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SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 92

Submitted jointly by the Committees on Public Order and Illegal Drugs; and Trade and Commerce on **28 AUG 2006**.

Re: P. S. Res. Nos. 99 and 426.

Recommending the adoption of the recommendations and their immediate implementation.

Sponsors: Senators Villar, Roxas, Pangilinan, and the Members of the Committees on Public Order and Illegal Drugs; and Trade and Commerce.

MR. PRESIDENT:

The Committees on Public Order and Illegal Drugs; and Trade and Commerce to which were referred Proposed Senate Resolution No. 99, introduced by Senator Villar, entitled:

**“RESOLUTION
DIRECTING THE SENATE COMMITTEES ON PUBLIC ORDER
AND ILLEGAL DRUGS; AND TRADE AND COMMERCE TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION ON THE
PROLIFERATION OF CELLULAR PHONE THEFT, MOST OF
WHICH ARE REPORTED TO FIND ITS WAY BACK IN
SHOPPING CENTERS, WITH THE END VIEW OF
RECOMMENDING MEASURES AS MAY BE NECESSARY TO
PROTECT THE CITIZENS FROM CELLULAR PHONE THEFT
AND PROTECT THE CONSUMERS FROM SUBSTANDARD
PRODUCTS”;**

and Proposed Senate Resolution No. 426, introduced by Senator Pangilinan, entitled:

**“RESOLUTION
URGING THE COMMITTEE ON PUBLIC ORDER AND ILLEGAL
DRUGS TO INVESTIGATE THE ATROCIOUS KILLING OF
MANUEL ZACHARY ARANETA ESCUDERO DURING A
CELLULAR PHONE SNATCHING INCIDENT”;**

have considered the same and have the honor to submit the report on their inquiry/investigation, in aid of legislation, back to the Senate recommending the adoption of the recommendations as contained in this report and their immediate implementation.

I. PREFATORY

On 24 September 2004, the assistant editor of *Today* newspaper, Jose Luis Villanueva, was stabbed to death by holdup men when he refused to give his cellular phone. Villanueva was riding a non-airconditioned bus bound for Baclaran. At around midnight, three male suspects boarded the bus, asked for his cell phone but he refused. A struggle ensued between him and the holdup men and one of the suspects stabbed him. The three men took off with the cell phone while Villanueva was brought to San Juan De Dios Hospital where he was pronounced dead at 1:12 a.m.¹

The atrocious killing of Jose Luis Villanueva because of his refusal to give to hold-up men his cellular phone and such other similar incidents raised the alarm of the Senate of the Philippines. Hence, Senate Resolution No. 99 was passed directing the Senate Committees on Public Order and Illegal Drugs and Trade and Commerce to conduct an inquiry, in aid of legislation, on the proliferation of cellular phone theft, with the end in view of recommending measures as may be necessary to protect the citizens from cellular phone theft and protect consumers from substandard products.

Hearing on Senate Resolution No. 99 was conducted on 01 October 2004.

Barely two years after the killing of Jose Luis Villanueva or on 19 January 2006, Manuel Zacharias Escudero, was killed when he fought back the snatchers of his Nokia 3100 cell phone.² This prompted the Senate to pass Resolution No. 426 which directed the Committees on Public Order and Illegal Drugs to investigate the atrocious killing of Manuel Zachary Araneta Escudero during a cellular phone snatching incident.

Hearing on Senate Resolution No. 426 was conducted on 09 February 2006.

It has been said that every technological development has provided a new opportunity for criminality and the introduction of cellular mobile telephone services is no exception.³ The sudden boom of the mobile phone industry in the country opens up a new permutation of criminal activity which led not only to loss of properties but of lives as well. Villanueva and Escudero's deaths as well as those of countless unnamed victims of this street crime signal the need to come up with legal and regulatory measures to effectively address this problem.

