who sells or offers for

1 sale a registered SIM card without being authorized to do
2 so.

3 SEC. 12. *Other offenses.* – Any person who willfully
4 attempts to commit or abets or aids in the commission of
5 any of the offenses enumerated in this Act shall be held
6 liable.

7 SEC. 13. *Liability under Other Laws.* – A prosecution
8 under this Act shall be without prejudice to any liability
9 for violation of any provision of the Revised Penal Code, as
10 amended, or special laws.

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

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

4 SEC. 15. *Interpretation.* – Any doubt in the
5 interpretation of any provision of this Act and its
6 implementing rules and regulations shall be construed in a
7 manner that accords the highest respect for privacy, and
8 liberally interpreted in a manner mindful of the rights and
9 interests of SIM card subscribers.

10 SEC. 16. *Repealing Clause.* – All laws, decrees, orders,
11 rules and regulations or other issuances or parts thereof
12 inconsistent with the provisions of this Act, are hereby
13 repealed and modified accordingly.

14 SEC. 17. *Separability Clause.* – If any portion or
15 provision of this Act is declared unconstitutional, the
16 remainder of this Act or any provision not affected thereby
17 shall remain in force and effect.

1 SEC. 18. *Effectivity.* – This Act shall take effect fifteen
2 (15) days after its publication in the *Official Gazette* or at
3 least two (2) national newspapers of general circulation.

Approved,