



Republic of the Philippines
SENATE
Pasay City

2022 FEB -2 P1 :02

COMMITTEE ON PUBLIC SERVICES

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2 February 2022

FOR : **ATTY. MARGARITA R. ALIAS**
Director III
Legislative Bills and Index Service

FROM : 
HORACE CRUDA
Committee Secretary
Committee on Public Services

RE : Committee Members E-signature

This is to confirm and validate the e-signatures of the members of the Bicameral Conference Committee on the disagreeing provisions of SBN 2395 and HBN 5793, affixed on the final version of the bill and signatory page, entitled: "*Subscriber Identity Module (SIM) Card Registration Act*".

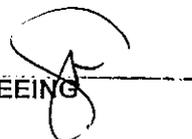
Thank you.



22 FEB -2 P1 :02

JOINT EXPLANATION
OF THE BICAMERAL CONFERENCE COMMITTEE ON THE DISAGREEING
PROVISIONS OF HOUSE BILL NO. 5793 AND SENATE BILL NO. 2395

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The Bicameral Conference Committee on the disagreeing provisions of House Bill No. 5793 and Senate Bill No. 2395, after having met and fully discussed the subject matter in a conference, hereby submits the following joint explanation to both Houses of Congress on the provisions and amendments agreed upon by the conferees in the accompanying Conference Committee Report.

1. The Conference Committee agreed to adopt the House version as the working draft;
2. In Section 1. *Short Title* of the House version was adopted and shall now read as follows;

Section 1. *Short Title.* – This Act shall be known as the
“*Subscriber Identity Module (SIM) Card Registration Act.*”

3. In Section 2. *Declaration of Policy* of the House version was adopted with minor amendments and shall now read as follows:

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

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

Towards this end, the State shall require the registration of SIM cards for electronic devices and social media accounts by all users.

Thus, there is a need to promote accountability in the use of Subscriber Identity Module (SIM) card and social media, and provide law enforcement agencies the tools to resolve crimes which involve its utilization and the platform to deter the commission of wrongdoings.

4. Section 3. *Definition of Terms* of the House version was consolidated with Section 2. *Definitions* of the Senate version, was adopted as Section 3 of the reconciled version which shall now read as follows:

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

a) *End user* refers to any individual or subscriber, natural or juridical, who directly purchases a SIM card from a direct seller;

b) *Public Telecommunications Entity or PTE* refers to any person, firm, partnership or corporation, government or private, engaged in the provision of telecommunications services to the public for compensation, as defined under Republic Act No. 7925 or the Public Telecommunications Policy Act of the Philippines;

c) *SIM (Subscriber Identity Module or Subscriber Identification Module) Card* refers to an integrated circuit chip that is intended to securely store the international mobile subscriber identity or IMSI number and its related key or an electronic equivalent thereof, which are used to identify and authenticate subscribers on mobile telephone devices;

d) *Spoofing* refers to the act of transmitting misleading or inaccurate information about the source of the phone call or text message, with the intent to defraud, cause harm, or wrongfully obtain anything of value; and

e) *Third-party reseller* refers to agents, dealers, or anyone who sells SIM cards other than the PTEs themselves.

5. Section 3. *SIM Card Registration* of the Senate version in consolidation with Section 5. *Social Media Account Registration* of the Senate version and Section 11. *Registration of Existing Mobile Phone Subscribers* of the House version was adopted with amendments as Section 4 of the reconciled version and shall now read as follows:

SEC. 4. SIM Card and Social Media Accounts Registration. – In order to deter the proliferation of SIM card, internet or electronic communication-aided crimes, such as, but not limited to: terrorism; text scams; unsolicited, indecent or obscene messages; bank fraud; libel; anonymous online defamation; trolling; hate speech, spread of digital disinformation or fake news as defined under pertinent laws, all PTEs shall require the registration of SIM cards as prerequisite to the sale and activation thereof, in accordance with the guidelines set forth under this Act. Similarly, all social media account providers shall require real-name and phone number upon creation of account.

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

Failure to register within the prescribed period shall authorize the PTEs to automatically deactivate or retire the SIM card number and registration.

