

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

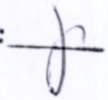


Senate  
Office of the Secretary

'16 SEP 19 P7:03

SENATE

S. B. No. 1160

RECEIVED BY: 

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Introduced by SENATOR LOREN LEGARDA

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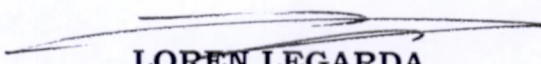
**AN ACT REQUIRING THE REGISTRATION OF ALL USERS OF PRE-PAID  
SUBSCRIBER IDENTITY MODULE (SIM) CARDS**

Explanatory Note

The popularity of prepaid mobile phones can be attributed to the ease and convenience an end user can purchase a prepaid or "Pay As You Go" mobile SIM (Subscriber Identity Module) card from retailers without having to present identification. Unlike postpaid mobile phone users who are required to submit identification papers before entering into a contract with a public telecommunications entity (PTE), prepaid mobile phone users can activate their SIM and use their phones while remaining anonymous. Individuals with malicious and criminal intent can exploit this blanket of anonymity enjoyed by prepaid mobile phone users.

The proposed act known as "Subscriber Identity Module (SIM) Card Registration Act" aims for end users to be accountable for their usage of mobile communications by mandating SIM card registration. It gives direct sellers the responsibility of selling prepaid SIM cards only to users who are able to submit a valid identification with photo. Direct sellers must further require the end users to accomplish and sign a control-numbered registration form issued by the respective PTE of the SIM card being purchased. PTEs will need to collect accomplished registration forms from direct sellers and submit a copy to the National Telecommunications Commission (NTC). PTEs are instructed to submit an updated SIM card registration of their subscribers to NTC every six months.

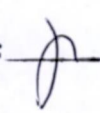
Given the importance of this measure in minimizing the opportunity for certain parties to exploit the anonymity provided by prepaid SIMs for malicious and criminal intent, the passage of this bill is urgently sought.

  
**LOREN LEGARDA**  
Senator



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AN ACT REQUIRING THE REGISTRATION OF ALL USERS OF  
PRE-PAID SUBSCRIBER IDENTITY MODULE (SIM) CARDS

*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 "Subscriber  
2 Identity Module (SIM) Card Registration Act".

3 **SECTION 2. Declaration of Policy.** - The State recognizes the vital role  
4 of information and communications technology in nation building.  
5 The introduction of modern telecommunications technology with the view  
6 of providing the widest information dissemination is greatly encouraged.  
7 The possession of the most modern technology carries with it  
8 tremendous responsibility. Thus, mechanism for its effective use for the  
9 good of all and not for an illegal or malicious purpose to benefit a few  
10 must be installed.

11 Towards this end, the State shall require the registration of all users of  
12 pre-paid subscriber identity module (SIM) cards.

13 **SECTION 3. Definition of Terms.** - As used in this Act:

- 14  
15 a. *Direct seller* refers to a person or entity, whether natural or juridical,  
16 who directly dispenses or sells a SIM card to an end user;  
17 b. *End user* refers to any individual/subscriber who directly purchases a  
18 SIM card from a direct seller for personal use;  
19 c. *Post paid mobile phone* refers to a mobile phone the service of which is  
20 provided by a prior arrangement with a Public Telecommunications  
21 Entity. The user in this situation is billed after the fact, according to their  
22 use of mobile services at the end of the monthly billing cycle;  
23 d. *Prepaid mobile phone* refers to a mobile phone for which credit is  
24 purchased in advance of service use. The purchased credit is used to pay  
25 for mobile phone services at the point the service is accessed or  
26 consumed. If there is no available credit then access to the requested  
27 service is denied;  
28 e. *Public Telecommunications Entity or PTE* refers to any duly  
29 enfranchised and authorized public telecommunications entity that offers  
30 voice, short messaging system (SMS/text), mobile data, value-added



