

ASSESSMENT TASK #2

Group: BigBoys3

A. History of its creation and implementation.

The Philippine government passed Republic Act No. 8792, often known as the "Electronic Commerce Act of 2000," to establish a legal framework for electronic transactions, encourage the expansion of electronic commerce, and guarantee the reliability and validity of electronic documents and signatures. The necessity to adapt to the digital age and make it easier for people to utilize electronic devices in different spheres of society served as the inspiration for the development and implementation of RA 8792.

The Philippines realized the need to pass laws that would handle the difficulties and opportunities posed by internet commerce in the late 1990s, and this is when RA 8792 first came into existence. The nation sought to keep up with international trends and establish favorable conditions for electronic transactions.

The E-trade Office was formed by the Department of Trade and Industry (DTI) in 1998 to research, formulate, and implement laws and regulations pertaining to Internet trade. To get feedback and suggestions for the proposed legislation, the E-Commerce Office held consultations with a range of stakeholders, including government organizations, businesses, and industry professionals.

The DTI created a draft law that served as the basis for RA 8792 based on the feedback collected. Before being submitted to the Philippine Congress for consideration, the draft bill underwent a number of amendments and consultations.

Republic Act No. 8792 was ratified by then-President Joseph Estrada on June 14. By giving electronic papers, signatures, and contracts legal status and security, the law aims to encourage the broad use of electronic commerce. By recognizing the legitimacy and enforceability of electronic transactions and documents, it created the legal basis for electronic commerce in the Philippines.

Electronic documents, electronic signatures, and other terms relating to them were specified by RA 8792. It recognized the admissibility of electronic documents as evidence in court proceedings and established the legal parity of electronic data transmissions with conventional paper-based documents. The law also stipulated the conditions for the validity and dependability of electronic signatures, including digital signatures.

The Department of Trade and Industry (DTI) and other government organizations were entrusted with developing the required rules and regulations in order to implement RA 8792 successfully. The implementing rules and regulations (IRR) were created by the DTI and the Information Technology and Electronic Commerce Council (ITECC) to direct the execution and enforcement of the law.

The requirements of RA 8792 are further explained and detailed in the IRR, which was published on February 12, 2001. The IRR provided guidance on how to conduct electronic transactions, how to recognize electronic documents and signatures, and what each entity's responsibilities were when engaging in electronic commerce.

Since its passage, RA 8792 has been instrumental in advancing electronic commerce and making it easier for Filipinos to conduct business online. It has helped e-commerce platforms, internet banking, and digital transactions in a variety of societal areas to expand

To address new challenges and conform with global standards and best practices, RA 8792 has undergone changes and amendments over time. With these changes, the legal foundation for Internet commerce will be significantly improved, ensuring its usefulness in the modern world.

In conclusion, the Philippine government's realization of the necessity to encourage electronic commerce and adapt to the digital era served as the impetus for the drafting and implementation of RA No. 8792. The statute was the outcome of protracted discussions and cooperation between government organizations, businesses, and industry specialists. Its goal was to give electronic transactions, papers, and signatures legal legitimacy, security, and recognition. The creation of implementing rules and regulations to direct the law's application and enforcement was a necessary part of the law's implementation. Since it was passed, RA 8792 has been essential in advancing electronic trade and fostering a supportive climate in the Philippines for electronic transactions.

REFERENCES: Wikipedia.com

B. What is an electronic document?

An electronic document is any piece of information or representation of information, data, figures, symbols, or other written expression, described or however represented, by which a right is established, an obligation is extinguished, or by which a fact may be proved and affirmed, and which is received, recorded, transmitted, stored, processed, retrieved, or produced in accordance with Republic Act No. 8792, also known as the "Electronic Commerce Act of 2000" in the Philippines.

This concept covers a broad variety of digital content that can be produced, transferred, or stored digitally. As long as the information is in an electronic format, this can contain text, photos, audio, video, or a combination of these. This definition is important because it acknowledges the transition away from traditional paper-based documentation and toward electronic methods in the era of the internet.

Any information or data that is created, communicated, saved, or processed electronically is considered to be an electronic document. Emails, word processing papers, spreadsheets, PDF files, digital photos, audio files, video files, and more can all be included in it. An electronic document's content can range greatly, from straightforward text documents to intricate multimedia presentations.

Electronic papers are given legal recognition and are given the same legal standing as conventional paper-based documents under RA 8792. The expansion of electronic commerce, facilitation of electronic transactions, and assurance of security and legal certainty online depend on this understanding.

The capacity of electronic documents under RA 8792 to be used as evidence in court cases is one of its major features. In a court of law, electronic documents can be used to establish or demonstrate rights, obligations, or facts. It is crucial to remember that several conditions must be followed in order to guarantee the validity and reliability of electronic documents used as evidence.

RA 8792 contains requirements for the use of electronic signatures in order to confirm the legitimacy and integrity of electronic documents. Any distinguishing symbol, feature, or sound in electronic form that is attached to or logically associated with an electronic document that is completed or adopted with the goal of authenticating or endorsing the document is referred to as an electronic signature.

When confirming the sender or creator of an electronic document's identity, electronic signatures are essential. They offer a way to verify that the material is authentic and that the document has not been tampered with. Digital signatures, which employ encryption technology to offer a better level of security and assurance, are one of the many types of electronic signatures that are recognized by the law.

RA 8792 makes it possible for people, organizations, and governments to conduct electronic transactions with security and confidence thanks to the legal recognition of electronic documents and the requirements for electronic signatures. By doing away with the necessity for physical presence and paper-based documentation, it promotes efficiency, ease, and cost savings.

