

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
Third Regular Session

HOUSE BILL NO. **10649**



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support a trustworthy and independent **cybersecurity institution** that is an enabling partner of government in ensuring a better life for every Filipino through appropriate technology and research, with adequate financial, and other support services.

Executive Order (EO) No. 189 (s. 2015) created the **National Cybersecurity Inter-Agency Committee (NCIAC)** chaired by the Executive Secretary, and co-chaired by the National Security Adviser and Director-General of the National Security Council (**NSC**) and the Secretary of the Department of Science and Technology (**DOST**).

Change, as it seems, is the inescapable destiny of the Committee. But as history proves, whatever the nature of change brought about by national political events, the Committee manages to make it for the better.

This House Bill seeks to ensure, and help improve government operations, in partnership with stakeholders, for the benefit of the Filipino people.

This House Bill seeks to provide modernization to the **National cybersecurity inter-agency committee (NCIAC)**, to promote and hasten the imposition and implement laws, policies, plans, programs, projects, rules and regulations of the **NCIAC**; and to provide efficient services to the Filipino people.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, featuring a large, stylized 'M' followed by a horizontal line that extends to the right.

MICHAEL L. ROMERO Ph.D.

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AN ACT

PROVIDING FOR THE MODERNIZATION OF THE **NATIONAL CYBERSECURITY INTER-AGENCY COMMITTEE (NCIAC)**, TO ENHANCE PUBLIC-PRIVATE PARTNERSHIP, TO DETER CYBERATTACKS, MINIMIZE CYBER RISKS, AND INCREASE CYBER RESILIENCY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. SHORT TITLE — This Act shall be known as the **national cybersecurity inter-agency committee (NCIAC) modernization Act of 2024**.

SECTION 2. DECLARATION OF POLICY — It is a declared policy of the state in conformity with the mandate of the Constitution.

the state shall ensure universal access to quality, affordable, reliable and secure ICT services.

The **NCIAC** is mandated to assess the vulnerabilities and risks of the country's cybersecurity, issue updated security protocols to all government

employees, for the proper handling, distribution, and storage of all forms of documents, and communication.

For these purposes, the state shall provide the mechanisms to improve **ICT** facilities and programs by maximizing the use of all existing resources, recognizing in the process the government's responsibility to instill these **government convergence** as having priority over its other functions.

It is imperative that the state prioritizes and provides the appropriate tools, means and funding in order for the Commission on Elections (**NCIAC**) to perform its noble mandates.

SECTION 3. Republic Act No. 10175 or the "**Cybercrime Prevention Act of 2012**," created the Cybercrime Investigation and Coordinating Center (**CICC**) with the mandate to coordinate the preparation of appropriate and effective measures to prevent and suppress cybercrime activities.

SECTION 4. No. 10844, otherwise known as the "**Department of Information and Communications Technology (DICT) Act of 2015**," created the DICT and transferred to it all powers and functions related to cybersecurity, including the formulation of the **National Cybersecurity Plan** and the facilitation of international cooperation on intelligence regarding cybersecurity matters, and attached the CICC to the DICT for policy and program coordination.

SECTION 5. AUTHORITY - No law shall be passed exempting any entity of the Government or its subsidiary in any guise whatever, or any investment of public funds, from the jurisdiction of the **NCIAC**.

Section 31, Chapter 10, Title III, Book III of EO No. 292 (s. 1987) or the "**Administrative Code of 1987**," provides that the President shall have continued authority to reorganize the Executive Department in order to achieve simplicity, economy and efficiency; and

Section 17, Article VII of the Constitution provides that the President shall have control over all the executive departments, bureaus and offices, and shall ensure that the laws are faithfully executed.

SECTION 6. SUPERVISING AND ASSESSMENT CONCERNS. — the Department of Information and Communications Technology (**DICT**), **National Security Council (NSC)**, shall provide the necessary technical and financial assistance to ensure effective operations and build-up.

SECTION 7. IMPLEMENTING AGENCY. — The Department of Information and Communications Technology (**DICT**).

SECTION 8. IMPLEMENTING RULES AND REGULATIONS. — Within ninety (**90**) days from the effectivity of this Act, the Department of Information and Communications Technology (**DICT**), National Cybersecurity Inter-Agency Committee (**NCIAC**) shall, in consultation with other concerned government and private agencies, promulgate the necessary rules and regulations to carry out the provisions of this Act.

