

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



'22 SEP 13 P2:14

SENATE

RECEIVED BY:

COMMITTEE REPORT NO. 5

Prepared and submitted jointly by the Committees on Public Services; Trade Commerce and Entrepreneurship; Science and Technology; and Banks, Financial Institutions and Currencies, on SEP 13 2022

Re: **Senate Bill No. 1310**

Recommending its approval in substitution of Senate Bill Nos. 82, 99, 153, 366, 429, 802, and 1238, taking into consideration Proposed Senate Resolution Nos. 69, 133 and 182 and the privilege speech of Senator Estrada entitled "Scram Spam and Scam Text Messages" dated 05 September 2022.

Sponsor: **Senator Grace Poe**

MR. PRESIDENT:

The Committees on Public Services; Trade, Commerce and Entrepreneurship; Science and Technology; and Banks, Financial Institutions and Currencies, to which were referred **Senate Bill No. 82**, introduced by **Senator Juan Miguel Zubiri**, entitled:

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

Senate Bill No. 99, introduced by **Senator Grace Poe**, 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**

Senate Bill No. 153, introduced by **Senator Win Gatchalian**, entitled:

AN ACT
TO ERADICATE SIM CARD-AIDED TERRORISM AND CRIMINAL
ACTIVITIES, MANDATING FOR THIS PURPOSE OWNERSHIP
REGISTRATION OF ALL SIM CARDS FOR ELECTRONIC
COMMUNICATION DEVICES

Senate Bill No. 366, introduced by **Senator Joel Villanueva**, entitled:

AN ACT
PROVIDING FOR AN OPT-IN MECHANISM FOR TELEPHONE AND
MOBILE SUBSCRIBERS, PROTECTING SUCH SUBSCRIBERS FROM
ELECTRONIC SCAMS AND THREATS THROUGH THE MISUSE OF
DIGITAL TECHNOLOGY, AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF

Senate Bill No. 429, introduced by **Senators Ronald "Bato" Dela Rosa and**
Joseph Victor Ejercito, 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

Senate Bill No. 802, introduced by **Senator Jinggoy Ejercito Estrada**, entitled:

AN ACT
TO ERADICATE MOBILE PHONE-AIDED TERRORISM AND CRIMINAL
ACTIVITIES, MANDATING FOR THIS PURPOSE OWNERSHIP
REGISTRATION OF ALL SIM CARDS FOR CELLULAR PHONES

and **Senate Bill No. 1238**, introduced by **Senator Cynthia Villar**, entitled:

AN ACT
PROHIBITING TEXT SCAMS, MISLEADING ADVERTISEMENTS, AND
FRAUDULENT SALES PROMOTIONS, MANDATING FOR THIS
PURPOSE THE REGISTRATION OF ALL USERS OF SUBSCRIBER
IDENTITY MODULE (SIM) CARDS, AND PROVIDING PENALTIES FOR
THE VIOLATIONS THEREFOR

taking into consideration, **Proposed Senate Resolution No. 69**, introduced by
Senator Ronald "Bato" Dela Rosa, entitled:

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE ALARMING RISING
NUMBER OF TEXT SCAMS, WITH THE END IN VIEW OF

RECOMMENDING LEGISLATIVE MEASURES THAT WOULD ENSURE THE PROTECTION AND SECURITY OF EVERY FILIPINO AGAINST CYBERCRIMES

Senate Resolution No. 133, introduced by **Senator Win Gatchalian**, entitled:

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE PROLIFERATION OF SPAM AND PHISHING TEXT MESSAGES IN THE COUNTRY WITH THE END IN VIEW OF PROTECTING THE CONSUMERS' RIGHTS TO PRIVACY AND SECURITY

Senate Resolution No. 182, introduced by **Senator Maria Lourdes Nancy Binay**, entitled:

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO INVESTIGATE, IN AID OF LEGISLATION, ON THE UPSURGE OF TEXT SCAMS, SMISHING, TEXT SPAMS, AND OTHER MALICIOUS SOLICITATIONS AND UNWANTED TEXT MESSAGES, AND INQUIRE ON THE CONCRETE SOLUTIONS BEING UNDERTAKEN BY RESPONSIBLE GOVERNMENT AGENCIES TO PUT AN END TO THE UNRESTRICTED INTENSIFICATION OF THE MENTIONED ACTIVITIES

and **Senator Jinggoy Ejercito Estrada's privilege speech** before the chamber on 05 September 2022, entitled:

