

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4261



Introduced by **HON. GUS S. TAMBUNTING**

AN ACT
INSTITUTIONALIZING THE TRANSITION OF THE GOVERNMENT TO E-
GOVERNANCE IN THE DIGITAL AGE, APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES

EXPLANATORY NOTE

One of the priority bills of President Ferdinand R. Marcos, Jr. in his 2022 State of the Nation Address (SONA) is the E-Governance Act.

This bill requires the government to establish an integrated, interconnected, and interoperable information and resource-sharing and communications network spanning the entirety of the national and local government, an internal records management information system, an information database, and digital portals for the delivery of public services.

This bill also pushes for the digitization of paper-based and other traditional modes of workflows for a more efficient and transparent public service.

The transition of government processes has been long sought after. Numerous companies have made work-from-home arrangements. Schools have shifted from the traditional mode of learning to online classes. These events in the life of the new normal must be the sign that government transactions should also be digitalized.

The pandemic has exposed the flaws in pre-pandemic government transactions. Filipinos have experienced long lines and red tape in physical appointments with government agencies.

We must learn to adapt to the new normal. Most transactions have been digitalized; I hope government transactions should be as well.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.



REP. GUS S. TAMBUNTING
2nd District, Parañaque City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4261

Introduced by **HON. GUS S. TAMBUNTING**

AN ACT
INSTITUTIONALIZING THE TRANSITION OF THE GOVERNMENT TO E-GOVERNANCE IN
THE DIGITAL AGE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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 "E-Governance Act of 2022."

SEC. 2. Declaration of policy and purposes. - It is hereby declared the policy of the State to recognize the vital role of communication and information in nation-building and the necessity of harnessing the power of information and communications technology in pursuit of national development and progress. The State hereby adopts a policy to create, foster, and sustain a digitally empowered and integrated government that provides responsive and transparent online citizen-centered services for a globally competitive Filipino nation.

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

- a. Provide effective leadership of government efforts to develop and promote electronic government services and processes by providing guidance to the Department of Information and Communications Technology in accordance with its mandate
 - b. Promote use of the Internet, Intranet, and other information and communications technologies to provide increased opportunities for citizen participation in government;
 - c. Promote inter-agency collaboration in providing electronic government services, where this collaboration would improve the service to citizens by integrating related functions, and in the use of internal electronic government processes, where this collaboration would improve the efficiency and effectiveness of the processes;
 - d. Improve the ability of the government to achieve agency missions and program performance goals;
 - e. Promote the use of the Internet, Intranet, and emerging technologies within and across government agencies to provide citizen-centric government information and services;
 - f. Reduce costs and burdens for businesses and other government entities;
 - g. Promote better informed and data-driven decision making by policy makers, taking into consideration data analytics results;
 - h. Promote access to high quality government information and services across multiple channels;
- Make the national and local governments more transparent and accountable;

- j. Transform agency operations by utilizing, where appropriate, best practices from public and private sector organizations, both local and international; and
- k. Provide enhanced access to government information and services in a manner consistent with laws regarding the protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.

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

39 SEC. 4. Definition of Terms. - As used in this Act, the following terms 40 are defined as follows:

- a. "E-Governance"- refers to the use of information and communications technology by the government and the public to enhance the access to and delivery of government services to bring about efficient, responsive, ethical, accountable, and transparent government service;
- b. "Workflow" - refers to the sequence of industrial, administrative, or other processes through which a piece of work passes from initiation to completion;
- c. "Intranet" - refers to a secure and private enterprise network that shares data or application resources via Internet Protocol;
- d. "Internet" - refers to a secure and public enterprise network that shares data or application resources via Internet Protocol.
- e. "ICT assets" - refers to any data, device, equipment, infrastructure, the system, or component thereof, or property, owned or possessed by the DICT in accordance with its mandate, is utilized to ensure or support the proper and efficient operation and implementation of JCT-related programs and delivery of ICT services; and
- f. "JCT plan" - refers to the sum or set of goals, measures, strategies, agenda, and programs for the implementation of JCT programs and projects and the use of information and communications technology, including digital platforms, to deliver public services or otherwise perform governmental functions.

