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Osmeña (J).....  
 Osmeña (S).....  
 Pimentel.....Yes  
 Revilla.....Yes  
 Roco.....Yes  
 Sotto III.....  
 Tatad.....Yes  
 The President.....Yes

APPROVAL OF H. NO. 8309 ON THIRD READING

The President. With 10 affirmative votes, no negative vote and no abstention, House Bill No. 8309, as amended, is approved on Third Reading.

MOTION OF SENATOR TATAD  
 (Senator Revilla as Member of the  
 Bicameral Conference Committee on the Energy Bills)

Senator Tatad. Mr. President, to complete the Senate panel to the Bicameral Conference Committee on the disagreeing provisions of the energy bills, I hereby nominate Sen. Ramon B. Revilla as member.

The President. Is there any objection? *[Silence]*  
 There being none, the motion is approved.

Senator Tatad. Mr. President, there is a *Journal* in one of our sessions which has remained unapproved for some time now due to a request from one of our colleagues to interpolate some corrections.

MOTION OF SENATOR TATAD  
 (Approval of the *Journal* of Session No. 24  
 dated September 24, 1999)

Mr. President, I move that we dispense with the reading of the same and consider it approved. This is the *Journal* of our Session No. 24 on the 20<sup>th</sup> of September, 1999.

The President. Is there any objection? *[Silence]*  
 There being none, the motion is approved.

CONFERENCE COMMITTEE REPORT  
 ON S. NO. 1902/H. NO. 9971  
 (E-Commerce Law)

Senator Tatad. Mr. President, I move that we now consider the Bicameral Conference Committee Report on the

disagreeing provisions of Senate Bill No. 1902 and House Bill No. 9971. This is the E-Commerce bill. I ask that the distinguished Chairman of the Committee on Trade and Commerce, Sen. Ramon B. Magsaysay Jr., be recognized.

The President. Sen. Ramon B. Magsaysay Jr. is recognized.

#### REPORT OF SENATOR MAGSAYSAY

Senator Magsaysay. Thank you, Mr. President.

Mr. President, the Conference Committee of the Senate and the House of Representatives on the disagreeing provisions of Senate Bill No. 1902 and House Bill No. 9971 submits the following joint statement to both Houses in explanation of the amendments agreed upon by the conference and recommended in the accompanying Conference Committee Report.

Mr. President, those who participated in the bicameral conference committee meeting on the part of the Senate, aside from this representation, were Sen. Juan M. Flavies, the original author of the measure; Sen. Raul S. Roco, a coauthor who did the yeoman's work in giving his experience and wisdom in facilitating the results of the report; and Sen. Robert S. Jaworski.

Of course, the Senate President dropped in for a few minutes to show his personal and active support. He had to leave to open the session at three o'clock. His presence encouraged both panels to work fast.

On the part of the Bigger House, we have Cong. Marcial C. Punzalan Jr., Cong. Magtanggol T. Gunigundo, Cong. Rogelio M. Sarmiento, Cong. Leandro B. Vercelles Jr., Cong. Oscar S. Moreno, Cong. Orlando A. Fua Jr., Cong. Herminio A. Teves and Cong. Harry C. Angping. So, we were five Senators and there were 18 conferees on the House side, of whom I think seven or eight attended personally.

So, let me continue this statement, Mr. President. With this growing shift from the real to the virtual world comes a host of challenges and obstacles, foremost of which, especially in a developing country such as ours, is the absence of a legal framework. With this proposed measure, our Congress is responding to the challenge of providing an

enabling legal environment that will allow Filipinos to participate in this wealth-creating global phenomenon.

The conferees of this proposed measure were aware of the fact that electronic commerce is simply another form of commerce. The use of digital technology does not change its fundamental nature, for it is simply commerce by another means. Thus, existing laws that apply to commerce, in general, apply to electronic commerce as well. The Statutes of Frauds and laws on contract and commercial laws are not invalidate.

The aim of this legislation is to provide to electronic documents the same legal protection as paper-based hard copy documents. The measure has done nothing more than finding paper-based analogs for digital transactions. It is not creating new rights for electronic transactions that are not already available in paper-based transactions but it seeks to remove the barriers and impediments to the growth of e-commerce in the Philippines.

First, it will give validity and legal recognition to electronic documents, electronic signatures and electronic transactions. Second, it will facilitate their admission as evidence. Finally, it calls upon our government agencies to formulate and institute programs supportive of e-commerce initiatives like, for instance, the acceptance of the filing of electronic forms.

