

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

5 AUG 23 22:51

SENATE **2092**  
S.B. No. \_\_\_\_\_

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

United Nations Development Program (UNDP) cites the importance of linking the indigenous sector with the information highway. Further, UNDP Deputy Resident Representative Ms. Ricarda Rieger states that "providing the indigenous sector with access to information and communication technology will give them more chances to empower themselves and will eventually strengthen indigenous people's governance initiatives."

A report of the G-8's Digital Opportunity Task Force concludes that information and communication technology or ICT, when wisely applied, offers enormous opportunities to narrow social and economic inequalities and support sustainable local wealth creation. The inequality in the access to ICT is referred to as the "digital divide" defined by the Organization for Economic Cooperation and Development as the gap that exists in the opportunities to access advanced information and communication technologies between geographic areas or by individuals at different socio-economic levels.

The bill seeks to provide Indigenous Cultural Communities/Indigenous Peoples (ICC/IP) access to ICT. It also seeks to direct the National Commission on Indigenous Peoples, in coordination with the National Telecommunications Commission and the National Computer Center under the Department of Science and Technology, to formulate plans and programs on ICT for ICC/IP.

  
MIRIAM DEFENSOR SANTIAGO  
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THIRTEENTH CONGRESS OF THE REPUBLIC )  
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SENATE  
OFFICE OF THE SECRETARY

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AN ACT  
PROVIDING ACCESS TO INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS  
PEOPLES TO VARIOUS INFORMATION AND COMMUNICATIONS TECHNOLOGY

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

SECTION 1. *Short Title.* – This Act shall be known as the “Indigenous Peoples Connectivity Act of 2005.”

SECTION 2. *Declaration of Policy.* – It is declared policy of the State to –

- (A) Recognize and promote the rights of indigenous cultural communities within the framework of national unity and development; and
- (B) Recognize the vital role of communication and information in nation-building.

SECTION 3. *Purposes.* – The purposes of this Act are to –

- (A) Promote affordable and universal access among ICC/IP to telecommunications and information technology in their localized area;
- (B) Encourage and promote indigenous economic development, self-sufficiency, and strong indigenous governments;
- (C) Enhance the health of ICC/IP through the availability and use of telemedicine and telehealth;
- (D) Improve the quality of kindergarten, primary, secondary, postsecondary, and job-related training of ICC/IP, through enhanced and sustained information technology infrastructure; and

(E) Assist in the retention and preservation of native languages and cultural traditions.

**SECTION 4. *Definitions.*** – For purposes of this Act the following terms –

(A) “Block Grant” – refers to a grant provided under Section 6.

(B) “Chairperson” – refers to the Chairperson of the National Commission on Indigenous Peoples (NCIP).

(C) “Commission” – refers to the NCIP created under Republic Act No. 8371 or the “Indigenous Peoples Rights Act of 1997.”

(D) “Council” – refers to the Indigenous Peoples Connectivity Coordinating Council, which formulates plans and programs in the implementation of the provisions of this Act.

(E) “Eligible Activity” – refers to an activity carried out to -

(1) acquire or lease real property (including licensed spectrum, water rights, dark fiber, exchanges, and other related interests) to provide telecommunications services, facilities, and improvements;

(2) acquire, construct, reconstruct, or install communications facilities, sites, improvements (including design features), or utilities;

(3) retain any real property acquired under this Act for ICC/IP communications purposes;

(4) carry out activities necessary to –

(a) develop a comprehensive telecommunications development plan; and

(b) develop a policy, planning and management capacity so that an eligible entity can more rationally and effectively –

(i) determine the needs of the entity;

(ii) set long-term and short-term goals;

(iii) devise programs and activities to meet the goals of the entity, including, if appropriate, telehealth;

(iv) evaluate the progress of the programs and activities in meeting the goals of the entity; and

(v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation.

(5) pay reasonable administrative costs and carrying charges related to the planning and execution of telecommunications development activities, including the provision of information and resources about the planning and execution of the activities to residents of areas in which telecommunications development activities are to be concentrated;

(6) increase the capacity of an eligible entity to carry out telecommunications regulations and related regulatory matters;

(7) provide assistance to institutions of higher education (including indigenous colleges and universities) that have a demonstrated capacity to carry out eligible activities;

(8) enable an eligible entity to facilitate telecommunications development by –

(a) providing technical assistance, advice, and business support services (including services for developing business plans, securing funding, and conducting marketing); and

(b) providing general support (including peer support programs and mentoring programs) to ICC/IP in developing telecommunications projects.

(9) evaluate eligible activities to ascertain and promote effective telecommunications and information technology development practices and usages among ICC/IP; or

(10) provide research, analysis, data collection, data organization, and dissemination of information relevant to telecommunications and information technology to ICC/IP for the purpose of promoting effective telecommunications and information technology development practices and usages among them.

(F) "Eligible Entity" – refers to an organization of indigenous peoples, indigenous cultural communities, private or public institution of higher education acting under an agreement with the ICC/IP.

(G) "Indigenous Cultural Communities/Indigenous Peoples" – as defined in the Indigenous Peoples Rights Act of 1997, refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, become historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

(H) "Information Technology" – refers to any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. It includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources.