¹ Young editor fights for cell phone, loses life instead by Nancy Carvajal. *Inquirer News Service*. Retrieved April 13, 2006 from inq7 database. <http://news.inq7.net/nation/>

² Suspect in killing of Escudero slain. *The Visayan Daily Star*. Retrieved May 9, 2006. <http://www.visayandailystar.com/2006/January/21/topstory3.htm>

³ R. Smith, Preventing Mobile Telephone Crime. *Australian Institute of Criminology*. Retrieved from http://www.aic.gov.au/conferences/other/smith_russell

II. FINDINGS

1. *Extent and Nature of the Prevalence of Cell Phone Theft in the Philippines*

The hearings conducted reveal the current dearth of evidence on the extent (statistics) and real nature (cause) of the prevalence of cellular phone theft. The Philippine National Police (PNP), the National Telecommunications Commission (NTC) and SMART, one of the main carriers of telecommunications service in the country, could not present any data to reflect the current state of cellular phone theft in the entire country.

The data presented by the Philippine National Police (PNP) on cellular phone snatching reveals certain weaknesses. Police Chief Supt. Wilfredo Dulay, the Deputy Director of the PNP, presented the national statistics on cell phone snatching, to wit:

"CELL PHONE SNATCHING (nationwide):

Year 2003 – 310

Year 2004 – 248"⁴

However, when Police Chief Supt. Prospero Noble, the Deputy Regional Director for Administration of the National Capital Regional Office, presented the statistics of cell phone snatching in the National Capital Region (NCR) for the year 2004, he mentioned that 332 cases were reported to them of which 228 were "solved"⁵ by the PNP.⁶ Clearly, there is a discrepancy between the data presented by Police Chief Supt. Dulay and the one presented by Police Chief Supt. Noble. This discrepancy was even acknowledged by Supt. Noble himself when the same was pointed out by Senator Biazon during the hearing.⁷

When Ms. Camarao, representative of PNP, Directorate for Investigation and Detective Management (DIDM) testified, she stated a totally different figures from those stated by Supt. Dulay and Supt. Noble, to wit: for 2004, 135 incidents of cell phone snatching⁸ wherein 110 cases have already been filed in court and 28 cases are still under investigation; for the year 2005, there is an increase of 21.5 % of the recorded cell phone snatching or about 164 cases of which 126 have already been filed in court⁹ and 38 cases are still under investigation.¹⁰

Aside from the discrepancy in the figures, the PNP report is limited only to the reported cases of cellular phone snatching,¹¹ thus, the unreported cases are unaccounted for in the statistics given. Further, the report merely covers the period from March 2003 to August 2004.¹²

The NTC, through its Commissioner, Mr. Ronald O. Solis, presented the following statistics:

⁴ TSN, 01 October 2004, 2:00 p.m., p. 18

⁵ Police Chief Supt. Noble explained that the word "solved" means that the offenders were arrested and cases were subsequently filed against them. TSN, 01 October 2004, 3:25 p.m., pp. 47-48

⁶ TSN, 01 October 2004, 3:25 p.m., pp. 47-48

⁷ Ibid, p. 48

⁸ TSN, 09 February 2006, 3:00 p.m., p. 4

⁹ Ibid, p. 5

¹⁰ Ibid, p. 6

¹¹ TSN, 01 October 2004, 2:35 p.m., p. 11

¹² TSN, 01 October 2004, 2:35 p.m., p. 10

"Reported Lost and Stolen Cell phones (nationwide)

Year 2002 – 25,492;

Year 2003 – 16, 954;

January to September 23, 2004 – 9, 247¹³

Year 2005 – 10,193 (Metro Manila); 5,343 (regions)¹⁴

The data showed by the NTC likewise presents an inaccurate image of the present state of cell phone snatching in the country. The figures represent only the reported cases of lost and stolen cell phones *without providing any estimates for the unreported ones.* Further, the statistics refer not only to stolen cell phones but to lost cell phones for other reasons¹⁵ and does not account for the prepaid subscribers.¹⁶ The number of stolen cell phones with prepaid subscription is crucial because about 90% of cell phone users are prepaid subscribers according to the three main carriers – Globe, Digitel and Sun Cellular which information was relayed to the NTC.¹⁷

On the other hand, the representative of SMART, Atty. Enrico Español, did not provide any estimates as to the extent of mobile phone theft.¹⁸

Supt. Dulay further testified during the hearing on 01 October 2004 that the PNP has no Order of Battle or list of suspected syndicates involved in theft of cell phones in the country.¹⁹ The PNP did not even have any data on the usual kind of weapon being used by the cell phone snatchers²⁰ in their criminal operations as well as the frequent places or areas where cell phone thefts are prevalent.²¹