1 services (VAS) or any other telecommunications services to the public for  
2 a fee;  
3 f. *SIM card* refers to the Subscriber Identity Module (SIM), which is an  
4 integrated circuit that securely stores the international mobile  
5 subscriber identity and the related key used to identify and authenticate  
6 subscribers on mobile telephony devices, such as mobile phones and  
7 computers. A SIM card is a removable plastic card into which a SIM  
8 circuit is embedded, and can be transferred between different mobile  
9 devices;  
10 g. *SIM card registration* refers to the process of recording and verifying  
11 mobile phone number and personal information of a subscriber, by a  
12 PTE or other direct seller, including the subscriber's photograph, name,  
13 date of birth, gender and address.

14 **SECTION 4. Sale and Registration of SIM Cards.** - Every direct seller  
15 shall require the end user of a SIM card to present valid identification  
16 with photo to ascertain the latter's identity. The direct seller shall  
17 further require the end user to accomplish and sign a control-numbered  
18 registration form issued by the respective PTE of the SIM card being  
19 purchased. The registration form shall include an attestation by the end  
20 user that the person personally appearing before the direct seller and the  
21 identification documents presented are true and correct and that the  
22 person is one and the same who has accomplished and signed the  
23 registration form.

24 Except in cases where the PTE is the direct seller, the accomplished  
25 registration form must be submitted to the concerned PTE within fifteen  
26 (15) days from the date of sale. The confidentiality clause in the SIM  
27 card registration under Section 9 hereof shall start to apply at the point  
28 of sale.

29 An end user who does not produce valid identification with photo and  
30 fails to accomplish a registration form in accordance with the preceding  
31 paragraph shall be refused the sale of a SIM card by the direct seller. The  
32 direct seller shall only issue the SIM card to the end user after  
33 compliance with the requirements mentioned above and in the  
34 succeeding sections.

35 **SECTION 5. Representative Registration of SIM Cards.** - A person  
36 who wants to purchase a SIM card but cannot personally register with  
37 the direct seller may, for valid reason, authorize another to register in  
38 that person's behalf, subject to the following conditions: (1) the  
39 representative is authorized through a duly notarized Special Power of  
40 Attorney; and (2) the principal and the representative should present an  
41 original and a true and clear copy of any of the valid identification cards  
42 with photo listed in Section 6 (a) hereof.

43 In case the person intending to purchase a SIM card is a minor, the  
44 parents or guardian shall be required to give their express consent in  
45 writing, and submit the same with the registration form and valid  
46 identification cards with photo of both the minor and the parents or  
47 guardian.

48 The direct seller may deny the request for representative registration  
49 after an assessment that the reason given therefor is not valid or that the  
50 identification cards or their true copies are not authentic or sufficient.



1 **SECTION 6. Coverage of Registration.** - All direct sellers are hereby  
2 mandated to register pertinent data in a registration form devised for the  
3 purpose, to include the following information and requirements:  
4 A Full name and complete address of the end user appearing in a valid  
5 government-issued identification document with photo. In view thereof,  
6 SIM card end users shall be required to present the original and  
7 submit a true and faithful reproduction or photocopy of any of the  
8 following government identification documents with photo:

- 9 1. Driver's License
- 10 2. Social Security Service/Government Service Insurance System
- 11 (SSS/GSIS) Card
- 12 3. Passport
- 13 4. Senior Citizen's Card
- 14 5. Person with Disabilities Card
- 15 6. National Bureau of Investigation (NBI) Clearance
- 16 7. Police Clearance
- 17 8. Firearms License
- 18 9. Voter's Identification Card
- 19 10. Taxpayer's Identification Number (TIN)
- 20 11. Professional Regulation Commission (PRC) Identification Card
- 21 12. Government Office Identification Card
- 22 13. School Identification Card (in case of a minor)
- 23 14. Other Government-issued Identification Cards

24 The direct seller may make further inquiries or require the submission of  
25 additional identification if necessary, and withhold the sale of the SIM  
26 card pending compliance with the additional requirements.

27  
28 a.) Assigned cell phone number of SIM card(s) and serial number/s.

