

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



Senate
Office of the Secretary

15 JUN -8 P4 :19

SENATE
S. No. 2811

RECEIVED BY: J

Introduced by Senator Miriam Defensor Santiago

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

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.¹


MIRIAM DEFENSOR SANTIAGO
RP

¹ This bill was originally filed during the Fourteenth Congress, First Regular Session.

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

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

3 SECTION 2. *Declaration of Policy.* – It is the declared policy of the State to
4 recognize and promote the rights of indigenous cultural communities within the
5 framework of national unity and development; and to recognize the vital role of
6 communication and information in nation-building.

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

8 (A) Promote affordable and universal access among ICC/IP to telecommunications
9 and information technology in their localized area;

10 (B) Encourage and promote indigenous economic development, self-sufficiency,
11 and strong indigenous governments;

12 (C) Enhance the health of ICC/IP through the availability and use of telemedicine
13 and telehealth;

1 (D) Improve the quality of kindergarten, primary, secondary, postsecondary, and
2 job-related training of ICC/IP, through enhanced and sustained information technology
3 infrastructure; and

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

6 SECTION 4. *Definition of Terms.* – For purposes of this Act, the following terms
7 mean -

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

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

11 (C) “Commission” refers to the NCIP created under Republic Act No. 8571 or the
12 “Indigenous Peoples Rights Act.”

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

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

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

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

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

24 (4) carry out activities necessary to: (a) develop a comprehensive
25 telecommunications development plan; and (b) develop a policy, planning and
26 management capacity so that an eligible entity can more rationally and effectively

- 1 (i) determine the needs of the entity;
- 2 (ii) set long-term and short-term goals;
- 3 (iii) devise programs and activities to meet the goals of the entity,
- 4 including, if appropriate, telehealth,
- 5 (iv) evaluate the progress of the programs and activities in meeting
- 6 the goals of the entity; and
- 7 (v) carry out management, coordination, and monitoring of activities
- 8 necessary for effective planning implementation.

9 (5) pay reasonable administrative costs and carrying charges related to the

10 planning and execution of telecommunications development activities, including

11 the provision of information and resources about the planning and execution of the

12 activities to residents of areas in which telecommunications development activities

13 are to be concentrated;

14 (6) increase the capacity of an eligible entity to carry out

15 telecommunications regulations and related regulatory matters;

16 (7) provide assistance to institutions of higher education (including

17 indigenous colleges and universities) that have a demonstrated capacity to carry

18 out eligible activities;

19 (8) enable an eligible entity to facilitate telecommunications development

20 by - (a) providing technical assistance, advice, and business support services

21 (including services for developing business plans, securing funding, and

22 conducting marketing); and (b) providing general support (including peer support

23 programs and mentoring programs) to ICC/IP in developing telecommunications

24 projects.

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

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

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

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

25 (H) “Information Technology” – refers to any equipment or interconnected system
26 or subsystem of equipment that is used in the automatic acquisition, storage, analysis,

1 evaluation, manipulation, management, movement, control, display, switching,
2 interchange, transmission, or reception of data or information. It includes computers,
3 ancillary equipment (including imaging peripherals, input, output, and storage devices
4 necessary for security and surveillance), peripheral equipment designed to be controlled
5 by the central processing unit of a computer, software, firmware and similar procedures,
6 services (including support services), and related resources.

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

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

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

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

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

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

1 SECTION 6. *Block Grant Program.* –

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

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

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

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

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

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

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

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

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

21 (2) develop and implement

22 (a) telecommunications and information technology work study
23 programs;

24 (b) post-secondary telecommunications and information technology-
25 related education, development, planning and management programs; and

26 (c) a training program for telecommunications employees;

1 (3) provide assistance to students who

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

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

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

9 (E) *Provision of Technical Assistance by the Commission.* – The Commission may
10 provide technical assistance, directly or through contracts, to - (1) eligible entities; and
11 (2) persons or entities that assist ICC/IP organizations.

12 SECTION 8. *Compliance.* –

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

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

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

21 (B) *Environmental Protection and Indigenous Peoples Rights.* -

22 (1) *In General.* – After consultation with rural communities, the Council
23 may promulgate regulations to - (a) ensure that the policies of the Indigenous
24 Peoples Rights Act of 1997 and other laws further the purposes of that Act (as
25 specified by the regulations), are most effectively implemented in connection with

1 the expenditure of funds under this Act; and (b) assure the public of undiminished
2 protection of the environment.

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

6 SECTION 9. *Remedies for Non-Compliance.* – If the Council finds, on the record
7 after opportunity for an agency hearing, that a block grant recipient or training and
8 technical assistance grant recipient has failed to comply substantially with any provision
9 of this Act, the Council, until satisfied that there is no longer a failure to comply, shall -

10 (1) terminate payments to the grant recipient;

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

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

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

17 SECTION 10. *Reporting Requirements.* –

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

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

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

1 (3) an evaluation of the status of telephone, internet, and personal computer
2 penetration rates, by type of technology, among ICCIIP.

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

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

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

11 SECTION 13. *Separability Clause.* – If any provision of this Act is held invalid or
12 unconstitutional, the same shall not affect the validity and effectivity of the other
13 provisions hereof.

14 SECTION 14. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
15 portions thereof, which are inconsistent with the provisions of this Act, are hereby
16 repealed, amended or modified accordingly.

17 SECTION 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
18 after its publication in the *Official Gazette* or in two (2) newspapers of general
19 circulation.

Approved,

/rapt4June2015