Even the National Bureau of Investigation (NBI), represented by Atty. Lolito V. Utitco, Officer-in-Charge of the Office of NBI Director, did not have any information on the extent of cell phone theft in the country. The NBI has not conducted any investigation as to the possible participation of syndicates in this particular street crime.²²

On the other hand, Atty. Español of Smart disclosed that the corporation had published reminders on cell phone etiquette such as discouraging the public from using their cell phones in public places but the program was not made on a sustained basis.²³

The discrepancies on the statistics provided by the PNP, the NTC and the lack of statistics provided by one of the main carriers in the country (Smart) reveal the lack of concerted effort among the concerned government agencies as well as the main industry players to look deeper into the problem of cell phone theft in the country. Clearly, there is a lack of coordination between the NTC and the PNP in terms of information sharing for the purpose of formulating strategies

¹³ TSN, 01 October 2004, 2:55 p.m., p. 21

¹⁴ TSN, 09 February 2006, 3:10 p.m., pp. 2-3

¹⁵ Ibid

¹⁶ TSN, 01 October 2004, 2:55 p.m., pp. 22-23

¹⁷ TSN, 01 October 2004, 2:55 p.m., p. 24

¹⁸ TSN, 01 October 2004, 2:55 p.m., p. 22

¹⁹ TSN, 01 October 2004, 3:05 p.m., p. 32

²⁰ TSN, 01 October 2004, 3:05 p.m., pp. 33-34

²¹ TSN, 01 October 2004, 3:05 p.m., p. 36

²² TSN, 01 October 2004, 3:15 p.m., p. 39

²³ TSN, 09 February 2006, 3:00 p.m., p. 1

to address the problem. There is also an apparent lack of effort on the part of the main carriers of telecommunication service in the country to formulate and implement programs on a sustained basis to help address the prevalence of cell phone theft in the country.

2. New Ways of Committing Cell Phone Theft

Mr. Martin Diño, a Barangay Captain and President of VACC, discussed before the committees the various ways of committing cell phone theft. One is when the offender/s uses a motorcycle and snatches the cell phones of pedestrians; another way is when offenders enter restaurants and similar establishments and would forcibly get the cell phones of the diners; another way is when the offender sees a person inside his vehicle using a cell phone and would get his cell phone while pointing a gun at the victim.²⁴

There is also the widespread selling of “chopped” cell phone parts in the black market.²⁵

3. NTC’s Regulatory Responses/Measures (and the Counter-Measures being done in the Black Market)

To render useless lost and stolen cell phones, the NTC formulated a measure whereby the owner of the cell phone, whether postpaid or prepaid, shall inform the NTC of the International Mobile Equipment Identifier (IMEI) number of the lost or stolen cell phone. This reported number will be listed as stolen or lost, and the NTC, in turn, will issue a blocking order to the concerned carrier to block and lock the cell phones.²⁶

There is a counter-measure being implemented in the black market whereby a certain technology (software downloaded from the internet for free) is being used to “unlock” the blocked and locked cell phones.²⁷

The NTC issued a memorandum circular requiring all cell phone repair centers to be registered with the NTC; making an illegal act the unblocking of the IMEI and which is considered as a ground for revocation of the license or the permit of the repair center.²⁸

Commissioner Solis of the NTC likewise informed the committees that after the unfortunate death of Manuel Zacharias Escudero, the NTC and the unit commanders of all the major commands in the National Capital Region held a meeting and reached the conclusion that the prevalence of theft of cell phones in the country may be attributed to the facility by which one can buy and sell second hand phones in the secondary market.²⁹

Mr. Gideon Javier, a telecommunications expert, gave the opinion that it is incredibly easy to turn a cell phone into cash. The serial number can be instantly changed; it can be given new packaging and can be sold almost as new. According to him, the question that must be addressed is how to demonetize a cell phone so as not to make it a ready source of cash. The real solution is to make it virtually impossible to sell cell phones in volume unless the person has the proper documents. He suggested the imposition of heavy punishment on

