


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



22 AUG 15 P5:55

SENATE
S. No. 1172

RECEIVED BY: 

Introduced by Senator JOSEPH VICTOR G. EJERCITO

AN ACT
INSTITUTIONALIZING A MASTERPLAN FOR THE TRANSITION OF THE
GOVERNMENT TO E-GOVERNANCE, APPROPRIATING FUNDS THEREFOR
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

According to IGI Global, Electronic Governance or E-Governance is the application of Information and Communications Technologies (ICT) for delivering government services through integration of various stand-alone systems between Government-to-Citizens, Government-to- Business, and Government-to-Government services. In short, E-governance is about the use of information technology to raise the quality of the service government deliver to citizens and businesses. Through this, the government services are made available to the citizens in a convenient, efficient, and transparent matter by reinforcing the connection between public officials and communities thereby leading to a stronger, more accountable and inclusive democracy.

As the pandemic continue to hit economic stability of countries across the globe, business and societies continue to digitally transform. The pandemic has also catalyzed the shift in awareness and has provided the necessary push for more consumers-individuals, businesses and the government- to digitizing governance as the country was compelled to implement necessary health and social-distancing protocols.

Through this bill, the Department of Information and Communications Technology (DICT) is to establish, interconnected and interoperable internal government network which will act as the primary means for the sharing and communication of resources, information, and data through and on digital and electronic platforms across all of the government. The government shall likewise establish, maintain, and support a records management system for the systematic, efficient, and cost-effective management of all government and public documents and records. All paper-based documents and records will be digitized, migrated to, and managed through the system. The government shall also establish a framework as well to allow efficient interoperability among agencies, offices, and instrumentalities of the national and local government.

Lastly, this bill mandates the government to establish, maintain, and support an individual information database which shall act as a national repository and directory of information and data on citizens of the Philippine, whether residing in the Philippines or not, and foreign nationals who enter the Philippines through legal channels. The database will be accessible, through digital platforms to all agencies, offices and instrumentalities of the government.

By institutionalizing E-Governance, it could become a powerful instrument in providing the citizens with the ability to choose the manner in which they wish to interact with the government and about the choices the government make about how ICT will be deployed to support citizen choices and to enable local government units to deliver more efficient and accessible service to their respective communities.

In view of the foregoing, the swift passage of this bill is earnestly sought.




JOSEPH VICTOR G. EJERCITO

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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 “**E-Governance Act**
2 **of 2022**”.

3 Sec. 2. *Declaration of Policy.* – It is hereby declared a policy of the State to
4 recognize the vital role of information and communications technology in the social
5 and economic development of the country and the necessity of harnessing the power
6 of information and communications technology in pursuit of national development and
7 progress. The State hereby adopts a policy to create, foster, and sustain a digitally
8 empowered and integrated government that provides responsive and transparent
9 online citizen-centered services for a globally competitive Filipino nation.

10 In pursuit of this policy, this Act shall have the following purposes:

11 a. Provide effective leadership of government efforts to develop and promote
12 electronic government services and processes by providing guidance to the
13 Department of Information and Communications Technology (DICT) in
14 accordance with its mandate;

- 1 b. Promote use of the Internet, Intranet, and other information and
2 communications technologies to provide increased opportunities for citizen
3 participation in government;
- 4 c. Promote inter-agency collaboration in providing electronic government
5 services, where this collaboration would improve the service to citizens by
6 integrating related functions, and in the use of internal electronic government
7 processes, where this collaboration would improve the efficiency and
8 effectiveness of the processes;
- 9 d. Improve the ability of the government to achieve agency mission and program
10 performance goals;
- 11 e. Promote the use of Internet, Intranet, and emerging technologies within and
12 across government agencies to provide citizen-centric government information
13 and services;
- 14 f. Reduce costs and burdens for businesses and other government entities;
- 15 g. Promote better informed and data-driven decision making by policy makers,
16 taking into consideration data analytics results;
- 17 h. Promote access to high quality government information and services across
18 multiple channels;
- 19 i. Make the national and local governments more transparent and accountable;
- 20 j. Transform agency operations by utilizing, where appropriate, best practices
21 from public and private sector organization, both local and international; and
- 22 k. Provide enhanced access to government information and services in a manner
23 consistent with laws regarding protection of personal privacy, national security,
24 records retention, access for persons with disabilities, and other relevant laws.

25 Sec. 3. *Coverage*. This Act shall apply to all government offices and agencies
26 including local government units and government-owned or -controlled corporations.

