

MALACAÑANG
MANILA
BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 269

CREATING THE COMMISSION ON INFORMATION AND
COMMUNICATIONS TECHNOLOGY

WHEREAS, Section 24, Article II (Declaration of Principles and State Policies) of the 1987 Constitution states that, "The State shall recognize the vital role of communication and information in nation-building.";

WHEREAS, an enabling legal, policy and institutional environment to develop, promote and advance information and communications technology (ICT) is a prerequisite for the continued growth of the Philippines economy, the competitiveness of local industries and firms, and the achievement of national development goals;

WHEREAS, the government recognize that the development of ICT will have a higher chance of success and sustainability if it is private sector-led, market-based and government-enabled;

WHEREAS, the Information Technology and Electronic Commerce Council (ITECC), created pursuant to Executive Order No. 264 dated July 12, 2000 and amended by Executive Order No. 18 dated May 25, 2001, currently functions as the primary planning and policy advisory body on development, promotion and application of national ICT and e-commerce initiatives;

WHEREAS, the creation of a Department of Information and Communications Technology (DICT) which will more effectively coordinate and implement national ICT programs, projects and other related initiatives is a priority of government, endorsed by ITECC, supported by the private sector and presently under consideration in Congress;

WHEREAS, as a transitory measure, the formation of a national body that is not merely advisory in nature, and which will have a more active role in streamlining, managing, coordinating, and implementing the various ICT-related plans and policies of government, will immediately address the urgent need to harmonize and make the country's approach to ICT development more coherent and efficient;

WHEREAS, to be effective and efficient, such a national body, headed by c Cabinet ranked officials, must be equipped with strong and clearly defined powers, appropriate manpower and resources.

WHEREAS, the creation of such an empowered national body is broadly supported by the private sector, which is keen to work closely with government to encourage ICT-related business and investment, enhance the skills of the country's workforce, pursue meaningful legal and regulatory reform, continue to enhance the nation's information

infrastructure, promote e-governance, consistent with Philippine goals to compete in the global ICT market;

WHEREAS, Section 31, Chapter 10, Title III of the 1987 Administrative Code provides the President with continuing authority to recognize the bureaucracy;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested upon me by law, do hereby order:

Section 1. Creation. A new body to be known as the Commission on Information and Communications Technology, hereinafter referred to as the Commission, is hereby created, and attached to the Office of the President.

Section 2. Mandate. The Commission shall be the primary policy, planning, coordinating, implementing, regulating, and administrative entity of the executive branch of Government that will promote, develop, and regulate integrated and strategic ICT systems and reliable and cost-efficient communication facilities and services. In fulfilling its mandate the Commission shall be guided by the following policies:

(a) To insure the provision of strategic, reliable and cost-efficient information and communications technology (ICT) infrastructure, systems and resources as instruments of nation-building and global competitiveness;

"Information and Communications Technology" (ICT) is defined as the totality of electronic means to collect, store, process and present information to end-users in support of their activities. It consists, among others, of computer systems, office systems and consumer electronics, as well as networked information infrastructure, the components of which include the telephone system, the Internet, fax machines and computers.

(b) To ensure a policy and legal environment that will promote a level playing field, partnerships between the public and the private sectors, strategic alliances with foreign investors, balanced investments between high-growth and economically-depressed areas, and broader private sector participation in ICT development;

(c) To foster and accelerate convergence of ICT facilities such as but not limited to the development of networks;

(d) To ensure universal access and high-speed connectivity at fair and reasonable cost;

(e) To ensure the provision of information and communication services in areas not adequately served by the private sector;

(f) To foster the widespread use and appropriation of emerging ICT;

(g) To establish a strong and effective regulatory system that will ensure consumer protection and welfare and foster a healthy competitive environment;

(h) To promote the development of ICT expertise in the country's human capital to enable Filipinos to compete in a fast-evolving information and communication age;

(i) To ensure the growth of the ICT industries;

- (j) To preserve the rights of individuals to privacy and confidentiality of their personal information;
- (k) To encourage the use of ICT in support of efforts for the development and promotion of the country's arts and culture, history, education, public health and safety, and other socio-civic purposes;
- (l) To sustain the development of the nationwide postal system as an integral component of the overall development of ICT in the country.

Section 3 Composition. The Commission shall be composed of the National Computer, Telecommunications Office (TELOF), and all other operating units currently existing in the Department of Transportation and Communications, which directly support Communications, including the Telecommunications Policy and Planning Office. The National Telecommunications Commission and the Philippines Postal Corporation shall be attached to the Commission.

The Commission shall be headed by a Chairman with a Cabinet Rank. He shall be assisted by the Director-General of the National Computer Center (NCC), and the Chief of the Telecommunications Office (TELOF) who, in addition to their current responsibilities, shall concurrently serve as Commissioners, and shall perform such functions as may be assigned by the Chairman. In addition, he shall be assisted by two additional Commissioners as may be provided in the structure and staffing plan to be determined pursuant to Section 6 thereof.

Section 4 Powers and Functions. To carry out its mandate, the Commission shall exercise the following powers and functions.

