

## NATIVELY ELECTRONIC DOCUMENTS

### **What is the legal value of native electronic documents (that do not require signature by the parties)?**

The majority of legislation generally recognizes the validity and probative value of documents that are natively electronic (i.e., created as electronic originals), subject to compliance requirements.

Natively electronic records are allowed in the Philippines through the Electronic Commerce Act of 2000, and “have the legal effect, validity or enforceability as any other document or legal writing (Electronic Commerce Act, Ch. II, Sec. 7).” When there is a legal requirement for a document to be in writing, an electronic record will meet the requirement as long as the record’s reliability and integrity can be confirmed.

Generally, HR-related documents (e.g. employment contracts, letters of intent, etc.) can be created directly in electronic form, without need for a paper original. That said, Rule X of the Rules Implementing the Labor Code shows that employee time records are expected to be kept in paper form. Similarly, under Section 6, Rule X of the Rules Implementing the Labor Code, employers are required to pay employees by means of a

payroll wherein certain information is individually shown in a paper/payslip so that employees can verify their salaries and mandatory deductions.



Please note though that this is an old rule that did not take into account the advent of technology. In common practice,

as long as the employer can show proof, for instance, of payment, whether in electronic form or otherwise, then electronic records are generally considered allowed.

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