27 Sec. 4. *Definition of Terms*. As used in this Act, the following terms are defined
28 as follows:

- 29 a. *E-governance* refers to use of information and communications technology by
30 the government and the public to enhance the access to and delivery of
31 government services to bring about efficient, responsive, ethical, accountable
32 and transparent government service;

- 1 b. *Workflow* refers to the sequence of industrial, administrative, or other
2 processes through which a piece of work passes from initiation to completion;
- 3 c. *Intranet* refers to a secure and private enterprise network that shares data or
4 application resources via Internet Protocol; and
- 5 d. *Internet* refers to a secure and public enterprise network that shares data or
6 application resources via Internet Protocol.
- 7 e. *ICT assets* refers to any date, device, equipment, infrastructure, system, or
8 component thereof, or property, owned or possessed by the DICT in
9 accordance with its mandate, utilized to ensure or support the proper and
10 efficient operation and implementation of ICT-related programs and delivery of
11 ICT services.
- 12 f. *ICT plan* refers to the set of goals, measures, strategies, agenda, and programs
13 for the implementation of ICT programs and projects and the use of information
14 and communications technology, including digital platforms, to deliver public
15 services or otherwise perform governmental functions.
- 16

17 Chapter 1

18 Role of the Government

19

20 Sec. 5. *Responsibilities of the heads of government agencies.*- The head of
21 each agency, office and instrumentality of the national and local government shall be
22 responsible for:

- 23 a. Complying with the requirements of this Act, including related standards for
24 all ICT infrastructure, systems, equipment, designs, and all other
25 technology, which shall be promulgated by the DICT;
- 26 b. Complying with the standards and protocols for cybersecurity,
27 resiliency, privacy, and confidentiality, which shall also be
28 promulgated by the Department of Information and Communications
29 Technology;
- 30 c. Ensuring that the information technology standards promulgated by the
31 Department of Information and Communications Technology are

1 communicated promptly and effectively to all relevant officials within their
2 agency; and

3 d. Supporting the efforts of the national and local government to develop,
4 maintain, and promote an integrated Internet-based system of
5 delivering Federal Government information and services to the public.

6 To these end:

7 a. Agencies shall develop performance measures that demonstrate how electronic
8 government enables progress toward agency objectives, strategic goals, and
9 statutory mandates;

10 b. In measuring performance, agencies shall rely on existing data collections to
11 the extent practicable. Areas of performance measurement that agencies
12 should include customer service; agency productivity, and adoption of
13 innovative information technology, including the appropriate use of commercial
14 best practices;

15 c. Agencies shall link their performance goals, as appropriate, to key groups,
16 including citizens, businesses, and other governments;

17 d. As appropriate, agencies shall work collectively in linking their performance
18 goals to key groups and shall use information technology in delivering
19 government information and services to those groups.

20 *Sec. 6. Role of the Department of Information and Communications Technology*
21 *(DICT).* - the Department of Information and Communications Technology (DICT)
22 shall, in addition to its mandates and functions under Republic Act No. 10844:

23 a. Harmonize and coordinate all national ICT plans and initiatives to ensure
24 knowledge, information and resource-sharing, database-building, and agency
25 networking linkages among government agencies, consistent with E-
26 Government objectives in particular, and national objectives in general;

27 b. Ensure the development and protection of integrated government ICT
28 infrastructures and designs, taking into consideration the inventory of existing
29 manpower, plans, programs, software, hardware, and installed systems;

30 c. Assist and provide technical expertise to government agencies in the

1 development of guidelines in the enforcement and administration of laws,
2 standards, rules, and regulations governing ICT;

3 d. Assess, initiate and support ICT research and development programs of the
4 government; and

5 e. Prescribe, in accordance with applicable civil service laws and rules, the creation
6 of ICT-related government positions and corresponding compensation rates
7 aligned with the personnel needs of a digitalized government, as well as the
8 qualifications, standards, duties, and functions essential to the effective
9 development and operation of government ICT infrastructures and systems.

10 *Sec. 7. DICT to act as the primary implementing body.* - The DICT shall be
11 the primary implementing body and principal administrator of this Act. All ICT projects
12 in the Philippines shall be done in accordance with the National ICT Development
13 Agenda. For this purpose, the DICT shall establish measures to implement policies
14 under this Act and ensure that all ICT projects in the Philippines, whether national or
15 local are harmonized with the overall ICT plans and in compliance with applicable
16 standards. Accordingly, the DICT shall be responsible for the following:

17 a. Adopting a national policy and process that would facilitate the entry and
18 adoption of technologies consistent with the goals of this Act;

19 b. Ensuring the quality, security, reliability, and interoperability of all ICT
20 infrastructure and services in accordance with international or industrial
21 standards, specifications, and best practices;

22 c. Tapping into the private sector and entering into partnerships and joint
23 ventures in accordance with the goals of this Act;

24 d. Mandate and supervise the adoption of policies and processes to ensure the
25 implementation of this Act;

26 e. Mandate and supervise the interconnection or interoperability of ICT
27 infrastructure, systems, and facilities when necessary to achieve the goals
28 of this Act; and

29 f. Regulate and supervise the operations of ICT infrastructure, systems, and
30 facilities, and in the exercise of such functions, in accordance with applicable
31 laws and rules, charge reasonable administrative and operational fees as
32 may be necessary.