It is also worth noting that this bill is based upon the Model Law on Electronic Commerce drafted by the United Nations Commission for International Trade Law or UNCITRAL. This Model Law was specifically designed to be "acceptable to States with different legal, social and economic systems" and in order for the United Nations member nations to have in their systems harmonized legal regimes insofar as business and trade is concerned. Furthermore, this Bicameral Conference Committee Report is a product of a consolidation of Senate Bill No. 1902 and House Bill No. 9971.

To underscore this point, Mr. President, this proposed legislation does not give to electronic documents and transactions what is not already available to paper documents and paper-based transactions. The measure, when approved, disturbs the existing legal structure in the least intrusive manner but at the same time enhances existing legislation governing the use of alternatives to

paper-based methods of communication and storage of information.

In explaining our Conference Committee Report, Mr. President, among the three main issues that were threshed out in this final version--ready to be signed by the President once we ratify this because last night the Bigger House ratified during its meeting the same version--are No. 1. The reciprocity provision of the Senate version which was adopted by the House; No. 2. There is an RP-web provision of the House version which was also adopted by the Senate; and No. 3. There is also a proviso under Section 28, last paragraph of the House version which was adopted by the Senate.

The physical infrastructure of cable and wireless systems for cable TV and broadcast excluding programming and content and the management thereof shall be considered as within the activity of telecommunications for the purpose of electronic commerce, and to maximize the convergence of information and communications technology or ICT in the installation of the global information infrastructure, of which the Senate panel adopted this provision.

That is our report, Mr. President. Thank you.

The President. The Majority Leader is recognized.

APPROVAL OF CONFERENCE COMMITTEE REPORT  
ON S. NO. 1902/H. NO. 9971

Senator Tatad. Mr. President, I move for the approval of the Conference Committee Report.

The President. Is there any objection? [Silence] There being none, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1902 and House Bill No. 9971 is hereby approved.

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*The following is the whole text of the Conference Committee Report:*

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 1902, entitled:

AN ACT  
PROVIDING FOR THE RECOGNITION AND USE OF  
ELECTRONIC COMMERCIAL AND NON-COMMERCIAL  
TRANSACTIONS, PENALTIES FOR UNLAWFUL USE  
THEREOF AND FOR OTHER PURPOSES

having met, after full and free conference, has agreed to recommend and do hereby recommend to their respective Senate that Senate Bill No. 1902, in consolidation with House Bill No. 9971, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees:

Approved,

CONFEREES ON THE PART OF  
THE HOUSE OF REPRESENTATIVES

(Sgd.) REP. MARCIAL C. PUNZALAN JR.

(Sgd.) REP. MAGTANGGOL T. GUNIGUNDO

(Sgd.) REP. ROGELIO M. SARMIENTO

(Sgd.) REP. LEANDRO B. VERCELES JR.

(Sgd.) REP. HARRY C. ANGPING

REP. OSCAR S. MORENO

(Sgd.) REP. HERMINIO A. TEVES

REP. ORLANDO A. FUA, JR.

(Sgd.) REP. JOEY SARTE SALCEDA

REP. ROLANDO A. BRIONES

REP. DANILO E. SUAREZ

(Sgd.) REP. ENRIQUE T. GARCIA

REP. ANGELITO M. SARMIENTO

CONFEREES ON THE PART OF  
THE SENATE

(Sgd.) SEN. RAMON B. MAGSAYSAY

(Sgd.) SEN. JUAN M. FLAVIER

(Sgd.) SEN. RAUL S. ROCO

(Sgd.) SEN. ROBERT S. JAWORSKI

(Sgd.) SEN. AQUILINO Q. PIMENTEL JR.

REP. PROSPERO A. PICHAY JR.

REP. FLORENCIO B. ABAD

(Sgd.) REP. ROILO GOLEZ

REP. FELICIANO R. BELMONTE JR.

(Sgd.) REP. RAUL M. GONZALES

(Sgd.) REP. IGNACIO R. BUNYE

REP. LEONARDO Q. MONTEMAYOR

REP. JAIME DLS JACOB

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MOTION OF SENATOR ENRILE

(Resignation from Chairmanship of Labor Committee)

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. With the permission of the Majority Leader, if the Chair will recall, I was requested by the Senate leadership to take over the chairmanship of the Committee on Labor. I did reluctantly accept the chairmanship to accommodate the situation at the time. After going over the committee and its involvement with the Labor Commission which was created by law and tasked with revising our labor laws, this humble representation finds himself in a position where there may be a possible future conflict of interest on his part, having been identified with management. In fact, his family has a small business effort.

In order not to involve the Senate in a possible criticism that a member who is identified with management has been designated as Chairman of the Labor Committee, although I would have wanted to continue, I am compelled by my misgivings about the future course of my conduct in that committee.