29 **SECTION 7. Submission of Registration Form.** - The registration form  
30 required under Section 6 of this Act shall be accomplished in triplicate,  
31 and shall be forwarded by the direct seller for to the concerned PTE.  
32 The concerned PTE shall submit a copy of the duly accomplished  
33 registration form to the National Telecommunications Commission (NTC)  
34 within fifteen (15) days from the date of sale or receipt of such form from  
35 their respective direct sellers. The required registration form and the  
36 copies thereof shall be certified by either, the President, General  
37 Manager, Treasurer, Secretary or any other duly appointed officer of the  
38 PTE or direct seller, as the case may be.

39 **SECTION 8. Submission of Verified List of Dealers or Agents.** - The  
40 PTEs shall submit to the NTC, within thirty (30) days from the date of  
41 effectivity of this Act, a verified list of their current authorized dealers or  
42 agents nationwide. Thereafter, the PTEs shall submit to the NTC, every  
43 quarter of each year an updated list of the same.

44 **SECTION 9. Confidentiality Clause.** - Any information in SIM card  
45 registration shall be treated as absolutely confidential, unless upon  
46 written consent of the subscriber: *Provided*, That the waiver of absolute  
47 confidentiality shall not be made as a condition for the approval of  
48 subscription agreements with the PTEs.

49 **SECTION 10. Disclosure of Information.** - Notwithstanding the  
50 provisions of Section 9 hereof, the PTEs shall be required to provide



information contained in the SIM card registration only upon order of a competent court upon finding of probable cause that a particular number is used in the commission of a crime or that it was utilized as a means to commit an unlawful act.

**SECTION 11. SIM Card Register.** - All PTEs are required to submit an updated SIM Card Register of their subscribers to the NTC every six (6) months of both postpaid and prepaid mobile phone users, and maintain a record containing information required under Section 6 of this Act.

In case of loss or any change in the information after the acquisition of the SIM card, the subscriber must notify the PTEs within thirty (30) days from such loss or change. The concerned PTE in return must notify the NTC of such loss or change in the information within fifteen (15) days from receipt of notification from the subscriber.

All PTEs are required to keep the data of their subscribers and the NTC shall see to it that this data is being kept with utmost confidentiality as provided for under Section 9 of this Act and in accordance with existing laws.

**SECTION 12. Registration of Existing Prepaid Mobile Phone Subscribers.** - All existing mobile phone subscribers with prepaid SIM cards are required to register with their respective PTE within one hundred eighty (180) days from effectivity of this Act. Such deadline may be extended by the NTC but shall not be longer than one hundred twenty (120) days, upon a valid written request.

Failure to register within the prescribed period shall authorize the PTE to automatically deactivate its services to the specific existing prepaid SIM card subscriber.

**SECTION 13. Penalties.** The following penalties shall be imposed for violation of any provision of this Act: ) If the offense is committed by a PTE, the President and other executive officers shall be held liable and the following penalties shall be imposed:

- (1) First offense: A fine of Three hundred thousand pesos (P300, 000.00);
- (2) Second offense: A fine of Five hundred thousand pesos (P500, 000.00); and
- (3) Third and subsequent offenses, a fine of One million pesos (P1, 000,000.00) for every offense.

b) A penalty of suspension of its operation and a fine ranging from Five thousand pesos (P5,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed on any direct seller who fails to comply with the provisions of this Act.

**SECTION 14. Implementing Rules and Regulations (IRR).** - Within ninety (90) days from the effectivity of this Act, the NTC, in coordination with concerned agencies, shall promulgate the rules and regulations and other issuances as may be necessary, to ensure the effective implementation of this Act.

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

1 **SECTION 16. Repealing Clause.** – All laws, decrees, executive orders,  
2 proclamations, rules and regulations, and issuances, or parts thereof  
3 which are inconsistent with the provisions of this Act, are hereby  
4 repealed, amended or modified accordingly.

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

8  
9 Approved,