1 The IGN shall also act as the government’s primary and focal information management
2 tool and communications network.

3 Sec. 11. *Scope and coverage of the IGN.*- The IGN shall cover all branches,
4 agencies, instrumentalities, and offices of the national and local government, including
5 government-owned and controlled corporations.

6 Sec. 12. *Interconnectivity and interoperability of the IGN to existing*
7 *government networks.*- All internal networks already established and maintained by
8 any government agency, office, or instrumentality, including local governments, shall
9 upon the effectivity of this Act, enact measures to establish interconnection to and
10 interoperability with the IGN.

11 Sec. 13. *Internal Records Management Information System.* –The Government
12 shall establish, maintain, and support a records management system for the
13 systematic, efficient, and cost-effective management of all government and public
14 documents and records. All paper-based documents and records shall be digitalized,
15 migrated to, and managed through this system.

16 The government shall establish a framework to allow efficient interoperability
17 among agencies, offices, and instrumentalities of the national and local government
18 when using electronic signature, including processing of digital signatures.

19 Sec 14. *Internal Email Network.*- The government shall establish and maintain
20 an internal email and communications network, to be known as “GovMail”, for internal
21 and intra-government communications, information dissemination and sharing,
22 coordination, feedback, and other similar and related purposes. It shall be structured
23 in a manner that ensures that the use and operation of such email network shall be
24 accessible, safe, interactive, interconnected, and interoperable.

25 Sec. 15. *Migration, digitization, and automation of paper-based workflows.* -
26 All paper-based government and bureaucratic workflows involving internal
27 communications, information dissemination and sharing, coordination, feedback, and
28 other similar and related purposes shall be migrates, digitized, and, as far as
29 practicable, automated.

30 Notwithstanding the provisions of this Act, communication, information
31 dissemination and sharing, coordination, and feedback which deals with critical and
32 sensitive information as may be determined by the head of the agency shall be allowed

1 to be conducted through traditional and non-digital means as may be deemed
2 appropriate for the purpose by the head of the agency.

3 **Chapter 3**

4 **The Philippine Information Defense**

5 *Sec.16. The Philippine Individual Information Database and Civil Registration*
6 *System.*- The government shall establish, maintain, and support an individual
7 information database which shall act as a national repository and directory of
8 information and data on citizens of the Philippines, whether residing in the Philippines
9 or not, and foreign nationals who enters the Philippines through legal channels.

10 Information and data to be stored on the database shall include names,
11 addresses, whether permanent or temporary, national identification numbers, dates
12 and places of birth, citizenship, civil status, biometric data and information, and other
13 associated information: *Provided,* That the acquisition and storage of date and
14 information on the database shall not in any way violate any applicable domestic and
15 international laws and rules on privacy of data and information.

16 *Sec. 17. Access to and use of the database.*- The database shall be accessible,
17 through digital platforms such as intranet and internet, to all agencies, offices, and
18 instrumentalities of the government for purposes consistent with legitimate and valid
19 public purposes, subject to Republic Act No. 10173 otherwise known as Data Privacy
20 Act.

21 All government agencies, offices, and instrumentalities with access to the
22 database shall maintain a record of all the instances when, where, and how such
23 agency, office, or instrumentality, or its duly authorized representatives, had accessed
24 any information or data stored on the database and the purposes of such access,
25 including the identity of the actual person or persons gaining access to the said
26 database.

27 Notwithstanding the provisions of this Act, access to and use of the resources,
28 information, and data on the database shall be in accordance with all relevant
29 domestic and international laws, rules, and regulations on data and information
30 privacy and the pertinent rules on confidentiality of government information.

31 *Sec. 18. Integration with the Philippine Identification System.* - The current
32 Philippine Identification System, including its existing and planned mechanisms for

1 **Chapter 5**

2 **The Government E-Portals**

3 *Sec. 23. Establishment of online public service portal for individuals and*
4 *business.* – In accordance with the policy of the government to maintain and promote
5 an integrated internet-based system of providing the public with access to government
6 information and services, the government, through the DICT, shall establish, maintain,
7 and continuously update a portal which shall serve as a helpdesk where citizens can
8 request for information and assistance on government frontline services, service
9 procedures, and report commendations, appreciation, complaints, and feedback.

10 The online portal shall also serve as centralized contact point where all
11 communications from the public through such portal may be routed, logged,
12 responded to, and ultimately distributed to the different government agencies for
13 proper handling and resolution, and follow through if necessary.

14 *Sec. 24. Access to and use of the online public service portal.* – The portal shall
15 be accessible, through digital platforms such as the intranet and internet, to citizens
16 of the Philippines, foreign nationals who have entered the Philippines through
17 legitimate channels, and businesses organized and existing or operating under the
18 laws and rules of the Philippines for purposes consistent with the efficient delivery of
19 public services.

