

SENATE

Senate Bill No. 109

'19 JUL -1 P5:45

Introduced by Senator Juan Miguel F. Zubiri

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**AN ACT
REQUIRING THE REGISTRATION OF
SUBSCRIBER IDENTITY MODULE (SIM) CARDS IN MOBILE PHONES**

EXPLANATORY NOTE

This increasingly technological age has radically transformed our methods of communication—from letters, we moved to phone calls and fax messages, and now we have come to depend on the immediacy and practicality of e-mails, text messages, app-assisted instant messages, video conferences, and the like. With a click, we can begin real-time conversation with people across great distances—across oceans, even. With a click, we can easily send documents that would otherwise have translated to reams and reams of paper to send out through the postal service. With a click, we can send a single message to hundreds, if not thousands, of people at once.

With this ease, of course, comes a myriad opportunities for exploitation. Consider the power of Subscriber Identity Module (SIM) Cards. These cards not only enable text messaging and calls, but also make Internet access possible for smartphone users. The corresponding mobile numbers issued along with these SIM Cards are also used for social media registration. With just one unregistered SIM Card, then, comes a whole host of digital avenues for scams and other such illegal activities. Indeed there is a growing industry of social media bot farms in the Philippines, wherein companies buy up thousands of SIM Cards to aid in the creation of fake social media profiles.

The near instantaneous dissemination of information through our smartphones and SIM-based WiFi connection has opened new avenues to speed up business, access to government services such as SIM-based cash transfers, banking and emergency services on top of enhanced experience in our personal communication. This technological revolution now at the 5G realm has brought dreams of the Internet of things a reality. However, the benefits came with downsides. Technology is amoral; it can be used for the common good as well as for committing crimes by an individual or syndicates.¹

That is why State actors such as government financial institutions, social service institutions, the police and military are eager to regulate access to SIMs through a SIM Card Registration Law. The rise in terrorist attacks through

¹ <https://news.mb.com.ph/2019/04/10/pdea-warns-public-against-mobile-phone-scammers/> (Accessed June 26, 2019)

cellphone-triggered bombs or improvised explosive devices² has strengthened the push to regulate the access to SIMs.

This bill seeks to regulate access to SIMs with due consideration to the individual right to privacy³ recognized in the United Nations Universal Declaration of Human Rights (UDHR) 1948 and International Covenant on Civil and Political Rights (ICCPR) 1966, to which we the Philippines is one of the signatories.

Thus, we provide for checks and balances and will support in-depth discussion on strengthening the role of the Court to protect the right to privacy and confidentiality, as well as to reduce the burden on sellers of SIMs.

In our race to find the next breakthrough in communications technology, there has been little time to pause and evaluate the attendant dangers of making these technologies easily accessible, with little to no regulation. It is time now to correct our course and set necessary limits to SIM Card availability by imposing a SIM Card registration system, thereby protecting our people from malicious entities looking to prey on vulnerable users.

In view of the foregoing, approval of this bill is urgently sought.



JUAN MIGUEL F. ZUBIRI

² <https://news.abs-cbn.com/news/01/30/19/airstrikes-in-sulu-as-troops-mount-all-out-war-vs-abu-sayyaf> (Accessed June 26, 2019)

³ <https://privacyinternational.org/explainer/56/what-privacy> (Accessed June 26, 2019)

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AN ACT
REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE (SIM)
CARDS IN MOBILE PHONES

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 and cited as the "SIM Card
2 Registration Act."

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4 **SEC. 2. Policy.** - It is the policy of the State to regulate the ownership and use of
5 SIM Cards for legitimate purposes only to maintain peace and order, promote the
6 general welfare, and protect the public.

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8 **SEC. 3. Definitions.** - For purposes of this Act,

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10 (1) "SIM Card" refers to the Subscriber Identity Module (SIM) Card in a
11 mobile phone.

12
13 (2) "Mobile Phone Company" refers to any mobile telecommunication
14 service provider, including but not limited to Globe and Smart PLDT.

15
16 (3) "NTC" refers to the National Telecommunications Commission.

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18 **SEC. 4. SIM Card Registration.** - Every mobile phone company shall be required
19 to register its subscribers, both prepaid and postpaid, and maintain a directory thereof,
20 indicating therein the SIM Card serial number, mobile phone number, name, and
21 address of the subscriber.

1 Any change in the information required in the SIM Card Registration must be
2 registered with the mobile phone company within fifteen (15) days from the occurrence
3 of such change.

4
5 **SEC. 5. *Data Privacy and Confidentiality.*** - Personal information in SIM Card
6 Registration shall be treated as private and confidential, unless otherwise specified by
7 the subscriber. It shall not be inquired or looked into, except upon probable cause to be
8 determined personally by the judge after examination under oath or affirmation of the
9 complainant and the witnesses, if any.

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11 **SEC. 6. *Sale of SIM Cards.*** - Every seller shall require his or her buyer of a SIM
12 Card to present valid identification with picture to ascertain the identity of the buyer.
13 The seller shall further require the buyer to accomplish a registration form issued by the
14 mobile phone company of the SIM Card being purchased.

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16 For this purpose, mobile phone companies shall issue SIM Card registration
17 forms. The seller shall then promptly submit the accomplished registration form to the
18 concerned mobile phone company not later than fifteen (15) days from the date of sale.
19 Data privacy and confidentiality in the SIM Card registration in Section 5 shall start to
20 apply at the point of sale.

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22 A buyer who does not produce valid identification with picture and accomplish a
23 SIM Card registration form shall, in accordance with the preceding paragraph, be
24 refused the sale of a SIM Card by the seller.

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26 **SEC. 7. *Implementing Rules and Regulations.*** - The NTC shall issue rules and
27 regulations to implement the provisions of this Act within sixty (60) days from the
28 effectivity of this Act.

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30 **SEC. 8. *Penalty Clause.*** - Any violation of the provisions of this Act shall be
31 punished with a fine ranging from Five Thousand Pesos (P5,000.00) to Fifty Thousand
32 Pesos (P50,000.00).

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34 **SEC. 9. *Transitory Provision.*** - All existing subscribers who have no SIM Card
35 registration yet are required to register their SIM Cards with their respective mobile
36 phone companies within three (3) months from the effectivity of this Act.

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Failure to register within the prescribed period shall result in the deactivation of the SIM Card. The deactivated SIM Card may only be reactivated after registration in accordance with this Act.

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

SEC. 11. *Separability Clause.* - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 12. *Effectivity.* - This Act shall take effect fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,