In conclusion, any type of information or data that is electronically received, recorded, communicated, stored, processed, retrieved, or produced falls under the definition of an electronic document under RA 8792. It has the same legal status as conventional paper-based

documents and contains a variety of digital content forms. Electronic papers are essential for facilitating electronic commerce, providing proof in court, and increasing transaction and documentation efficiency. By offering a safe and dependable method of verification, the use of electronic signatures further guarantees the authenticity and integrity of electronic documents.

REFERENCE: SUPREME COURT

C. What is an electronic signature?

An electronic signature is any distinctive mark, characteristic, or sound in electronic form that is attached to or logically associated with an electronic document and is executed or adopted with the intention of authenticating or approving the document. This definition is found in Republic Act No. 8792, also known as the "Electronic Commerce Act of 2000" in the Philippines.

The legal foundation for electronic commerce underwent substantial changes with the acceptance and definition of electronic signatures in RA 8792. The authenticity, integrity, and security of electronic transactions and documents are fundamentally dependent on electronic signatures. They offer a way to confirm the signer's identity and demonstrate their desire to validate or approve the electronic document.

Electronic signatures are now recognized legally and are regarded as having the same legal impact as handwritten signatures on paper documents under Republic Act (RA) 8792. The law recognizes that electronic signatures are a legitimate and trustworthy way to prove authorization, identification, and permission in the digital sphere.

Traditional electronic signatures and digital signatures are the two basic types of electronic signatures that are recognized by the law. The term "traditional electronic signature" refers to a variety of formats, such as typed names, scanned copies of handwritten signatures, and even special symbols or codes that are connected to the signer. As long as the dependability, permission, association, and integrity conditions are met, these conventional electronic signatures are accepted.

On the other hand, digital signatures are a particular kind of electronic signature that offers a higher level of security and integrity. To guarantee the integrity and authenticity of the electronic document, digital signatures use encryption technology. They entail the use of a digital certificate, which is issued by an accredited certification body and contains details on the

signer. A unique digital fingerprint that may be used to confirm the authenticity of the document is produced when an encryption method is applied to the electronic document to form the digital signature.

The introduction of electronic signatures in RA 8792 has made it possible for electronic commerce to become widely used in the Philippines. By removing the necessity for actual signatures on paper-based documents, it has given legal certainty and security for electronic transactions. Electronic signatures make it possible for people, companies, and governments to conduct secure and quick transactions online, increasing productivity, cutting costs, and providing convenience.

Various electronic commerce projects have been developed in the nation as a result of the acceptance of electronic signatures. Among the uses made feasible by electronic signatures are online banking, digital contracts, e-government services, and electronic payment systems.

In conclusion, RA 8792 defines an electronic signature as any distinguishing mark, feature, or sound that is attached to or associated with an electronic document and that is executed or adopted with the intent to authenticate or approve the document. Electronic signatures are accepted as valid and enforced whether they take the form of conventional electronic signatures or digital signatures.

REFERENCES: Wikipedia.com

D. The Impact of Electronic Signature on the Philippine Legal System.

The "Electronic Commerce Act of 2000," also known as Republic Act No. 8792, introduced electronic signatures into the Philippine legal system and significantly altered many facets of the legal environment. The incorporation of electronic signatures has improved the efficiency, accessibility, and security of electronic transactions and document verification, among other improvements to the Philippine legal system.

Electronic commerce is made easier because to electronic signatures, which is one of its main effects. Businesses and people can conduct secure and effective electronic transactions thanks to the legal acceptance of electronic signatures. As a result, e-commerce platforms, online banking, and other digital services have increased in popularity, allowing businesses to expand their markets and streamline their processes. Electronic signatures have made it unnecessary for parties to be physically present or use paper-based paperwork, saving both businesses and consumers time and resources.

Accessibility to legal services has also enhanced with the introduction of electronic signatures. It has made it simpler for people to take part in judicial proceedings and sign legal papers, especially those who live in remote places. Without the requirement for physical delivery or in-person meetings, participants can electronically sign contracts, agreements, and other legal papers. People now have more convenience and there are less obstacles to obtaining legal services thanks to accessibility.

The security and integrity of electronic transactions have also been improved by the use of electronic signatures. The integrity and tamper-proofness of the electronic document are maintained through the employment of encryption technology in digital signatures. It offers a high degree of certainty that the document hasn't been changed after being signed. The reliability of electronic transactions is increased thanks to this security feature, which also lowers the possibility of fraud or unauthorized changes.

The effectiveness of legal procedures has also increased with the use of electronic signatures. The time-consuming processes associated with traditional paper-based transactions sometimes include delivery in person, human signatures, and document storage. These procedures have been expedited thanks to electronic signatures, which enable instant document signing and transmission, cutting down on wait times, and speeding up the completion of transactions. Both individuals and organizations profit from the increased efficiency, which enables them to save time and resources.

Additionally, electronic signatures are good for the environment. The use of paper-based documentation and physical delivery has decreased, which has helped save natural resources and lower carbon footprint. The Philippine judicial system is helping sustainability and environmental protection by accepting electronic signatures.

The use of electronic signatures has brought about a number of advantages, but there are also issues that need to be resolved. In addition to preventing identity theft and cyber risks, current challenges include ensuring the security and authenticity of electronic signatures. To protect the confidence and integrity of electronic transactions, ongoing advances in cybersecurity and digital authentication technologies are essential.

In conclusion, the Philippine judicial system has undergone a radical change as a result of the introduction of electronic signatures by RA No. 8792. It has transformed how legal business is done, promoting effectiveness, accessibility, and security. Electronic signatures have boosted efficiency, made legal services more accessible, improved transactional security, and promoted electronic commerce. To guarantee a strong and reliable environment for electronic commerce, the legal system must consistently adapt to the changing digital landscape and solve the issues posed by electronic signatures.

REFERENCE: SUPREME COURT