6. Section 4. *Sale and Registration Guidelines* of the Senate version in consolidation with Section 5. *Coverage of Registration* of the House version was adopted as Section 5 of the reconciled version with amendments and shall now read as follows:

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

a. Submission of duly accomplished control-numbered owner's registration form with full name, date of birth, and address. The registration form shall include an attestation by the SIM card buyer that the person personally appearing before the direct seller and the identification documents presented are true and correct, and that said person is the one who has accomplished and signed the registration form;

b. Presentation of valid government-issued identification cards or other similar forms of documents that will verify the identity of the SIM card buyer, or a valid passport in the case of aliens;

c. A buyer who fails to comply with the requirements for registration shall be refused the sale of a SIM card by the seller;

d. The sale of a SIM card to a minor shall not be prohibited: *Provided*, That said minor is accompanied by a parent or legal guardian at the time of its purchase and registration;

e. The sale of SIM cards to foreign nationals shall be allowed provided that:

i. Those visiting as tourists for not more than thirty (30) days shall register their full name, passport number, and address in the SIM card registration form and present their passport and proof of address in the Philippines; and

ii. Those staying for more than thirty (30) days either as workers or students shall register their full name, passport number, and address in the SIM card registration form and present their passport, proof of address in the Philippines, Alien Certificate of Registration Identification Card or ACRI-Card issued by the Bureau of Immigration (BI), and Alien Employment Permit issued by the Department of Labor and Employment (DOLE) or school registration and ID, whichever is applicable.

7. Section 6. *SIM Card Registry* of the Senate version was adopted as Section 6 of the reconciled version with amendments and shall now read as follows;

SEC. 6. *SIM Card Register.* – The registration form required under this Act shall be accomplished electronically and shall be forwarded and kept by the concerned PTE to a centralized database. The database shall strictly serve as a SIM card register to be used by PTEs to process, activate or deactivate subscription and shall not be used for any other purpose. The successful submission of the required registration form shall serve as the certification of legitimate purchase by the SIM card buyer and the duly-appointed agents of the PTE or third-party reseller, as the case may be.

The registration required under this Act shall be implemented at no cost to the end users or the third-party resellers.

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

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

In case of loss or any change in the information after the registration of the SIM card, the subscriber must update said registration in the database through the PTE's facility within seven-two (72) hours from such loss or change.

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

8. Section 7. *Submission of Verified List of Third-Party Resellers* of the Senate version was adopted as Section 7 of the reconciled version and shall now read as follows;

SEC. 7. *Submission of Verified List of Third-Party Resellers.* – The PTEs shall submit to the NTC, within thirty (30) days from the date of effectivity of this Act, a verified list of all their current authorized third-party resellers. Thereafter, the PTEs shall submit to the NTC, every quarter of each year, an updated list of the same.

9. Section 8. *Obligation and Liabilities of Third-Party Resellers* of the Senate version was adopted as Section 8 of the reconciled version with amendment and shall now read as follows;

SEC. 8. *Liabilities of Third-Party Resellers.* – Any third-party reseller that will engage in the sale of fraudulently-registered or stolen SIM cards shall be held criminally liable under this Act.

10. Section 9. *Confidentiality Clause* of the Senate version was adopted with amendments as Section 9 of the reconciled version; the Conferees likewise agreed to introduce new sub-paragraphs therein and shall now read as follows;

SEC. 9. *Confidentiality Clause.* – Any information obtained in the registration process described under this Act cannot be disclosed to any person.

Notwithstanding this provision, disclosure shall be made:

i. In compliance with any law obligating the PTE or social media provider 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, legal process, or other government regulatory, or enforceable administrative request for information;

iii. In compliance with Section 10 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.

11. Section 10. *Disclosure of Information* of the Senate version was adopted as Section 10 of the reconciled version with amendments and shall now read as follows;

SEC. 10. *Disclosure of Information.* – Notwithstanding the provisions on confidentiality *supra*, the PTEs and social media providers, upon order of a competent authority duly authorized under existing laws to issue subpoena, shall be required to provide information obtained in the registration process pursuant to an investigation of a complainant's verified sworn complaint that a specific mobile number or social media account 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 including libel, anonymous online defamation, hate speech, trolling, or spread of digital disinformation, or fake news; and that he or she is unable to ascertain the identity of the perpetrator.

Provided, however, That no PTE or social media provider 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 or social media providers for ten (10) years from the time the end-user deactivates the mobile number or social media account.

