

14 January 2020

REPRESENTATIVE VICTOR A. YAP

Chairperson

Committee on Information and Communications Technology

House of Representatives

Batasan Complex, Batasan Hills

Quezon City

Dear **Representative Yap**:

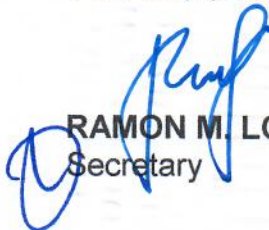
We are pleased to submit the Department's position on House Bill No. 4061, entitled:

An Act Mandating the Submission of Electronic Copies of Documents Filed With Private and Public Companies in Order to Limit and Curb the Excessive Use of Paper and For Other Purposes

This is without prejudice to the Department's submission of additional inputs.

With my best regards.

Very truly yours,



RAMON M. LOPEZ
Secretary

OFFICE OF THE SECRETARY

DTI Position on

House Bill No. 4061

An Act Mandating the Submission of Electronic Copies of Documents Filed With Private and Public Companies in Order to Limit and Curb the Excessive Use of Paper and For Other Purposes

The Department supports the objectives of the proposed legislation to limit the excessive use of paper in public and private transactions by mandating a "paperless" scheme throughout the country. It also supports Republic Act (RA) No. 11032 or the "Ease of Doing Business Act of 2018," which seeks the "adoption of simplified requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government."

The Department expresses its views on certain provisions of the bill, to wit:

Proposed Provision	DTI Position
Sec. 3. Efficient Use of Paper. – Every entity, whether public or private, must limit the excessive use of paper by not requiring from their clients the filing of multiple copies of paper documents in its transactions.	<ul style="list-style-type: none">• The Department poses no objection to the provision as it aims to promote awareness of the benefits of a paperless communication system, among others.
Sec. 4. Submission of Electronic Documents. – Any transaction which involves the filing or submission of a paper document must be accompanied by the submission of an electronic or scanned copy of such paper document.	<ul style="list-style-type: none">• It would be best to include in the provision the assumption that the submission is secure and in compliance with RA No. 10173 or the Data Privacy Act of 2012.
Sec. 5. Legal Recognition of Electronic Forms of Documents. – A document shall not be denied legal effect, validity or enforceability solely on the ground that it is an electronic document, Provided that, said electronic document shall maintain its integrity and reliability, and can be authenticated so as to be usable for subsequent reference.	<ul style="list-style-type: none">• This provision is consistent with the following laws/policies:<ul style="list-style-type: none">○ Chapter II, Section 7 of RA No. 8792 or the Electronic Commerce Act of 2000 and its Implementing Rules and Regulations (IRR), which recognizes electronic documents to have "legal effect, validity or enforceability as any other document or legal writing."○ Supreme Court Rules on Electronic Evidence, which are applied whenever an electronic document or electronic data message is offered or used in evidence for civil actions and proceedings, as well as quasi-judicial and administrative cases.

Further, the Department suggests that a careful and thorough study should be done on the mandatory usage of electronic documents. Should the bill be passed into law, clear guidelines on the submission and processing of such should be established in its Implementing Rules and Regulations (IRR).

Kangaptin Chay

Bureau of Trade and Industrial Policy Research

14 January 2020

Ref: BTIPR-102019-030

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