CHAPTER 1
ROLE OF THE GOVERNMENT

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

- a. Complying with the requirements of this Act, including related standards for all ICT infrastructure, systems, equipment, designs, and all other technology, which shall be promulgated by the Department of Information and Communications Technology

- b. Complying with the standards and protocols for cybersecurity, resiliency, privacy, and confidentiality, which shall also be promulgated by the Department of Information and Communications Technology;
- c. Ensuring that the information technology standards promulgated by the Department of Information and Communications Technology are communicated promptly and effectively to all relevant officials within their agency; and
- d. Supporting the efforts of the national and local government to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and 14 services to the public.

To these ends:

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

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

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

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

SEC. 6. Role of the Department of Information and Communications Technology (DICT).

The Department of Information and Communications Technology (DICT) shall, in addition to its mandates and functions under Republic Act No. 10844:

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

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

c. Assist and provide technical expertise to government agencies in the development of guidelines in the enforcement and administration of laws, standards, rules, and regulations governing ICT;

- d. Assess, initiate, review and support ICT research and development programs of the government; and
- e. Prescribe, in accordance with applicable civil service laws and rules, the creation of ICT-related government positions and corresponding compensation rates aligned with the personnel needs of a digitalized government, as well as the qualifications, standards, duties, and functions essential to the effective development and operation of government ICT infrastructures and systems.

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

- a. Adopting a national policy and process that would facilitate the entry and adoption of technologies consistent with the goals of this Act;
- b. Ensuring the quality, security, reliability, and interoperability of all ICT infrastructure and services in accordance with international or industrial standards, specifications, and best practices;
- c. Tapping into the private sector and entering into partnerships and joint ventures in accordance with the goals of this Act;
- d. Mandate and supervise the adoption of policies and processes to ensure the implementation of this Act;
- e. Mandate and supervise the interconnection or interoperability of ICT infrastructure, systems, and facilities when necessary to achieve the goals of this Act; and
- f. Regulate and supervise the operations of ICT infrastructure, systems, and facilities, and in the exercise of such functions, in accordance with applicable laws and rules, charge reasonable administrative and operational fees as may be necessary.

SEC. 8. The DICT-Project Management Office. - Within one year from the effectivity of this Act, the DICT shall establish government-wide Project Management Office, which shall cater to and address to the portfolio, program, and project management needs of government agencies, with the end goal of ensuring that ICT projects across the government are managed with efficiency and agility following international best practices and standards, to deliver successful projects, with the goal of delivering lasting 30 benefits and value through new or enhanced ICT services. The DICT shall provide guidelines on the operation of the PMO

and as to the qualifications of personnel under the PMO, who shall, at the minimum obtain internationally-recognized certifications and a required number of units on Project Management, Program Management, IT Service Management ITIL, The Open Group Enterprise Architecture, Risk Management, and other similar fields or specializations. For this purpose, the ICT Academy shall ensure that courses, multimodal training, and certifications to develop this human resource are regularly offered.

SEC. 9. Inclusivity. - In accordance with the provisions of this Act on the Philippine Citizen Connect Program, when promulgating policies and implementing programs regarding the provision of government information and services over the internet and other platforms or channels, agency heads shall consider the impact on persons without access to such platforms or channels, and shall, to the extent practicable, ensure that the availability of government information and services has not been or will not be diminished for individuals and entities who lack access to the internet; and pursue alternate modes of delivery that make government information and services more accessible to individuals who do not own computers or lack access to the internet or other platforms and channels.

CHAPTER 2 THE INTEGRATED GOVERNMENT NETWORK

SEC. 10. Establishment of the Integrated Government Network. - The DICT shall establish an integrated, interconnected, and interoperable internal government network, to be known as the "Integrated Government Network" (IGN), which shall 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 IGN shall also act as the government's primary and focal information management tool and communications network.

