

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

10 JUL 12 09:12

SENATE

S.B. 1130

Introduced by Senator Manny Villar

EXPLANATORY NOTE

These two true stories are harrowing tales of people victimized by identity theft:

- A local administrator in Bulacan admitted that someone used her e-mail account to send messages to her family, friends and colleagues, saying that she badly needed money because she was stranded in West Africa. Her friends received on June 27, 2007, an email with the subject "Please, I need your help."

The e-mail said the administrator said she was attending a conference in West Africa when she lost her wallet, ATM card, passport and other valuables. The person who was using the identity and sensitive information of the administrator asked the latter's contacts to send the money through a money gram so she could pay for hotel accommodation.

The administrator said she learned about the hoax when she received several calls from her contacts in the Philippines and abroad asking about her whereabouts and to verify if she indeed needed financial help. Shocked, the administrator whose personality was clearly stolen, tried to open her e-mail account but she was permanently barred from accessing her ID number and password.¹

- A woman applied for a passport at the Department of Foreign Affairs (DFA) in Roxas Boulevard, Manila. However, her application was immediately denied because another person already owned the identity as per records of the DFA.

The unfortunate lady had to go to the National Bureau of Investigation to seek help. She will have to undergo the nitty-gritty of proving her personality and that she was victimized by identity theft.²

Identity theft has become a widespread phenomenon. It has become a common scam. The country's pension funds, the Social Security System and the Government Service Insurance System separately expressed alarm over the problem of identity theft in the country.

Credit card companies have likewise noted the substantial increase in cases involving wanton use of fake credit cards or misrepresented plastics.

¹ Philippine Daily Inquirer, "Bulacan Official Falls Victim to Identity Theft", July 8, 2007

² Philippine News, www.philippinewnews.com, August 1, 2007

This bill attempts to address cases of identity theft. It is submitted too in honour of the constitutional provision on the right to privacy and the country's commitment to the mandates of the United Nations Declaration on Human Rights stating that "no one shall be subjected to arbitrary interference with his privacy" and "everyone has the right to the protection of the law against such interferences or attacks."

Early recognition of this bill is honestly recommended.



MANNY VILLAR

FIFTEENTH CONGRESS OF THE)
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10 JUL 12 AS:42

SENATE

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**AN ACT
DEFINING THE CRIME OF IDENTITY THEFT, PROVIDING PENALTIES
THEREFOR AND FOR OTHER PURPOSES**

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

SECTION 1. Identity theft is hereby defined as a crime. The crime is committed when an individual with fraud, malice, ill will, intent to malign or with perversion, uses another's relevant and sensitive personal information to take on that person's identity.

The crime of identity theft covers:

- a. the misuse of one's personal identification cards including passports, social security, documents relating to tax matters and employment, credit cards and other dossiers that distinguishes a person from another;
- b. mail fraud;
- c. stolen personalities in the internet, chatrooms, text messaging system and other advanced technology gadgets or in the mechanisms or modes of information highway; and
- d. all other forms that tend to establish new identity to defraud the government or further a crime defined in existing laws.

SEC. 2. Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than six (6) years nor more than twenty (20) years, or a fine of not more than Five Hundred Thousand Pesos (Php 500,000.00) nor more than Five Million Pesos (Php 5,000,000.00) or both such fine and imprisonment at the discretion of the court.

SEC. 3. The National Statistics Office, as repository of personal records, in coordination with the Department of Justice and other relevant offices shall establish a framework of nationwide process to assist victims of identity theft, to facilitate the victim's correction of false records and assist law enforcement in obtaining evidence to apprehend the identity thieves.

SEC. 4. Implementing Rules and Regulations. Within ninety (90) days after the approval of this Act, the Department of Justice shall promulgate the rules and regulations to supplement the enforcement of this Act.

SEC. 5. If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions shall not be affected by such declaration.

SEC. 6. All laws, decrees, rules and regulations, other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,