

SEVENTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES Second Regular Session

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SENATE Senate Bill No. _1738

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Prepared and submitted jointly by the Committees on Justice and Human Rights; Finance and Public Information and Mass Media, as recommended by the Subcommittee on National Identification System Act with Senators Drilon, Ejercito, Legarda, Villar, Lacson, Recto, Villanueva, Trillanes IV, Aquino IV, Zubiri, Gordon, Pacquiao, Angara, and Gatchalian

AN ACT ESTABLISHING THE PHILIPPINE IDENTIFICATION SYSTEM

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

Sec. 1. *Short Title.* – This Act shall be known as the "Philippine Identification System Act of 2018".

Sec. 2. *Declaration of Policies.* — It is hereby declared the policy of the State to establish a single national identification system referred to as the "Philippine Identification System" or the "PhilSys" for all citizens and resident aliens of the Republic of the Philippines to promote seamless delivery of service, to improve the efficiency, transparency, and targeted delivery of public and social services, to enhance administrative governance, to reduce corruption and curtail bureaucratic red tape, to avert fraudulent transactions and misrepresentations, to strengthen financial inclusion, and to promote ease of doing business. Towards this end, a resilient digital system shall be deployed to secure the data collected and ensure that the people's right to privacy, confidentiality and other basic rights are at all times upheld and protected.

It is also the declared policy of the State to recognize the indispensable role of the private sector as the main engine of national growth and development, and to provide the most appropriate incentives to mobilize private resources for the purpose of promoting the use and ensuring maximum efficiency of the PhilSys as envisioned in this

Act.

Sec. 3. *Objectives.* – The PhilSys, a foundational identification system, shall primarily be established to provide a valid proof of identity for all citizens and resident aliens as a means of simplifying public and private transactions. The PhilSys aims to eliminate the need to present other forms of identification when transacting with the government and the private sector, subject to appropriate authentication measures based on a biometric identification system.

Furthermore, the PhilSys shall be a social and economic platform through which all transactions including public and private services can be availed of and shall serve as the link in the promotion of seamless service delivery, enhancing administrative governance, reducing corruption, strengthening financial inclusion, and promoting ease of doing business.

Sec. 4. *Scope and Application.* – This Act shall apply to all persons or entities, natural or juridical, in all transactions where the PhilSys Number, Philippine ID (PhilID), or biometric information is required, presented, or used, whether legally or illegally, within or outside the Republic of the Philippines.

Sec. 5. Definition of Terms. – As used in this Act:

- (a) Authentication refers to the process of verifying, whether online or offline,
 the identity of an individual against the registry information in the PhilSys or PhilID;
 - (b) *Biometric exceptions* refer to instances whereby a citizen or resident alien is not able to give complete set of biometrics as required by PhilSys but is nevertheless admitted into the PhilSys;
- (c) Biometric information refers to facial image, fingerprint, iris scan and/or such other identifiable features of an individual;

(d)	Cardholder refers to a citizen or resident alien who has been registered
	under the PhilSys and who has been issued and thus, in possession of the
	Philippine ID Card;

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- (e) Citizen refers to a Filipino citizen, as defined in the Constitution, including those with dual or multiple citizenships, in accordance with Republic Act No. 9225, otherwise known as the Citizenship Retention and Reacquisition Act of 2003;
- (f) Foundational ID System is one that has been created for general public administration and identification which may serve as the basis for a wide variety of public and private transactions, services, and derivative identity credentials;
- (g) Mobile Registration refers to transportable registration centers;
- (h) Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual as defined in Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012;
- (i) Philippine Embassy or Philippine Foreign Service post refers to a diplomatic mission or consular office of the Republic of the Philippines in a foreign country, including the economic and cultural office of the Philippines, or the like, in a foreign territory.
- (j) Record history refers to an entry in the PhilSys consisting of the information regarding a registered person in connection with his or her entries in the system and his or her PhilID, as follows:
 - Date of filing of the application for registration and the particulars thereof;

