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SENATE

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COMMITTEE REPORT NO. 113

Submitted Jointly by the Committees on Science and Technology; Civil Service and Government Reorganization; Constitutional Amendments and Revision of Codes; and Finance on MAR 11 2015

Re: Senate Bill No. 2686

Recommending its approval in substitution of Senate Bill Nos. 358, 818, 1234, 2144, 2638, taking into consideration Senate Bill Nos. 53, 1091 and 1467

Sponsor: Senator Ralph G. Recto

MR. PRESIDENT:

The Committees on Science and Technology; Civil Service and Government Reorganization; Constitutional Amendments and Revision of Codes; and Finance to which were referred Senate Bill No. 358, introduced by Senator Loren B. Legarda, entitled:

“AN ACT CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

Senate Bill No. 818, introduced by Senator Antonio “Sonny” F. Trillanes IV, entitled:

“AN ACT CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

Senate Bill No. 1234, introduced by Senator Joseph Victor G. Ejercito, entitled:

“AN ACT CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”

Senate Bill No. 2144, introduced by Senator Teofisto L. Guingona III, entitled:

“AN ACT CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

Senate Bill No. 2638, introduced by Senator Sonny Angara, entitled:

“AN ACT CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

taking into consideration Senate Bill No. 53, introduced by Senator Miriam Defensor Santiago, entitled:

“AN ACT ESTABLISHING A MAGNA CARTA FOR PHILIPPINE INTERNET FREEDOM, CYBERCRIME PREVENTION AND LAW ENFORCEMENT, AND CYBERDEFENSE AND NATIONAL CYBERSECURITY”

Senate Bill No. 1091, introduced by Senator Paolo Benigno “Bam” Aquino IV, entitled:

“AN ACT ESTABLISHING A MAGNA CARTA FOR PHILIPPINE INTERNET FREEDOM, CYBERCRIME PREVENTION AND LAW ENFORCEMENT, CYBERDEFENSE AND NATIONAL CYBERSECURITY”

and Senate Bill No. 1467, introduced by Senator Jinggoy Ejercito Estrada, entitled:

“AN ACT CREATING THE NATIONAL COUNCIL FOR INFORMATION TECHNOLOGY AND DEVELOPMENT (NCITD), DEFINING ITS OBJECTIVES, POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2686, prepared by the Committees, entitled:

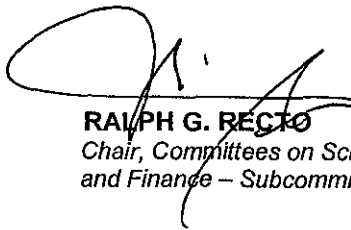
“AN ACT CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES”

be approved in substitution of Senate Bill Nos. 358, 818, 1234, 2144, 2638 taking into consideration Senate Bill Nos. 53, 1091 and 1467, with Senators Loren B. Legarda, Antonio “Sonny” F. Trillanes IV, Joseph Victor G. Ejercito, Teofisto L. Guingona III, Sonny Angara, Miriam Defensor Santiago, Paolo Benigno “Bam” Aquino IV, Jinggoy Ejercito Estrada, Francis “Chiz” G. Escudero and Ralph G. Recto as authors thereof.

RESPECTFULLY SUBMITTED:



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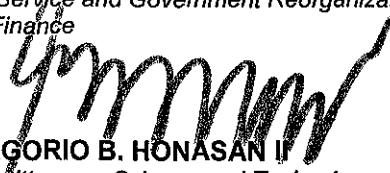
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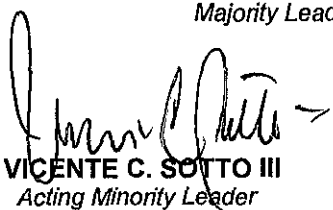
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Senate Bill No. 2686

(In substitution of Senate Bill Nos. 358, 818, 1234, 2144, 2638, taking into consideration
Senate Bill Nos. 53, 1091 and 1467)

RECEIVED BY: 

Prepared Jointly by the Committees on Science and Technology; Civil Service and Government Reorganization; Constitutional Amendments and Revision of Codes; and Finance with Senators Loren B. Legarda, Antonio "Sonny" F. Trillanes IV, Joseph Victor G. Ejercito, Teofisto L. Guingona III, Sonny Angara, Miriam Defensor Santiago, Paolo Benigno "Bam" Aquino IV, Jinggoy Ejercito Estrada, Francis "Chiz" G. Escudero and Ralph G. Recto as authors

AN ACT
CREATING THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** – This Act shall be known as the "*Department of Information*
2 *and Communications Technology Act of 2015*".