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

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

SEC. 13. Internal Records Management Information System. - The government shall 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 shall be digitized, migrated to, and managed through this system.

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

SEC. 14. Internal Email Network. The government shall establish and maintain an internal email and communications network to be known as "GovMail" for internal and intra-government communications, information dissemination and sharing, coordination, feedback, and other similar and related

purposes. It shall be structured in a manner that ensures that the use and operation of such an email network shall be accessible, safe, interactive, interconnected, and interoperable.

SEC. 15. Migration, digitization, and automation of paper-based workflows. - All paper-based government and bureaucratic workflows involving internal communications, information dissemination and sharing, coordination, feedback, and other similar and related purposes shall be migrated, digitized, and, as far as practicable, automated.

Notwithstanding the provisions of this Act, communication, information dissemination and sharing, coordination, and feedback that deals with critical and sensitive information as may be determined by the head of the agency shall be allowed to be conducted through traditional and non-digital means as may be deemed appropriate for the purpose by the head of the agency.

CHAPTER 3 THE PHILIPPINE INFORMATION DATABASE

SEC. 16. The Philippine Individual Information Database and Civil Registration System. - The government shall establish, maintain, and support an individual information database that shall act as a national repository and directory of information and data on citizens of the Philippines, whether residing in the Philippines or not and foreign nationals who enter the Philippines through legal channels. Information and data to be stored on the database shall include names, addresses, whether permanent or temporary, national identification numbers, dates and places of birth, citizenship, civil status, biometric data and information, and other associated information: Provided, that the acquisition and storage of data and information on the database shall not in any way violate any applicable domestic and international laws and rules on privacy of data and information.

SEC. 17. Access to and use of the database. - The database shall be accessible, through digital platforms such as intranet and internet, to all agencies, offices, and instrumentalities of the government for purposes consistent with legitimate and valid public purposes, subject to the Data Privacy Act (Republic Act 10173).

All government agencies, offices, and instrumentalities with access to the database shall maintain a record of all the instances when, where, and how such agency, office, or instrumentality, or its duly authorized representatives, had accessed any

information or data stored on the database and the purposes of such access, including the identity of the actual person or persons gaining access to the said database.

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

SEC. 18. Integration with the Philippine Identification System. – The current Philippine Identification System, including its existing and planned mechanisms for collecting, storing, and accessing data and information, shall be fully integrated with the database, in accordance with existing laws, rules, and regulations.

SEC. 19. Automatic and real time updating of information. The government shall establish and maintain measures to ensure that information stored on the database shall automatically and in real-time to be updated across the entire government network, regardless of when and where the change in such data or information was first made or submitted, with the end view that any update made at any access point in the government network shall automatically be reflected and accessible across all access points in real time.

SEC. 20. Creation of data exchange protocols. - The DICT shall establish a data exchange protocol between and among agencies and private sector which shall ensure legitimacy of access to data, security of information, and compliance with applicable domestic and international laws on data privacy.

CHAPTER 4 THE PUBLIC SERVICE DIRECTORY

SEC. 21. The Public Service Directory. — The government shall establish, maintain, and support a directory, to be known as the "Philippine Public Service Directory," of all civil and public officials and servants throughout the country, including names, titles, telephone and facsimile numbers, departmental names, office locations, and e-mail addresses. Any changes to the information stored on and accessed through the directory shall be reflected in real-time.

SEC. 22. Access to and use of the directory. -The directory shall be accessible, through digital platforms such as intranet and internet, to all citizens of the Philippines and foreign nationals who have entered the Philippines through legitimate channels for legitimate and valid purposes consistent with civil service rules and the right of the public to information.

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

CHAPTER 5 THE GOVERNMENT E-PORTALS

SEC. 23. Establishment of online public service portal/ for individuals

and business. - In accordance with the policy of the government to maintain and promote an integrated internet-based system of providing the public with access to government information and services, the government, through the DICT, shall establish, maintain, and continuously update a portal that shall serve as a helpdesk where citizens can request for information and assistance on government frontline services, service procedures, and report commendations, appreciation, complaints, and feedback.