1		(2) Date of filing of every application for modification and the
2		particulars thereof;
3		(3) Modification of entry made, the date such modification was made,
4		and the document/s or other proof submitted in support thereof;
5		(4) Reason for the omission of any entry;
6		(5) Dates of issuance, reissuance, and cancellation of the PhilID, and
7		including the reasons therefor;
8		(6) Details of authentication requests processed by the Philippine
9		Statistics Authority (PSA), including the date the request was made
10		and processed, the requesting entity, and the response provided by
11		PhilSys;
12		(7) Disclosure, conveyance, dissemination, publication and use of
13		information by third parties; and,
14		(8). Other relevant information regarding the registration, modification,
15		and authentication of personal information of a citizen or resident
16		alien under this Act;
17	(k)	Registered information refers to any personal information regarding a
18		citizen or resident alien recorded in the PhilSys, including biometric
19		information and information about a citizen or resident alien required
20		under this Act to be recorded under the PhilSys.
21	(1)	Registered person refers to a person who has been registered under the
22		PhilSys.
23	(m)	Registration refers to the process of entering demographic and biometric
24		information of citizens or resident aliens in the Philippines to the system.
25	(n)	Registration centers refer to necessary facilities to capture both
26		demographic and biometrics information required for Philsys as
27		enumerated in Section 9 of this Act;

(o) Resident alien refers to an individual who is not a citizen of the Philippines but has established residence in the Philippines for an aggregate period of more than 180 days.

- **Sec. 6.** *The Philippine Identification System (PhilSys).* The PhilSys is the government's central identification platform for all citizens and resident aliens of the Philippines. An individual's record in the PhilSys shall be considered as an official and sufficient proof of identity.
- **Sec. 7.** *Philippine Identification System Components.* The Philippine Identification System shall have the following key components:
 - a. PhilSys Number (PSN). The PSN is a randomly generated, unique, and permanent identification number that will be assigned to every citizen or resident alien upon birth or registration by the PSA. All government agencies, including government-owned or controlled corporations (GOCCs) shall incorporate in their identification systems and databases the PSN of covered individuals which shall be the standard number for the individual across all agencies of the government; The PSN, in print, electronic or any other form, subject to authentication, shall be accepted as sufficient proof of identity.
 - b. The PhilSys Registry. The PSA, as repository and custodian of all data, shall create and maintain a PhilSys Registry that will contain the PSN, registered records, and information of all persons registered in the PhilSys. The information in the PhilSys Registry shall be classified in a manner that allows safeguards for data privacy and security, access controls, and change management.
 - c. The PhilID. A non-transferable card shall preferably be issued to all citizens or resident aliens registered under the PhilSys subject to the guidelines to be issued by the PSA.
 - 1. Features. The PhilID Card shall be the physical medium issued to convey essential information about the person's identity containing on its face the

PSN, full name, facial image, date of birth, address and some fingerprint
information of the individual in whose favor it was issued. All information
appearing in the PhilID should match with the registered information in
the PhilSys. The PhilID shall contain security features as safeguards for
data privacy and security, and prevention against the proliferation of
fraudulent or falsified identification cards. The PSA in consideration of
advances in technology, utility, security and confidentiality may, subject to
appropriate guidelines that shall be issued on the matter, provide citizens
or resident aliens with mobile PhilID;

- 2. Purpose. The PhilID shall serve as the official government-issued identification document of cardholders in dealing with all national government agencies, local government units (LGUs), government-owned or controlled corporations (GOCCs), government financial institutions (GFIs), and all private sector entities;
- 3. Fees. The initial application and issuance as well as the renewal of the PhilID for citizens shall be free of charge. A standard fee shall be collected by the issuing agency from resident aliens and on the reissuance of a replacement card: Provided, That the PSA may identify instances wherein a replacement card may be issued free of charge.
- **Sec. 8.** *PhilSys Registry Data.* –Information to be collected and stored under the PhilSys shall be limited to the following:
 - i. Demographic Data
- 23 1. Full Name;
- 24 2. Sex;