12. Section 11. *Penalties* of the Senate version in consolidation with Section 12. *Penalties* of the House version, was adopted as Section 11 of the reconciled version with amendments and shall now read as follows;

SEC. 11. *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 a fine of Ten thousand pesos (₱10,000.00) on any third-party reseller who shall fail to comply with the registration requirement under this Act.

If the offense is committed by a PTE, the following penalties shall be imposed:

- 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.* – A fine of Two hundred thousand pesos (P200,000.00) shall be imposed upon the third-party reseller who shall directly reveal or disclose any information of a subscriber obtained during the registration requirement under this Act, unless otherwise permitted by this Act, or other laws.

If the offense is committed by a PTE or a social media provider, the following penalties shall be imposed:

- 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;

The same penalty shall be imposed upon the PTE or social media provider or any of its agents or employees or third-party resellers who, despite the written order issued by a competent court, or subpoena issued by competent authority shall refuse the law enforcement agency or officer access to the information specified in said written order.

c. *For using fictitious identities to register SIM cards or social media accounts.* – The penalty of imprisonment of no less than six (6) years, or a fine of up to Two hundred thousand pesos (P200,000.00), or both, shall be imposed upon anyone who uses a fictitious identity to purchase and register a SIM cards or social media account.

d. *For spoofing registered SIM cards.* – The penalty of imprisonment of no less than six (6) years, or a fine of Two hundred thousand pesos (P200,000.00), or both, shall be imposed upon anyone who causes to transmit misleading or inaccurate information about the source of the phone call or text message, with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted in connection with: (1) authorized activities of law enforcement agencies; or (2) a court order specifically authorizing the use of caller ID manipulation.

e. *Unauthorized sale of registered SIM cards.* – The penalty of imprisonment no less than six (6) years, or a fine of two hundred thousand pesos (P200,000.00), or both, shall be imposed upon third-party resellers or anyone who sells or offers for sale a registered SIM card without being authorized to do so.

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

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

13. Section 12. *Implementing Rules and Regulations* of the Senate version was adopted *en toto* as the new Section 12 of the reconciled version.

14. Section 13. *Interpretation* of the Senate version was adopted as the new Section 13 of the reconciled version with amendments and shall now read as follows:

SEC. 13. *Interpretation.* – Any doubt in the interpretation of any provision of this Act and its implementing rules and regulations shall be construed in a manner that accords the highest respect for privacy, and liberally interpreted in a manner mindful of the rights and interests of SIM card subscribers and social media account owners.

15. Section 14. *Transitory Provision* of the House version was adopted as Section 14 of the reconciled version with amendments and shall now read as follows:

SEC. 14. *Transitory Provision.* – Upon the effectivity of this Act, all PTEs are mandated to recall all prepaid SIM cards for sale to the public by those establishments not authorized by it. Otherwise, they shall be liable for the penalties prescribed in this Act.

PTEs, third-party resellers and social media providers affected by the implementation of this Act shall be given a one (1) year transitory period from the effectivity of the implementing rules and regulations to comply with its requirements.

16. Section 15. *Repealing Clause* of the House version was adopted *en toto* as the new Section 15 of the reconciled version.

17. Section 16. *Separability Clause* of the House version was adopted *en toto* as the new Section 16 of the reconciled version.

18. Section 17. *Effectivity* of the House version was adopted *en toto* as Section 17 of the reconciled version.

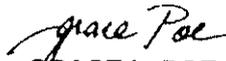
19. The title of the Senate version was adopted with amendment;

Change the phrase "TO ERADICATE" into the word "ERADICATING" and insert the phrase "AND SOCIAL MEDIA ACCOUNTS" after the word DEVICES

which shall now read as follows;

"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"

In case of a conflict between the statements/amendments stated in this Joint Explanation and the provisions of the consolidated bill in the accompanying Conference Committee Report, the latter shall prevail.


