

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5308

Introduced by HON. GUS S. TAMBUNTING



AN ACT MANDATING THE FULL DIGITAL TRANSFORMATION OF ALL GOVERNMENT AGENCIES, OFFICES, AND CORPORATIONS, INCLUDING LOCAL GOVERNMENT UNITS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

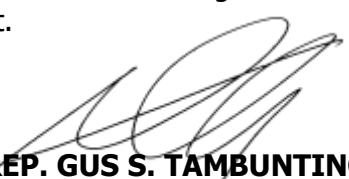
EXPLANATORY NOTE

Sec. 17, Art. II of the 1987 Constitution states that "The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."

The Duterte administration has accelerated the use of digital technology for government services to improve transactions in public offices. Among the key legislation during the Duterte administration is the Ease of Doing Business and Efficient Delivery of Government Service Act of 2018 or the EODB law, which aims to stop too much bureaucracy in government offices.

The Covid- 19 pandemic has exposed the need for the digitalization of all government offices. Cashless payments have become a norm nowadays regarding business transactions. To prevent the spread of viruses and bacteria, cashless payments are used by people because it is a safer option of payment than cash transactions because money is a potential vector of transmissible diseases. This bill aims to digitalize government transactions so that Filipinos would have a hassle-free time while transacting with government organizations. Since numerous Filipinos are using digitalized ways for their business transactions, the government must keep up with the times and digitalize their transactions as well for the betterment of the Filipino people.

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

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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 "Full Digital 2 Transformation Act".

SEC. 2. Declaration of Policy. — It is hereby declared a policy of the State to afford efficient and cost-effective public services to citizens and businesses in the country. To this end, it is necessary to employ information technologies (IT) in public administration and in the delivery of public services, to improve organizationally and inter-government coordination thru digital transformation of basic services, streamlining and integrating workflows and processes and enhancing the government workforce's Information and Communication Technology (ICT) capacity. It is likewise necessary for the government to effectively manage and secure its data, information, and transactions with the public, as well as expand communication channels for the engagement and empowerment of the Filipino people.

SEC. 3. Integrated E-Government Services. - All government offices, agencies, government-owned and controlled corporations, instrumentalities, and all local government units are mandated to adopt a digitization and digitalization strategy by the Philippine Digital

Transformation Strategy 2022 and which may be further amended by the Department of Information and Communications Technology (DICT), and to fully-provide integrated E-Government services to the public by December 31, 2025. For this purpose, these offices, agencies, and corporations shall

- (a) immediately take measures to set up electronic and online systems that will make the means of exchanging data and information between offices, departments, and agencies secure, efficient, and seamless;
- (b) streamline procedures by adopting automation, digitization, and digitization of government services to promote zero-contact policy and to facilitate its efficient delivery by Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, Republic Act No. 11234 or the Energy Virtual One-Stop Shop Act, and other applicable laws;
- (c) build up its technology capabilities, including the establishment of government data centers, data repositories, basic messaging, and electronic mail facilities, encryption systems, and cyber-security facilities;
- (d) under and by Republic Act No. 11055 or the Philippine Identification System Act, Republic Act No. 11315 or the Community-Based Monitoring Systems Act, and other applicable laws, harmonize common data related to persons, transportation, business, and land; reference data widely used as a standard across multiple domains such as those about the industry, occupational and commodity classifications, tariff, geographical information; and regional and international data standards that are bound to unilateral or bilateral treaties or agreements;
- (e) support agency onboarding on open-source systems advocated and offered by the DICT; and
- (f) invest heavily into developing organizational capability and staff competencies that are well suited to support national digital transformation.

SEC. 4. Creation of Digital Transformation Department. A Digital Transformation Department (DTD) shall be created in every government agency, office, corporation, instrumentality, and unit. In case an Information & Communications Technology (ICT) Department already exists, the same shall be transformed into a DTD. The DTD shall perform the functions of the existing ICT

Department, if any, of various agencies, offices, corporations, instrumentalities, and units, as well as to be primarily tasked to perform the following functions and responsibilities:

- a) promote and support the onboarding and training of government personnel in using eGov services aligned with the government's digital transformation strategy;
- b) speed up the acquisition and adoption of solutions for the agency, office, corporation, instrumentality, or unit, and improve support capabilities to other departments;
- c) obtain and monitor networking tools to create channels of communication with the general public and secure real-time feedback on the relevance and quality of services it provides;
- d) provide a system that will allow and promote coordination among various departments or offices to ensure that workflows, responsibilities, and accountabilities are properly tracked to allow the transacting public to know the status of their requests at any given time; and
- e) design service processes and procedures that will promote efficiency and a sense of expediency in the government.

SEC. 5. Violations and Persons Liable. — Any person who performs or causes the performance of the following acts shall be liable under this Act, in addition to violations under other laws, rules, and regulations:

- (a) Willful refusal or delaying to adopt or use the agency's digitization or digitalization efforts to streamline its procedures, harmonize its data, and to improve its technological capabilities, without any justifiable reason;
- (b) Continuous use of proprietary legacy systems that were implemented for more than ten (10) years, despite digitization or digitalization efforts of the

agency, office, corporation, instrumentality, or unit;

(c) Continuous refusal to upgrade or update its IT systems for at most three (3) years without justifiable cause;

(d) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage to delay the implementation of the agency's digitization or digitalization efforts;
or

(e) Failure to render government services within the prescribed processing time on any application or request due to refusal or delay in the implementation of the agency's digitization or digitalization efforts.

SEC. 6. Penalties and Liabilities; Administrative Jurisdiction. — Any violations of the preceding actions will warrant the following penalties and liabilities:

(a) First offense: administrative liability with six (6) months suspension:

Provided, however, that in the case of fixing and/or collusion with fixers under Section 5(d), the penalty and liability under Sec. 6(b) of this Act shall apply.

(b) Second offense: Administrative and criminal liability of dismissal from the service, perpetual disqualification from holding public office, and forfeiture of retirement benefits and imprisonment- of one (1) year to six (6) years 2 with a fine of not less than Five hundred thousand pesos (P500,000.00) but 3 not more than Two million pesos (P2,000,000.00)

Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply.

The administrative jurisdiction on any violation of the provisions of this Act shall be vested in either the Civil Service Commission or the Office of the Ombudsman as determined by appropriate laws and issuances.

The finding of administrative liability under this Act shall not bar the filing of criminal, civil, or other related charges under existing laws arising from the same act
or omission enumerated herein.

SEC. 7. Appropriations. — All national government offices, agencies, instrumentalities, and local government units shall incorporate the amount necessary in the implementation of this Act in the annual General Appropriations Act. All government-owned and controlled corporations shall source the amount necessary for the implementation of this Act from their respective corporate funds in the corporate operation budget approved by the Department of Budget and Management.

SEC. 8. Implementing Rules and Regulations. — Within ninety (90) days from the effectivity of this Act, the Department of Information and Communication Technology (DICT), in consultation with appropriate government agencies and other stakeholders, shall promulgate the necessary rules and regulations to implement this Act.

The DICT shall implement, oversee, monitor, and evaluate compliance by various agencies, offices, instrumentalities, corporations, and units with the objectives and provisions of this Act.

SEC. 9. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

SEC. 10. Repealing Clause. — All laws, presidential decrees, executive orders, presidential proclamations, rules, and regulations, or parts thereof contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 11. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) national papers of general circulation.

Approved,