- (a) Formulate and recommend national policies and guidelines that will promote ICT and the wider use of the internet and other cyberspace infrastructures and exchanges of universal application, in consultation with the private business sector, relevant civil society institutions, and other private and public entities, such as educational and training sectors;
- (b) Initiate, harmonize and coordinate all ICT plans to ensure their consistency with national objectives and goals;
- (c) Establish and administer comprehensive and integrated programs for ICT at the national, regional, and local levels with due consideration to advances in convergence and other emerging technologies; and for this purpose, may call on any agency, corporation or organization, whether public or private, whose development programs in ICT are an integral part thereof, to participate and assist in the preparation and implementation of such programs;
- (d) Design, implement, and ensure the protection of integrated government information and communications infrastructure development program that will coordinate all existing government entities, taking into account all their existing plans, programs, proposals, software and hardware inventory, and the installed systems and programs;

- (e) Provide an integrating framework and oversee the identification and prioritization of all e-government systems and applications as provided for in the Government Information Systems Plan; manage and/or administer the e-Government Fund, which shall be institutionalized and included in the proposed annual national budget.
- (f) Coordinate with concerned agencies, the generation of resources, both governmental and non-governmental, local, national and international, as may be appropriate, in and for the development, marketing, growth and competitiveness of the Philippine ICT industry;
- (g) Develop and implement, in coordination with concerned government agencies, a comprehensive ICT application capability in the national government and determine the personnel qualification and other standards essential to the integrated and effective development and operation of government information and communications infrastructure;
- (h) Encourage and establish guidelines for private sector funding of ICT projects for government agencies in order to fast-track said projects which provide reasonable cost-recovery mechanisms for the private sector, including but not limited to Build- Operate-Transfer (BOT) mechanisms;
- (i) In coordination with the Department of Science and Technology, provide strategic direction to government research and development programs on ICT.
- (j) Establish and prescribe rules and regulations for the establishment, operation and maintenance of ICT facilities in areas not adequately served by the private sector, in consultation with the private business, civil society, and other private and public entities, such as educational and training sectors;
- (k) Establish and prescribe rules and regulations for the operation and maintenance of a nationwide postal system that shall include mail processing, delivery services, and money order services;
- (l) Administer and enforce all laws, standards, rules and regulations governing ICT, and in coordination with the Intellectual Property Office (IPO) ensure the protection of ICT-related intellectual property rights;
- (m) In coordination with concerned agencies, ensure consumer protection and welfare, and protect the rights of consumer and business users to privacy, security and confidentiality;
- (n) Harmonize, synchronize and coordinate with appropriate agencies all ICT and e-commerce policies, plans and programs;
- (o) Assist the Department of Trade and Industry in carrying out its functions related to the promotion of trade and investment opportunities in ICT Services;
- (p) In coordination with concerned agencies, promote strategic partnership and alliances among and between local and international ICT firms and institutions, R & D,

educational and training institutions, and technology providers, developers and manufacturers, to speed up industry growth;

(q) In coordination with concerned agencies, plan and/or implement such activities as maybe appropriate and/or necessary to enhance the competitiveness of Philippine workers, firms, and small to medium enterprises in the global ICT market.

(r) In coordination with the Department of Education, formulate policies and initiatives with respect to IT education and the development, promotion and application of ICT in education.

(s) Perform such other powers and functions as may be prescribed by laws or as may be necessary, incidental or proper to its mandate or as may be assigned from time to time by the President.

Section 5. Agency Responsibilities. To carry out its mandate and objectives, the Commission shall be complemented by the appropriate agencies and/or offices of government. The Chairman is hereby given direct supervision and control over the following agencies and offices.

(a) The National Computer Center (NCC) shall coordinate all e-government initiatives and the implementation of government IT plans to facilitate better, more efficient, and more transparent services.

(b) The Telecommunications Office (TELOF) shall support the development of an information infrastructure consistent with the strategy and direction set by ITECC.

(c) Other operating units currently existing in the Department of Transportation and Communication, which directly support Communications, including the Telecommunications Policy and Planning Office, shall be consolidated under the Office of the Chairman.

The Commission shall align its structure to be consistent with the strategic directions established by ITECC, specifically e-government, information infrastructure, legal and regulatory environment, human resource and business development.

The Commission shall also be supported by and coordinate with the National Telecommunications Commission (NTC), and the Philippine Postal Corporation (PPC), as may be appropriate for and consistent with this Order. The NTC shall now receive policy guidelines from the Commission provided that the Commission shall not exercise and power, which will tend to influence or effects a review or a modification of the NTC's quasi-judicial functions.

Section 6. Structure and Pattern. The Commission shall submit for approval to the Office of the President the organizational structure and staffing pattern of the Commission within (60) days from the issuance of this Executive Order.

Section 7. Periodic Performance Evaluation. The Chairman is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Commission and to submit the same annually to the President.

Section 8. Implementing Rules and Regulations. The Chairman shall promulgate and issue such rules and regulations and other issuances within 60 days from the approval of this Executive Order as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

Section 9. Funding. To carry out the provisions of this Order, funds for the necessary expenses for the operations of the Commission shall come from available funds of the national budget, and subsequent appropriations shall be incorporated in the budget proposal of the Commission, subject to existing accounting and auditing laws, and procedures.

Section 10. Transitory Provision. In accomplishing the provisions herein prescribed the following transitory provisions shall be complied with:

- (a) The NCC, TELOF and other units currently existing in DOTC, which directly support Communications, are hereby transferred to the Commission to ensure an effective and coordinated implementation of ICT policies programs and projects.
- (b) All regular or permanent employees who shall be affected by the executive order shall not suffer any loss of seniority or rank or decrease in emoluments.

Section 11. Repealing Clause. All presidential acts, letters of instruction, executive orders, rules and regulations, or parts thereof, which are inconsistent with the provisions of this Executive Order, are hereby repealed, amended or modified accordingly.

Section 12. Effectivity. This Order shall take effect immediately.

Done in the City of Manila this 12th day of January in the year of Our Lord two thousand and four.

(SGD) GLORIA MACAPAGAL-ARROYO

By Authority of the President:

(SGD) ALBERTO C. ROMULO
Executive Secretary