²⁴ TSN, 09 February 2006, 2:50 p.m., pp. 1-2

²⁵ Ibid, p. 3

²⁶ TSN, 01 October 2004, 2:55 p.m., pp. 24-25

²⁷ Ibid, p. 25

²⁸ Ibid, pp. 25-26

²⁹ TSN, 09 February 2006, 2:30 p.m., pp. 4-5

people changing the serial numbers of cell phones.³⁰ He said the barangay tanods and not just the police authority must be at the forefront of the campaign against cell phone theft.³¹

4. *Proposed Memorandum of Agreement between the NTC and PNP*

P.D. 1612 or the Anti-Fencing Law requires that before a person could be allowed to sell second hand goods/items, he/she should secure a permit from the nearest station commander.³²

The NTC suggested that a Memorandum of Agreement between the NTC and the PNP be executed setting forth certain guidelines that have to be included in the PNP requirement for the issuance of the said permit to any individual for the purpose of selling second hand goods, including cell phones. The objective is to make it difficult for one to be able to buy and sell second hand cell phone in certain commercial districts such as Greenhills, Divisoria, Guadalupe and the like.³³ For example, the cell phone store owner should require the cell phone seller to present valid documents proving that he/she is really the owner of the cell phone such as official receipt.³⁴

Under the proposed MOA, there will be two (2) kinds of permit that have to be secured: one from the police pursuant to P.D. 1612 or the Anti-Fencing Law and another permit pursuant to the NTC memorandum circular.

The other feature of the proposed MOA is the constant monitoring of the PNP by virtue of its visitorial powers under P.D. 1612.³⁵

In Metro Manila, the estimate number of stores selling second-hand cell phones is 15,000 to 20,000 and another 20,000 in other regions of the country.³⁶

Since the implementation by the NTC of its memorandum circular requiring the registration of cell phone stores, it has registered a total of about 3,500 stores of the estimated 40,000 stores nationwide.³⁷

The NTC intends to conduct a "crackdown" on those stores which failed to register. The initial crackdown is intended to convey a message to the unregistered cell phone stores that the NTC is serious about the implementation of this circular and that it will do a nationwide effort towards closing down the stores.³⁸

During the hearing on 09 February 2006, Senator Francis Pangilinan, suggested the formation of a task force to be composed of PNP and NTC representatives for the purpose of monitoring the cell phone stores. This would be an interagency task force formed to specifically address the existence and participation of syndicates in cell phone snatching.³⁹ Further, he suggested that the NTC and PNP tie up with the local governments to address the issue.⁴⁰

³⁰ Ibid, pp. 7-8

³¹ TSN, 09 February 2006, 3:00 p.m., p

³² Ibid, p. 5

³³ TSN, 09 February 2006, 2:30 p.m., p. 5; 2:40 p.m., p. 1

³⁴ TSN, 09 February 2006, 2:40 p.m., pp. 1-2

³⁵ TSN, 09 February 2006, 2:40 p.m., p. 1

³⁶ Ibid, p. 2

³⁷ Ibid, p. 3

³⁸ Ibid, pp. 4-5

³⁹ Ibid, p. 5

⁴⁰ TSN, 09 February 2006, 3:20 p.m., p. 6

Senator Francis Pangilinan likewise suggested the registration with the NTC of SIM card numbers for those who are pre-paid subscribers, which is estimated to be about 95%.⁴¹ Mr. Solis mentioned that NTC had previously issued (about 4 or 5 years ago) a memorandum circular requiring the registration of SIM numbers but the carriers questioned the circular before the regular courts which is still unresolved to this date.⁴²

Mr. Solis manifested before the committees that the NTC has endorsed a bill to the House of Representatives providing for the mandatory registration of IMEI of cell phones under the names of the real owners.⁴³ This would render difficult the selling of stolen cell phones.⁴⁴ The compulsory registration of cell phone numbers are being done in other countries like Singapore, Malaysia, Thailand and Indonesia.⁴⁵ The implementation would be through a circular to be issued by the NTC requiring the buyer of the cell phone to check first the identity of the owner by checking a database containing the IMEI and Sim Card number. The documents have to be kept on file by the owner which would have to be presented later on to the police authorities and NTC in the process of monitoring.⁴⁶