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

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

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

SEC. 25. Government frontline services through the portal. – All government agencies, offices, and instrumentalities that provide frontline services, as defined under Republic Act No. 9485, as amended, shall establish and maintain measures to ensure that such services are accessible and capable of delivery to the public through the portal.

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

SEC. 26. Access to frontline services. - The following shall be adopted by all government offices and agencies covered in the immediately preceding paragraph:

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

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

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

b. Action of offices. All applications and/or requests submitted through the portal shall be acted upon by the assigned officer or employee during the period stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request or application was received. Depending on the nature of the frontline services requested or the mandate of the office or agency under unusual circumstances, the maximum time prescribed above may be extended. For the extension due to nature of frontline services or the mandate of the office or agency concerned the period for the delivery of frontline services shall be indicated in the Citizen's Charter. The office or agency concerned shall notify the requesting party in writing of the reason for the extension and the final date of release for the extension and the final date of release of the frontline service/s requested.

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

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

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

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

Identification of public employees. - All employees transacting with the public shall be provided with an official identification card which should be publicly accessible through the online portal.

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

SEC. 27. The Government Online Payment System. In conjunction with the online portals for the delivery of public services, the government shall establish an internet-based electronic payment system and facility to enable citizens and businesses to remit payments through digital platforms to the government agencies to which such payments are due. For this purpose, the government may engage the services of and interconnect with public and private payment systems and facilities, in accordance with applicable laws and rules.

SEC. 28. The Citizens' Concerns Center. - There is hereby established a Citizens' Concerns Center, which shall serve as a mechanism where citizens may report their complaints, grievances, and concerns on acts of red tape, as defined under Republic Act No. 9485 and other relevant laws, and/ or corruption or misconduct on the part of any government agency, government-owned or controlled corporation, government financial institution, and other instrumentalities of the government or any of its officers, officials, or employees.

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

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

SEC. 30. Integration with the internal government network and database. - The Center, including its sub-operations units, and its operations shall be fully integrated with the internal government network and database for real time updating of data and information.

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

a. Communications channels. -The Center shall provide communications channels which include but are not limited to the following:

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

b. Operating hours. - The Center shall operate, through any of its communications channels, twenty-four (24) hours a day, seven (7) days a week, including national holidays and days in which work is suspended for whatever reason, for which purpose the Center may establish effective measures and hire the necessary personnel;

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

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

SEC. 32. Cooperation of government agencies and local government units.

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

CHAPTER G

THE PHILIPPINE CITIZEN CONNECT PROGRAM

SEC. 33. The Philippine Citizen Connect Program. - The government shall establish a program, to be known as the "Philippine Citizen Connect," to assist and help the public to who does not have access to, or need help with using computers, the internet, and other analogous means to transact with and request the delivery of public services from the government in their localities.

SEC. 34. Free access to the internet for the public. Pursuant to Republic Act No. 10929 or the Free Internet Access in Public Places Act, the government, through the DICT, shall establish a program that will provide free access to internet service in public places, with particular focus on unserved or underserved areas, throughout the country, to enable access to the online portals, promote 1 knowledge-building among citizens, and enable them to participate and compete in the evolving information and communication age.

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

SEC. 36. Staffing requirement for internet access. - All barangay centers shall ensure that there will be government staff present to help the public access the government portal and perform online transactions with government agencies, offices, and instrumentalities.

CHAPTER 7

THE GOVERNMENT WEBSITES AND E-BULLETIN BOARDS

SEC. 37. The Government E-Bulletin Board. - The government and all its agencies, offices, and instrumentalities, including local governments, shall each establish and maintain a website and an e-bulletin board for the purposes of information sharing and dissemination, which shall be structured and maintained to ensure accessibility and security.

