

**SOUTH EAST ASIAN INSTITUTE OF TECHNOLOGY, INC.**

National Highway, Crossing Rubber, Tupi, South Cotabato

**ETHICS FOR I.T. PROFESSIONALS**with Legal Aspects in Computing

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**LEARNING MANUAL**

**FOR**

**IT 223: ETHICS FOR I.T. PROFESSIONALS**

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**WEEK -15**

**COURSE OUTLINE**

**COURSE CODE**  : IT 223

**TITLE**  : ETHICS FOR I.T. PROFESSIONALS

**TARGET POPULATION** : All College of Information Communication Technology Students

**INSTRUCTOR** : MR. HERNIE B. DEDURO

**CODAL PROVISIONS OF IT-RELATED LAWS**

**REPUBLIC ACT NO. 4200   
AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND FOR OTHER PURPOSES**

**Section 1**. It shall be unlawful for any person, not being authorized by all the parties to any private communication or spoken word, to tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record such communication or spoken word by using a device commonly known as a ictaphone or dictagraph or detectaphone or walkie-talkie or tape recorder, or however otherwise described.

It shall also be unlawful for any person, be he a participant or not in the act or acts penalized in the next preceding sentence, to knowingly possess any tape record, wire record, disc record, or any other such record, or copies thereof, of any communication or spoken word of this act in the manner prohibited by this law, or to replay the same for any other person or persons or to communicate the contents thereof, either verbally or in writing, or to furnish transcriptions thereof, whether complete or partial, to any other person: Provided, that the use of such record or any copies thereof as evidence in any civil , criminal investigation or trial of offenses mentioned in Section 3 hereof, shall not be covered by described: this prohibition.

**Section 2.** Any person who willfully or knowingly does or who shall aid, permit, or cause to be done any of the acts declared to be unlawful in the preceding Section or who violates the provisions of the following Section or of any order issued thereunder, or aids, permits, or causes such violation shall, upon conviction thereof, be punished by imprisonment for not less than six months or more than six years and with the accessory penalty of perpetual absolute disqualification from public office if the offender be a public official at the time of the commission of the offense, and, if the offender is an alien he shall be subject to deportation proceedings.

**Section 3.** Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the Court, to execute any of the acts declared to be unlawful in the two preceding Sections in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping as defined by the Revised Penal Code, and violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security: Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce and a showing: (1) that there are reasonable grounds to believe that any of the crimes enumerated herein above has been committed or is being committed or is about to be committed: Provided, however, that in cases involving the offenses of rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion,

**Section 4.** Any communication or spoken word, or the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or any information therein this Act shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

**Section 5.** All laws inconsistent with the provisions of this Act are hereby repealed of accordingly amended.

**Section 6.** This Act shall take effect upon its approval.

Approved: June 19,1965

**REPUBLIC ACT NO. 8484   
AN ACT REGULATING THE ISSUANCE AND USE OF ACCESS DEVICES, PROHIBITING FRAUDULENT ACTS.COPORTTEP RELATIVE THERETO, PROVIDING PENALTIES AND FOR OTHER PURPOSES.**

**Section 1. Short Title.** - This Act shall be known as the "Access Devices Regulation Act of 1998."

**Section 2. Declaration of Policy.** - The State recognizes the recent advances in technology and the widespread use of access devices in commercial transactions. Toward this end, the State shall protect the rights and define the liabilities of parties in such commercial transactions by regulating the issuance and use of access devices.

**Section 3. Definition of Terms.** - For purposes of this Act, the terms:

**(a) Access Device** - means any card, plate, code, account number, electronic serial number, personal identification number, or other telecommunications service, equipment, or instrumental identifier, or other means of account access that can be used to obtain money, good, services, or any other thing of value or to initiate a transfer of funds (other than a transfer originated solely by paper instrument);

**(b) Counterfeit Access Device** - means any access device that is counterfeit, fictitious, altered, or forged, or an identifiable component of an access device or counterfeit access device;

**(c) Unauthorized Access Device** - means any access device that is stolen, lost, expired, revoked, canceled, suspended, or obtained with intent to defraud;

**(d) Access Device Fraudulently Applied for** - means any access device that was applied for or issued on account of the use of falsified document, false information, fictitious identities and addresses, or any form of false pretense or misrepresentation;

**(e) Consumer** - means a natural person;

**(f) Credit Card** – means any card, plate, coupon book, or other credit device existing for the purpose of obtaining money, goods, property, labor or services or anything of value on credit;

**(g) Device Making or Altering Equipment** - means any equipment, mechanism or impression designed or primarily used for making or altering or reencoding an access device or a counterfeit access device;

**(h) Finance Charges** - represent the amount to be paid by the debtor incident to the extension of credit such as interest or discounts, collection fees, credit investigation fees, and other service charges.