GRACE L. POE
Chairperson
Senate Panel


VICTOR A. YAP
Chairman
House Panel

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Republic of the Philippines
CONGRESS OF THE PHILIPPINES

EIGHTEENTH CONGRESS
Third Regular Session

RECEIVED



CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 5793
entitled:

**"AN ACT
REQUIRING THE REGISTRATION OF SUBSCRIBER IDENTITY MODULE CARDS"**

and Senate Bill No. 2395, entitled:

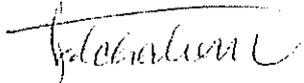
**"AN ACT
TO ERADICATE MOBILE PHONE, INTERNET OR ELECTRONIC COMMUNICATION-
AIDED CRIMINAL ACTIVITIES, MANDATING FOR THIS PURPOSE OWNERSHIP
REGISTRATION OF ALL SIM CARDS FOR ELECTRONIC DEVICES"**

after having met and discussed the subject matter in full and free conference, has
agreed and does hereby recommend to their respective Houses that House Bill No.
5793, in consolidation with Senate Bill No. 2395, be approved in accordance with the
attached copy of the bill as reconciled and approved by the conferees.

Approved,

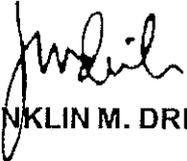
CONFEREES ON THE PART OF
THE SENATE:


GRACE L. POE
Chairperson


SHERWIN T. GATCHALIAN

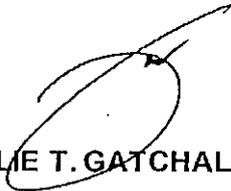

PANFILO M. LACSON


RONALD "BATO" M. DELA ROSA

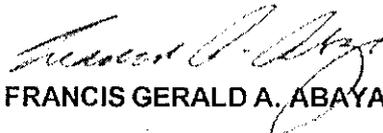

FRANKLIN M. DRILON

CONFEREES ON THE PART OF
THE HOUSE OF REPRESENTATIVES:


VICTOR A. YAP
Chairperson


WESLIE T. GATCHALIAN


MANUEL LUIS T. LOPEZ


FRANCIS GERALD A. ABAYA


JOSEPH STEPHEN "CARAPS" S. PADUANO



AN ACT ERADICATING MOBILE PHONE, INTERNET OR ^{22 FEB 2 2018} 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

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) Card 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 order,
8 and even threatens the security of nations.

9 Towards this end, the State shall require the registration of SIM cards for
10 electronic devices and social media accounts by all users.

11 Thus, there is a need to promote accountability in the use of Subscriber Identity
12 Module (SIM) card and social media, and provide law enforcement agencies the tools to
13 resolve crimes which involve its utilization and the platform to deter the commission of
14 wrongdoings.

15 SEC. 3. *Definition of Terms.* – As used in this Act:

16 a) *End user* refers to any individual or subscriber, natural or juridical, who
17 directly purchases a SIM card from a direct seller;

18 b) *Public Telecommunications Entity or PTE* refers to any person, firm,
19 partnership or corporation, government or private, engaged in the provision of
20 telecommunications services to the public for compensation, as defined under Republic
21 Act No. 7925 or the Public Telecommunications Policy Act of the Philippines;

22 c) *SIM (Subscriber Identity Module or Subscriber Identification Module)*
23 *Card* refers to an integrated circuit chip that is intended to securely store the
24 international mobile subscriber identity or IMSI number and its related key or an

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1 electronic equivalent thereof, which are used to identify and authenticate subscribers on
2 mobile telephone devices;

3 d) *Spoofing* refers to the act of transmitting misleading or inaccurate
4 information about the source of the phone call or text message, with the intent to
5 defraud, cause harm, or wrongfully obtain anything of value; and

6 e) *Third-party reseller* refers to agents, dealers, or anyone who sells SIM
7 cards other than the PTEs themselves.

8 **SEC. 4. SIM Card and Social Media Accounts Registration.** – In order to deter the
9 proliferation of SIM card, internet or electronic communication-aided crimes, such as,
10 but not limited to: terrorism; text scams; unsolicited, indecent or obscene messages;
11 bank fraud; libel; anonymous online defamation; trolling; hate speech, spread of digital
12 disinformation or fake news as defined under pertinent laws, all PTEs shall require the
13 registration of SIM cards as pre-requisite to the sale and activation thereof, in
14 accordance with the guidelines set forth under this Act. Similarly, all social media
15 account providers shall require real-name and phone number upon creation of account.

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

21 Failure to register within the prescribed period shall authorize the PTEs to
22 automatically deactivate or retire the SIM card number and registration.

