

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

'22 JUL 12 A11 :58

SENATE

RECEIVED BY

S.B. No. 383



Introduced by SENATOR WIN GATCHALIAN

**AN ACT
MANDATING THE FULL DIGITAL TRANSFORMATION
OF ALL PUBLIC AND PRIVATE BASIC EDUCATION INSTITUTIONS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In this age of digital technology, the majority of the population relies on information and other resources from the world wide web, from the latest news and updates in the community, distance learning, traffic, latest trends, places to go and eat, and to just simply connect with friends and family. Based on a study, these made Filipinos top the spot as the heaviest Internet user worldwide.¹ The schools, the learners, their teachers and parents are among the heavy users of Internet services in the country, especially when the COVID-19 pandemic caused school and university closures. These school closures caused educational institutions to shift overnight from face-to-face classes to modular and online learning.

¹ <http://nine.cnnphilippines.com/lifestyle/2019/02/01/2019-digital-hootsuite-we-are-social-internet-philippines-facebook.html>.

The adverse impact of the pandemic lingers up to this day which puts education in a state of emergency.² Accordingly, the government, through the Department of Education (DepEd), in collaboration with the Department of Information and Communications Technology (DICT) and the Department of Science and Technology (DOST), should take steps to ensure that public and private basic education institutions adopt the use of digital technology to continuously deliver quality education towards the digital transformation of the basic education system. They shall likewise be required to digitally streamline and integrate their workflows and processes to promote efficiency in delivering basic education services.

The World Digital Competitiveness Index provides instructive insights about the extent to which the Philippines adopts and explores digital technologies leading to transformation in government practices including education delivery, business models, and society in general. In 2021, the World Digital Competitiveness Reports ranks the Philippines 58th out of 64 countries.³ The country's ranking has been on a steady decline since 2016 when it was ranked 46th.

The United Nation's (UN) E-Government Survey 2020, on the other hand, ranks the Philippines 77th out of the 193 UN-member countries in terms of the readiness and capacity of national institutions to use Information and Communications Technologies (ICT) to deliver public services.⁴ In the 2019 National ICT Household Survey, only 22.7% of the surveyed 43,838 households indicated to have accessed education-related government e-

² UNICEF Broadband Commission for Sustainable Development; https://www.youtube.com/watch?v=eVCCX_Z7dPk.

³ 2021 IMD World Digital Competitiveness Index. (See <https://www.imd.org/centers/world-competitiveness-center/rankings/world-digital-competitiveness/>)

⁴ 2020 UN E-Government Survey. (See <https://publicadministration.un.org/egovkb/en-us/Reports/UN-E-Government-Survey-2020>)

services and websites in the last three months.⁵ This can be attributable to problems in access to technologies required to avail the services, as well as the limited relevant education e-services offered by the government.

For the basic education system's digital transformation, the bill provides for the crafting of a multi-year roadmap to ensure the timely implementation of the proposed law, to be supported by annual work and financial plans. The bill mandates the DICT to provide and maintain the necessary digital infrastructure to ensure the availability and accessibility of reliable and secure Internet access, thereby connecting the schools to the Internet. More importantly, it shall implement measures to accelerate the installation, deployment and activation of the free public wi-fi in all public basic education institutions and escalate the building of the national infrastructure for ICT by mandating the National Telecommunications Commission to identify the locations for the construction of telecommunications tower sites, giving due priority to the missionary areas which remain unconnected and unserved or underserved.

The DOST for its part shall assist the DepEd and the DICT on the use of science, technology and innovation in accelerating the digital transformation of the basic education sector, disrupt traditional teaching and learning processes, and boost the sector towards the Fourth Industrial Revolution.

Finally, the bill provides for the DepEd, the DICT and the DOST to conduct a mapping of all schools to assess their preparedness for digital transformation. The mapping shall determine the schools' access to distance learning tools such as ICT devices, connectivity, capability, and geographical location, among others. Furthermore, the DepEd shall develop training

⁵ Albert, et. al. (2021). Expanded Data Analysis and Policy Research for National ICT Household Survey 2019.
(See <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps2120.pdf>)

programs and conduct workshops or webinar sessions to equip teachers with the necessary knowledge and skills and enhance their virtual teaching capacity and competence.

I earnestly seek the support of my colleagues for the passage of this legislation that will ensure that learning will continue – leaving no learner behind at all times and under all circumstances – which can only be possible if we bridge the digital divide and transform the basic education sector into a digitally connected ecosystem.



