

JUN 24 2021

MEMORANDUM CIRCULAR NO. 17
Series of 2021

SUBJECT : GUIDELINES ON THE USE OF ELECTRONIC OR DIGITAL SIGNATURE

GENERAL

1. R.A. 11032 "Ease of Doing Business" Sec. 9(e), requires electronic versions of documents, thus electronic or digital signatures shall be implemented following the R.A. 8792 known as the Electronic Commerce Act of 2000.
2. As part of the continuous improvement through digitalization, electronic documents shall be recognized, along with electronic or digital signature, as valid documents following existing laws, rules and regulations on the matter. At the minimum, controls should be implemented to ensure authentication of documents, non-repudiation of the signatures and integrity of the documents signed.

PURPOSE AND SCOPE

3. This Circular shall provide instructions on the application of digital/electronic signatures to electronic documents, provide rules and controls including the duties and responsibilities of the signing officer / employee of the MIAA.
4. This Circular does not apply to contracts and agreements that need a witness as well as documents that are required to be notarized.

DEFINITION OF TERMS


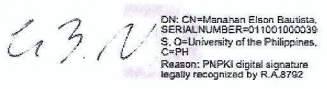
5. As used in this MC, the following terms shall mean:
 - a. **Digital Identification** (Digital ID) refers to the information that proves individual identity which usually contains name, official email address, name of the agency that issued it, serial number, and validity date. Digital IDs are used for certificate security and digital signatures.
 - b. **Digital Signature** or Certificate-based Digital Signature is a specific type of e-signature that uses certificate-based digital identifications (IDs) from Trust Service Providers (TSPs) and demonstrate proof of signing by binding each signature to the document with cryptography.
 - c. **Electronic document** refers to the 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 was received, recorded, transmitted, stored, processed, retrieved or produced electronically.

- d. **Electronic signature or e-signature** refers to any distinctive mark, characteristic and/or sound in electronic form, representing the identity of a person and attached to or 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 or approving an electronic data message or electronic document.
- e. **Encryption** is the method by which information is converted into secret code that hides the information's true meaning.
- f. **Philippine National Public Key Infrastructure (PNPKI)** - is the government authority that issues digital signatures and allows one to authenticate the digital signature of others.
- g. **Public and Private key pair** helps to encrypt information that ensures data is protected during transmission.

ELECTRONIC & DIGITAL SIGNATURES

- 6. Digital signatures are type/subset of e-signatures which have encryption using private and public keys. Digital signatures are more secure forms of electronic signatures because they are encrypted and certified by an authority to be authentic.

Examples of an electronic signature and a digital signature are as follows:

Electronic Signature	Digital Signature
 (A distinctive mark of your choice that consistently represent your identity)	 (Issued by the Philippine National Public Key Infrastructure)

POLICY AND GUIDELINES

- 7. MIAA officers / employees who are signatories of official documents to apply for a digital signature certificates at the Department of Information Communications and Technology (DICT) under the PNPKI through the Management Information Systems Division (MISD) technical support group and submit the documentary requirements listed in Annex A. The MISD shall be providing the applicant the MIAA e-email account before PNPKI can be processed at DICT.
- 8. MIAA electronic documents must be processed by an individual through his or her MIAA provided official email address (e.g. juan.cruz@miaa.gov.ph).
- 9. Electronic documents must be processed in a secured computer and network system that complies with the MIAA prescribed cybersecurity policies to be formulated by the MISD.
- 10. The document to be signed digitally must be unalterable and shall be in PDF format and must be the final version after clearances from concerned signatory.
- 11. Since digital and electronic signatures are electronic files that can be stored in storage devices such as the office computer, flash drive or any cloud storage, the owner must take responsibility on its usage and storage. It is assumed that nobody is sharing his or her signature and password. Hence, improper use of digital and electronic signature may be subjected to applicable administrative penalties.

12. The use of PNPKI digital signature will be accepted in lieu of wet signatures on the following documents:
 - a Correspondences within MIAA offices, especially during this pandemic, where work from home (WFH) is being implemented as an alternative work arrangement, Minutes of the Meeting and routine reports.
 - b Electronic documents intended for external use must be signed using the PNPKI digital signature.
 - c Procurement related documents defined in the Government Procurement Policy Board Resolution No. 16-2019 may be processed and signed using the PNPKI.
 - d Government permits and licenses, provided there is compliance with the requirements as set forth in the Electronic Commerce Act or R.A.8792
13. The MIAA offices may accept electronic documents subject to the following:
 - a The electronic signature is a unique mark affixed by the signatory himself/herself;
 - b The electronic signature was electronically affixed and not just a scanned document with a wet ink signature;
 - c The document itself is not a mere scan of a paper document;
 - d The document should be unalterable such as a PDF file.
 - e If the electronic signature is a digital signature, a Digital Certificate from the relevant Certification Authority should be obtained.
14. The number of signatures shall be limited to a maximum of three (3) signatures, which shall represent officers directly supervising the office. All signatories shall sign electronically, and documents shall be passed through emails to have a trace.

STATEMENT OF RESPONSIBILITIES

15. MIAA personnel who owns a digital signature shall use and store their respective digital signature responsibly and in accordance with this Circular. Digital and electronic signatures are still vulnerable to forgery or misuse. They must be used responsibly as they represent one's identity.
16. MISD shall issue an instruction on setting-up of digital signature in Adobe Reader DC in Windows and Mac Operating System and assist in communicating with the DICT for purposes of validation of a PNPKI.
17. MISD and Legal Office shall formulate and develop data protection and cybersecurity policies to promote safe digital transactions.

SUPERSEDING CLAUSE

18. All memoranda and/or other MIAA issuances in conflict herewith are hereby superseded.

EFFECTIVITY

19. This Memorandum Circular shall take effect (30) thirty days after approval, wherein all concerned officers of MIAA shall already have the digital certificate from DICT's PNPKI.



EDDIE V. MONREAL
General Manager



MCAO-C2Q98E

ANNEX A

REQUIREMENTS:

1. Unified Multi-Purpose Identification (UMID) compliant card. (Photocopy)
2. Birth Certificate or valid Philippine Passport. (Photocopy)
3. 1 passport size ID picture

(In the absence of UMID-compliant card, ANY TWO of the following cards are allowed as valid ID's based on BSP Circular 608 series of 2008:)

- Passport
- Driver's License
- Professional Regulation Commission (PRC) ID
- National Bureau of Investigation (NBI) Clearance
- Police Clearance
- Postal ID
- Voter's ID
- Government Service Insurance System (GSIS) e-Card
- Social Security System (SSS) Card
- Senior Citizen Card
- Overseas Workers Welfare Administration (OWWA) ID
- OFW ID
- Seaman's Book
- Alien Certification of Registration/Immigrant Certificate of Registration
- Government Office and GOCC ID, e.g., Armed Forces of the Philippines (AFP ID), Home Development Mutual Fund (HDMF ID)
- Certification from the National Council for the Welfare of Disabled Persons (NCWDP)
- Department of Social Welfare and Development (DSWD) Certification
- Integrated Bar of The Philippines ID
- Company IDs Issued by Private Entities or Institutions Registered with or Supervised or Regulated either by the BSP, SEC or IC
- Submit a passport size photo taken within the last six (6) months
- Phone number (mobile and/or landline)
- E mail address owned by the individual or authorized by the owner for use by the Subscriber.
- Latest copy of a bill showing the physical address of the applicant, where the PIN which will be used to activate a digital certificate shall be mailed; and
- Consent to verify the information submitted.