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State:

- 4 a. To recognize the vital role of information and communication in nation-
5 building;
- 6 b. To ensure the provision of a strategic, reliable, cost-efficient and citizen-
7 centric information and communications technology (ICT) infrastructure,
8 systems and resources as instruments of good governance and global
9 competitiveness;
- 10 c. To ensure universal access to quality, affordable, reliable and secure ICT
11 services;
- 12 d. To promote the development and widespread use of emerging ICT and foster
13 and accelerate the convergence of ICT and ICT-enabled facilities;
- 14 e. To ensure the availability and accessibility of ICT services in areas not
15 adequately served by the private sector;

- 1 f. To foster an ICT sector policy environment that will promote a broad
2 market-led development of the ICT and ICT-enabled services (ICT-ES)
3 sectors, a level playing field, partnership between the public and private
4 sectors, strategic alliance with foreign investors and balanced investments
5 between high-growth and economically-depressed areas;
- 6 g. To promote and assist the development of local ICT content, applications
7 and services which may include support for ICT-based start-up enterprises
8 through strategic partnerships;
- 9 h. To promote the use of ICT for the enhancement of key public services, such
10 as education, public health and safety, revenue generation, and socio-civic
11 purposes;
- 12 i. To encourage the use of ICT for the development and promotion of the
13 country's arts and culture, tourism and national identity;
- 14 j. To promote digital literacy, ICT expertise, and knowledge-building among
15 citizens to enable them to participate and compete in an evolving ICT age;
- 16 k. To empower, through the use of ICT, the disadvantaged segments of the
17 population, including the elderly, persons with disabilities and indigenous
18 and minority groups;
- 19 l. To ensure the rights of individuals to privacy and confidentiality of their
20 personal information;
- 21 m. To ensure the security of critical ICT infrastructures including information
22 assets of the government, individuals and businesses; and
- 23 n. To provide oversight over agencies governing and regulating the ICT sector
24 and ensure consumer protection and welfare, data privacy and security,
25 foster competition and the growth of the ICT sector.

26 **SEC. 3. *Definition of Terms.*** – As used in this Act, the following terms are defined as
27 follows:

- 28 a. "*Information and Communications Technology*" or "*ICT*" shall mean the
29 totality of electronic means to access, create, collect, store, process, receive,
30 transmit, present and disseminate information;
- 31 b. "*Convergence*" shall mean the interface between and among various
32 telephony, radio, video, broadcasting and multimedia infrastructure, devices
33 and services, enabling users or subscribers thereof to communicate with one
34 another;

- 1 c. *"Electronic Government"* or *"E-Government"* shall mean the use of ICT by
2 the government and the public to enhance the access to and delivery of
3 government services to bring about efficient, responsive, ethical,
4 accountable and transparent government service;
- 5 d. *"E-Government Fund"* refers to the fund allocated under the General
6 Appropriations Act that shall be used to finance strategic and citizen-centric
7 ICT projects of the government;
- 8 e. *"ICT Sector"* shall mean those engaged in providing goods and services
9 primarily intended to fulfill or enable the function of information processing
10 and communication by electronic means. The ICT sector includes
11 telecommunications and broadcast information operators, ICT equipment
12 manufacturers, multimedia content developers and providers, ICT solution
13 providers, internet service providers, ICT training institutions, software
14 developers and ICT-ES providers;
- 15 f. *"ICT-Enabled Services"* or *"ICT-ES Sector"* shall mean those engaged in
16 providing services that require the intrinsic use of ICTs including
17 engineering or architectural design, informatics service providers, offshoring
18 and outsourcing service providers such as call centers, back office
19 processing, software development, medical or legal transcription, animation,
20 game development, and other services that require the intrinsic use of a
21 networked information infrastructure; and
- 22 g. *"Chief Information Officer"* or *"CIO"* shall mean a senior officer in a
23 national government agency responsible for the development and
24 management of the agency's ICT systems and applications.

25 **SEC. 4.** *Creation of the Department of Information and Communications Technology*
26 *(DICT).* – There is hereby created the Department of Information and Communications
27 Technology, hereinafter referred to as the Department.

28 **SEC. 5.** *Mandate.* – The Department shall be the primary policy, planning,
29 coordinating, implementing, and administrative entity of the executive branch of the
30 Government that will plan, develop, and promote the national ICT development agenda.

