

explosions that kill hapless civilians in our midst.

It is thus wise that we find it imperative to regulate the sale and distribution of these SIM cards by establishing a registry or database of validated information of its authorized owner. We follow the lead taken by Singapore, Malaysia, Indonesia and Brunei and other countries that have put this into law and succeeded in its effort of regulation.

In view of curbing unlawful activities, we earnestly seek passage of this legislation and its immediate approval is highly recommended.



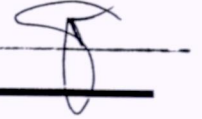
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SENATE

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S. B. No. 176

RECEIVED BY: _____



Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT
REQUIRING THE REGISTRATION OF ALL USERS OF PRE-PAID
SUBSCRIBER IDENTITY MODULE (SIM) CARDS

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

1 SEC 1. *Short Title.* - This Act shall be known as the "*Subscriber Identity Module*
2 *(SIM) Card Registration Act*".

3 SEC. 2. *Declaration of Policy.* - The State recognizes the vital role of information
4 and communications technology in nation building.

5 The introduction of modern telecommunications technology with the view of
6 providing the widest information dissemination is greatly encouraged. The possession
7 of the most modern technology carries with it tremendous responsibility. Thus,
8 mechanism for its effective use for the good of all and not for an illegal or malicious
9 purpose to benefit a few must be installed.

10 Towards this end, the State shall require the registration of all users of pre-
11 paid subscriber identity module (SIM) cards.

12 SEC. 3. *Definition of Terms.* - As used in this Act:

13 a. *Direct seller* refers to a person or entity, whether natural or juridical, who
14 directly dispenses or sells a SIM card to an end user;

- 1 b. *End user* refers to any individual/subscriber who directly purchases a SIM
2 card from a direct seller for personal use;
- 3 c. *Postpaid mobile phone* refers to a mobile phone the service of which is
4 provided by a prior arrangement with a Public Telecommunications Entity.
5 The user in this situation is billed after the fact, according to their use of
6 mobile services at the end of the monthly billing cycle;
- 7 d. *Prepaid mobile phone* refers to a mobile phone for which credit is purchased
8 in advance of service use. The purchased credit is used to pay for mobile
9 phone services at the point the service is accessed or consumed. If there is
10 no available credit then access to the requested service is denied;
- 11 e. *Public Telecommunications Entity or PTE* refers to any duly enfranchised and
12 authorized public telecommunications entity that offers voice, short
13 messaging system (SMS/text), mobile data, value-added services (VAS) or
14 any other telecommunications services to the public for a fee;
- 15 f. *SIM card* refers to the Subscriber Identity Module (SIM), which is an
16 integrated circuit that securely stores the international mobile subscriber
17 identity and the related key used to identify and authenticate subscribers
18 on mobile telephony devices, such as mobile phones and computers. A SIM
19 card is a removable plastic card into which a SIM circuit is embedded, and
20 can be transferred between different mobile devices;
- 21 g. *SIM card registration* refers to the process of recording and verifying mobile
22 phone number and personal information of a subscriber, by a PTE or other
23 direct seller, including the subscriber's photograph, name, date of birth,
24 gender and address.

25 SEC. 4. *Sale and Registration of SIM Cards.* - Every direct seller shall require
26 the end user of a SIM card to present valid identification with photo to ascertain the
27 latter's identity. The direct seller shall further require the end user to accomplish and
28 sign a control-numbered registration form issued by the respective PTE of the SIM
29 card being purchased. The registration form shall include an attestation by the end
30 user that the person personally appearing before the direct seller and the identification
31 documents presented are true and correct and that the person is one and the same
32 who has accomplished and signed the registration form.

1 Except in cases where the PTE is the direct seller, the accomplished registration
2 form must be submitted to the concerned PTE within fifteen (15) days from the date
3 of sale. The confidentiality clause in the SIM card registration under Section 9 hereof
4 shall start to apply at the point of sale.

5 An end user who does not produce valid identification with photo and fails to
6 accomplish a registration form in accordance with the preceding paragraph shall be
7 refused the sale of a SIM card by the direct seller. The direct seller shall only issue the
8 SIM card to the end user after compliance with the requirements mentioned above
9 and in the succeeding sections.

10 *SEC. 5. Representative Registration of SIM Cards.* - A person who wants to
11 purchase a SIM card but cannot personally register with the direct seller may, for valid
12 reason, authorize another to register in that person's behalf, subject to the following
13 conditions: (1) the representative is authorized through a duly notarized Special Power
14 of Attorney; and (2) the principal and the representative should present an original
15 and a true and clear copy of any of the valid identification cards with photo listed in
16 Section 6 (a) hereof.

17 In case the person intending to purchase a SIM card is a minor, the parents or
18 guardian shall be required to give their express consent in writing, and submit the
19 same with the registration form and valid identification cards with photo of both the
20 minor and the parents or guardian.

21 The direct seller may deny the request for representative registration after an
22 assessment that the reason given therefore is not valid or that the identification cards
23 or their true copies are not authentic or sufficient.