SCRAM SPAM AND SCAM TEXT MESSAGES

have considered the same and have the honor to report back to the Senate with the recommendation that the attached Senate Bill No. 1310, entitled:

AN ACT

ERADICATING MOBILE PHONE OR ELECTRONIC COMMUNICATION-AIDED CRIMINAL ACTIVITIES, REGULATING FOR THIS PURPOSE THE REGISTRATION AND USE OF ALL SUBSCRIBER IDENTITY MODULE (SIM) FOR ELECTRONIC DEVICES

be approved in substitution of Senate Bill Nos. 82, 99, 153, 366, 429, 802, and 1238, taking into consideration Senate Resolution Nos. 69, 133 and 182, with Senators Zubiri, Poe, Gatchalian, Villanueva, Dela Rosa, Ejercito, Estrada, Villar (C.) and Binay as authors thereof.

Respectfully submitted,



SEN. GRACE POE

*Chairperson, Committee on Public Services
Member, Committee on Banks, Financial
Institutions and Currencies*

SEN. MARK VILLAR

*Chairperson, Committee on Trade, Commerce
and Entrepreneurship; and Banks, Financial
Institutions and Currencies
Member, Committee on Public Services;
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S. CAYETANO**

*Chairperson, Committee on Science and
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Institutions and Currencies*

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SEN. JOSEPH VICTOR G. EJERCITO

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Entrepreneurship; Science and Technology;
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**SEN. FRANCIS "TOL" N.
TOLENTINO**

*Vice Chairperson, Committee on Public
Services*

**SEN. JINGGOY EJERCITO
ESTRADA**

Vice Chairperson, Committee on Public Services

SEN. RAMON BONG REVILLA JR.

*Vice Chairperson, Committee on Public
Services*

Respectfully submitted,

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Member, Committee on Banks, Financial Institutions and Currencies

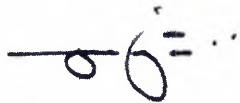
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SEN. RAMON BONG REVILLA JR.



Vice Chairperson, Committee on Public Services



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SEN. WIN GATCHALIAN

*Vice Chairperson, Committee on Banks, Financial Institutions and Currencies
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SEN. SONNY ANGARA

Vice Chairperson, Committee on Banks, Financial Institutions and Currencies

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SEN. CHRISTOPHER BONG GO

Member, Committee on Public Services; Committee on Trade, Commerce & Entrepreneurship; Science and Technology



SEN. RONALD "BATO" DELA ROSA

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Member, Banks, Financial Institutions and Currencies



SEN. ROBINHOOD C. PADILLA

Member, Committee on Science and Technology

SEN. RISA HONTIVEROS

Member, Committee on Public Services; Trade, Commerce & Entrepreneurship; Science and Technology; Banks, Financial Institutions and Currencies

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SEN. LOREN LEGARDA

Senate President Pro-Tempore

SEN. JOEL VILLANUEVA

Majority Leader

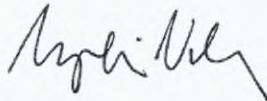
SEN. AQUILINO "KOKO"

PIMENTEL III

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HON. JUAN MIGUEL ZUBIRI

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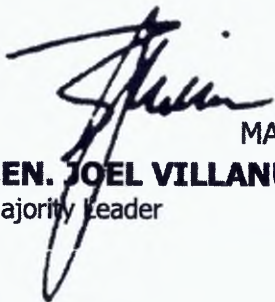
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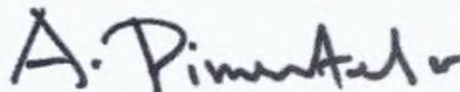
Senate President Pro-Tempore



MAY AMEND

SEN. JOEL VILLANUEVA

Majority Leader



SEN. AQUILINO "KOKO"

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S. No. 1310

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(In substitution of Senate Bill Nos. 82, 99, 153, 366, 429, 802, and 1238, taking into consideration proposed Senate Resolution Nos. 69, 133 and 182 and the privilege speech of Senator Estrada entitled "Scram Spam and Scam Text Messages" dated 05 September 2022)