SEC. 38. Information dissemination through the website and board. -

All government offices, agencies, and instrumentalities which are mandated by the laws or rules to publish or otherwise disseminate notices, documents, or other information intended for public consumption and information shall, in addition to the traditional modes therefor, publish such notices, documents, or other information on the website and e-bulletin board.

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

SEC. 39. Minimum standards for government websites and information portals. - The following shall be the minimum standards for government websites and information portals:

- a. It shall include direct and easily identifiable links to
 - (i) description of the mission, statutory authority, and the organizational structure of the agency; and (ii) commonly asked questions and the corresponding answers, and other common matters of public concern; and
- b. It shall include direct and easily identifiable links to the relevant and applicable portals for the delivery of public services.

CHAPTER 8 SECURITY AND PRIVACY

SEC. 40. Data and information security. - All resources, information, or data stored on or transmitted through the IGN and all networks interconnected to and interoperable with it, the Philippine Information Database, the Public Service Directory, the portals, and websites shall be kept secure and free from interference or unauthorized access that can hamper or otherwise compromise the integrity of the information and communication technology assets.

Access to and use of the resources, information, and data on the IGN shall be limited to the government and its duly authorized officers and agents, in accordance with all relevant laws, rules, and regulations on data and information privacy and the pertinent rules on confidentiality of government information.

Any person who shall knowingly commit an act which results to the compromise of the security and integrity of the IGN and all networks interconnected to and interoperable with it to the detriment of the government and the public shall incur criminal liability in accordance with the provisions of applicable and/or relevant penal laws.

SEC. 41. Responsibility of the national and local government. - All agencies, offices, and instrumentalities of the national and local government under this Act Shall be responsible for:

- a. Providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of information collected or maintained by or on behalf of the agency; and information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;
- b. Determining the levels of information security appropriate to protect such information and information systems and implementing the same;
- c. Periodically testing and evaluating information security controls and techniques to ensure that they are effectively implemented;
- d. Complying with the requirements of pertinent laws on information security and privacy, related policies, procedures, standards, and guidelines, including information security standards promulgated by the Department of Information and Communications Technology; and information security standards and guidelines for national security systems issued in accordance with law and as directed by the President; and
- e. Ensuring that information security management processes are integrated with agency strategic and operational planning processes.

CHAPTER 9

PARTICIPATION OF THE PRIVATE SECTOR

SEC. 42. Government cooperation with the private sector. - Nothing in this Act shall prevent the government, both national and local, from entering into contracts, agreements, or partnerships with the private sector to provide various resources, assets, and services in order to comply or enhance compliance with the provisions of this Act.

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

CHAPTER 10
THE PHILIPPINE INFOSTRUCTURE MANAGEMENT
CORPORATION

SEC. 43. The Philippine Infostructure Management Corporation. - For the purpose of ensuring proper and efficient operations and management of the ICT assets of the DICT, and a faster implementation of infrastructure programs related to connectivity, data center and cloud infrastructure, there is hereby established a body corporate to be known as Philippine Infostructure Management Corporation (PIMC), which shall be an attached agency to the DICT.

The legal existence of the DIC shall be for a period of 50 years from the date of the approval of this Act. The PIMC shall be subject to the rules and regulations as the DICT may impose from time to time.

SEC. 44. Powers and functions. - To carry out its main purpose and in accordance with applicable laws and rules, the PIMC shall have, in addition to any and all powers granted to a corporation under the general corporation code, the following functions and powers:

- a. Plan and implement infrastructure programs such as but not limited to the National Broadband Plan, Free WiFi for All, 36 and expansion of the National Government Data Centers and Government Cloud;
- b. Manage ICT assets of the DICT;
- c. Prescribe, repeal, and alter its own by laws;
- d. Determine its operating policies, and to issue such rules and regulations as may be necessary to achieve its main purpose;
- e. Adopt, alter and use a corporate seal;
- f. Acquire and own real and personal property, and to sell, mortgage or otherwise dispose of the same;
- g. Sue and be sued, enter into contracts, and borrow money

from both local and foreign sources; provided, that such loans shall be incurred only upon favorable recommendation of the DICT and approval by the President of the Philippines;

h. Hold, own, purchase, acquire, sell or otherwise invest, or reinvest in stocks, bonds or other securities capable of giving the PIMC a reasonably assured income sufficient to support its activities; and

Provide ICr counseling and technical services to government and private entities; provided, that for this purpose, the PIMC may contract the services of private consultants.