20 Notwithstanding the provisions of this Act, access to and use of the resources,
21 information, and data through the portal shall be in accordance with all relevant laws,
22 rules, and regulations on data and information privacy and the pertinent rules on
23 confidentiality of government information.

24 *Sec. 25. Government frontline services through the portal.* - All government
25 agencies, offices, and instrumentalities which provide frontline services, as defined
26 under Republic Act No. 9485, as amended or otherwise known as the Anti-Red Tape
27 Act of 2007, shall establish and maintain measures to ensure that such services are
28 accessible and capable of delivery to the public through the portal.

29 All offices and agencies which provide frontline services are hereby mandated
30 to regularly undertake time and motion studies, undergo evaluation and improvement
31 of their transaction systems and procedures and re-engineer the same if deemed
32 necessary to maximize the use of the portal for efficiency and transparency.

1 Sec. 26. *Access to frontline services.* – The following shall be adopted by all
2 government offices and agencies covered in the immediately preceding paragraph:

3 a. Acceptance of applications and request. – All officers or employees shall
4 accept written applications, requests, and/or documents being submitted by
5 clients of the office or agencies through the portal.

6 The responsible officer or employee shall acknowledge receipt of such
7 application and/or request by writing or printing clearly thereon, through
8 the portal, his/her name, the unit where he/she is connected with, and the
9 time and date of receipt.

10 The receiving officer or employee shall perform a preliminary assessment
11 of the request so as to promote a more expeditious action on requests.

12 b. Action of offices- All applications and/or requests submitted through the
13 portal shall be acted upon by the assigned officer or employee during the
14 period stated in the Citizen’s Charter which shall not be longer than five (5)
15 working days in the case of simple transactions, and ten (10) working days
16 in the case of complex transactions from the date of request or application
17 was received. Depending on the nature of the frontline services requested
18 or the mandate of the office or agency under unusual circumstances, the
19 maximum time prescribed above may be extended. For the extension due
20 to nature of frontline services or the mandate of the office or agency
21 concerned the period for the delivery of frontline services shall be indicated
22 in the Citizen’s Charter. The office or agency concerned shall notify the
23 requesting party in writing of the reason for the extension and the final date
24 of release for the extension and the final date of release of the frontline
25 service/s requested.

26 No application or request shall be returned to the client without appropriate
27 action. In case an application or request is disapproved, the officer or
28 employee who rendered the decision shall send a formal notice to the client
29 within five (5) working days from the receipt of the request and/or
30 application, stating therein the reason for the disapproval including a list of
31 specific requirement/s which the client failed to submit.

1 c. Denial of request for access to government service – Any denial of request
2 for access to government service shall be full explained in writing and
3 through the portal, stating the name of the person making the denial and
4 the grounds upon which such denial is based. Any denial of request is
5 deemed to have been made with the permission or clearance from the
6 highest authority having jurisdiction over the government office or agency
7 concerned.

8 d. Access to progression of frontline service requests through the online portal
9 – All offices, agencies, and instrumentalities shall make accessible through
10 the portal the progress of all frontline service requests in real time.

11 e. Adoption of working schedules to serve clients through the online portal –
12 Heads of offices and agencies which render frontline services shall adopt
13 appropriate working schedules to ensure that all clients have requested for
14 public services through the portal are attended to and served even during
15 lunch break and after regular working hours, in accordance with pertinent
16 civil service rules.

17 f. Identification of public employees – All employees transacting with the
18 public shall be provided with an official identification card which should be
19 publicly accessible through the online portal.

20 Government agencies, offices, and instrumentalities mandated under this
21 Act to provide and deliver public services through the portal shall not in any
22 way require the person requesting for such public service to physically go
23 and report to the physical office of such agency, office, or instrumentality
24 where the purpose of such physical presence may be reasonably
25 accomplished through the online portal.

26
27 *Sec. 27. The Government Online Payment System.* – In conjunction with the
28 online portals for the delivery of public services, the government shall establish an
29 internet-based electronic payment system and facility to enable citizens and
30 businesses to remit payments through digital platforms to the government agencies
31 to which such payments are due. For this purpose, the government may engage the
32 services of and interconnect with public and private payment systems and facilities

1 Sec. 28. *The Citizen's Concerns Center.* - there is hereby established a Citizens'
2 Concerns Center, which shall serve as a mechanism where citizens may report their
3 complaints, grievances, and concerns on acts of red tape, as defines under Republic
4 Act No. 9485 or the Anti-Red Tape Act and other relevant laws, and/or corruption or
5 misconduct on the part of any government agency, government-owned or controlled
6 corporation, government financial institution, and other instrumentalities of the
7 government or any of its officers, officials, or employees.

8 The Center shall be under the direction and supervision of the Office of the
9 Cabinet Secretary, in coordination with the DILG and representatives from the local
10 government units.