Senator Pangilinan stated that the compulsory registration of cell phones may become another source of bureaucratic red tape and the measure may render it difficult for people to secure and use a cell phone.⁴⁷

Mr. Rodolfo Salalima, Sr. Vice President of the Corporate and Regulatory Affairs of Globe Communications, expressed the carrier's objection on the proposed compulsory registration. He expressed the view that the proposed measure would have the effect of burdening the entire population in view of the fact that there are only around 5,000 or 50,000 ill-inclined claimed persons as against a total of 25 million subscribers. These persons can easily secure cell phones on the basis of fake registration. The measure involves administrative inconvenience and expense which outweigh the possible benefits.⁴⁸

5. *Proposed Role of Local Authorities*

Mr. Diño heeded the cooperation of the people to volunteer any information to the local authorities regarding any person engaged in the selling of stolen cell phones. Further, he emphasized the importance of checkpoints in certain areas where there is rampant theft of cell phones, particularly, those hold-up men using a motorcycle.⁴⁹

6. *Areas where cellular phone theft is most common:*

Talipapa Quezon City
Monumento and Caloocan City
Commonwealth market in front of Kristong Hari, Quezon City
Aurora corner Edsa, Quezon City
University Belt, Manila
Pasig Public Market

⁴¹ TSN, 09 February 2006, 3:30 p.m., p. 2

⁴² TSN, 09 February 2006, 3:30 p.m., p. 2

⁴³ TSN, 09 February 2006, 3:30 p.m., p. 3-4

⁴⁴ Ibid, p. 4

⁴⁵ TSN, 09 February 2006, 3:30 p.m., p. 5

⁴⁶ TSN, 09 February 2006, 3:40 p.m., pp. 3-4

⁴⁷ TSN, 09 February 2006, 3:30 p.m., p. 7

⁴⁸ TSN, 09 February 2006, 3:40 p.m., pp. 1-2

⁴⁹ TSN, 09 February 2006, 3:30 p.m., p. 1

Ortigas Extension, Barangay Rosario, Pasig City
Corner of Taft Libertad, Pasay City
Edsa Quadalupe, going to JP Rizal, Makati City
Corner of Taft Buendia, Pasay City
South Superhighway between Magallanes and Pasay Road, Makati City
Corner of Taft, Pasay Rotonda, Pasay City
Baclaran Parañaque City
Barangay Tambo along MIA Road, Parañaque
MLQ Road near Jollibee, lower Bicutan Taguig
16 Alabang under the bridge area Muntinlupa City⁵⁰

III. RECOMMENDATIONS

1. *Need for Further Study of the Problem*

It is clear that no realistic or reliable statistics is available from the PNP or NTC or even from the main carriers as to the current extent of cell phone theft in the country. Therefore, it is recommended that a research study be commissioned to be headed by the PNP, with the assistance of the NTC and representatives from the mobile phone industry (manufacturers and network operators or carriers), to gather the necessary information and come up with the accurate data on the current scale and nature of this problem.

The research team is akin to the Mobile Phone Theft Steering Group formed in January 2001 in the United Kingdom, under the chairmanship of the Home Secretary, which brought together all the interested parties (Government, police and mobile phone industry representatives) to see what could be done to address the crime problem of mobile phone theft.⁵¹ Absent any hard evidence supported by an accurate data, it is impossible to come up with any policy or enact any law that would effectively address this rising crime problem.

In a certain research study, it was held that mobile phones as a target of theft/robbery is considered a classic *hot product* because it is concealable, removable, available, valuable, enjoyable and disposable.⁵²

Based on the information provided by Commissioner Solis of the NTC during the hearing on 09 February 2006, the prevalence of cell phones in the country may be attributed to the facility by which one can buy and sell second hand cell phones in the secondary market.⁵³ Therefore, the formulation of policies, strategies or enactment of laws to address the crime problem of cell phone theft must be based on effecting a preventive system with the aim of reducing or removing the reward to phone thieves. This may be achieved by making stolen cell phones impossible to use.⁵⁴

During the hearing on 01 October 2004, Commissioner Solis informed the committees that the NTC, in response to the problem of cell phone theft, had formulated a measure whereby the owner of the lost or stolen phone would