**(i) Open-End-Credit Plan –** means a consumer credit extended on an account pursuant to a plan under which.

**(k) Produce** - includes design, alter, authenticate, duplicate or assemble; and

**(l) Trafficking** - means transferring, or otherwise disposing of, to another, or obtaining control of, with intent to transfer or dispose of. Section 4. Credit Card Application and Solicitation. -- Any application to open a credit card account for any person under an open-end credit plan or a solicitation to open such an account, either by mail, telephone or other means, shall disclose in writing or orally, as the case may be, the following information:

**(a) Annual Percentage Rate**1) Each annual percentage rate of interest on the amount of credit obtained by the credit card holder under such credit plan. Where an extension of credit is subject to a variable rate, the fact that the rate is variable, and the annual percentage rate in effect at the time of the mailing.   
2) Where more than one rate applies, the range of balances to which each rate applies.

**(b) Annual and other Fees**   
1) Any annual fee, other periodic fee, or membership fee imposed for the issuance or availability of a credit card, including any account maintenance fee or any other charge imposed based on activity or inactivity for the account during the billing cycle.   
2) Any minimum finance charge imposed for each period during which any extension of credit which is subject to a finance charge is outstanding.   
3) Any transaction charge imposed in connection with use of the card to purchase goods or services. account.

**(c) Balance Calculation Method** - the name or a detailed explanation of the

**(d) Cash Advance Fee** - any fee imposed for an extension of credit in the form of cash.

**(e) Over-the-Limit-Fee** - any fee imposed in connection with an extension of credit in excess of the amount of credit authorized to be extended with respect to such amount: Provided, however, that in case the application or solicitation to open a credit card account for any person under an open-end consumer credit plan be made through catalogs, magazines, or other publications, the following additional information shall be disclosed.

**Section 5. Computations.** - In addition to the foregoing, a credit card issuer must, to the extent practicable, provide a detailed explanation and a clear illustration of the manner by which all charges and fees are computed.

**Section 6. Exceptions.** The disclosures required under Sec. 4 of this Act may be omitted in any telephone solicitation or application if the credit card issuer:

(a) does not impose any fee in connection with paragraph (b)(1), Sec. 4 of this Act;   
(b) does not impose any fee in connection with telephone solicitation unless the consumer signifies acceptance by using the card;

**Section 7. Disclosure Prior to Renewal.** – Except in telephone solicitations a card issuer that imposes any fee described in Sec. 4 shall transmit to a consumer's credit card account a clear and conspicuous disclosure.

**Section 8. Failure to Disclose.** - Credit card companies which shall fail to disclose the information required under Sec.s 4, 5 and 7 of this Act, after due notice and hearing, shall be subject to suspension or cancellation of their authority to issue credit cards by the Bangko Sentral ng Pilipinas, Securities and Exchange Commission and such other government agencies.

**Section 9. Prohibited Acts.** The following acts shall constitute access device fraud and are hereby declared to be unlawful.

**Section 10. Penalties.** - Any person committing any of the acts constituting access device fraud enumerated in the immediately preceding Sec. shall be punished with:

(a) a fine of Ten thousand pesos (P10,000.00) or twice the value obtained by the offense, whichever is greater and imprisonment for not less than six (6) years and not more than ten (10) years, in the case of an offense under Sec. 9 (b)-(e (g)-(p) which does not occur after a conviction for another offense under Section 9;

(b) a fine of Ten thousand pesos (P10,000.00) or twice the value obtained by the offense, and imprisonment for not less than ten (10) years and for not more than twelve (12) years, in the case of an offense under Sec. 9 (a), and (t) of the foregoing Sec., which does not occur after a conviction for another offense under Section 9; and   
(c) a fine of Ten thousand pesos (P10,000.00) or twice the value obtained by the offense, or imprisonment for not less than twelve (12) years and not more than twenty (20) years, or both, in the case of any offense under Sec. 9, which occurs after a conviction for another offense under said subsect., or an attempt to commit the same.