11 Sec. 29. *Integration with existing public feedback mechanisms.* – All existing
12 public feedback mechanisms for similar purposes established and/or maintained by
13 agencies, offices, and instrumentalities, and local government units, shall be fully
14 integrated with the Center. For this purpose and in accordance with the objectives of
15 this Act, the Center may enter into such arrangements as are necessary for the
16 interconnection, interoperability, and integration of the public feedback mechanisms.

17 Sec. 30. *Integration with the internal government network and database.* – The
18 Center, including its sub-operations units, and its operations shall be fully integrated
19 with the internal government network and database for real time updating data and
20 information.

21 Sec. 31. *Minimum operating standards.* - The Center, including its sub-
22 operational units, shall have the following minimum operating standards:

23 a. Communication channels – The Center shall provide communications
24 channels which include but are not limited to the following:

- 25 1. Telephone;
- 26 2. Short message service (SMS) or text message service;
- 27 3. Electronic mail (email);
- 28 4. Social media; or
- 29 5. Other emerging communications media which can reasonably be
30 used to fulfill the purposes of the Center.

31 b. Operating hours – The Center shall operate, through any of its
32 communications channels, twenty-four (24) hours a day, seven (7) days a

1 week, including national holidays and days in which work is suspended for
2 whatever reason, for which purpose the Center may establish effective
3 measures and hire the necessary personnel;

4 c. Personnel flow- A citizen's concern received through any of the
5 communications shall immediately be encoded onto the Philippine
6 Information Database and referred, directly or indirectly, in real time, to the
7 concerned agency, office, or instrumentality for appropriate action through
8 the internal government network. The complainant shall be given advice or
9 feedback on the status of the concern until its resolution;

10 d. Period to take action – A citizen's concern lodged and received through any
11 of the communication channels shall have a concrete and specific action
12 within seventy-two (72) hours from receipt by the proper government
13 agency or instrumentality. For purposes of this provision, the period
14 provided shall exclude such time outside the normal office hours of the
15 agency or office concerned.

16 *Sec. 32. Cooperation of government agencies and local government units.* - To
17 ensure that the public is served efficiently and expeditiously in accordance with the
18 objectives of this Act, all national government agencies, offices, and instrumentalities,
19 government-owned and controlled corporations, government financial institutions, as
20 well as the local government units, are enjoined to cooperate and coordinate with the
21 Office of the Cabinet Secretary and each other to ensure prompt action on the
22 concerns received through the communications channels of the Center.

23 **Chapter 6**

24 **The Philippine CitizenConnect Program**

25 *Sec. 33. The Philippine CitizenConnect Program.* – The government shall
26 establish a program, to be known as the "Philippine CitizenConnect," to assist and help
27 the public who does not have access to, or need help with using computers, the
28 internet, and other analogous means to transact with and request the delivery of
29 public services from the government in their localities.

30 *Sec 34. Free access to the internet for the public.* – Pursuant to Republic Act
31 No. 10929 or otherwise known as the Free Internet Access in Public Places Act, the
32 government, through the DICT, shall establish a program that will provide free access

1 to internet service in public places, with particular focus on unserved or underserved
2 areas, throughout the country, to enable access to the online portal, promote
3 knowledge-building among citizens, and enable them to participant and compete in
4 the evolving information and communication age.

5 *Sec. 35. Provision and maintenance of internet-capable devices in all barangay*
6 *centers.* – All barangay centers in the country shall provide and maintain internet-
7 capable devices such as but not limited to computers and tablets for the purpose of
8 enabling efficient and timely access to government services.

9 *Sec 36. Staffing requirement for internet access.* – All barangay centers shall
10 ensure that there will be government staff present to help the public access the
11 government portal and perform online transactions with government agencies, offices,
12 and instrumentalities.

13 **Chapter 7**

14 **The Government Websites and E-Bulletin Boards**

15 *Sec. 37. The Government E-bulletin Board.* – The government and all its
16 agencies. Offices, and instrumentalities, including local governments, shall each
17 establish and maintain a website and an e-bulletin board for the purposes of
18 information sharing and dissemination, which shall be structured and maintained to
19 ensure accessibility and security.

20 *Sec. 38. Information dissemination through the website and board.* – All
21 government offices, agencies, and instrumentalities which are mandated by the laws
22 or rules to publish or otherwise disseminate notices, documents, or other information
23 intended for public consumption and information shall, in addition to the traditional
24 modes therefor, publish such notices, documents, or other information on the website
25 and e-bulletin board.

26 Notwithstanding the provisions of this Act and other relevant laws, publication
27 of notices, documents, or any other information on the website and e-bulletin board
28 shall be construed as sufficient notice to the public for purposes of compliance with
29 laws and rules requiring publication; *Provided,* That such website or e-bulletin board
30 is accessible at such point in time where accessibility is claimed. For purposes of this
31 provision, the start of publication shall be the date on which the notice, document, or
32 information was first uploaded and made accessible to the public.