Prepared and submitted jointly by the Committees on Public Services; Trade, Commerce and Entrepreneurship; Science and Technology; and Banks, Financial Institutions and Currencies with Senators Zubiri, Poe, Gatchalian, Villanueva, Dela Rosa, Ejercito, Estrada, Villar (C.), and Binay as authors thereof

AN ACT
ERADICATING MOBILE PHONE OR ELECTRONIC COMMUNICATION-AIDED CRIMINAL ACTIVITIES, REGULATING FOR THIS PURPOSE THE REGISTRATION AND USE OF ALL SUBSCRIBER IDENTITY MODULE (SIM) FOR ELECTRONIC DEVICES

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 as the "Subscriber Identity
2 Module (SIM) Registration Act."

3 *Sec. 2. Declaration of Policy.* – The State recognizes the vital role of information
4 and communications technology in nation building and encourages its growth and
5 development.

6 It is equally cognizant that beneficial as modern technology is, its illegal or
7 malicious use endangers people's lives, damages property, poses hazards to public
8 order, and even threatens the security of nations.

9 Towards this end, the State shall require the registration of Subscriber Identity
10 Module (SIM) for electronic devices by all users to promote accountability in the use
11 of SIM, and to provide law enforcement agencies the tools to resolve crimes which
12 involve its utilization and the platform to deter the commission of wrongdoings.

13 *Sec. 3. Definitions.* – For purposes of this Act, the following terms shall mean:

- 1 a. *End user* – shall refer to any individual or subscriber who directly purchases a
2 SIM from a direct seller;
- 3 b. *Public Telecommunications Entity or PTE* – shall refer to any person, firm,
4 partnership or corporation, government or private, engaged in the provision of
5 telecommunications services to the public for compensation, as defined under
6 Republic Act No. 7925 or the Public Telecommunications Policy Act of the
7 Philippines;
- 8 c. *SIM (Subscriber Identity Module or Subscriber Identification Module)* – shall
9 refer to an integrated circuit chip that is intended to securely store the
10 international mobile subscriber identity or IMSI number and its related key or
11 an electronic equivalent thereof, which are used to identify and authenticate
12 subscribers on mobile telephony devices. For purposes of this Act, this shall
13 include e-SIM and other variations thereof;
- 14 d. *Spoofing* – shall refer to the act of transmitting misleading or inaccurate
15 information about the source of the phone call or text message, with the intent
16 to defraud, cause harm, or wrongfully obtain anything of value; and

17 **Sec. 4. SIM Registration.** – In order to deter the proliferation of SIM or
18 electronic communication-aided crimes, such as, but not limited to: terrorism, text
19 scams, unsolicited, indecent or obscene messages, bank fraud, and massive
20 disinformation, all PTEs shall require the registration of SIM as pre-requisite to the
21 activation thereof, in accordance with the guidelines set forth under this Act.

22 For purposes of this Act, all SIM to be sold by PTEs, agents or any entity shall
23 be in a deactivated state. It shall only be activated after the end-user completes the
24 process of registration.

25 All existing SIM subscribers with active services shall register with their
26 respective PTEs within one hundred eighty (180) days from the effectivity of this Act.
27 An extension period of no longer than one hundred twenty (120) days shall be allowed
28 upon a valid written request to the Department of Information and Communications
29 Technology (DICT).

30 Failure to register within the prescribed period shall authorize the PTEs to
31 automatically deactivate or retire the SIM number and registration. The deactivated
32 SIM may only be reactivated after registration in accordance with this Act.

