

MEMORANDUM CIRCULAR No. 2021-003
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TO: ALL BOI CLIENTS AND ALL OTHERS CONCERNED

SUBJECT: GUIDELINES ON THE FILING OF ELECTRONIC DOCUMENTS WITH THE BOARD OF INVESTMENTS

WHEREAS, the Board of Investments (BOI) is mandated to promote and generate foreign and local investments, and develop globally competitive industries. As such, it has the power to promulgate rules and regulations to implement the provisions of E.O. No. 226, as amended.

WHEREAS, Republic Act (RA) No. 11032, or the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018" provides that it is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government.

WHEREAS, Section 7 of RA No. 8972 or the "Electronic Commerce Act of 2000" provides for the requirements of the use electronic signatures and documents, which shall have the legal effect, validity or enforceability as any other document or legal writing.

WHEREAS, Section 27 of RA No. 8972 provides that government agencies may accept the creation, filing or retention of such documents in the form of electronic data messages or electronic documents; issue permits, licenses, or approval in the form of electronic data messages or electronic documents; require and/or accept payments, and issue receipts acknowledging such payments, through systems using electronic data messages or electronic documents; or transact the government business and/or perform governmental functions using electronic data messages or electronic documents;

NOW THEREFORE, in order to effectively carry out the intents and purposes of the provisions of E.O. No. 226, this Memorandum Circular (MC) is issued to provide the guidelines on the filing of electronic documents with the BOI:

A. Definition. For purposes of this MC, the following definitions shall apply:

1. **Digital Signature** is an electronic signature supported by a Digital Certificate issued by the Department of Information and Communications Technology (DICT) as the Root Certification Authority under its Philippine National Public Key Infrastructure (PNPKI).
2. **Electronic Document** refers to 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 is received, recorded, transmitted, stored, processed, retrieved or produced electronically.

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3. **Scanned Document** refers to documents or photos, which may or may not be electronically prepared, placed in a scanner to convert it into digital format.
4. **Quick Response Code** refers to a type of matrix barcode that is uniquely generated for every document to provide a hyperlink redirecting to a specified Website or File Database.

B. Submission of Electronic Document to BOI

1. The submission of the following to the BOI Office or through the official email accounts of the BOI or any of its officials and employees shall be acceptable:

- a. An electronic document that contains a digital signature.

In this case, such digitally signed electronic document shall be treated as original document.

- b. Scanned documents; *Provided*, that the original document shall be submitted to the BOI Office within ten (10) working days from such email submission.

In this case, the scanned documents shall be utilized for reference purposes only. The BOI action thereto shall only be released upon receipt of the original document within the prescribed period.


2. The date of actual filing in the BOI office or date of email of the said documents shall be considered as the official date of filing for purposes of determining whether the same is filed on time or not; *Provided*, that for scanned documents, the original document is submitted within the prescribed period.

C. BOI Issuance of Official Documents

The BOI official action shall be issued in an electronic document with digital signature of the concerned BOI official and quick response (QR) code. It will be released through the BOI e-mail address or printed and delivered through the post office or courier. Such digitally signed electronic document with QR code shall be treated as original document.

- D. **Effectivity** - This MC shall take effect upon its publication in a newspaper of general circulation. Copy of the MC shall be filed with the Office of the National Administrative Register University of the Philippines Law Center, Diliman Quezon City pursuant to Presidential Memorandum Circular No. 11 dated 09 October 1992.

07 April 2021 . Makati City, Philippines


DR. CEPERINO S. RODOLFO
Undersecretary and BOI Managing Head