- 25 3. Date of Birth;
- 4. Place of Birth;

I	5. Address;
2	6. Filipino or Resident Alien;
3	7. Mobile Number (optional); and
4	8. E-mail address (optional)
5	ii. Biometrics Information
6	1. Facial image;
7	2. Full set of fingerprints;
8	3. Iris scan; and
9	4. If necessary, other identifiable features of an individual as may be
10	determined in the Implementing Rules and Regulations
11	In case of visual or physical impairment that renders the capturing of the
12	biometric information of the person applying for registration impossible, biometric
13	exceptions shall be employed and allowed by the PSA. The PSA shall issue guidelines
14	for the appropriate age for capturing the biometrics information of minors.
15	Sec. 9. Registration. — One (1) year after the effectivity of this Act, every
16	citizen or resident alien shall register personally with the following registration centers
17	that have the necessary facilities to capture the information required to be contained in
18	the Registry:
19	1) PSA Regional and Provincial Offices;
20	2) Local Civil Registry Offices (LCROs);
21	3) Government Service Insurance System (GSIS);
22	4) Social Security System (SSS);
23	5) Philippine Health Insurance Corporation (PhilHealth);
24	Home Development Mutual Fund (HDMF);

- 7) Commission on Elections (COMELEC);
- 2 8) Philippine Postal Corporation (PhIPost); and
- 9) Other government agencies and government-owned and controlled corporations (GOCCs) as may be assigned by the PSA.
- In the case of Filipino citizens residing abroad, the registration shall be made in the nearest Philippine Embassy or Philippine Foreign Service post, or other registration centers that may be designated by the DFA in coordination with the PSA.
- 8 Special arrangements shall be made for the registration of the following:
- 9 1) Minors;

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- 10 2) Senior Citizens;
- Persons with disability;
- 12 4) Indigenous Persons; and,
- 13 5) Persons in Institutional Households.
 - The PSA shall also initiate mobile registrations to cater to citizens and resident aliens in remote areas.
 - Registration in the PhilSys is deemed successful and complete upon the issuance of the PSN and confirmation of registration by the PSA.
 - Sec. 10. Basic Documentary Requirements. The registration centers shall require the presentation of the applicant's birth certificate as a basic documentary requirement for identification of citizens seeking to register with the PhilSys: Provided, That for resident aliens, proof of his/her residence in the Philippines shall be required: Provided, further, That in order to ensure easier verification, citizens and resident aliens may be allowed to submit an alternative or additional document/s to prove his/her identity. Notwithstanding the foregoing, appropriate guidelines shall be issued to ensure that the registration is not prohibitive and restrictive as to unduly defeat the purpose of this Act.

Sec. 11. *Change of Entries.* - In case of change in any of the entries in the information collected and stored under the PhilSys, citizens or resident aliens shall update their registration information in the manner to be specified by the PSA: Provided, That every ten (10) years after registration, citizens and when applicable, resident aliens, shall renew his/her registration to ensure continued accuracy of the registrant information.

Sec. 12. *Authentication.* — For purposes of establishing proof of identity for transacting business with any government agency, the presentation of the PhilID or PSN shall constitute sufficient proof thereof, subject to proper authentication. Private entities are likewise mandated to accept the PhilID or PSN as valid proof of identity under the same terms and conditions as above: Provided, That when authentication cannot be performed, without any fault on the part the cardholder or holder of a PSN, the PSA shall ensure that he/she will not be disadvantaged or prejudiced thereby.

The PSA shall perform authentication of the PSN of an individual submitted by any requesting entity, in relation to his biometric information or demographic information, subject to such conditions and upon payment of such fees and in such manner as may be specified by regulations. The PSA may charge reasonable fees for authentication services as it may deem necessary.