⁵⁰ TSN, 09 February 2006, 3:40 p.m., pp. 4-5 (retrieved from <http://www.inquirer.net>)

⁵¹ C. Lee and R. Patel (2002), National action to tackle mobile phone theft, UK. Street Crime Action Team, Home Office, UK. (retrieved from <http://europa.eu.int/>)

⁵² R.V. Clarke (1999), Hot Products: Understanding, Anticipating and Reducing Demand for Stolen Goods. Police Research Series Papers 112. London: Home Office. (retrieved from <http://www.homeoffice.gov.uk/rds/prgpdfs.fprs112.pdf>)

⁵³ TSN, 09 February 2006, 2:30 p.m., pp. 4-5

⁵⁴ C. Lee and R. Patel (2002), National action to tackle mobile phone theft, UK. Street Crime Action Team, Home Office, UK (retrieved from <http://europa.eu.int/>)

inform the NTC of the IMEI number of his/her phone and the NTC would issue a blocking order to the concerned carrier to block and lock the cell phones. It is recommended that the feasibility of empowering the network operators themselves to immediately blacklist and bar a stolen or lost cell phones on their own networks without having to wait for a blocking order to be issued by the NTC, should be looked into. This means that the cell phone owner/user will have to immediately inform his/her "home" network and no longer the NTC. The principle behind this is the immediate reporting of the lost or theft of the cell phone to the network operator which has the resources or the equipment to immediately block or bar the IMEI number of the lost or stolen cell phone.

2. *Establishment of a Shared Database of Stolen Cell Phones*

However, it is possible that a cell phone barred from one network may be used on another network with the use of the SIM card for that network.⁵⁵ Hence, it is also recommended the establishment and operation of a shared database of stolen cell phones to enable the other networks or carriers to subsequently bar or block the IMEI number and not just the "home" network.

3. *The Need for an Intensified Publicity Campaign*

Further, the blocking of cell phones cannot be done if the user or owner does not, in the first place, know the IMEI number of the handset. Thus, it is recommended that a more intensified publicity campaign must be jointly undertaken by the network operators, manufacturers and the PNP, to inform the public on how to get the IMEI number of his/her handset.

4. *Put a Stop to Reprogramming of IMEI Number*

The blocking or barring of stolen cell phones is not effective if the IMEI number is changed because it is then impossible for the network operators to track and disable the handset.⁵⁶ Commissioner Solis disclosed during the committee hearings that a blocked IMEI number may be unblocked through the use of a certain software found in the internet. Hence, certain measures must be implemented to discourage this act of reprogramming the IMEI number. This may be done through the enhancement of security features of cell phones and legislation.

The key players in the enhancement of security features of cell phones are the manufacturers, with the encouragement of the government, with the end view of incorporating new features and practices that would make it virtually impossible to change or reprogram the IMEI number. Experience in other areas such as credit card fraud suggests that security requires continual improvement to keep ahead of innovative offenders.⁵⁷

5. *Enforcement of Anti-Fencing Law*

Presidential Decree No. 1612 or the Anti-Fencing Law of 1979 may be used in the prosecution of persons who shall buy or receive or shall buy and sell or in any other manner deal with cell phones which he/she knows, or should be known to him/her, to have been stolen. The knowledge that a second-hand cell phone may have been stolen may be derived from the following sources or circumstances:

⁵⁵ V. Harrington and P. Mayhew (2001), *Mobile Phone Theft*. Home Office Research Study 235. Home Office Research, Development and Statistics Directorate (retrieved from <http://www.homeoffice.gov.uk>)

⁵⁶ Ibid

⁵⁷ Ibid

The database developed by network operators containing the list of stolen cell phones as identified by the IMEI number must be accessed by dealers or sellers of cell phones;

The dealer or buyer of second-hand cell phones should require the seller to present certain documents e.g., official receipts and ID to prove that he/she is really the person identified in the official receipt, hence, the owner of the cell phones. In this regard, the proposed measure of compulsory registration of cell phones must be studied. There is soundness in requiring owners to register the IMEI and SIM card numbers with the NTC as this will serve as additional safeguard against selling stolen cell phones.

6. *Users' Optional Registration with the NTC*

However, proposed measures should also be practical so that phone users are not discouraged by complex registration or usage procedures when setting up new accounts or changing phones.⁵⁸ Hence, it is recommended that an *optional registration* with the NTC be proposed instead of compulsory registration.

