

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 SEP 12 P 1 :25

SENATE

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S.B. No. 1303

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
ALLOWING REMOTE NOTARIZATION AND AMENDING REPUBLIC ACT NO.
8792 OR OTHERWISE KNOWN AS THE "ELECTRONIC COMMERCE ACT OF
2000," AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Section 10, Article XIV of the 1987 Constitution provides that, "Science and technology are essential for national development and progress." Further, Article II, Section 4 of the 1987 Constitution states that, "The prime duty of the Government is to serve and protect the people." Moreover, the same Article promotes economic growth and efficient public service to improve the quality of life for all.

In line with the above. Republic Act No. 8792 or "The Electronic Commerce Act of 2000" aims to facilitate domestic and international transactions through the utilization of electronic mediums and technology to recognize the authenticity and reliability of electronic documents. Under the Act, electronic documents and electronic signatures are considered the legal equivalent to paper-based document counterparts. Nevertheless, despite the legal recognition of electronic documents and signatures under the Act, Philippine laws and numerous government services, require that documents be executed in a public document, i.e., that an ink-signed document be executed in the presence of a notary.

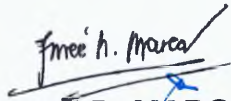
To implement the Act, on July 17, 2001, the Supreme Court promulgated its Rule on Electronic Evidence which provides that a document electronically notarized in accordance with the rules promulgated by the Supreme Court shall be considered as a public document. To date however, the Supreme Court has yet to promulgate any rules for the electronic notarization of documents.

To further exacerbate matters, the COVID-19 pandemic has necessitated that most domestic and international business transactions be conducted remotely, to prevent the continued spread of the virus. Consequently, the COVID-19 pandemic threatens not only the health of our countrymen, but also the country's economy and the government's ability to provide basic public services such as notarization. In response to the pandemic, some countries, such as the United States of America have already enacted remote online notarization (RON) laws to enable the notarization of documents via video conferencing.

On 14 July 2020, the Supreme Court promulgated its Interim Rules on Remote Notarization of Paper Documents setting out rules to be observed by signatories, witnesses, and notary publics for acknowledgment, affirmation or oath, jurat, and copy certification by videoconference.

This bill seeks to amend R.A. No. 8792 to specifically recognize the validity of remote notarization, through the use of electronic means, in accordance with the rules and regulations, as may be determined by the Supreme Court.

In view of the foregoing, the passage of this bill is earnestly sought.


IMEE R. MARCOS

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

1 SEC. 1. A new Section 9 shall be inserted in Republic Act No. 8792 otherwise
2 known as the "*Electronic Commerce Act of 2000*," to read as follows:

3
4 "Sec. 9. *Remote Notarization* - Notarial acts where the signing
5 parties and witnesses are not physically present in front of the notary
6 public, may be conducted via videoconferencing facilities. *Provided that*, it
7 shall adhere to the rules and regulations, as may be determined by the
8 Supreme Court."
9

10 SEC. 2. The subsequent sections of Republic Act No. 8792 otherwise known as
11 the "*Electronic Commerce Act of 2000*" are hereby renumbered accordingly.
12

13 SEC. 3. *Repealing Clause*. - All laws, decrees, orders, rules and regulations or
14 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
15 repealed or modified accordingly.
16

17 SEC. 4. *Separability Clause*. - If any portion or provision of this Act is declared
18 unconstitutional, the remainder of this Act or any provision not affected thereby shall
19 remain in force and effect.
20

1 SEC. 5. *Effectivity.* – This Act shall take effect after fifteen (15) days following
2 the completion of its publication either in the Official Gazette or in a newspaper of
3 general circulation in the Philippines.

Approved,