23 **SEC. 5. Sale and Registration Guidelines.** – The National Telecommunications
24 Commission (NTC), in close consultation with the PTEs, social media providers, the
25 concerned agencies of government including, but not limited to, the Department of
26 Trade and Industry (DTI), DICT, National Privacy Commission (NPC) and in
27 consultation with major consumer groups, shall formulate the necessary guidelines in
28 the proper implementation of the real-name registration program through a SIM card
29 registration process based on the following parameters:

30 a. Submission of duly accomplished control-numbered owner's registration form
31 with full name, date of birth, and address. The registration form shall include an
32 attestation by the SIM card buyer that the person personally appearing before
33 the direct seller and the identification documents presented are true and correct,
34 and that said person is the one who has accomplished and signed the registration
35 form;

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- 1 b. Presentation of valid government-issued identification cards or other similar
- 2 forms of documents that will verify the identity of the SIM card buyer, or a valid
- 3 passport in the case of aliens;
- 4 c. A buyer who fails to comply with the requirements for registration shall be
- 5 refused the sale of a SIM card by the seller;
- 6 d. The sale of a SIM card to a minor shall not be prohibited; *Provided*, That said
- 7 minor is accompanied by a parent or legal guardian at the time of its purchase
- 8 and registration;
- 9 e. The sale of SIM cards to foreign nationals shall be allowed, *Provided*, That:
 - 10 i. Those visiting as tourists for not more than thirty (30) days shall register
 - 11 their full name, passport number, and address in the SIM card
 - 12 registration form and present their passport and proof of address in the
 - 13 Philippines; and
 - 14 ii. Those staying for more than thirty (30) days either as workers or students
 - 15 shall register their full name, passport number, and address in the SIM
 - 16 card registration form and present their passport, proof of address in the
 - 17 Philippines, Alien Certificate of Registration Identification Card or ACRI-
 - 18 Card issued by the Bureau of Immigration (BI), and Alien Employment
 - 19 Permit issued by the Department of Labor and Employment (DOLE) or
 - 20 school registration and ID, whichever is applicable.

21 **SEC. 6. SIM Card Register.** – The registration form required under this Act shall
 22 be accomplished electronically and shall be forwarded and kept by the concerned PTE to
 23 a centralized database. The database shall strictly serve as a SIM card register to be
 24 used by PTEs to process, activate or deactivate subscription and shall not be used for
 25 any other purpose. The successful submission of the required registration form shall
 26 serve as the certification of legitimate purchase by the SIM card buyer and the duly-
 27 appointed agents of the PTE or third-party reseller, as the case may be.

28 The registration required under this Act shall be implemented at no cost to the
 29 end users or the third-party resellers.

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

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

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1 In case of loss or any change in the information after the registration of the SIM
2 card, the subscriber must update said registration in the database through the PTE's
3 facility within seventy two (72) hours from such loss or change.

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

6 SEC. 7. *Submission of Verified List of Third-Party Resellers.* - The PTEs shall
7 submit to the NTC, within thirty (30) days from the date of effectivity of this Act, a
8 verified list of all their current authorized third-party resellers. Thereafter, the PTEs
9 shall submit to the NTC, every quarter of each year, an updated list of the same.

10 SEC. 8. *Liabilities of Third-Party Resellers.* - Any third-party reseller that will
11 engage in the sale of fraudulently-registered or stolen SIM cards shall be held criminally
12 liable under this Act.

13 SEC. 9. *Confidentiality Clause.* - Any information obtained in the registration
14 process described under this Act cannot be disclosed to any person.

15 Notwithstanding this provision, disclosure shall be made:

- 16 i. In compliance with any law obligating the PTE or social media provider to
17 disclose such information in accordance with the provisions of Republic
18 Act. No. 10173 or the Data Privacy Act of 2012;
- 19 ii. In compliance with a court order, legal process, or other government
20 regulatory, or enforceable administrative request for information;
- 21 iii. In compliance with Section 10 hereof; or
- 22 iv. With the written consent of the subscriber; *Provided,* That the waiver of
23 absolute confidentiality shall not be made as a condition for the approval
24 of subscription agreements with the mobile phone service providers.

25 SEC. 10. *Disclosure of Information.* - Notwithstanding the provisions on
26 confidentiality *supra*, the PTEs and social media providers, upon order of a competent
27 authority, duly authorized under existing laws to issue subpoena, shall be required to
28 provide information obtained in the registration process pursuant to an investigation of
29 a complainant's verified sworn complaint that a specific mobile number or social media
30 account was or is being used in the commission of a crime or that it was utilized as a
31 means to commit a malicious, fraudulent or unlawful act including libel, anonymous
32 online defamation, hate speech, trolling, or spread of digital disinformation, or fake
33 news; and that he or she is unable to ascertain the identity of the perpetrator.