31 **SEC. 6.** *Powers and Functions.* – The Department shall exercise the following powers
32 and functions:

33 I. Policy and Planning

- 1 a. Formulate, recommend and implement national policies, plans, programs
2 and guidelines that will promote the development and use of ICT with due
3 consideration to the advantages of convergence and emerging technologies;
- 4 b. Formulate policies and initiatives, in coordination with the Department of
5 Education (DepEd), Commission on Higher Education (CHED), and
6 Technical Education and Skills Development Authority (TESDA), to
7 develop and promote ICT in education consistent with the national goals and
8 objectives, and responsive to the human resource needs of the ICT and ICT-
9 ES sectors;
- 10 c. Provide an integrated framework in order to optimize all government ICT
11 resources and networks for the identification and prioritization of all e-
12 government systems and applications as provided for in the E-Government
13 Masterplan and the Philippine Development Plan (PDP);

14 II. Improved Public Access

- 15 d. Prescribe rules and regulations for the establishment, operation and
16 maintenance of ICT infrastructures in unserved and underserved areas, in
17 consultation with the local government units (LGUs), civil society
18 organizations (CSOs), private sector, and the academe;
- 19 e. Establish a free internet service that can be accessed in government offices
20 and public areas using the most cost-effective telecommunications
21 technology, through partnership with private service providers as may be
22 necessary;

23 III. Resource-Sharing and Capacity-Building

- 24 f. Harmonize and coordinate all national ICT plans and initiatives to ensure
25 knowledge, information and resource-sharing, database-building and agency
26 networking linkages among government agencies, consistent with e-
27 government objectives in particular, and national objectives in general;
- 28 g. Ensure the development and protection of an integrated government ICT
29 infrastructures and designs, taking into consideration the inventory of
30 existing manpower, plans, programs, software, hardware, and installed
31 systems;
- 32 h. Assist and provide technical expertise to government agencies in the
33 development of guidelines in the enforcement and administration of laws,
34 standards, rules, and regulations governing ICT;

- 1 i. Assess, review and support ICT research and development programs of the
2 government in coordination with the Department of Science and Technology
3 (DOST) and other institutions concerned;
- 4 j. Prescribe the personnel qualifications and other qualification standards
5 essential to the effective development and operation of government ICT
6 infrastructures and systems;
- 7 k. Develop programs that would enhance the career advancement opportunities
8 of ICT workers in government;
- 9 l. Assist in the dissemination of vital information essential to disaster risk
10 reduction through the use of ICT;
- 11 m. Represent and negotiate for Philippine interest on matters pertaining to ICT
12 in international bodies, in coordination with the Department of Foreign
13 Affairs (DFA) and other institutions concerned;

14 **IV. Consumer Protection and Industry Development**

- 15 n. Ensure and protect the rights and welfare of consumers and business users to
16 privacy, security and confidentiality in matters relating to ICT, in
17 coordination with agencies concerned, the private sector and relevant
18 international bodies;
- 19 o. Coordinate with agencies concerned in the promotion of trade and
20 investment opportunities in the ICT and ICT-ES sectors;
- 21 p. Establish guidelines for public-private partnerships in the implementation of
22 ICT projects for government agencies; and
- 23 q. Promote strategic partnerships and alliances between and among local and
24 international ICT, research and development, educational and training
25 institutions, to speed up industry growth and enhance competitiveness of
26 Philippine workers, firms, and small and medium enterprises in the global
27 markets for ICT and ICT-ES.

28 **SEC. 7. Composition.** – The Department shall be headed by a Secretary. The
29 Department proper shall be composed of the Office of the Secretary, the Offices of the
30 Undersecretaries and the Assistant Secretaries.

31 **SEC. 8. Secretary of Information and Communications Technology.** – The Secretary
32 shall be appointed by the President, subject to confirmation by the Commission on
33 Appointments. The Secretary shall have the following functions:

- 1 a. Provide executive direction and supervision over the entire operations of the
2 Department and its attached agencies;
- 3 b. Establish policies and standards for the effective, efficient and economical
4 operation of the Department, in accordance with the programs of government;
- 5 c. Review and approve requests for financial and manpower resources of all
6 operating offices of the Department;
- 7 d. Designate and appoint officers and employees of the Department, excluding
8 the Undersecretaries, Assistant Secretaries, and Regional and Assistant
9 Regional Directors, in accordance with the Civil Service laws, rules and
10 regulations;
- 11 e. Exercise disciplinary powers over officers and employees of the Department
12 in accordance with law, including their investigation and the designation of a
13 committee or officer to conduct such investigation;
- 14 f. Coordinate with LGUs, other agencies and public and private interest groups,
15 including non-government organizations (NGOs) and people's organizations
16 (POs) on Department policies and initiatives;
- 17 g. Prepare and submit to the President through the Department of Budget and
18 Management (DBM) an estimate of the necessary expenditures of the
19 Department during the next fiscal year, on the basis of the reports and
20 estimates submitted by bureaus and offices under him/her;
- 21 h. Serve as a member of the Government Procurement Policy Board (GPPB) as
22 established by Republic Act No. 9184;
- 23 i. Advise the President on the promulgation of executive and administrative
24 orders and formulation of regulatory and legislative proposals on matters
25 pertaining to ICT development;
- 26 j. Formulate such rules and regulations and exercise such other powers as may
27 be required to implement the objectives of this Act; and
- 28 k. Perform such other tasks as may be provided by law or assigned by the
29 President.

30 **SEC. 9. Undersecretaries.** – The Secretary shall be assisted by three (3)
31 undersecretaries, who shall be appointed by the President upon the recommendation of the
32 Secretary: *Provided*, That two (2) of the undersecretaries shall be career officers:

33 **SEC. 10. Assistant Secretaries.** – The Secretary shall be assisted by four (4) assistant
34 secretaries who shall be appointed by the President upon the recommendation of the

1 Secretary: *Provided*, That two (2) of the Assistant Secretaries shall be career officers:
2 *Provided, further*, That at least one (1) of the Assistant Secretaries shall be a licensed
3 Professional Electronics Engineer (PECE).

4 **SEC. 11. *Qualifications.*** – No person shall be appointed Secretary, Undersecretary, or
5 Assistant Secretary of the Department unless he or she is a citizen and resident of the
6 Philippines, of good moral character, of proven integrity and with at least seven (7) years of
7 competence and expertise in any of the following: information and communications
8 technology, information technology service management, information security management,
9 cybersecurity, data privacy, e-commerce, or human capital development in the ICT sector.

10 **SEC. 12. *Regional Offices.*** – The Department may establish, operate, and maintain a
11 Regional Office in the different administrative regions of the country as the need arises. Each
12 regional office shall be headed by a Regional Director, who may be assisted by one (1)
13 Assistant Regional Director. The Regional Director and Assistant Regional Director shall be
14 appointed by the President. The Regional Offices shall have, within their respective
15 administrative regions, the following functions:

- 16 a. Implement laws, policies, plans, programs, projects, rules and regulations of
17 the Department;
18 b. Provide efficient and effective service to the people;
19 c. Coordinate with regional offices of other departments, offices, and agencies;
20 d. Coordinate with LGUs; and
21 e. Perform such other functions as may be provided by law or assigned by the
22 Secretary.

23 **SEC. 13. *Chief Information Officer (CIO) Council.*** – The Department shall facilitate
24 the creation of the CIO Council, which shall consist of CIOs of national government agencies
25 (NGAs), with the Secretary serving as the Chairman, to assist the Department in the
26 implementation of government ICT initiatives.

27 **SEC. 14. *Sectoral and Industry Task Forces.*** – The Department may create sectoral
28 and industry task forces, technical working groups, advisory bodies or committees for the
29 furtherance of its objectives. Additional private sector representatives, such as from the
30 academe, CSOs, and federation of private industries directly involved in ICT, as well as
31 representatives of other NGAs, LGUs and government-owned and -controlled corporations
32 (GOCCs), may be appointed to these working groups. Government IT professionals may also
33 be tapped to partake in the work of the Department through these working groups.

1 **SEC. 15. E-Government Fund.** – The Department shall prescribe the criteria and
2 guidelines, in coordination with the DBM and the National Economic Development
3 Authority (NEDA), for the disbursement and management of the E-Government Fund,
4 including the monitoring and evaluation of projects funded therein: *Provided*, That the E-
5 Government Fund shall be used to support and co-finance projects that enable the
6 government to expand its ability to conduct activities electronically and provide frontline
7 services through the development and implementation of innovative uses of the Internet or
8 other emerging technologies: *Provided, further*, That internal ICT systems meant to support
9 the ICT operations of an agency shall be charged against its own budgetary allocation.

