

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th Congress
First Regular Session

HOUSE BILL NO. 3878



Introduced by Representative WESLIE T. GATCHALIAN

EXPLANATORY NOTE

To facilitate domestic and international dealings, transactions through the use of electronic, optical and other similar mediums, Congress enacted into law R.A. 8792, otherwise known as the Electronic Commerce Act of 2000.

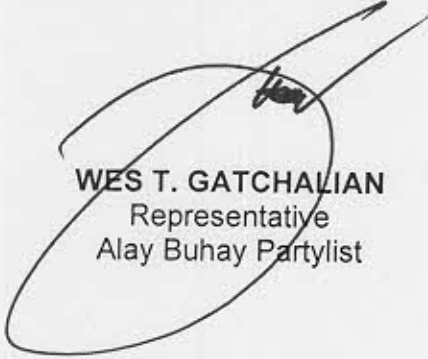
R.A. 8792 recognized the role of information and communication technology in commercial trade and in nation building. As such, the E-Commerce Office of the Department of Trade and Industry was created with the aim of directly supervising the promotion and development of electronic commerce in the country.

To date, as revealed in a Nielsen survey, we have at least 33.6 million internet users, representing roughly 30% of our population who are potential or in itself engaged with online trading. The e-commerce and internet sector has therefore evolved rapidly since its early development, and the government should take active interest and harness the opportunities offered by this emerging technologies.

It is in this light that this bill is filed seeking to establish a Bureau of E-Commerce attach to the Department of Trade and Industry that will address the burgeoning multifarious activities of the e-commerce industry and in so positioning our country as an attractive and safe destination for e-commerce.

The E-Commerce Bureau will be a high level office compared to the E-Commerce Office of the Department of Trade and Industry and shall be the primary policy, planning, coordinating, implementing and regulating office in order to promote the e-commerce industry in the country. It will also focus and work full time on e-commerce development and international competitiveness, conduct of continuing research, maintain statistical data, investigation on administrative complaints between stake holders, and to monitor and evaluate the e-commerce policies and programs.

Foregoing Considered, approval of this bill is earnestly prayed for.



WES T. GATCHALIAN
Representative
Alay Buhay Partylist

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AN ACT
CREATING E-COMMERCE BUREAU, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

Section 1. CREATION OF E-COMMERCE BUREAU - The E-Commerce Bureau, is hereby created attach to the Department of Trade and Industry.

Section 2. FUNCTIONS - The E-Commerce Office shall perform the following functions:

- a) To formulate and/or coordinate the formulation of policies and guidelines in support of e-commerce;
- b) To formulate and implement plans and programs for further development, implementation and international competitiveness of e-commerce;
- c) To promote and maintain fair and efficient market conduct and effective competition between persons engaged in commercial activities connected with e-commerce;
- d) To promote the universal use of electronic transaction in the government and general public.

- e) Conduct continuing research and development in partnership with the academe towards improving the quality of e-commerce;
- f) Compile and maintain statistical data and information on e-commerce industry;
- g) To conduct administrative investigation upon complaint from any consumer for violation of commercial transaction involving electronic commerce
- h) Fostering the development and expansion of information and communications services in the world in collaboration with other countries and international organizations;
- i) To give technical aid to all prosecuting and law-enforcement officers and entities of the Government as well as the courts that may request its services;
- j) To extend its services, whenever properly requested in the investigation of cases of administrative or civil in nature which the Government is interested;
- k) To conduct technical audit and establish a strong and effective regulatory system on online transaction and e-commerce;
- l) To monitor and evaluate the implementation of e-commerce policies, plans and programs; and
- m) To perform such other related functions as the Secretary of Trade and Industry may assign from time to time.

Section 2. ORGANIZATION - The E-Commerce Bureau shall be headed by a Director who shall be appointed by the President who shall submit for approval to the Office of the President the organizational structure and staffing pattern of the Bureau within sixty (60) days from approval of this act: Provided, that the present personnel of the E-Commerce Office of the Department of Trade and Industry shall be transferred to, and form the nucleus of the new Bureau.

Section 3. APPOINTMENTS - Appointments to positions in the E-Commerce Bureau shall be made only according to merit and fitness to be determined as far as practicable by competitive mental and physical examination

and with adequate instruction and training skills on Information Technology. Promotions shall be made with due regard to seniority and past record of efficiency.

Section 4. APPROPRIATION - The amount necessary for the initial implementation of this Act shall be charged against the current fiscal year's appropriations under the budget of the Department of Trade and Industry. Thereafter, such sums as may be necessary for the continued implementation of this act shall be included in the Annual General Appropriations Act.

Section 5. IMPLMENTING RULES AND REGULATIONS - Within ninety (90) days from the approval of this Act, the Department of Trade and Industry and the E-Commerce Bureau shall adopt and issue the rules and regulations for the effective implementation of this Act.

Section 6. EFFECTIVITY - This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

Approved,