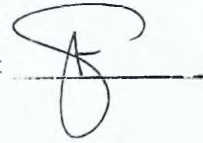
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**AN ACT
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as the “*Digital*
2 *Transformation in Basic Education Act*”.

3

4 Sec. 2. *Declaration of Policy.* – It is the policy of the State to promote the
5 right of all citizens to quality education at all levels, take appropriate steps to
6 make such education accessible to all, and assign the highest budgetary
7 priority to education. The State also recognizes the vital role of communication
8 and information in nation-building, and shall provide the policy environment
9 for the full development of Filipino capability and the emergence of
10 communication structures suitable to the needs and aspirations of the nation
11 – including the aspiration for the uninterrupted delivery of quality basic
12 education in locations both inside and outside the physical premises of our
13 basic education institutions.

1 The State shall therefore give priority to science, technology and
2 innovation to accelerate social progress,--and promote their adaptation from
3 all sources to ensure that basic education institutions adopt and utilize digital
4 technology to enhance learning and teaching and streamline their workflows
5 and processes to create an equitable, effective and efficient learning
6 environment. In the process, basic education institutions shall ensure that
7 all data gathered in their information and communications systems are
8 secured and protected.

9
10 Sec. 3. *Digital Transformation in Basic Education.* – The Department of
11 Education (DepEd), in collaboration with the Department of Information and
12 Communications Technology (DICT) and the Department of Science and
13 Technology (DOST), shall ensure that public and private basic education
14 institutions adopt the use of digital technology to continuously deliver quality
15 education towards the digital transformation of the basic education system.

16 For this purpose, the DepEd shall mandate all schools to enhance and
17 strengthen their Information and Communications Technology (ICT) capacity
18 to implement distance learning to provide every learner flexible and equitable
19 access to basic education. It shall be a system with minimal restrictions that
20 emphasizes flexibility to eradicate problems caused by barriers such as age,
21 geographical location, time, and economic situation. Distance learning may
22 be delivered through modular learning, online learning, television- or radio-
23 based instruction, or a combination thereof.

24 The DepEd shall likewise ensure that its bureaus, divisions and offices
25 digitally streamline and integrate their workflows and processes, including
26 but not limited to the following:

- 27 (a) set up electronic and online systems that will make the means of
28 exchanging data and information between and among its offices,
29 learners, and parents secure, efficient, and seamless;

- 1 (b) streamline procedures by adopting automation and digitization of
2 its services to promote zero-contact policy and to facilitate their
3 efficient delivery;
- 4 (c) build up its technology capabilities, including the establishment of
5 data centers, data repositories, basic messaging and electronic mail
6 facilities, encryption systems, and cyber-security facilities;
- 7 (d) invest heavily into developing organizational capability and
8 personnel competencies that are well-suited to support digital
9 transformation;
- 10 (e) promote and support the onboarding and training of personnel in
11 using electronic services;
- 12 (f) obtain and monitor networking tools to create channels of
13 communication with the general public and secure real-time
14 feedback on their delivery of basic education services; and
- 15 (g) design service processes and procedures that will promote efficiency
16 and a sense of expediency, including but not limited to matters
17 pertaining to enrollment, payments, documents submission, grades
18 submission, and parent-teacher meetings.

19 The DepEd shall collaborate with the DICT, the DOST and stakeholders
20 in the private sector to develop, adopt, and implement digital transformation
21 in its organizational processes, especially for the distance learning system.

22 The relevant provisions of Republic Act No. 10650 or the "*Open Distance*
23 *Learning Act*" shall be applied in complementarity with the provisions of this
24 Act.

25
26 Sec. 4. *Multi-Year Roadmap*. – To ensure the timely implementation of
27 this Act, the DepEd, the DICT and the DOST, in coordination with other
28 relevant national government agencies and private stakeholders, shall initiate
29 the crafting and regular updating of a multi-year roadmap (roadmap),
30 supported by annual work and financial plans.

1 The roadmap shall serve as a guide to implementing government
2 agencies and private stakeholders for the effective and efficient
3 implementation of this Act. It shall be part of and aligned with the basic
4 education roadmap of the DepEd and the digital transformation strategy of
5 the government, and consistent with the ICT development agenda of the
6 country as provided in Republic Act No. 10844 or the “*Department of*
7 *Information and Communications Technology Act of 2015*”.

8 The roadmap shall likewise contain the current policy, practices, gaps,
9 and challenges affecting the development, adoption and implementation of
10 digital technology and set detailed targets and outcomes for a minimum
11 period of five (5) years. It shall further provide public and private stakeholders
12 specific actions and targeted interventions, including implementation and
13 monitoring strategies and annual budgetary requirements.