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1 *Provided, however,* That no PTE or social media provider shall be held
2 administratively, civilly, or criminally liable on account of any disclosure done in
3 compliance with this Act.

4 For this purpose, the relevant data and information shall be kept by the PTEs or
5 social media providers for ten (10) years from the time the end-user deactivates the
6 mobile number or social media account.

7 **SEC. 11. Penalties.** – The following penalties shall be imposed for violation of any
8 provision of this Act:

9 a. *For failure to comply with the registration requirement.* – The NTC is hereby
10 authorized to impose a fine of Ten thousand pesos (P10,000.00) on any third-
11 party reseller who shall fail to comply with the registration requirement under
12 this Act.

13 If the offense is committed by a PTE, the following penalties shall be
14 imposed:

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

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

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

21 b. *For breach of confidentiality.* – A fine of Two hundred thousand pesos
22 (P200,000.00) shall be imposed upon the third-party reseller who shall directly
23 reveal or disclose any information of a subscriber obtained during the
24 registration requirement under this Act, unless otherwise permitted by this Act,
25 or other laws.

26 If the offense is committed by a PTE or a social media provider, the
27 following penalties shall be imposed:

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

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

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

34 The same penalty shall be imposed upon the PTE or social media provider
35 or any of its agents or employees or third-party resellers who, despite the written

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1 order issued by a competent court, or subpoena issued by competent authority
2 shall refuse the law enforcement agency or officer access to the information
3 specified in said written order.

4 c. *For using fictitious identities to register SIM cards or social media accounts.* -
5 The penalty of imprisonment of no less than six (6) years, or a fine of up to Two
6 hundred thousand pesos (P200,000.00), or both, shall be imposed upon anyone
7 who uses a fictitious identity to purchase and register a SIM cards or social
8 media account.

9 d. *For spoofing registered SIM cards.* - The penalty of imprisonment of no less than
10 six (6) years, or a fine of Two hundred thousand pesos (P200,000.00), or both,
11 shall be imposed upon anyone who causes to transmit misleading or inaccurate
12 information about the source of the phone call or text message, with the intent to
13 defraud, cause harm, or wrongfully obtain anything of value, unless such
14 transmission is exempted in connection with: (1) authorized activities of law
15 enforcement agencies; or (2) a court order specifically authorizing the use of
16 caller ID manipulation.

17 e. *Unauthorized sale of registered SIM cards.* - The penalty of imprisonment no less
18 than six (6) years, or a fine of two hundred thousand pesos (P200,000.00), or both,
19 shall be imposed upon third-party resellers or anyone who sells or offers for sale
20 a registered SIM card without being authorized to do so.

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

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

25 SEC. 12. *Implementing Rules and Regulations and Reportorial Requirement.* -
26 The NTC, in close coordination with the DICT, DTE, NPC and major consumer groups,
27 shall set the guidelines for the monitoring and proper implementation of this Act and
28 shall issue the necessary implementing rules and regulations within sixty (60) days
29 upon the effectivity of this Act.

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

32 SEC. 13. *Interpretation.* - Any doubt in the interpretation of any provision of this
33 Act and its implementing rules and regulations shall be construed in a manner that
34 accords the highest respect for privacy, and liberally interpreted in a manner mindful
35 of the rights and interests of SIM card subscribers and social media account owners.

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1 SEC. 14. *Transitory Provision.* – Upon the effectivity of this Act, all PTEs are
2 mandated to recall all prepaid SIM cards for sale to the public by those establishments
3 not authorized by it. Otherwise, they shall be liable for the penalties prescribed in this
4 Act.

5 PTEs, third-party resellers and social media providers affected by the
6 implementation of this Act shall be given a one (1) year transitory period from the
7 effectivity of the implementing rules and regulations to comply with its requirements.

8 SEC. 15. *Repealing Clause.* – All laws, decrees, executive orders, proclamations,
9 rules and regulations, and issuances, or parts thereof which are inconsistent with the
10 provisions of this Act are hereby repealed, amended or modified accordingly.

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

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

Approved,

Grace Poe

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