SEC. 45. Board of Trustees. - The corporate powers and functions of the PIMC shall be vested in and exercised by a Board of Trustees that shall be composed of the following:

a. The Secretary of the Department of Information and Communications Technology, as the ex officio Chairman and Chief Executive Officer;

b. The Undersecretary of the Department of Information and Communications Technology, as the ex officio Executive Vice Chairman;

c. The Commissioner of the National Telecommunications Commission, or his/her duly designated undersecretary, as ex officio member;

d. The Undersecretary of the Department of Budget and Management, or his/her duly designated undersecretary, as ex officio member;

e. One (1) representative from the private sector from the Information Technology and Business Process Outsourcing Industry;

f. One (1) representative from the private sector from the 10 Telecommunications Industry; and

g. One (1) representative from the local government units.

The representatives from the private sector and the local government units shall be appointed by the President. The representatives from the private sector shall be appointed only upon a favorable recommendation from the DICT and the Government Commission on GOCCs. The representatives from the private sector shall be persons of accepted integrity, probity, and intellect, at least thirty-five years of age, possessed of

demonstrated administrative skill and ability in the field ICT, and with a minimum of ten (10) years of professional experience in the field of JCT. The representative from the local government units shall be appointed only upon a favorable recommendation from the DICT, the GCG, and the Department of Interior and Local Government.

The Chief Executive Officer of the Corporation shall execute and administer the policies and resolutions approved by the Board of Trustees, prepare its agenda, and direct and supervise the operations and management of the Corporation.

He shall have direct control and supervision of the business of the PIMC in all matters which are not by this Act or by the by-laws of the Bank specifically reserved to be done by the Board of Trustees. He shall, subject to the approval of the Board in case of approval of appointments to managerial positions and above, and the confirmation of the Board in appointments to below that of manager level, appoint the personnel of the Corporation, remove, suspend or otherwise discipline them for cause, and prescribe their duties and qualifications, in accordance with existing civil service laws, rules and regulations, to the end that only competent and qualified personnel may be employed.

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

The Chairman and the members of the Board shall act as the heads of such operating departments as may be set up by the Board. -the Chairman shall have authority, exercisable at his discretion, to determine from time to time the organizational divisions to be headed by each member serving full time and to make the corresponding shifts in designations pursuant thereto. The compensation of the Chairman and the members of the Board of Trustees shall be in accordance with applicable laws and rules on compensation in the civil service.

The Chairman of the Board shall be assisted by an Executive Vice-Chairman and one or more Vice-Chairmen who shall be chosen and may be removed by the Board of Trustees. The salaries of the Vice-Chairmen shall be fixed by the Board of Trustees with the approval of the President of the Philippines.

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

Of the total capital subscribed by the government, One Billion Philippine Pesos

(PHP 1,000,000,000.00) shall be paid by the Government within one year from the effectivity of this Act, and One Billion Philippine Pesos (PHP 1,000,000,000.00) every year thereafter for four (4) years for which purpose the amount of One Billion Philippine Pesos (PHP 1,000,000,000.00) is hereby appropriated upon the effectivity of this Act, and One Billion Philippine Pesos (PHP 1,000,000,000.00) every year for the next four (4) years thereafter, out of the funds in the National Treasury not otherwise appropriated for the purpose.

