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SENATE

S. No. 1867

RECEIVED BY

Introduced by Senator Loren B. Legarda

AN ACT
ESTABLISHING THE E-GOVERNMENT, DEFINING ITS POWERS AND
FUNCTIONS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The information ecosystem has found its relevance in today's world. Timely, accurate, and clear information requires the right technological infrastructure, efficient information systems, resources, and protocols. This is why the Information and Communications Technology (ICT) industry is regarded as the "industry of industries" as it is embedded in every aspect of people's economic, social, and political life.

Digital transformation has long been introduced and is welcomed by the people and governments. It brings the government's services closer and faster to the people. However, there is a clamor for more efficient, effective, transparent, and accountable governance through the use of ICT, in accord with the demands of today. There is also a challenge of making it more inclusive, encouraging and strengthening people's participation and empowerment through civic technology.

During calamities and disasters, for instance, operations of government networks highly depend on information and effective communication through the use of technology in abating damages and preventing imprecisions. The global COVID-

19 pandemic opened the necessity of speeding up the process of digital transformation in many countries. During its peak, the whole world was sustained by the emergence and use of technology where the fast-paced world of the internet fueled and sustained the stride for public service and business continuity, social interaction, and access to government services. The pandemic pushed the whole world and catapulted all societies and governments to a digital revolution.

Among our realizations of the sudden swift to digitalization is the pressing need to come up with legislation that paves the way for institutionalizing a digital transformation agenda. While there is an existing 2022 E-government Plan developed by the Department of Information Communication Technology (DICT), with its aim of having a “One Digitized Government” enabling full interoperability of government systems and services, it still needs a strong legislative backbone to support and direct national government agencies and local government units to prioritize and allocate funding to implement the e-governance agenda of their respective organizations.

The vital role of communication and information in nation-building is stipulated in Article II Section 24 of our Constitution. The establishment of e-government through this legislative action is a pre-condition to jump-start and speed up the process of digital transformation of the entire Philippine bureaucracy, for the government to cope with and match the growing demand of an ICT-enabled society.

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



LOREN LEGARDA

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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 "E-Government Act of
2 2022."
- 3 Sec. 2. *Declaration of policy.* - The State hereby adopts the following policies:
- 4 1) The State shall provide effective leadership for the development and
5 promotion of electronic government services and processes;
- 6 2) The State shall provide increased opportunities for citizen participation
7 in government and people empowerment through the use of available electronic
8 technologies, increased access to high-quality government information across
9 multiple channels, and the use of civic technology to democratize governance;
- 10 3) The State shall promote inter-agency collaboration in providing
11 electronic government services;
- 12 4) The State, in its recognition of the vital role of communication and
13 information in nation-building, shall promote the use of the internet and emerging
14 technologies within and across government agencies to provide citizen-centric
15 government information and services;
- 16 5) The State shall ensure that costs and burdens on setting up ICT

1 infrastructures, processes, and systems are reduced for businesses, private, civic, and
2 government entities;

3 6) The State shall promote better-informed decision-making by
4 policymakers;

5 7) The State shall promote access to high-quality government information
6 and services across multiple channels;

7 8) The State shall make the government more transparent and accountable;

8 9) The State shall recognize its inherent obligation to ensure that personal
9 information in information and communications systems in the government is
10 secured and protected; and,

11 10) The State shall strengthen and update existing electronic systems, online
12 or remote transaction mechanisms, and other contactless means of service in
13 recognition of the health protocols, mobility restrictions, and safety guidelines posed
14 by the epidemics and similar health emergencies, and natural hazards or human-
15 induced disasters.

16 Sec. 3. Definition of Terms – As used in this Act:

17 a) *Chief Information Officer or CIO* shall mean, a senior officer in all national
18 government agencies, including constitutional offices, state universities, and
19 colleges, government-owned and controlled corporations, and government
20 financial institutions responsible for the development and management of
21 the agency's ICT systems and applications, selected through the designation
22 by the Head of Agency.

23 b) *Civic Technology* shall mean the use of ICT that promotes transparency,
24 empowers citizens, fights corruption, and harnesses new technologies to
25 strengthen citizen participation and governance.

26 c) *Electronic Government or E-Government* shall mean the use of ICT by the
27 government and the public to enhance access to and delivery of government
28 services to bring about efficient, responsive, ethical, accountable, and
29 transparent government service;

30 d) *Information and Communications Technology or ICT* shall mean the totality of
31 electronic means to access, create, collect, store, process, receive, transmit,
32 present, and disseminate data and information;

1 e) *ICT-Enabled Services* shall mean those engaged in providing services that
2 require the intrinsic use of ICTs including engineering or architectural
3 design, informatics service providers, offshoring and outsourcing service
4 providers such as call centers, back-office processing, software development,
5 medical or legal transcription, animation, game development, and other
6 services that require the intrinsic use of networked information
7 infrastructure;

8 f) *Interoperability* shall mean the ability of different operating and software
9 systems, applications, and services to communicate and exchange data in an
10 accurate, effective, and consistent manner.

11 Sec. 4. *E-Government Master Plan* - The Department of Information and
12 Communications Technology (DICT) shall establish and promote an E-Government
13 Master Plan to encourage excellence in facilitating the development and enhancement
14 of all E-Government services and processes at the national and local levels. The E-
15 Government Master Plan shall be reviewed and revised every three (3) years.

16 Sec. 5. *E-Government Programs* - The E-Government Master Plan shall include
17 but not be limited to, the following programs:

18 1) *Philippine Government Interoperability Framework*. - A framework shall be
19 developed to guide and govern basic technical and informational
20 interoperability of government ICT systems. The framework shall guide all
21 shared operations and services of the Philippine government - between and
22 among its various agencies, as well as for these agencies, in dealing with their
23 various constituencies;

24 2) *Database and Other Resources Sharing Network* - A network shall be designed
25 to allow agencies to access shared databases and other resources to facilitate
26 seamless validation, inquiry and research procedures, inter-agency
27 cooperation and support, and regular exchange of datasets, studies, and
28 statistics towards effective policy-making, monitoring, and evaluation.