- 1 maintained by or on behalf of the agency; and information systems used or
2 operated by an agency or by a contractor of an agency or other organization
3 on behalf of the agency.
- 4 b. Determining the levels of information security appropriate to protect such
5 information and information systems and implementing the same;
- 6 c. Periodically testing and evaluating information security controls and
7 techniques to ensure that they are effectively implemented;
- 8 d. Complying with the requirements of pertinent laws on information security
9 and privacy, related policies, procedures, standards, and guidelines,
10 including information security standards promulgated by the DICT; and
11 information security standards and guidelines for national security systems
12 issued in accordance with law and as directed by the President; and
- 13 e. Ensuring that information security management processes are integrated
14 with agency strategic and operational planning processes.

15 **Chapter 9**

16 **Participation of the Private Sector**

17 *Sec. 42. Government cooperation with the private sector.* – Nothing in this Act
18 shall prevent the government, both national and local, from entering into contracts,
19 agreements, or partnerships with the private sector to provide various resources,
20 assets, and services in order to comply or enhance compliance with the provisions of
21 this Act.

22 Any and all contracts or agreements with the private sector in the context of
23 this Act shall be subject to the laws and rules on public accountability and transparency
24 and good governance.

25 **Chapter 10**

26 **The Philippine Infostructure Management Corporation**

27 *Sec. 43. The Philippine Infostructure Management Corporation.* – For the
28 purpose of ensuring proper and efficient operations and management of the ICT
29 assets of the DICT, and a faster implementation of infrastructure programs related to
30 connectivity, data center and cloud infrastructure, there is hereby established a body
31 corporate to be known as Philippine Infostructure Management Corporation (PIMC),

1 which shall be an attached agency to the DICT. The PIMC shall be subject to the rules
2 and regulations as the DICT may impose from time to time.

3 Sec 44. *Powers and functions.* – To carry out its main purpose and in
4 accordance with applicable laws and rules, the PIMC shall have, in addition to any and
5 all powers granted to a corporation under the general corporation code, the following
6 functions and powers:

- 7 a. Plan and implement infrastructure programs such as but not limited to the
8 National Broadband Plan, Free Wifi for All, and expansion of the National
9 Government Data Centers and Government Cloud;
- 10 b. Manage ICT assets of the DICT;
- 11 c. Prescribe, repeal, and alter its own by-laws;
- 12 d. Determine its operating policies, and to issue such rules and regulations as
13 may be necessary to achieve its main purpose;
- 14 e. Adopt, alter and use a corporate seal;
- 15 f. Acquire and own real and personal property, and to sell, mortgage or
16 otherwise dispose of the same;
- 17 g. Sue and be sued, enter into contracts, and borrow money from both local
18 and foreign sources; Provided, That such loans shall be incurred only upon
19 favorable recommendation of the DICT and approval by the President of the
20 Philippines;
- 21 h. Hold, own, purchase, acquire, sell or otherwise invest, or reinvest in stocks,
22 bonds or other securities capable of giving the PIMC a reasonably assured
23 income sufficient to support its activities; and
- 24 i. Provide ICT counseling and technical services to government and private
25 entities; Provided, That for this purpose, the PIMC may contact the services
26 of private consultants.

27 Sec. 45. *Board of Trustees.* - The corporate powers and functions of the PIMC
28 shall be vested in and exercised by the Board of Trustees that shall be composed of
29 the following:

- 30 a. The Secretary of the DICT, as the ex officio Chairman and Chief Executive
31 Officer;
- 32 b. The Undersecretary of the DICT, as the ex officio Executive Vice Chairman;

- 1 c. The Commission of the National Telecommunication Commission (NTC_, or
- 2 his/her duly designated undersecretary, as ex officio member;
- 3 d. The Undersecretary of the Department of Budget and Management (DBM),
- 4 or his/her duly designated undersecretary, as ex officio member;
- 5 e. One (1) representative from the private sector from the Information
- 6 Technology and Business Process Outsourcing Industry;
- 7 f. One (1) representative from the private sector from the
- 8 Telecommunications Industry; and
- 9 g. One (1) representative from the local government units;

10 The representatives from the private sector and the local government units
11 shall be appointed by the President. The representatives from the private sector shall
12 be appointed only upon a favorable recommendation from the DICT and the
13 Government Commission on GOCCs. The representatives from the private sector shall
14 be persons of accepted integrity, probity, and intellect, at least thirty-five (35) years
15 of age, possessed of demonstrated administrative skills and ability in the field of ICT.
16 The representative from the local government units shall be appointed only upon a
17 favorable recommendation from the DICT, the GCG, and the Department of Interior
18 and Local Government.

