


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

Office of the Secretary

15 JAN -5 P3:58

SENATE
S. No. 2558

R. B. ... 

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING ANTI-THEFT FEATURES FOR SMART PHONES TO DETER THEFT

EXPLANATORY NOTE

The Constitution, Article 2 Section 5 provides:

Section 5. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Cell phone use has become a constant and pervasive aspect of the lives of most or almost all Filipinos. It is vital for communication and information dissemination, not only for day to day business, school and family concerns, but also for purposes of communication during emergencies and national calamities. It has also become part of our individual as well as national identity as the text capital of the world. Every person has a right to use a phone without fearing for his or her safety.

Unfortunately, smart phone theft is on the rise in areas all over the country. Not only does this pose a threat to physical safety and security, but also to the integrity of personal documents and information. Cell phone theft is also a means to commit the more insidious crime of identity theft.

This Act seeks to eliminate smart phone theft by requiring anti-theft features installed in all smart phones on the market.

This Act was adopted in large part from a similar bill filed in the Minnesota State
Legislature.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ SF 1740, 3rd Engrossment, 88th Legislature, Minnesota State Legislature.

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

1 AN ACT

2 REQUIRING ANTI-THEFT FEATURES FOR SMART PHONES TO DETER THEFT

3 SECTION 1. *Short Title.* – This Act shall be known as the “Safe Smart Phone
4 Act”.

5 SECTION 2. *Designation of Lead Agency.* – The National Telecommunications
6 Commission (NTC) and the Department of Transportation and Communication (DOTC)
7 shall be responsible for implementing and enforcing the provisions of this Act. The
8 DOTC is hereby authorized to promulgate rules and regulations for the conduct of the
9 same. Any rules and regulations outlining technical standards for safety features must be
10 promulgated at least six (6) months before their enforcement.

11 SECTION 3. *Definition of Terms* – As used in this Act, the term “Smart Phone”
12 means any cellular mobile device that:

- 13 (1) is built on a smart phone mobile operating system;
14 (2) possesses advanced computing capability;
15 (3) enables network connectivity; and
16 (4) is capable of operating on a long-term evolution network and successor
17 wireless data network communication standards.

18 Capabilities a smart phone may possess include, but are not limited to, built-in
19 applications, Internet access, digital voice service, text messaging, e-mail, and Web
20 browsing. Smart phone does not include a phone commonly referred to as a feature or

1 messaging phone, a laptop computer, a tablet device, or a device that has only electronic
2 reading capability;

3 SECTION 4. *Anti-Theft Feature Required.* – Any new smart phone manufactured,
4 sold or purchased in the Philippines, must be equipped with a preloaded antitheft
5 feature/s or be capable of downloading that feature/s. Such features must include, but are
6 not limited to, a kill switch that will deactivate the Smart Phone should it be stolen. The
7 feature/s must be available to purchasers at no cost.

8 Any Smart Phone that does not comply with the standards provided by the DOTC
9 for the enforcement of this Section shall not be allowed for sale. The DOTC shall have
10 the power to determine whether the feature/s is/are compliant with promulgated
11 standards. Such determination must be made on the basis of the report as outlined in
12 Section 5, in accordance with the rules outlined in Section 2 of this Act.

13 This provision shall be effective two eighteen (18) months from the effectivity of
14 this Act.

15 SECTION 5. *Report on Smart Phone Anti-Theft Functionality.* -- Wireless
16 telecommunications equipment manufacturers, operating systems providers, and wireless
17 telecommunications service providers must either individually or jointly, within one (1)
18 year from the effectivity of this Act, submit a report to the DOTC. The report must
19 describe the principle functions of a baseline antitheft tool that manufacturers and
20 operating system providers will utilize on new models of smart phones in order to comply
21 with Section 4, and must describe the technology or functions included to ensure the
22 baseline antitheft tool is easily operable by individuals with disabilities.

23 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid
24 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
25 remain valid and subsisting.

1 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance,
2 executive order, letter of instruction, administrative order, rule or regulation contrary to
3 or is inconsistent with the provision of this Act is hereby repealed, modified, or amended
4 accordingly.

5 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
6 its publication in at least two (2) newspapers of general circulation.

Approved,

/aml 17dec2014