Any requesting entity shall obtain the consent of an individual before collecting his/her identity information for the purposes of authentication. It shall inform the individual submitting his/her identity information the following details, namely, (a) the nature of the information that may be shared upon authentication, and (b) the uses to which the information received during authentication may be put by the requesting entity. Provided, That the information requested shall only be used for the purpose for which it was requested.

1	Sec.	13. Use of the PhilID/PSN. —The PhilID shall be honored and accepted,
2	subject to a	uthentication, in all transactions requiring proof or verification of citizens or
3	residents' al	ien identity, such as, but not limited to:
4	(a)	Application for eligibility and access to social welfare and benefits granted
5		by the government;
6	(b)	Application for services and benefits offered by Government Service
7		Insurance System (GSIS), Social Security Service (SSS), PhilHealth, Home
8		Development Mutual Fund (HDMF), and other government agencies;
9	(c)	Applications for passports and driver's license;
10	(d)	Tax-related transactions;
11	(e)	Registration and voting identification purposes;
12	(f)	Admission to any government hospital, health center or similar institution;
13	(g)	All other government transactions;
14	(h)	Application for admission in schools, colleges, learning institutions and
15		universities, whether public or private;
16	(i)	Application and transaction for employment purposes;
17	(j)	Opening of bank accounts and other transactions with banks and other
18		financial institutions;
19	(k)	Such other transactions, uses or purposes, as may be defined in the
20		implementing rules and regulations.
21	The F	PSN and biometrics of an individual, as authenticated through the PhilSys,
22	shall be hon	ored and accepted, notwithstanding the absence or non-presentation of a
23	PhilID.	
24	Sec.	14. <i>Limitations.</i> – Proof of identity shall not necessarily be construed as
25	proof of elig	pibility to avail of certain benefits and services which shall be determined
26	based on a	pplicable rules and regulations of the government authorities/agencies

concerned. Issuance of the PSN and/or PhilID shall not likewise be construed as incontrovertible proof of citizenship.

Sec. 15. *Philippine Statistics Authority.* — The PSA shall be the primary implementing agency to carry out the provisions of this Act. Overall planning, management, and administration of the PhilSys shall be the responsibility of the PSA. It shall issue rules in the implementation and enhancement of the PhilSys, including, but not limited to, registration, authentication and data governance. It shall ensure the integrity and security of the same, in accordance with the provisions of this Act, including all other applicable laws and policies. The PSA shall issue guidelines and undertake measures to ensure secure, reliable and efficient authentication of PhilSys record upon the request of authorized government and private entities. Pursuant thereto, the State shall provide for the installation of state-of-the-art biometric machines in all relevant agencies for authentication of data and identity holders.

The PSA shall collaborate with local government units (LGUs), other government agencies, and GOCCs in order to ensure the registration and enrolment of all citizens and resident aliens into the PhilSys including the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) and those located in remote localities.

The PhilSys shall be managed, maintained, and administered by the PSA with the technical assistance of the Department of Information and Communications Technology (DICT). Nothing in this Act prevents the PSA from adopting new but more effective technology, including for registration, authentication and data security, taking into consideration the declared principles and objectives of this Act.

For the above-mentioned purposes, there shall be established within the PSA and directly under the Office of the National Statistician, a separate office to be headed by a Deputy National Statistician, which shall perform the functions provided for under this Act.