SEC. 47. Personnel; cost of administration. - The Board of Trustees shall provide for an organization and staff of officers and employees necessary to carry out the functions of the PIMC, fix their compensation, and appoint and remove such officers and employees for cause. The FINIC officers and employees shall be subject to the rules and regulations issued by the Civil Service Commission but shall not fall under the Salary Standardization Law. The Board of Trustees shall recommend to the Civil Service Commission rules and regulations for the recruitment, appointment, compensation, administration, conduct, promotion and removal of all PIMC officers and employees under a strict merit system and prepare and conduct examinations under the supervision of said Commission.

43 The administrative expenses of the PIMC during any single fiscal year shall not 44 in any case exceed five percent (5%) of its total assets.

SEC. 48. Legal Counsel. - The Secretary of justice shall be ex-officio legal adviser of the PIMC. Any provision of law to the contrary notwithstanding, the PIMC shall have its own Legal Department, the chief and members of which shall be appointed by the Board of Trustees. The composition, budget and operating expenses of the Office of the Legal Counsel and the salaries and traveling expenses of its officers and employees shall be fixed by the Board of Trustees and paid by the PIMC.

SEC. 49. Removal of members. -The President of the Philippines may, at any time, remove the Chairman or any member of the Board appointed by him for, in addition to any and all recognized causes for termination under applicable civil service laws and rules, any of the following causes:

a. Mismanagement, grave abuse of discretion, infidelity in the conduct of fiduciary relations, or gross neglect in the performance of duties;

b. Dishonesty, corruption, or any act involving moral turpitude;

Any act or performance tending to prejudice or impair the substantial rights of the government and the corporation's stockholders.

The Chairman or member may, in any of the above cases; be civilly liable for any damage that may have been suffered by the corporation. 26

SEC. 50. Timeline of organization of the PIMC. - The PIMC shall be instituted and organized within one (1) year from effectivity of this Act.

CHAPTER 11 THE JCT ACADEMY

SEC. 51. Establishment of the JCT Academy and its purposes. -The DICT shall establish and develop rules and policies for the operations of an ICT Academy that shall have the following purposes:

- a. To foster and support the strategic goals of the national ICT development agenda through data collection and globally competitive ICT skills development programs and for other purposes;
- b. To promote the education and training of citizens in ICT skills, for purposes of enhancing the nation's labor capacity in relation to the most relevant and updated data on local and international skills supply and demand;
- c. To promote the development of globally competitive skills and drive and inclusive economic growth;
- d. To promote, foster, and nurture the right of all citizens to quality education in ICT;
- e. To lead the country in setting standards in the development of JCT curriculum and training;

Create and foster partnerships with different persons, entities, and institutions for purposes of developing and updating the Academy's resources, its JCT curriculum, modules, pedagogical approaches; and

- g. To regularly assess the state of the country in terms of comparative JCT skills and performance, and suggest responsive policies to address concerns.

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

SEC. 53. Access and admission. -- The Academy shall be accessible to all 30 citizens regardless of skill, age, gender, religious belief, economic status, ethnicity, physical disability, political opinion or affiliation.

The DICT shall institute an admissions process to ensure that citizens shall have equal access to ICT education and that the broadest base of the citizenry shall have ICT education.

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

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

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

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

CHAPTER 12 MISCELLANEOUS PROVISIONS

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

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

The government shall complete the transition in a maximum of five (5) years 36 from effectivity of this Act.

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

SEC. 58. Appropriations and funding. - The amount necessary to cover the initial implementation of this Act in the national government level shall be charged against the current year's appropriation of the national government agency, office, or instrumentality concerned. Thereafter, such sums as may be needed for its continued implementation shall be included in the annual General Appropriations Act.

The amount necessary to implement this Act in the local government level shall be charged against the funds of the local government unit concerned.

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

SEC. 60. Separability clause. - If any provision of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act.

SEC. 61. Repealing clause. - All provisions of laws, presidential decrees, letters of instruction and other presidential issuances which are incompatible or inconsistent with the provisions of this Act are hereby deemed amended or repealed.

SEC. 62. Effectivity. - This Act shall take effect within fifteen (15) days following its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,