7. *Registration of Traders/Dealers*

Likewise, the proposed measure of registration and licensing of traders or dealers of second-hand cell phones must also be seriously studied. The possibility of introducing extensive *bureaucratic systems and the administrative cost* that will be incurred in the implementation of this measure must be weighed against the benefits that will be derived therefrom. The United Kingdom Parliamentary Office of Science and Technology, for example, considered that such schemes may inhibit trade and reduce competition in the mobile telephone industry. As an alternative, the Office recommended more advanced property marking schemes such as by the use of identity numbers on printed circuit boards.⁵⁹

8. *Proposed Amendment of P.D. 1612*

It is recommended that an amendment to P.D. 1612 be undertaken specifically providing for heavier penalties involved in buying or selling second-hand cell phones which are believed to be stolen. A provision imposing heavier penalties on organized syndicates who may be involved in trafficking stolen cell phones, must also be included in the amendment.

9. *Enactment of a Law penalizing the act of changing/reprogramming the IMEI number*

The act of changing the IMEI number is deemed considered legal since there is presently no law specifically penalizing the act. Hence, a law must be enacted specifically penalizing the act of changing or reprogramming the IMEI number. This is intended to complement the proposed measure of enhancing the security features of IMEI number by the manufacturers by restricting the

⁵⁸ Ibid

⁵⁹ R. Smith, Preventing Mobile Telephone Crime. Australian Institute of Criminology. Retrieved from http://www.aic.gov.au/conferences/other/smith_russell/

resources available for phone thieves or fences to circumvent the security software/hardware protecting the IMEI number.⁶⁰

In the United Kingdom, a law entitled, the *Mobile Telephones Reprogramming Act 2002*, was enacted. The law creates new offenses of unauthorized changing of the IMEI number, or supplying or offering to supply equipment for that purpose. The law applies in England, Scotland and Northern Ireland and is being brought into force in early October 2002 to coincide with the implementation of the shared database established by network operators containing the list of stolen cell phones. The UK government worked with the police and the industry to develop a high-impact publicity campaign whose deterrent message to businesses is that changing the IMEI number is now illegal and carries a penalty of up to 5 years' imprisonment.⁶¹

Incorporated in establishing a preventive system with the end view of reducing or removing the reward to phone thieves, is the role that phone owners/users must play in protecting their property. This is to complement the measure of blocking the IMEI numbers of stolen cell phones across all the network operators. As previously discussed, intensified publicity campaign must be undertaken by the PNP, NTC, manufacturers and network operators or carriers to encourage and promote the following safeguards by the phone owners/users themselves:

- a) making a note of the IMEI number;
- b) greater use of the PIN number;
- c) voluntary registration with the network operator; and
- d) security marking of the handset.⁶²

IV. CONCLUSION

In addressing the rising crime problem of cell phone theft/robbery, it must be emphasized that the nature of the problem is not caused merely by the basic features of cell phone (concealable, removable, available, valuable, enjoyable and disposable) but mainly because of the vulnerable system which makes our property and worst, our lives, an easy prey to criminals. Therefore, the policies or strategies that must be undertaken to effectively address this problem must zero in on making the system less or totally invulnerable to this criminality. This may be achieved by reducing or totally removing the reward to phone thieves by making stolen phones useless and prosecuting and imposing heavier penalties on them before the appropriate courts.

Respectfully submitted:

Chairmen :


MAR ROXAS
Committee on Trade & Commerce


MANNY VILLAR
Committee on Public Order & Illegal Drugs

⁶⁰ C. Lee and R. Patel (2002), National action to tackle mobile phone theft, UK. Street Crime Action Team, Home Office, UK. Retrieved from <http://europa.eu.int/>

⁶¹ Ibid

⁶² Ibid

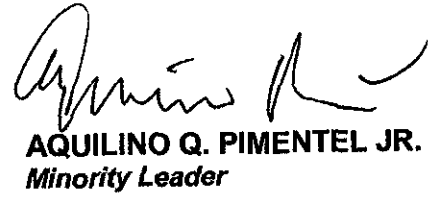
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