1	Sec.	16. Creation of the Philays Policy and Coordination Council
2	(PSPCC).	The PhilSys Policy and Coordination Council (PSPCC) is organized to
3	formulate p	olicies and guidelines to ensure effective coordination and implementation of
4	the PhilSys.	The PSPCC shall be composed of the following:
5	1.	Secretary, National Economic and Development Authority (NEDA)
6		Chairperson
7	2.	National Statistician and Civil Registrar General, Philippine Statistics
8		Authority (PSA) Co-Chairperson
9	3.	Undersecretary, Department of Budget and Management (DBM)
10		Vice-Chairperson
11	Member	s:
12	4.	Undersecretary, Department of Foreign Affairs (DFA)
13	5.	Undersecretary, Department Information and Communications Technology
14		(DICT)
15	6.	Undersecretary, Department of Finance (DOF)
16	7.	Undersecretary, Department of Social Welfare and Development (DSWD)
17	8.	Undersecretary, Department of Interior and Local Government (DILG)
18	9.	Chairman, National Privacy Commission (NPC)
19	10.	Deputy Governor, Bangko Sentral ng Pilipinas (BSP)
20	11.	President and General Manager, Government Service Insurance System
21		(GSIS)
22	12.	President and Chief Executive Officer, Philippine Health Insurance
23		Corporation (PHIC)
24	13.	President and Chief Executive Officer, Social Security System (SSS)
25	14.	Postmaster General, PhilPost

The	PSPC	CC	shall	ensi	ure	the	con	npatibility	of	the	resp	ective	techno	logy
infrastr	ucture	of	diffe	rent	gov	/ernm	ent	agencies	in	order	to	comply	/ with	the
requirements of PhilSys.														

- Sec. 17. Protection Against Unlawful Disclosure of Information/Records. No person may disclose, collect, record, convey, disseminate, publish, or use any information of registered persons with the PhilSys, give access thereto or give copies thereof to third parties or entities, including law enforcement agencies, national security agencies, or units of the Armed Forces of the Philippines (AFP), except in the following circumstances:
 - (a) When the registered person has given his or her consent, specific to the purpose prior to the processing;
 - (b) When the compelling interest of public health or safety so requires, relevant information may be disclosed provided that the risk of significant harm to the public is established and the owner of the information is notified within seventy two (72) hours of the fact of such disclosure; and,
 - (c) Upon the order of any competent court.

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Information disclosed shall not be used except for the specific purpose for which it was authorized and shall not be divulged by any person to any third party other than the person so authorized.

PSA must ensure that information in the PhilSys is used only in accordance with its intended purpose as set forth in this Act.

Any information obtained as a result of unlawful disclosure under this Act shall be inadmissible in any judicial, quasi-judicial or administrative proceedings.

Registered persons may request the PSA to provide access to his or her registered information and record history subject to the guidelines and regulations to be issued by the PSA.

Sec. 18. Safeguards on the Philippine Identification System (PhilSys). — The PSA with the technical assistance of the DICT shall implement reasonable and appropriate organizational, technical, and physical security measures to ensure that the information gathered for the PhilSys, including information stored in the PhilSys Registry, is protected from unauthorized access, use, disclosure, and against accidental or intentional loss, destruction, or damage. Moreover, PSA shall ensure that individuals are adequately informed upon registration for PhilSys on how their data will be used and how they can access their registered information and record history.

While upholding the confidentiality provisions under RA No. 10625, otherwise known as the Philippine Statistical Act of 2013, all data collated by the Authority under the PhilSys may be used to generate aggregate data or statistical summaries without reference to or identification of any specific individual. Provided, that nothing in this Act shall be construed as prohibiting or limiting the sharing or transfer of any personal data that is already authorized or required by law.

Sec. 19. *Penal Provision*. Any person or entity who, without just and sufficient cause, shall refuse to accept, acknowledge and/or recognize the PhilID or PSN, subject to authentication, as the only official identification of the holder/possessor thereof shall be fined in the amount of Five Hundred Thousand Pesos (P500,000.00).

Any person who utilizes the PhilID or PSN in an unlawful manner or use the same to commit any fraudulent act or for other unlawful purpose/s shall be punished with imprisonment of not less than six (6) months but not more than two (2) years or a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00), or both, at the discretion of the court.

