

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



Senate  
Office of the Secretary

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SENATE  
Senate Bill No. 316

RECEIVED BY: *Jen*

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Introduced by Senator Cynthia A. Villar

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**EXPLANATORY NOTE**

With the meteoric growth of credit card usage in the Philippines, the possibility of fraud through the use of such cards has also expanded. Thus, there is now a need to enact a law that punishes credit card fraud.

This bill seeks to deter the commission of such acts and to protect banking and financial institutions, by providing remedies for problems arising from the commission of such deleterious acts.

*Cynthia A. Villar*  
CYNTHIA A. VILLAR



1 (1) Knowingly and with intent to defraud produces, uses, or traffics in one or more  
2 counterfeit access devices;

3  
4 (2) Knowingly and with intent to defraud traffics in or uses one or more unauthorized  
5 access devices during anyone year period, and by such conduct obtains anything of  
6 value aggregating P2,000.00 or more during that period;

7  
8 (3) Knowingly and with intent to defraud, possesses fifteen or more devices which are  
9 counterfeit or unauthorized access devices;

10  
11 (4) Knowingly and with intent to defraud, produces, traffics in, has control or custody of,  
12 or possesses device-making equipment;

13  
14 (5) Knowingly and with intent to defraud, uses, produces, traffics in, has control or  
15 custody of, or possesses a telecommunications device;

16  
17 (6) Knowingly and with intent to defraud, uses, produces, traffics in, has control or  
18 custody of, or possesses-

19 (a) A scanning receiver; or

20 (b) Hardware or software used for altering or modifying telecommunications  
21 instruments to obtain unauthorized access to telecommunications devices

22  
23 (7) Knowingly and with intent to defraud effects transaction, with one or more access  
24 devices issued to another person or persons, to receive payment or any other thing of  
25 value during anyone year period the aggregate value of which is equal or greater than  
26 P2,000.00;

27  
28 (8) Without the authorization of the issuer of the access device, knowingly and with  
29 intent to defraud solicits a person for the purpose of -

30 (a) Offering an access device; or

31 (b) Selling information regarding or an application to obtain an access device; or

32  
33 (9) Without the authorization of the credit card system member or its agent, knowingly  
34 and with intent to defraud causes or arranges for another person to present to the  
35 member or its agent, for payment, one or more evidences or records of transactions  
36 made by an access device;

37  
38 **SECTION 4. Penalties.** The punishment for an offense under section 3 of this Act is-

39 (a) A fine of P10,000.00 or twice the value obtained by the offender, whichever is  
40 greater, or imprisonment of Prision Mayor in its minimum and medium periods, or both,  
41 in the case of an offense under section 3 (2), (3), (7), (8), or (9) of this section which  
42 does not occur after a conviction for another offense under either such section;

43  
44 (b) A fine of P10,000.00 or twice the value obtained by the offender, whichever is  
45 greater, or imprisonment of Prision Mayor in its minimum and medium periods, or both,  
46 in the case of an offense under section 3 (1), (4), (5), or (6) of this Act which does not  
47 occur after a conviction for another offense under either such section; and

48  
49 (c) A fine of P10,000.00 or twice the value obtained by the offender, whichever is  
50 greater, or imprisonment of Reclusion Temporal in its minimum and maximum periods  
51 or both, in the case of an offense under section 3 of this Act which occurs after a  
52 conviction for another offense under such section.

53  
54 **SECTION 5.** The National Bureau of Investigation (NBI) shall, in addition to any other  
55 agency having such authority, have the authority to investigate offenses under this Act.  
56

1 **SECTION 6. Separability Clause.** If any provision, or part hereof, is held invalid or  
2 unconstitutional, the remainder the law or the provision not otherwise affected shall  
3 remain valid and subsisting.

4  
5 **SECTION 7. Repealing Clause.** Any law, presidential decree or issuance, executive  
6 order, letter of instruction, administrative order, rule or regulation contrary to or  
7 inconsistent with the provisions of this Act is hereby repealed, modified, or amended  
8 accordingly.

9  
10 **SECTION 8. Effectivity.** This Act shall take effect fifteen (15) days after its publication in  
11 at least two (2) newspapers of general circulation.

12  
13 Approved.