1 *Sec. 5. Sale and Registration Guidelines.* – The National Telecommunications
2 Commission (NTC), in close consultation with PTEs, concerned agencies of
3 government including, but not limited to, the Department of Trade and Industry (DTI),
4 DICT, National Privacy Commission (NPC), and in consultation with major consumer
5 groups, shall formulate the necessary guidelines in the proper implementation of the
6 real-name registration program through a SIM registration process based on the
7 following parameters:

- 8 a. Submission of duly accomplished control-numbered owner’s registration form
9 with full name, date of birth, and address. The registration form shall be
10 accomplished electronically through a platform or website to be provided by
11 the PTEs. The same shall include an attestation by the SIM buyer that the
12 identification documents presented are true and correct, and that said person
13 is the one who accomplished the registration form;
- 14 b. Presentation of valid government-issued identification cards or other similar
15 forms of documents that will verify the identity of the SIM buyer, or a valid
16 passport in the case of aliens;
- 17 c. A buyer who fails to comply with the requirements for registration shall result
18 in their SIM not being activated;
- 19 d. The registration of a SIM by a minor shall not be prohibited: Provided, That
20 said minor has obtained the consent of the parent or legal guardian at the time
21 of registration;
- 22 e. The registration of SIM by foreign nationals shall be allowed provided that:
 - 23 i. Those visiting as tourists for not more than thirty (30) days shall register
24 their full name, passport number, and address in the SIM registration
25 form and present their passport and proof of address in the Philippines;
26 and
 - 27 ii. Those staying for more than thirty (30) days either as workers or
28 students shall register their full name, passport number, and address in
29 the SIM registration form and present their passport, proof of address
30 in the Philippines, Alien Certificate of Registration Identification Card or
31 ACRI-Card issued by the Bureau of Immigration (BI), and Alien

1 Employment Permit issued by the Department of Labor and Employment
2 (DOLE) or school registration and ID, whichever is applicable.

3 The relevant government agencies and concerned PTEs shall facilitate SIM
4 registration in remote areas with limited telecommunication or internet access.

5 *Sec. 6. SIM Register.* – The electronic registration form shall be kept by the
6 concerned PTE in a centralized database. The database shall strictly serve as a SIM
7 register to be used by PTEs to process, activate or deactivate subscription and shall
8 not be used for any other purpose. The successful submission and acceptance of the
9 required registration form shall serve as the certification of registration by the SIM
10 buyer.

11 The registration required under this Act shall be implemented at no cost to the
12 end users.

13 In the recordkeeping of information, PTEs shall ensure that the end users' data
14 are secure and protected at all times. The PTEs shall comply with the minimum
15 information security standards prescribed by the DICT consistent with internationally
16 accepted cybersecurity standards and relevant laws, rules and regulations.

17 The DICT shall establish and perform an annual audit on PTEs' compliance with
18 information security standards.

19 In case of loss or any change in the information after the registration of the
20 SIM, the subscriber must update said registration in the database through the PTE's
21 facility within seven (7) days from such loss or change.

22 In case of a cyber-attack on the register, the incident shall be reported to the
23 DICT within twenty-four (24) hours of detection.

24 *Sec. 7. Sale of Fraudulently-Registered or Stolen SIM.* – Any PTE, agent or
25 entity that will engage in the sale of fraudulently-registered or stolen SIM shall be held
26 criminally liable under this Act.

27 *Sec. 8. Confidentiality Clause.* – Any information obtained in the registration
28 process described under this Act shall be treated as absolutely confidential and cannot
29 be disclosed to any person.

30 Notwithstanding this provision, disclosure shall be made:

- i. In compliance with any law obligating the PTE to disclose such information in accordance with the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012;
- ii. In compliance with a court order or legal process;
- iii. In compliance with Section 9 hereof; or
- iv. With the written consent of the subscriber; Provided that, the waiver of absolute confidentiality shall not be made as a condition for the approval of subscription agreements with the mobile phone service providers.

Sec. 9. *Disclosure of Information.* – Notwithstanding the provisions on confidentiality, the PTEs shall be required to provide information obtained in the registration process only upon the issuance of a subpoena of a competent authority pursuant to an investigation of a sworn complaint that a specific mobile number was or is being used in the commission of a crime or that it was utilized as a means to commit a malicious, fraudulent or unlawful act, and that he or she is unable to ascertain the identity of the perpetrator.

Provided, however, that no PTE shall be held administratively, civilly, or criminally liable on account of any disclosure done in compliance with this Act.

For this purpose, the relevant data and information shall be kept by the PTEs for ten (10) years from the time the end-user deactivates his or her mobile number.