The penalty of three (3) years to six (6) years imprisonment and a fine of One Million Pesos (P1,000,000.00) to Three Million Pesos (P3,000,000.00) shall be imposed upon any offender found guilty of any of the following acts or omissions:

- a) The willful submission of or causing to be submitted a fictitious name or false information in the application, renewal, or updating in the PhilSys by any person;
 - b) The unauthorized printing, preparation, or issuance of a PhilID by any person;

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- c) Willful falsification, mutilation, alteration, or tampering of the PhilID by any person;
 - d) The use or of the PhilID/PSN or unauthorized possession of a PhilID, without any reasonable excuse by any person other than the one to whom it was issued or the possession of a fake, falsified, or altered PhilID; or
 - e) The willful transfer of the PhilID or the PSN to any other person.

The penalty of six (6) years to ten (10) years imprisonment and a fine of Three Million Pesos (P3,000,000.00) to Five Million Pesos (P5,000,000.00) shall be imposed upon any offender found guilty of any of the following acts or omissions:

- a) Any person who shall collect or use personal data in violation of Section 12 of this Act;
- b) Any person who shall willfully use or disclose data or information in violation of Section 17 of this Act; or
- c) Any person, not covered by the succeeding paragraphs, who shall access the PhilSys or process data or information contained therein without any authority.

If financial profit resulted from accessing, disclosing, or using the data or information, the guilty person shall, in addition, pay twice the amount gained from such act.

Malicious disclosure of data or information by officials, employees or agents who have the custody or responsibility of maintaining the PhilSys shall be penalized with ten (10) years to fifteen (15) years imprisonment and a fine of Five Million Pesos

(P5,000,000.00) to Ten Million Pesos (P10,000,000.00). If financial profit resulted from such disclosure or processing of the data or information, the guilty person shall, in addition, pay twice the amount gained from such act.

Officials, employees or agents who have the custody or responsibility of managing or maintaining the PhilSys shall be penalized with three (3) years to six (6) years imprisonment and a fine of One Million Pesos (1,000,000.00) to Three Million Pesos (P3,000,000.00) if by their own negligence, the PhilSys is accessed by unauthorized persons, or the data or information contained therein is processed without any authority from this Act or any existing law.

In all instances, if the violation was committed by a government official or employee, the penalty shall include perpetual absolute disqualification from holding any public office or employment in the government, including any government-owned and controlled corporations (GOCCs), and their subsidiaries.

The penalties imposed in this section shall be in addition to those imposed on acts or omissions punishable by existing penal and other laws.

- **Sec. 20.** *Transitory Provisions.* The PSA shall carry out the implementation of the PhilSys in such manner that the operations of card-issuing government agencies shall not be impeded so as not to unduly delay delivery of public service: Provided, That the PSA shall gradually synchronize and consolidate all existing government-initiated identification systems into one integrated and interconnected identification system that will ensure an easier, faster, more reliable and more secure access to information and services.
- **Sec. 21.** *Funding.* The amount necessary to implement the provisions of this Act shall be included in the General Appropriations Act.
 - **Sec. 22.** *Information Campaign* Within three (3) months from the effectivity of this Act, the PSA together with the DFA and other government agencies,

- shall undertake an extensive information campaign to promote the PhilSys to all citizens and resident aliens.
- 3 Sec. 23. Implementing Rules and Regulations (IRR). – Within sixty (60) days upon approval of this Act, the PSA, in coordination with the members of PSPCC, 4 5 shall promulgate rules and regulations and exchange existing technologies and best practices on the issuance of the PhilID/PSN, authentication and data security to 6 7 effectively implement the provisions of this Act. 8 Sec. 24. Separability Clause. - If any provision, section, or part of this Act shall be 9 declared unconstitutional or invalid, such judgment shall not affect, invalidate, or impair
- Sec. 25. *Repealing Clause.* All laws, except RA No. 10173, decrees, orders, rules, and regulations, which are inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.
- Sec. 26. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

any other provisions, sections, or parts hereof.