10 **SEC. 16. Transfer of Agencies and Personnel.** –

11 a. The following agencies are hereby abolished, and their powers and functions,
12 applicable funds and appropriations, records, equipment, property, and
13 personnel transferred to the Department:

- 14 1. Information and Communications Technology Office (ICTO);
- 15 2. National Computer Center (NCC);
- 16 3. National Computer Institute (NCI);
- 17 4. Telecommunications Office (TELOF);
- 18 5. National Telecommunications Training Institute (NTTI); and
- 19 6. All operating units of the Department of Transportation and
20 Communications (DOTC) with functions and responsibilities dealing
21 with communications.

22 All offices, services, divisions, units and personnel not otherwise covered by this Act
23 for transfer to the Department shall be retained under the DOTC, which is hereby renamed
24 the Department of Transportation.

25 b. The following agencies are hereby attached to the Department for policy and
26 program coordination, and shall continue to operate and function in
27 accordance with the charters, laws or orders creating them, insofar as they are
28 not inconsistent with this Act:

- 29 1. National Telecommunications Commission;
- 30 2. National Privacy Commission; and
- 31 3. Cybercrime Investigation and Coordination Center (CICC).

32 i. All powers and functions related to cybersecurity including but
33 not limited to the formulation of the national cybersecurity
34 plan, establishment of the national computer emergency

1 response team, and the facilitation of international cooperation
2 on intelligence regarding cybersecurity matters are transferred
3 to the Department; and

4 ii. The CICC shall be chaired by the DICT Secretary.

5 c. The laws and rules on government reorganization as provided for in Republic
6 Act No. 6656, otherwise known as the Reorganization Law, shall govern the
7 reorganization process of the Department.

8 **SEC. 17. *Separation and Retirement from Service.*** – Employees who are separated
9 from service within six (6) months from the effectivity of this Act as a result of the
10 consolidation and/or reorganization under the provisions of this Act shall receive separation
11 benefits to which they may be entitled under Executive Order No. 366, s. 2004: *Provided,*
12 That those who are qualified to retire under existing retirement laws shall be allowed to retire
13 and receive retirement benefits to which they may be entitled under applicable laws and
14 issuances.

15 **SEC. 18. *Structure and Staffing Pattern.*** – Subject to the approval of the DBM, the
16 Department shall determine its organizational structure and create new divisions or units as it
17 may deem necessary, and shall appoint officers and employees of the Department in
18 accordance with the Civil Service law, rules, and regulations.

19 **SEC. 19. *Magna Carta.*** – Qualified employees of the Department and its attached
20 agencies shall be covered by Republic Act No. 8439, which provides a magna carta for
21 scientists, engineers, researchers and other science and technology personnel in the
22 government.

23 **SEC. 20. *Transition Period.*** – The transfer of functions, assets, funds, equipment,
24 properties, transactions, and personnel of the affected agencies, and the formulation of the
25 internal organic structure, staffing pattern, operating system, and revised budget of the
26 Department, shall be completed within six (6) months from the effectivity of this Act, during
27 which time, the existing personnel shall continue to assume their posts in holdover capacities
28 until new appointments are issued: *Provided,* That after the abolition of the agencies as
29 specified in Section 16(a) of this Act, the Department, in coordination with the DBM, shall
30 determine and create new positions, the funding requirements of which shall not exceed the
31 equivalent cost of positions abolished.

32 **SEC. 21. *Appropriation.*** – The amount needed for the initial implementation of this
33 Act shall be taken from the current fiscal year's appropriation of the ICTO and all agencies
34 herein absorbed by or attached to the Department. Thereafter, the amount needed for the

1 operation and maintenance of the Department shall be included in the General Appropriations
2 Act.

3 **SEC. 22. *Implementing Rules and Regulations.*** – The ICTO, DBM, Civil Service
4 Commission, and other government agencies concerned shall issue within sixty (60) days
5 from the effectivity of this Act, the necessary rules and regulations for the effective
6 implementation of this Act.

7 **SEC. 23. *Separability Clause.*** – If any provision of this Act shall be declared
8 unconstitutional or invalid, the other provisions not otherwise affected shall remain in full
9 force and effect.

10 **SEC. 24. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
11 regulations and other issuances or parts thereof which are inconsistent with this Act are
12 hereby repealed, amended or modified accordingly.

13 **SEC. 25. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days from its
14 publication in at least two (2) newspapers of general circulation.

Approved,