29 3) *Archives and Records Management Information System* - A system shall be
30 designed to systematically and efficiently manage government documents
31 and records. This includes the digitization of paper-based documents and
32 records and the development of systems that will manage these documents,

1 - from creation, routing, tracking, and archiving to disposal, - while adhering
2 to existing policies, laws, and the standards of the International Organization
3 for Standardization;

4 4) *Government Online Payment System* - An Internet-based electronic payment
5 facility and gateway that will enable citizens and businesses to remit
6 payments electronically to government agencies shall be created. It shall
7 render services through various delivery channels, which include debit
8 instructions accounts (debit cards), credit instructions (credit cards), and
9 mobile wallets (SMS);

10 5) *Citizen Frontline Delivery Services* - Services that are needed to facilitate
11 business registration-related transactions shall be made efficient by
12 integrating all agencies involved in business registration, such as the
13 Department of Trade and Industry, Securities and Exchange Commission,
14 Cooperative Development Authority, Bureau of Internal Revenue, Social
15 Security System, Home Development Mutual Fund, Philhealth Health
16 Insurance Corporation, Local Government Units (LGUs) and other
17 permit/license-issuing agencies;

18 6) *Public Fiscal Management* - Various financial systems in government such as
19 taxation, payment systems, accounting, and business registries, shall be
20 harmonized and managed;

21 7) *Procurement System* - An online and real-time service that encompasses all
22 procurement processes involving bidding, contract agreements, and
23 payment for services or supplies shall also be developed;

24 8) *Full Disclosure, Transparency System, and Citizen Feedback Systems*- An open
25 data and feedback system that allows the general public access to
26 government and other public interest documents, projects, and transactions,
27 allows citizens to engage public officials by providing feedback on
28 government actions on the implementation of programs, projects, and
29 operations, as well as in shaping public policies thereby enhancing the
30 relationship of the public to the government and facilitate discourse to
31 strengthen democracy.

1 9) *Cybersecurity Protection and Data Privacy Measures* – This refers to policies and
2 safeguards that will ensure the protection of data and personal information
3 against cyber security threats, breach of privacy, and illegal use of
4 information.

5 The E-Government Master Plan shall likewise include the following:

- 6 1) Inventory and purchase of hardware and software of all government offices;
- 7 2) Utilization of servers, network connections, and data centers in all
8 government offices;
- 9 3) Security, disaster recovery plans, and archiving considering existing services
10 and capabilities, as well as future information systems; and
- 11 4) Standardization of systems across government agencies to promote
12 interoperability and database management.

13 *Sec. 6. DICT Secretary as E-Government Head* – The Secretary of the DICT shall
14 head the E-Government initiative. The Secretary is expected to spearhead all aspects
15 of the implementation of the E-Government Master Plan to catalyze the optimum use
16 of ICT in government to expand and improve public services, government operations,
17 and capabilities.

18 *Sec. 7. Chief Information Officers* – Chief Information Officers shall be assigned
19 and deployed to national and key governmental units and perform the following
20 functions:

- 21 1) Advise agencies on how to best leverage ICTs to optimize the delivery of
22 public services, and achieve efficient and cost-effective operations;
- 23 2) Develop, maintain and manage the agency’s information systems;
- 24 3) Manage and supervise the implementation of ICT-based projects, systems,
25 and processes;
- 26 4) Formulate and implement processes in relation to the adoption of ICT-based
27 solutions as provided by the E-Government plan;
- 28 5) Manage operational risks related to ICT in coordination with the agency’s
29 management and stakeholders; and,
- 30 6) Ensure that the ICT programs and operations are consistent with national
31 policies and standards.

1 Sec. 8. *Local Government Unit (LGU) ICT Offices* - Each LGU shall have an ICT
2 Officer assigned to manage and supervise its adoption of the E-Government Plan. The
3 LGU ICT Officer is likewise tasked to spearhead seminars and other means of
4 educating the community to maximize E-Government initiatives.

5 Sec. 9. *E-Government Status Report* - Each agency and LGU shall compile and
6 submit an annual E-Government Status Report on:

- 7 (a) The status of the implementation of electronic government initiatives;
8 (b) Compliance by the agency with this Act; and,
9 (c) Performance in delivering programs through the E-Government to
10 constituencies.

11 Sec. 10. *Appropriations* - The amount needed for the initial implementation of
12 this Act shall be taken from the current year's appropriations of the DICT. Thereafter,
13 such sums as may be necessary for its continued implementation shall be included in
14 the annual General Appropriations Act. Each national government agency is likewise
15 allowed to propose funding for its ICT-strengthening initiatives in response to this
16 law.

17 Sec. 11. *Implementing Rules and Regulations* - The DICT shall, in coordination with
18 relevant agencies and upon consultation with stakeholders, issue within sixty (60)
19 days from the effectivity of this Act, the necessary rules and regulations for the
20 effective implementation of this Act.

21 Sec. 12. *Separability Clause* - If any provision of this Act shall be declared
22 unconstitutional or invalid, the other provisions not otherwise affected shall remain
23 in full force and effect.

24 Sec. 13. *Repealing Clause* - All laws, decrees, executive orders, rules and
25 regulations, and other issuances or parts thereof that are inconsistent with this Act are
26 hereby repealed, amended, or modified accordingly.

27 Sec. 14. *Effectivity*. - This Act shall take effect fifteen (15) days after its
28 publication in at least two (2) national newspapers of general circulation.

Approved,