24 *SEC. 6. Coverage of Registration.* - All direct sellers are hereby mandated to
25 register pertinent data in a registration form devised for the purpose, to include the
26 following information and requirements:

- 27 a) Full name and complete address of the end user appearing in a valid
28 government-issued identification document with photo. In view thereof, SIM
29 card end users shall be required to present the original and submit a true
30 and faithful reproduction or photocopy of any of the following
31 government identification documents with photo:

- 32 1. Driver's License

- 1 2. Social Security Service/Government Service Insurance System
- 2 (SSS/GSIS) Card
- 3 3. Passport
- 4 4. Senior Citizen's Card
- 5 5. Person with Disabilities Card
- 6 6. National Bureau of Investigation (NBI) Clearance
- 7 7. Police Clearance
- 8 8. Firearms License
- 9 9. Voter's Identification Card
- 10 10. Taxpayer's Identification Number (TIN)
- 11 11. Professional Regulation Commission (PRC) Identification Card
- 12 12. Government Office Identification Card
- 13 13. School Identification Card (in case of a minor)
- 14 14. Other Government-issued Identification Cards

15 The direct seller may make further inquiries or require the submission of
16 additional identification if necessary, and withhold the sale of the SIM card
17 pending compliance with the additional requirements.

18 b) Assigned cell phone number of SIM card(s) and serial number/s.

19 SEC. 7. *Submission of Registration Form.* - The registration form required
20 under Section 6 of this Act shall be accomplished in triplicate, and shall be forwarded
21 by the direct seller for to the concerned PTE. The concerned PTE shall submit a copy
22 of the duly accomplished registration form to the National Telecommunications
23 Commission (NTC) within fifteen (15) days from the date of sale or receipt of such
24 form from their respective direct sellers. The required registration form and the copies
25 thereof shall be certified by either, the President, General Manager, Treasurer,
26 Secretary or any other duly appointed officer of the PTE or direct seller, as the case
27 may be.

28 SEC. 8. *Submission of Verified List of Dealers or Agents.* - The PTEs shall submit
29 to the NTC, within thirty (30) days from the date of effectivity of this Act, a verified
30 list of their current authorized dealers or agents nationwide. Thereafter, the PTEs
31 shall submit to the NTC, every quarter of each year an updated list of the same.

1 SEC. 9. *Confidentiality Clause.* – Any information in SIM card registration shall
2 be treated as absolutely confidential, unless upon written consent of the subscriber:
3 *Provided,* That the waiver of absolute confidentiality shall not be made as a condition
4 for the approval of subscription agreements with the PTEs.

5 SEC. 10. *Disclosure of Information.* – Notwithstanding the provisions of Section
6 9 of this Act, the PTEs shall be required to provide information contained in the SIM
7 card registration only upon order of a competent court upon finding of probable cause
8 that a particular number is used in the commission of a crime or that it was utilized as
9 a means to commit an unlawful act.

10 SEC. 11. *SIM Card Register.* - All PTEs are required to submit an updated SIM
11 Card Register of their subscribers to the NTC every six (6) months of both postpaid
12 and prepaid mobile phone users, and maintain a record containing information
13 required under Section 6 of this Act.

14 In case of loss or any change in the information after the acquisition of the SIM
15 card, the subscriber must notify the PTEs within thirty (30) days from such loss or
16 change. The concerned PTE in return must notify the NTC of such loss or change in
17 the information within fifteen (15) days from receipt of notification from the
18 subscriber.

19 All PTEs are required to keep the data of their subscribers and the NTC shall
20 see to it that this data is being kept with utmost confidentiality as provided for under
21 Section 9 of this Act and in accordance with existing laws.

22 SEC. 12. *Registration of Existing Prepaid Mobile Phone Subscribers.* – All
23 existing mobile phone subscribers with prepaid SIM cards are required to register with
24 their respective PTE within one hundred eighty (180) days from effectivity of this Act.
25 Such deadline may be extended by the NTC but shall not be longer than one hundred
26 twenty (120) days upon valid written request.

27 Failure to register within the prescribed period shall authorize the PTE to
28 automatically deactivate its services to the specific existing prepaid SIM card
29 subscriber.

30 SEC. 13. *Penalties.* The following penalties shall be imposed for violation of
31 any provision of this Act:

1 a) If the offense is committed by a PTE, the President and other executive
2 officers shall be held liable and the following penalties shall be imposed:

3 (1) First offense: A fine of Three hundred thousand pesos (P300,000.00);

4 (2) Second offense: A fine of Five hundred thousand pesos (P500,000.00);

5 and

6 (3) Third and subsequent offenses, a fine of One million pesos
7 (P1,000,000.00) for every offense.

8 b) A penalty of suspension of its operation and a fine ranging from five
9 thousand pesos (P5,000.00) to fifty thousand pesos (P50,000.00) shall be imposed on
10 any direct seller who fails to comply with the provisions of this Act.

11 SEC. 14. *Implementing Rules and Regulations (IRR)*. – Within ninety (90) days
12 from the effectivity of this Act, the NTC, in coordination with concerned agencies, shall
13 promulgate the rules and regulations and other issuances as may be necessary, to
14 ensure the effective implementation of this Act.

15 SEC. 15. *Separability Clause*. – Should any part of this Act be declared
16 unconstitutional or invalid, other provisions hereof that are not affected thereby shall
17 continue to be in full force and effect.

18 SEC. 16. *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. 17. *Effectivity*. – This Act shall take effect fifteen (15) days after its
22 complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,