Sec. 10. *Penalties.* – The following penalties shall be imposed for violation of any provision of this Act:

a. *For failure to comply with the registration requirement.* – The NTC is hereby authorized to impose the following fines to PTEs who shall fail to comply with the registration requirement under this Act:

1) First offense: a fine not exceeding Three hundred thousand pesos (P300,000.00);

2) Second offense: a fine not exceeding Five hundred thousand pesos (P500,000.00); and

3) Third and subsequent offenses: a fine not exceeding One million pesos (P1,000,000.00) for every offense;

b. *For breach of confidentiality.* – The following penalties shall be imposed upon PTEs who shall directly reveal or disclose any information of a subscriber

1 obtained during the registration requirement under this Act, unless otherwise
2 permitted by this Act, or other laws:

- 3 1) First offense: a fine not exceeding Three hundred thousand pesos
4 (P300,000.00);
- 5 2) Second offense: a fine not exceeding Five hundred thousand pesos
6 (P500,000.00); and
- 7 3) Third and subsequent offenses: a fine not exceeding One million pesos
8 (P1,000,000.00) for every offense;

9 The same penalty shall be imposed upon PTEs who, despite the written
10 order issued by a competent court, or subpoena issued by competent authority
11 shall refuse the law enforcement agency and/or officer access to the
12 information specified in said written order.

- 13 c. *For using fictitious identities to register a SIM.* – The penalty of imprisonment
14 of no less than six (6) years, or a fine of up to Two hundred thousand pesos
15 (P200,000.00), or both, shall be imposed upon anyone who uses a fictitious
16 identity to register a SIM.
- 17 d. *For spoofing registered SIM.* – The penalty of imprisonment of no less than six
18 (6) years, or a fine of Two hundred thousand pesos (P200,000.00), or both,
19 shall be imposed upon anyone who causes to transmit misleading or inaccurate
20 information about the source of the phone call or text message, with the intent
21 to defraud, cause harm, or wrongfully obtain anything of value, unless such
22 transmission is exempted in connection with: (1) authorized activities of law
23 enforcement agencies; or (2) a court order specifically authorizing the use of
24 caller ID manipulation.
- 25 e. *For sale of fraudulently-registered or stolen SIM.* – The penalty of imprisonment
26 no less than six (6) years, or a fine of Two hundred thousand pesos
27 (P200,000.00), or both, shall be imposed upon PTEs, its agents or any entity
28 that will engage in the sale of fraudulently-registered or stolen SIM as provided
29 under Section 7 of this Act.

30 If the offender is a corporation, partnership or any juridical person, the penalty
31 shall be imposed upon the responsible officers, as the case may be, who

1 participated in, or by their gross negligence, allowed the commission of the
2 crime.

3 Any person who willfully attempts to commit or abets or aids in the commission
4 of any of the offenses enumerated in this Act shall be held liable.

5 A prosecution under this Act shall be without prejudice to any liability for
6 violation of any provision of the Revised Penal Code, as amended, or special laws.

7 *Sec. 11. Implementing Rules and Regulations and Reportorial Requirement. –*

8 The NTC, in close coordination with the DICT, DTI, NPC, PTEs, and major consumer
9 groups, shall set the guidelines for the monitoring and proper implementation of this
10 Act and shall issue the necessary implementing rules and regulations within sixty (60)
11 days upon the effectivity of this Act.

12 All PTEs are required to submit to the NTC, DICT, and to both Houses of
13 Congress an annual report on the implementation of the provisions of this Act.

14 *Sec. 12. Interpretation. –* Any doubt in the interpretation of any provision of
15 this Act and its implementing rules and regulations shall be construed in a manner
16 that accords the highest respect for privacy, and liberally interpreted in a manner
17 mindful of the rights and interests of SIM subscribers.

18 *Sec. 13. Repealing Clause. –* All laws, decrees, executive orders, proclamations,
19 rules and regulations, and issuances, or parts thereof which are inconsistent with the
20 provisions of this Act are hereby repealed, amended or modified accordingly.

21 *Sec. 14. Separability Clause. –* Should any part of this Act be declared
22 unconstitutional or invalid, the other provisions hereof that are not affected thereby
23 shall continue to be in full force and effect.

24 *Sec. 15. Effectivity. –* This Act shall take effect fifteen (15) days after its
25 publication in the Official Gazette or in a newspaper of general circulation.

Approved,