SECTION 9. REORGANIZATION OF THE NCIAC.

"There is hereby created a **National Cybersecurity Inter-Agency Bureau**, under the Office of the President, to be chaired by the **Executive Secretary**, co-chaired by the Director-General of the **National Security Council** and the Secretary of the Department of Information and Communications Technology, and shall further be composed of the following officials:

Members:

Secretary of the Department of Energy;

Secretary of the Department of Finance;
Secretary of the Department of Foreign Affairs;
Secretary of the Department of the Interior and Local Government;
Secretary of the Department of Justice;
Secretary of the Department of National Defense;
Secretary of the Department of Transportation;
Secretary of the Presidential Communications Operations Office;
Commissioner of the National Telecommunications Commission;
Chairman of the National Privacy Commission;
Executive Director of the Anti-Terrorism Council — Program Management Center;

Executive Director of the Cybercrime Investigation and Coordinating Center; and
Governor of the Bangko Sentral ng Pilipinas.

The Committee may invite concerned public and private agencies or „ entities to participate, complement, and assist in the performance of its functions.

SECTION 10. MODERNIZATION FUNDING. – The amount of Two Billion Pesos (**Php 2, 000,000,000.00**) for the operation and administration of the **national cybersecurity inter-agency committee (NCIAC)** shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**.

The amount necessary for the initial implementation to fund this act shall be charged under the Department of Information and Communications Technology (**DICT**).

Thereafter, appropriations for the **(NCIAC)**, shall be included in the budget proposals under the annual **General Appropriations Act (GAA)**

The Department of Budget and Management **(DBM)** shall rationalize the existing organizational structure and staffing pattern of the **(NCIAC)** in accordance with the prevailing provisions and relevant compensation and position classification laws, rules and regulations.

Thereafter, the amount needed for the continued implementation of the modernization program shall be included in the annual **General Appropriations Act (GAA)**.

SECTION 11. National Cybersecurity Inter-agency committee (NCIAC) MODERNIZATION FUND – There is hereby created the **(NCIAC) Modernization Fund** to be used exclusively for the **(NCIAC) Modernization Program**.

The **(NCIAC)** Modernization Fund shall be administered by the Chairman accordance with existing government budgeting, accounting, and auditing rules and regulations.

SECTION 12. PROGRESS REPORT – The Chairman of the **(NCIAC)** shall prepare an annual report on the status of the implementation of the Modernization Programs which shall be submitted, to the Office of the **President**.

SECTION 13. INCREASE OF PERSONNEL. – The **(NCIAC)** shall maintain a sufficient staffing pattern.

Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 14. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of three **(3)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **(NCIAC)** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 15. SECRETARIAT. The NCIAC shall have a Secretariat composed of officials from the member-agencies of the Committee. The Committee shall provide for the guidelines for the creation of the Secretariat, including the appropriate ranks of officials that shall comprise it.

SECTION 16. TRANSPARENCY - It is the duty of every citizen to preserve and conserve government transparency and all its resources. The retrieval and conservation of government transparency and its resources shall be vigorously pursued.

SECTION 17. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 18. PERIODIC REPORTS - The Chairperson of the **(NCIAC)** shall submit periodic reports on its findings and make recommendations on actions to be taken by the Office of the President and other appropriate departments, in order to carry out the objectives and mandates of this Act.

SECTION 19. AUTOMATIC REVIEW - Every three **(3)** years after the effectivity of this Act, an independent review panel composed of experts to be

appointed by the **President of the Republic** shall review the policies and implementation in the modernization program and shall make recommendations, based on its findings.

SECTION 20. PENAL CLAUSE. – Any person, whether natural or juridical, violating any section of this Act shall, upon conviction, therefore, be liable to a fine of not less than five hundred thousand pesos (**P500,000.00**) or imprisonment for a term not less than six (**6**) years, or both, at the discretion of the court for each and every violation.

In case the violation is committed by a corporation or an association, the penalty shall devolve upon the president, director, or any other officer responsible for such violation.

SECTION 21. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty (**60**) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 22. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Pursuant to **RA No. 10844**, Sections 3, 4 and 5 of EO No. 189 are hereby repealed. Further, except to the extent modified by this order, all other provisions of EO No. 189 shall remain valid and subsisting.

SECTION 23. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 24. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,