**Section 11. Conspiracy to Commit Access Device Fraud**. -- If two (2) or more persons conspire to commit any of the offenses listed in Sec. 9 and one or more of such persons does any act to affect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in the case of the doing of the act, the accomplishment of which is the object of such conspiracy.

**Section 12. Frustrated and Attempted Access Device Fraud.** - Any person who performs all the acts of execution which would produce any of the unlawful acts enumerated in Sec. 9 of this Act, but which nevertheless does not produce it by reason of causes independent of the will of said person, shall be punished with two-thirds (2/3) of the fine and imprisonment provided for the consummated offenses listed in said Sec. Any person who commences the commission of any of the unlawful acts enumerated in Sec. 9 of this Act directly by overt acts and does not perform all the acts of execution which would produce the said acts by reason of some cause or accident other than said person's own spontaneous desistance, shall be punished with one-half (1/2) of the fine and imprisonment provided for the consummated offenses listed in the said Section.

**Section 13. Accessory to Access Device Fraud.** - Any person who, with intent to gain for himself or for another, buy, receives, possesses, keeps, acquires, conceals, sells, or disposes of, shall buy and sell, or in any manner deal in any article, item, object or anything of value which he knows or should be known to him, to have been acquired through the use of counterfeit access device or an unauthorized access device or an access device known to him to have been fraudulently applied for, shall be considered as an accessory to an access device fraud and shall be punished with one-half (1/2) of the fine and imprisonment provided for the applicable consummated offenses listed in Sec. 9 of this Act. Said person shall be prosecuted under this Act or under the Anti- Fencing Law of 1979 (Presidential Decree No. 1612) whichever imposes the longer prison term as penalty for the consummated offense.

**Section 14. Presumption and Prima Facie Evidence of Intent to Defraud.** - The mere possession, control or custody.

**Section 15. Loss of Access Devices.** In case of loss of an access device, the holder thereof must notify the issuer of the access device of the details and circumstances of such loss upon knowledge of the loss. Full compliance with such procedure would absolve the access device holder of any financial liability from fraudulent use of the access device from the time the loss or theft is reported to the issuer.

**Section 16. Reporting Requirements.** - All companies engaged in the business of issuing access devices, including banks, financing companies and other financial institutions issuing access devices, shall furnish annually, on or before the 31st of March of the succeeding year, a report to the Credit Card Association of the Philippines regarding access device frauds committed against the holders of such entities in the preceding calendar year, for consolidation and submission to the National Bureau of Investigation Notwithstanding this requirement, banks, financing companies and other financial institutions, including their subsidiaries and affiliates, issuing access devices shall continue to be regulated and supervised by the Bangko Sentral ng Pilipinas while other companies issuing access devices shall continue to be regulated and supervised by the Securities and Exchange Commission

**Section 17. Liability Under the Revised Penal Code and other Laws.** - Prosecution under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code or any other law.

**Section 18. Separability Clause.** - If any separable provision of this Act be declared unconstitutional, the remaining provisions shall continue to be in force.

**Section 19. Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly Section 20. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

**Approved: February 11, 1998**

**Republic Act No. 8792  
AN ACT PROVIDING FOR THE RECOGNITION AND USE OF ELECTRONIC COMMERCIAL AND NON-COMMERCIAL TRANSACTIONS AND DOCUMENTS, PENALTIES FOR UNLAWFUL USE THEREOF AND FOR OTHER PURPOSES**

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

**PART I SHORT TITLE AND DECLARATION OF POLICY**

**Section 1. Short Title.** - This Act shall be known as the "Electronic Commerce Act".

**Section 2. Declaration of Policy.** - The State recognizes the vital role of information and communications technology (ICT) in nation-building the need to create an information-friendly environment which supports and ensures the availability: diversity and affordability of ICT products and services, the primary responsibility of the private sector in contributing investments and services in telecommunications and information technology: the need to develop, with appropriate training programs and institutional policy changes, human resources for the information technology age, a labor force skilled in the use of ICT and a population capable of operating and utilizing electronic appliances and computers; its obligation to facilitate the transfer and promotion of adaptation technology, to ensure network security, connectivity and neutrality of technology for the national benefit, and the need to marshal, organize and deploy national information infrastructures comprising in both telecommunications network and strategic information services, including their interconnection to the global information networks, with the necessary and appropriate legal, financial diplomatic and technical framework, systems and facilities.