14
15 *Sec. 5. The Bureau of Digital Transformation as Implementing Bureau. –*
16 The DepEd, through its ICT Service, and in coordination with the DICT and
17 the DOST, shall implement, oversee, monitor, and evaluate compliance with
18 the provisions of this Act.

19 Upon the effectivity of this Act, the DepEd shall convert its existing ICT
20 Service into the Bureau of Digital Transformation to be headed by a Director
21 who shall oversee, monitor, and evaluate the implementation of this Act.

22 The Bureau shall:

- 23 (a) implement and regularly update the multi-year roadmap as provided
24 in this Act;
- 25 (b) coordinate with other implementing government agencies;
- 26 (c) ensure the conduct of training and capacity building of learners and
27 teachers, and the training of trainers, administrators, and
28 supervisors;
- 29 (d) implement policies and standards for the use of distance learning
30 modalities, including the training of teachers on distance education;

- 1 (e) supervise, monitor, evaluate, and assess the compliance, operations,
2 and performance of public and private basic education institutions
3 on the use of digital technology pursuant to this Act, and regularly
4 submit reports to the Secretary of Education (Secretary); and
5 (f) perform such other necessary functions for the effective and efficient
6 implementation of this Act.
7

8 *Sec. 6. Digital Transformation Infrastructure and Free Public Wi-fi.* – The
9 DICT shall provide and maintain the necessary digital infrastructure for the
10 implementation of this Act. It shall likewise implement measures to ensure
11 the availability and accessibility of reliable and secure Internet access suitable
12 to the needs of learners and teachers under the distance learning system. It
13 shall further accelerate the provision of free public wi-fi as mandated under
14 R.A. No. 10929 or the “*Free Internet Access in Public Places Act*” to strengthen
15 teaching and learning, especially in the remotest, unserved and
16 disadvantaged communities.

17 The expertise, systems, and facilities of higher education institutions
18 offering distance or open learning shall likewise be tapped and adopted
19 whenever necessary for the development and conduct of distance learning in
20 basic education institutions.
21

22 *Sec. 7. Accelerated Provision of Reliable and Secure Internet Connection;*
23 *Escalation of the Building of the National Information and Telecommunications*
24 *Technology Infrastructure.* – To ensure the availability of a reliable and secure
25 Internet connection suitable to the needs of learners and teachers for distance
26 learning and digital transformation, the DICT shall implement measures to
27 accelerate the installation, deployment and activation of the free public wi-fi
28 in all public basic education institutions and escalate the building of the
29 national infrastructure for ICT by mandating the National
30 Telecommunications Commission (NTC) to identify the locations for the
31 construction of telecommunications tower sites, giving due priority to the

1 missionary areas which remain unconnected and unserved or underserved by
2 the Public Telecommunications Entities (PTEs), and require the PTEs to
3 complete the building of the targeted number of towers within two years from
4 the effectivity of this Act.

5 The government, through the DICT, shall formulate and implement a
6 system to provide financing or incentives to PTEs in the construction of
7 telecommunications towers in the missionary areas.

8 PTEs refer to entities that are duly authorized to offer voice, short
9 messaging system or text, mobile data, value added services, or any other
10 mobile telecommunications services to the public for a fee.

11 For purposes of this section and pursuant to Republic Act No. 11032
12 or the “Ease of Doing Business and Efficient Government Service Delivery Act
13 of 2018”, all relevant government agencies and local government units are
14 required to process, approve, and issue permits and clearances for the
15 construction of telecommunications towers within seven working days.

16

17 *Sec. 8. Free Access to DepEd’s Online Platforms; Subsidized and Special*
18 *Services for Learners.* – PTEs shall provide free access to the DepEd’s online
19 educational platforms, digital libraries, and other online knowledge hubs and
20 sites without any additional financial burden on all subscribers. No data
21 charges shall also be incurred in the download of data from these sites and
22 applications.

23 Further, the NTC and the PTEs, in consultation with the DepEd and the
24 DOST, are hereby mandated to create systems and establish procedures in
25 making available special sim cards, plans, and services for distance education
26 at minimal cost and with no data caps, including their expedited sale and
27 availment. They shall also provide subsidized data plans to learners whose
28 parents are listed as beneficiaries under the National Household Targeting
29 System for Poverty Reduction, otherwise known as “Listahanan”, under the
30 Department of Social Welfare and Development.

