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SENATE  
Senate Bill No. 1140

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INTRODUCED BY SEN. MANNY VILLAR

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### EXPLANATORY NOTE

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. 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. The countless victims of cellphone theft signal the need to come up with legal and regulatory measures to effectively address this problem.

The National Telecommunications Commission presented the following statistics:

*Reported Lost and Stolen Cell phones (nationwide)*

*Year 2002 – 25,492;*

*Year 2003 – 16,954;*

*January to September 23, 2004 – 9,247*

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

However, the figures do not include unreported ones. Further, the statistics refer does not account yet for the prepaid subscribers. The number of stolen cell phones with prepaid subscription is crucial because about 90% of cell phone users are prepaid subscribers according to the telephone companies.

This measure aims to protect the citizens from cellular phone theft by imposing heavier penalties, hence, the approval of this bill is earnestly requested.

  
MANNY VILLAR

FIFTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session

SENATE  
OFFICE OF THE SECRETARY

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**AN ACT PUNISHING CELLPHONE THEFT**

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

**SECTION 1.** Who are guilty of cellphone theft.- Any person, who with intent to gain with or without violence against or intimidation of persons nor force upon things, shall take cellphone belonging to another without the latter's consent.

**SECTION 2.** Penalty.-Any person guilty of cellphone theft shall suffer the penalty of eight (8) years to twenty (20) years imprisonment and a fine of not less than P20,000.00.

**SECTION 3.** Where Death Results from Cellphone Theft.- The penalty of life imprisonment and a fine of not less than P50,000.00 shall be imposed if the crime of homicide or murder shall have been committed by reason of or on occasion of the cellphone theft.

**SECTION 4.** Separability Clause. If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SECTION 5.** Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule and regulation

contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

**SECTION 6.** Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in at least two newspaper of general circulation.

Approved,