

SENATE

Senate Bill No. **1289**

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

The Mobile Telephones (Re-programming) Act creates a number of offenses relating to the electronic identifiers of mobile wireless communications devices. In particular it becomes an offense to reprogram the unique International Mobile Equipment Identity (IMEI) number which identifies a mobile telephone handset. It is also possible to interfere with the operation of the IMEI by the addition of a small electronic chip to the handset and this too is made illegal.

If this bill becomes a law, all the major mobile telephone network providers will be able to bar mobile telephone handsets, when these are reported stolen or lost, by reference to the IMEI number. However, if the IMEI number of the stolen or lost telephone is changed, it will not be possible to implement the barring process and the telephone will be able to continue in use.

It is clear from international Global System for Mobiles (GSM) standards that the IMEI number should not be changed and that it should be resistant to change. Indeed there is no legitimate reason why anyone other than the manufacturer of a mobile telephone (or its authorized agents) should need to alter an IMEI number.

It is expected that the creation of these new offenses, taken together with the implementation of a handset barring system across all networks, should help remove the incentive for mobile telephone theft.


MANNY VILLAR

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**AN ACT
TO CREATE OFFENSES IN RESPECT OF UNIQUE
ELECTRONIC EQUIPMENT IDENTIFIERS OF MOBILE
WIRELESS COMMUNICATIONS DEVICES**

*Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:*

SECTION 1. Re-programming mobile telephone.- A person commits an offense if-

- (a) he changes a unique device identifier, or
- (b) he interferes with the operation of a unique device identifier.

A unique device identifier is an electronic equipment identifier which is unique to a mobile wireless communications device.

SECTION 2. Possession of anything for re-programming purposes. - A person commits an offense if-

- (a) he has in his custody or under his control anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and
- (b) he intends to use the thing unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

SECTION 3. Supply of anything for re-programming purposes. - A person commits an offense if-

- (a) he supplies anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and
- (b) he knows or believes that the person to whom the thing is supplied intends to use it unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

SECTION 4. A person commits an offense if-

- (a) he offers to supply anything which may be used for the purpose of changing or interfering with the operation of a unique device identifier, and
- (b) he knows or believes that the person to whom the thing is offered intends if it is supplied to him to use it unlawfully for that purpose or to allow it to be used unlawfully for that purpose.

SECTION 5. A person guilty of an offense under this Act is liable to imprisonment for a term not exceeding five (5) years and/or to a fine not exceeding P20,000.00.

SECTION 6. But a person does not commit an offense under this Act if-

- (a) he is the manufacturer of the device, or
- (b) he does the act with the written consent of the manufacturer of the device.

SECTION 7. All laws, decrees or executive issuances and any rules and regulations or any part thereof which may be inconsistent with any of the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

SECTION 8. This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general publication.

Approved,