31

1 *Sec. 9. Science, Technology and Innovation in the Digital Transformation of*
2 *Basic Education.* – The DOST, pursuant to its mandate under Executive Order
3 No. 128 to “provide central direction, leadership and coordination of scientific
4 and technological efforts and ensure that the results therefrom are geared and
5 utilized in areas of maximum economic and social benefits for the people”,
6 shall assist the DepEd and the DICT in the conceptualization, planning and
7 implementation of the digital transformation of the basic education system. It
8 shall employ science, technology and innovation in accelerating such
9 transformation given the development needs and existing capabilities and
10 resources of the DepEd and the basic education sector, disrupt traditional
11 teaching and learning processes, and boost the sector towards the Fourth
12 Industrial Revolution.

13
14 *Sec. 10. Digital Transformation Mapping.* – The DepEd shall establish and
15 maintain a mapping system to regularly determine the compliance of both
16 public and private basic education institutions with this Act.

17 Upon the effectivity of this Act, the DepEd, the DICT and the DOST shall
18 conduct a mapping of all these institutions to assess their preparedness for
19 digital transformation, and determine their specific needs and access to
20 distance learning tools such as ICT devices, connectivity, capability, and
21 geographical location, among others.

22
23 *Sec. 11. Hiring and Training of Teachers, Para-teachers, and Other*
24 *Personnel.* – The hiring of additional teachers or para-teachers, or both, to
25 upgrade the organizational capacity of the DepEd to deliver continuous and
26 quality education under a distance learning system is hereby encouraged.

27 The DepEd shall develop and conduct continuous training programs,
28 workshops, or webinar sessions to equip teachers with the necessary
29 knowledge and skills and enhance their virtual teaching capacity and
30 competence. In addition, the Commission on Higher Education and the

1 Technical Education and Skills Development Authority shall integrate such
2 training programs into formal pre-service and in-service teacher training.

3 The DepEd shall tap the resources of other relevant government
4 agencies, the academe, the industry, and other private sector stakeholders in
5 the training design and delivery. It may also accredit training providers or
6 content developers for this purpose.

7 The DepEd, in consultation with the Department of Budget and
8 Management, may likewise create plantilla positions for the support staff to
9 complement existing personnel.

10
11 *Sec. 12. Transitory Provision.* – All public and private basic education
12 institutions shall be given two (2) years to implement the provisions of this
13 Act and its Implementing Rules and Regulations (IRR).

14 The DepEd, the DICT and the DOST shall assess the capacity and
15 preparedness of these institutions to implement the provisions of this Act.
16 They shall likewise conduct an inventory of existing learning materials,
17 facilities, and infrastructure for distance learning and other alternative
18 delivery modes.

19 A report of such assessment and inventory shall be submitted to the
20 Committees on Basic Education of both houses of Congress within six (6)
21 months from the effectivity of this Act.

22
23 *Sec. 13. Mandatory Review and Impact Assessment; Submission of*
24 *Annual Report to Congress.* – The DepEd, the DICT and the DOST shall
25 conduct a mandatory review of the implementation of this Act not later than
26 two (2) years from its effectivity to determine its implementation status and
27 impact.

28 An annual report of its implementation shall be submitted to the
29 Committees on Basic Education of both houses of Congress until its full
30 implementation in all public and private basic education institutions.

1 Sec. 14. *Appropriations.* – The amount necessary for the implementation
2 of this Act shall be charged against those authorized in the current
3 appropriations of the DepEd, the DICT and the DOST. Thereafter, the amount
4 necessary for its continued implementation shall be included in the budget of
5 the DepEd, the DICT and the DOST in the annual General Appropriations Act.
6

7 Sec. 15. *IRR.* – Within sixty (60) days after the effectivity of this Act, the
8 Secretaries of the DepEd, the DICT and the DOST, in consultation with other
9 concerned government agencies and education stakeholders, shall issue the
10 rules and regulations for the effective implementation of this Act. The IRR
11 issued pursuant to this section shall take effect fifteen (15) days after its
12 publication in a newspaper of general circulation.
13

14 Sec. 16. *Separability Clause.* – If any part, section, or provision of this
15 Act is declared invalid or unconstitutional, the other parts thereof not affected
16 thereby shall remain in full force and effect.
17

18 Sec. 17. *Repealing Clause.* – All laws, acts, presidential decrees,
19 executive orders, administrative orders, rules and regulations, or parts
20 thereof inconsistent with or contrary to the provisions of this Act are hereby
21 amended or repealed accordingly.
22

23 Sec. 18. *Effectivity.* – Notwithstanding the non-issuance of the IRR, this
24 Act shall take effect fifteen (15) days after its publication in the Official Gazette
25 or in a newspaper of general circulation.

Approved,