


FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Second Regular Session

9 APR -2 11:45

S E N A T E
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Introduced by Senator Villar

RESOLUTION
URGING THE SENATE COMMITTEE ON SCIENCE AND TECHNOLOGY TO CONDUCT A REVIEW AND ASSESSMENT, IN AID OF LEGISLATION, OF THE E-COMMERCE LAW OF THE PHILIPPINES AND ITS IMPLEMENTATION VIS-À-VIS THE RECENTLY REPORTED HACKING AND CRACKING OF THE INFORMATION TECHNOLOGY SYSTEM OF THE DEPARTMENT OF FOREIGN AFFAIRS WITH THE OBJECTIVE OF FURTHER PROTECTING THE INTEGRITY AND SECURITY OF ELECTRONIC TRANSACTIONS IN THE COUNTRY

Whereas, the 1987 Philippine Constitution provides that, “[t]he State recognizes the vital role of information and communication technology (ICT) in nation-building” (Article II, Section 24);

Whereas, in accordance with the above-mentioned constitutional provision, the Electronic Commerce Law of the Philippines (Republic Act 8792) was approved by Congress ;

Whereas, the said statute has the following declaration of objectives (Section 2, RA 8792):

- 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, system and facilities”
(Section 2, RA 8792);

Whereas, one of the salient objectives of the E-Commerce Law is to ensure that electronic transactions are safe and that data collective electronically are kept private and confidential and for this purpose, substantial provisions are integrated addressing security issues;

Whereas, to help create a more secure environment for electronic transactions, the law specifically punishes hacking or cracking which has been defined interchangeably as referring to “unauthorized access into or interference in a computer system / server or information and communication system; or any access in order to corrupt, alter, steal, or destroy using a computer or other similar information and communication devices, without the knowledge and consent of the owner of the computer or information and communications system, including the introduction of computer viruses and the like, resulting in the corruption, destruction, alteration, theft or loss of electronic data messages or electronic document”;

Whereas, very recently, it was reported that the information technology system of the Department of Foreign Affairs (DFA) was hacked and intruded by supposed hackers from China;

Whereas, the Philippines is one of the 103 countries where classified documents from government and private organizations, including the computers of the Dalai Lama and Tibetan exiles, were hacked;

Whereas, a Canadian think tank said it detected attacks in more than 1,295 compromised computers from the ministries of foreign affairs, including the Philippines;

Whereas, the Department of Justice observed that the reported hacking incident is very dangerous because the same affects the country’s national security;

Whereas, as an information, in 2002, the Philippine government cracked a \$1.9 million computer hacking ring that had gained access to PLDT lines and sold off cheap phone calls and the said syndicated act was caught after PLDT asked help to stop the scam;

Whereas, there is a need to determine and assess the present law, E-Commerce Law of the Philippines to forestall the increasingly complex crimes being committed and the same may be adjusted considering that the said statute is the mechanism of the Filipinos in addressing the significant legal challenges facing them to participate in this wealth-creating global phenomenon – the world of information technology: Now therefore be it

Resolved by the Senate of the Philippines to Urge the Senate Committee on Science and Technology to conduct a review and assessment, in aid of legislation, of the E-Commerce Law of the Philippines and its implementation vis-à-vis the recently reported hacking and cracking of the Information Technology System of the

Department of Foreign Affairs with the objective of further protecting the integrity and security of electronic transactions in the country.

Adopted,


MANNY VILLAR