(I) "NCC" – refers to the National Computer Center under the Department of Science and Technology.

(J) "NTC" – refers to the National Telecommunications Commission.

(K) "Technical Assistance" – refers to the facilitation of skills and knowledge in planning, developing, assessing, and administering eligible activities.

(L) "Training and Technical Assistance Grant" – refers to a grant provided under Section 7.

(M) "Telehealth" – refers to the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

SECTION 5. *Indigenous Peoples Connectivity Coordinating Council.* – A Coordinating Council shall be established to formulate plans and programs in connection with the implementation of the provisions of this Act. This Council shall be composed of the following officials or their representatives: Chairperson of the NCIP, the Commissioner of the NTC and the Director of the NCC. The Council shall be supported by a Secretariat.

SECTION 6. *Block Grant Program.* –

(A) *Establishment.* – There is established within the NTC a Rural Telecommunications Block Grant Program to provide grants on a competitive basis to eligible entities to carry out activities under Section 4(E).

(B) *Block Grants.* – The Commissioner may provide a block grant to an eligible entity that submits a block grant application to the NTC for approval.

(C) *Eligible Activities.* – A grant under this Section may only be used for an eligible activity.

(D) *Regulations.* – Not later than 180 days after the date of enactment of this Act, the Commissioner shall promulgate regulations establishing specific criteria for the competition conducted to select eligible entities to receive grants under this Section for each fiscal year.

SECTION 7. *Training and Technical Assistance Grants.* –

(A) *Notification and Criteria.* – The Council shall provide notice of the availability of training and technical assistance grants and publish criteria for selecting recipients.

(B) *Grants.* – The NCC and NTC may provide training and technical assistance grants to eligible entities with a demonstrated capacity to carry out eligible activities.

(C) *Use of Funds.* – A training and technical assistance grant shall be used to –

(1) develop a training program to facilitate local use and maintenance of new telecommunications technologies;

(2) develop and implement –

(a) telecommunications and information technology work study programs;

(b) postsecondary telecommunications and information technology-related education, development, planning and management programs; and

(c) a training program for telecommunications employees;

(3) provide assistance to students who –

(a) participate in telecommunications or information technology work study programs;

(b) are enrolled in a full-time graduate or undergraduate program in telecommunications-related education, development, planning, or management.

(D) *Treatment.* – A training and technical assistance grant to an entity shall be in addition to any block grant provided to the entity.

(E) *Provision of Technical Assistance by the Commission.* – The Commission may provide technical assistance, directly or through contracts, to –

(1) eligible entities; and

(2) persons or entities that assist ICC/IP organizations.

SECTION 8. *Compliance.* –

(A) *Audit by the Commission on Audit (COA).* –

(1) *In General.* – The COA may audit any financial transaction involving grant funds carried out by a block grant recipient or training and technical assistance grant recipient.

(2) *Scope of Authority.* – In conducting an audit under paragraph (1), the COA shall have access to all books, accounts, records, reports, files, papers, things, or property belonging to or in use by the grant recipient that relate to the financial transaction and are necessary to facilitate the audit.

(B) *Environmental Protection and Indigenous Peoples' Rights.* –

(1) *In General.* – After consultation with rural communities, the Council may promulgate regulations to –

(a) ensure that the policies of the Indigenous Peoples Rights Act of 1997 and other laws further the purposes of that Act (as specified by the regulations), are most effectively implemented in connection with the expenditure of funds under this Act; and

(b) assure the public of undiminished protection of the environment.

(2) *Substitute Measures.* – The Council may provide for the release of funds under this Act for eligible activities to grant recipients that assume all of the responsibilities for environmental review, decision-making, and related action.

SECTION 9. *Remedies for Non-Compliance.* –

(A) *Failure to Comply.* – If the Council finds, on the record after opportunity for an agency hearing, that a block grant recipient or training and technical assistance grant recipient has failed to comply substantially with any provision of this Act, the Council, until satisfied that there is no longer a failure to comply, shall –

(1) terminate payments to the grant recipient;

(2) reduce payments to the grant recipient by an amount equal to the amount of payments that were not expended in accordance with this Act;

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by the failure to comply; or

(4) refer the matter to the Solicitor General with a recommendation that the Solicitor General bring an appropriate civil action.



SECTION 10. *Reporting Requirements.* –

(A) *Annual Report to Congress.* – Not later than 180 days after the end of each fiscal year in which assistance under this Act is provided, the Council shall submit to Congress a report that includes –

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of funds under this Act during the preceding fiscal year; and

(3) an evaluation of the status of telephone, internet, and personal computer penetration rates, by type of technology, among ICC/IP.

(B) *Reports to the Council.* – The Council may require grant recipients under this Act to submit reports and other information.

SECTION 11. *Consultation.* – The Council shall consult with other government agencies administering grant programs relating to the development of telecommunications capacities or infrastructure.

SECTION 12. *Appropriations.* – To carry out the provisions of this Act, such sums as may be necessary are hereby authorized to be appropriated from the National Treasury.

SECTION 13. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 14. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two newspapers of general circulation.

Approved,