19 The Chief Executive Officer of the Corporation shall execute and administer the
20 policies and resolutions approved by the Board of Trustees, prepare its agenda, and
21 direct and supervise the operations and management of the Corporation. He shall
22 have direct and supervise the operations and management of the Corporation. He
23 shall have direct control and supervision of the business of the PIMC in all matters
24 which are not by this Act or by the by-laws of the Bank specifically reserved to be
25 done by the Board of Trustees. He shall, subject to the approval of the Board in case
26 of approval of appointments to managerial positions and above, and the confirmation
27 of the Board in appointments to below that of manager level, appoint the personnel
28 of the Corporation, remove, suspend or otherwise discipline them for cause, and
29 prescribe their duties and qualifications, in accordance with existing civil service laws,
30 rules and regulations, to the end that only competent and qualified personnel may be
31 employed.

32 All members of the Board shall serve for a term of seven years.

1 The Chairman and the members of the Board shall act as the heads of such
2 operating departments as may be set up by the Board. The Chairman shall have
3 authority, exercisable at his discretion, to determine from time to time the
4 organizational divisions to be headed by each member serving full time and to make
5 the corresponding shifts in designations pursuant thereto. The compensation of the
6 Chairman and the members of the Board of Trustees shall be in accordance with
7 applicable laws and rules on compensation in the civil service. The Chairman of the
8 Board shall be assisted by an Executive Vice-Chairman and one or more Vice-Chairmen
9 who shall be chosen and may be removed by the Board of Trustees. The salaries of
10 the Vice-Chairmen shall be fixed by the Board of Trustees with the approval of the
11 President of the Philippines.

12 Sec. 46. *Authorized capital stock.* - The PIMC shall have an authorized capital
13 stock of Five Billion pesos (PHP 5,000,000,000.00), divided into Five Million
14 (5,000,000) shares of common stock with a par value of One Thousand Philippine
15 Pesos (PHP 1,000.00) per share, which shall be fully subscribed by the government.

16 Of the total capital subscribed by the government. One Billion Philippine Pesos
17 (PHP 1,000,000,000.00) shall be paid by the Government within one year from the
18 effectivity of this Act, and One Billion Philippine Pesos (PHP 1,000,000,000.00) every
19 year thereafter for four (4) years for which purpose the amount of One Billion
20 Philippine Pesos (PHP 1,000,000,000.00) is hereby appropriated upon the effectivity
21 of this Act, and One Billion Philippine Pesos (PHP 1,000,000,000.00) every year for
22 the next four (4) years thereafter, out of the funds in the National Treasury not
23 otherwise appropriated for the purpose.

24 Sec. 47. *Personnel; cost of administration.* — The Board of Trustees shall
25 provide for an organization and staff of officers and employees necessary to carry out
26 the functions of the PIMC, fix their compensation, and appoint and remove such
27 officers and employees for cause. The PIMC officers and employees shall be subject
28 to the rules and regulations issued by the Civil Service Commission but shall not fall
29 under the Salary Standardization Law. The Board of Trustees shall recommend to the
30 Civil Service Commission rules and regulations for the recruitment, appointment,
31 compensation, administration, conduct, promotion and removal of all PIMC officers
32 and employees under a strict merit system and prepare and conduct examinations

1 under the supervision of said Commission. The administrative expenses of the PIMC
2 during any single fiscal year shall not in any case exceed five percent (5%) of its total
3 assets.

4 *Sec. 48. Legal Counsel.* — The Secretary of Justice shall be ex-officio legal
5 adviser of the PIMC. Any provision of law to the contrary notwithstanding, the PIMC
6 shall have Its own Legal Department, the chief and members of which shall be
7 appointed by the Board of Trustees. The composition, budget and operating expenses
8 of the Office of the Legal Counsel and the salaries and traveling expenses of its officers
9 and employees shall be fixed by the Board of Trustees and paid by the PIMC.

10 *Sec. 49. Removal of members.* — The President of the Philippines may, at any
11 time, remove the Chairman or any member of the Board appointed by him for, in
12 addition to any and all recognized causes for termination under applicable civil service
13 laws and rules, any of the following causes: a. Mismanagement, grave abuse of
14 discretion, infidelity in the conduct of fiduciary relations, or gross neglect in the
15 performance of duties; b. Dishonesty, corruption, or any act involving moral turpitude;
16 c. Any act or performance tending to prejudice or impair the substantial rights of the
17 government and the corporation's stockholders. The Chairman or member may, in any
18 of the above cases, be civilly liable for any damage that may have been suffered by
19 the corporation.

20 *Sec. 50. Timeline of organization of the PIMC.* — The PIMC shall be instituted
21 and organized within one (1) year from effectivity of this Act.