**PART II ELECTRONIC COMMERCE IN GENERAL**

**Section 3. Objective.** - This Act aims to facilitate domestic and international dealings, transactions, arrangements, agreements, contracts and exchanges and storage of information through the utilization of electronic, optical and similar medium, mode, instrumentality and technology to recognize the authenticity and reliability of electronic documents related to such activities and to promote the universal use of electronic transaction in the government and general public

**Section 4. Sphere of Application.** This Act shall apply to any kind of data message und electronic document used in the context of commercial and non-commercia activities to include domestic and international dealings, transactions, arrangements agreements, contracts and exchanges and storage of information.

**Section 5. Definition of Terms.** For the purposes of this Act the following terms are defined as follows:

1. **Addressee** refers to a person who is intended by the originator to receive the electronic data message or electronic document. The term does not include person acting as an intermediary with respect to that electronic data message
2. **Computer** refers to any device or apparatus which by electronic, electro mechanical or magnetic impulse, or by other means is capable of receiving recording transmitting storing processing retrieving or according to mathematical and logical rules or of performing any one or more information data, figures. symbols or other modes of written expression
3. **Electronic Data Message** refers to information generated, sent, received or stored by electronic, optical or similar means.
4. **Information and Communication System** refers to a system intended for and electronic data messages or electronic documents and includes the computer REPURUCACT NO. 22 producing 2 defined as follows or electronic document of those functions stored by electronic optical or similar means system or other similar device by or in which data is recorded or stored and any procedures related to the recording or storage of electronic data message or electronic document.
5. **Electronic Signature** refers to any distinctive mark, characteristic and/or sound in electronic form, representing the identity of a person and attached to see logically associated with the electronic data message or electronic document or any methodology or procedures employed or adopted by a person and executed or adopted by such person with the intention of authenticating can approving an electronic data message or electronic document.
6. **Electronic Document** refers to information or the representation of information data, figures, symbols or other modes of written expression, described or however represented, by which a right is established or an obligation extinguished, or by which a fact may be proved and affirmed, which is received recorded, transmitted, stored. processed, retrieved or produced electronically
7. **Electronic Key** refers to a secret code which secures and defends sensitive information that crosses over public channels into a form decipherable only with a matching electronic key
8. **Intermediary** refers to a person who in behalf of another person and we respect to a particular electronic document sends, receives and/or stores provides other services in respect of that electronic document.
9. **Originator** refers to a person by whom, of on whose behalf, the electronic documents document purports to have been created, generated and/or sent. The term does not include a person acting as an intermediary with respect to that electronic document.
10. **Service Provider** refers to a provider of -   
    (i) On-line services or network access, or the operator of facilities therefor, including entities offering the transmission, routing, or providing of connections for online communications, digital or otherwise, between or among points specified by a user, of electronic documents of the user's choosing; or   
    (ii) The necessary technical means by which electronic documents of an originator may be stored and made accessible to a designated or undesignated third party; Such service providers shall have no authority to modify or alter the content of the electronic data message or electronic document received or to make any entry therein on behalf of the originator, addressee or any third party unless specifically authorized to do so, and who shall retain the electronic document in accordance with the specific request or as necessary for the purpose of performing the services it was engaged to perform.

Name: Section:   
Date: Score:

**ASSESSMENT TASKS 1**

Explain the following Act terms that defined and follow with your own idea:

**Section 5.**

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    (ii) The necessary technical means by which electronic documents of an originator may be stored and made accessible to a designated or undesignated third party; Such service providers shall have no authority to modify or alter the content of the electronic data message or electronic document received or to make any entry therein on behalf of the originator, addressee or any third party unless specifically authorized to do so, and who shall retain the electronic document in accordance with the specific request or as necessary for the purpose of performing the services it was engaged to perform.