



MALACAÑAN PALACE
MANILA

APR 14 2022

THE HONORABLE SPEAKER
and Members of the House of Representatives
House of Representatives
Batasan Hills, Quezon City

Ladies and Gentlemen:

Pursuant to Section 27(1), Article VI of the 1987 Constitution, I am returning herewith without my signature the consolidated enrolled **Senate Bill (SB) No. 2395 / House Bill (SB) No. 5793**, entitled:

“AN ACT ERADICATING MOBILE PHONE, INTERNET, OR ELECTRONIC COMMUNICATION-AIDED CRIMINAL ACTIVITIES, MANDATING FOR THIS PURPOSE OWNERSHIP REGISTRATION OF ALL SUBSCRIBER IDENTITY MODULE (SIM) CARDS FOR ELECTRONIC DEVICES AND SOCIAL MEDIA ACCOUNTS.”

At the outset, I recognize and fully endorse the laudable intent of this significant piece of legislation. I endorse the call of law-enforcement and other implementing agencies and groups for the enactment of a more effective and strengthened legislative measure to address the increasing incidence of cybercrimes and information and communications technology-related offenses in this era of borderless interconnectivity and digitization.

However, it is incumbent upon me to ensure that this measure—in all its material provisions—is consistent with the requisites and standards for state action and intrusion of protected rights under our Constitution. While I find the SIM card registration aspect of the measure as acceptable, the inclusion of social media accounts in this measure, without proper guidelines and definitions, will give rise to dangerous state intrusion and surveillance that will threaten many constitutionally-protected rights, and consequently expose the most substantive provisions of the bill to serious constitutional challenge.

In the past, I have previously vetoed important pieces of legislation, either due to the constitutional infirmities found in the enrolled bill which could not be separately vetoed from the rest of the measure; or on policy reasons, due to the high propensity for corruption and abuse in the implementation of the bill, if passed. The same defects are present in the SIM Card Registration Bill, as written. Verily, the veto and refiling of a constitutionally-sound version of the measure is a more viable and enduring option, than the approval of a bill that is highly-susceptible to be struck down in a judicial challenge.

THE PRESIDENT OF THE PHILIPPINES

Thus, while I stand firm on my commitment to the passage of a strengthened legislative measure against electronic-communication-aided criminal activities, I am bound to my duty to uphold the supremacy of the Constitution.

In view of these considerations, I am constrained to veto SB No. 2395 / HB No. 5793.

Very truly yours,



Copy furnished:

Sen. Vicente C. Sotto III
Senate President
The Philippine Senate
Pasay City

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