22 **Chapter 11**

23 **The ICT Academy**

24 *Sec. 51. Establishment of the ICT Academy and its purposes.* - The DICT shall
25 establish and develop rules and policies for the operations of an ICT Academy that
26 shall have the following purposes:

- 27 a. To foster and support the strategic goals of the national ICT development
28 agenda through data collection and globally competitive ICT skills development
29 programs and for other purposes;
- 30 b. To promote the education and training of citizens in ICT skills, for purposes
31 of enhancing the nation's labor capacity in relation to the most relevant and
32 updated data on local and international skills supply and demand;

1 c. To promote the development of globally competitive skills and drive an
2 inclusive economic growth;

3 d. To promote, foster, and nurture the right of all citizens to quality education
4 in ICT;

5 e. To lead the country in setting standards in the development of ICT curriculum
6 and training;

7 f. Create and foster partnerships with different persons, entities, and
8 institutions for purposes of developing and updating the Academy's resources,
9 its ICT curriculum, modules, pedagogical approaches; and

10 g. To regularly assess the state of the country in terms of comparative ICT
11 skills and performance, and suggest responsive policies to address concerns;

12 *Sec. 52. Satellite units.* -The ICT Academy shall have satellite units in particular
13 regions, provinces or municipalities in the country if, upon determination of the DICT,
14 in coordination with the Commission on Higher Education and the Technical Education
15 and Skills Development Authority, it is found to be necessary to ensure broader access
16 to quality ICT trainings and skills development, and to further enhance the Academy's
17 capability to attain its purposes.

18 *Sec. 53. Access and admission.* - The Academy shall be accessible to all citizens
19 regardless of skill, age, gender, religious belief, economic status, ethnicity, physical
20 disability, political opinion or affiliation. The DICT shall institute an admissions process
21 to ensure that citizens shall have equal access to ICT education and that the broadest
22 base of the citizenry shall have ICT education.

23 *Sec. 54. Finances.* - The Academy's operations shall be financially supported by
24 a budget from the DICT, reasonable fees and dues collected, as well as through
25 donations, in accordance with applicable laws and rules.

26 All income collected by the Academy shall be retained and disbursed for the for
27 the benefit of the students, faculty, trainers, and advisers, to serve the acquisition,
28 construction, and maintenance needs of the Academy, as well as the proper
29 administration of its programs and, generally, the attainment of the purposes of the
30 Academy; provided, that such retention and disbursement shall be subjected to
31 applicable laws and rules on government audit and accountability.

1 Donations and fees collected shall be held in a fund, to be administered in trust
2 by a Committee created by the DICT for such purpose. The fund shall in no case be
3 impaired. Donations received shall be used only for the purposes for which they were
4 donated.

5 *Sec. 55. Partnerships.* - The Academy may form partnerships with different
6 educational institutions and private entities for purposes of achieving the goals of the
7 Academy. Partnerships may be in the form of resource sharing, module and training
8 development, faculty exchange, standards development, trainings collaboration, and
9 other similar forms. All partnerships to be entered into by the Academy shall be in
10 accordance with the law, approved by the DICT Secretary, and shall not require the
11 disbursement of any funds by the Academy or the government.

12 **Chapter 12**

13 **Miscellaneous Provisions**

14 *Sec. 56. Transitory provisions.* - In accordance with the objectives of this Act,
15 the DICT, in coordination with relevant government agencies and instrumentalities, as
16 well as private stakeholders and civic organizations, shall study, formulate, and
17 implement a master plan for the transition of the government and its provision of
18 services in the digital age.

19 For purposes of this Act, until such time that the government shall have
20 completed the transition in accordance with the objectives of this Act, all government
21 activities covered under this Act shall be conducted in the manner provided for under
22 existing laws and rules.

23 The government shall complete the transition in a maximum of five (5) years
24 from effectivity of this Act.

25 *Sec. 57. Regular status reports.* - All agencies, offices, and instrumentalities of
26 the national and local governments covered under this Act shall submit to the
27 Congress, the President, and to the DICT, an annual report on the status of
28 implementation of this Act. These reports shall likewise be made publicly available on
29 and through the e-portals.

30 *Sec. 58. Appropriations and funding.* - The amount necessary to cover the initial
31 implementation of this Act in the national government level shall be charged against
32 the current year's appropriation of the national government agency, office, or

1 instrumentality concerned. Thereafter, such sums as may be needed for its continued
2 implementation shall be Included In the annual General Appropriations Act. The
3 amount necessary to implement this Act In the local government level shall be charged
4 against the funds of the local government unit concerned.

5 *Sec. 59. Implementing rules and regulations.* - The Department of Information
6 and Communications Technology, in coordination with relevant offices, agencies, and
7 instrumentalities of the national and local government, shall promulgate the necessary
8 rules and regulations to properly and efficiently implement this Act within ninety (90)
9 days from the effectivity of this Act.

10 *Sec. 60. Separability Clause.* – If any provision of this Act is declared invalid or
11 unconstitutional, the provisions not affected thereby shall continue to be in full force
12 and effect.

13 *Sec. 61. Repealing Clause.* – All laws, decrees, orders, rules and regulations or
14 parts thereof which are contrary to or inconsistent with the provisions of this Act are
15 hereby amended, repealed or modified accordingly.

16 *Sec. 62. Effectivity.* – This Act shall take effect immediately after fifteen (15)
17 days from its publication in the Official Gazette or in a newspaper of general
18 circulation.

Approved,