

1 **IMPLEMENTING RULES AND REGULATIONS OF THE**
2 **DEPARTMENT OF INFORMATION AND**
3 **COMMUNICATIONS TECHNOLOGY ACT OF 2015**

4 Pursuant to Section 21 of Republic Act (R.A.) No. 10844 (“An Act
5 Creating the Department of Information and Communications
6 Technology, Defining Its Powers and Functions Appropriating Funds
7 Therefor, and for Other Purposes”), the following Implementing Rules
8 and Regulations (IRR) are hereby promulgated:

9 **Section 1.Title-** These Rules shall be known as the Implementing
10 Rules and Regulations of R.A. No. 10844, otherwise known as the
11 Department of Information and Communication Technology Act of
12 2015

13 **Section 2.Declaration of Policy**

- 14 (a) To recognize the vital role of information and communication in
15 nation-building;
- 16 (b) To ensure the provision of strategic, reliable, cost-efficient and
17 citizen-centric information and communications technology (ICT)
18 infrastructure, systems and resources as instruments of good
19 governance and global competitiveness;
- 20 (c) To ensure universal access to quality, affordable, reliable and
21 secure ICT services;
- 22 (d) To promote the development and widespread use of emerging ICT
23 and foster and accelerate the convergence of ICT and ICT-enabled
24 facilities;
- 25 (e) To ensure the availability and accessibility of ICT services in areas
26 not adequately served by the private sector
- 27 (f) To foster an ICT sector policy environment that will promote a
28 broad market-led development of the ICT and ICT-enabled services
29 (ICT-ES) sectors, a level playing field, partnership between the public
30 and private sectors, strategic alliance with foreign investors and
31 balanced investments between high-growth and economically-
32 depressed areas;
- 33 (g) To promote and assist the development of local ICT content,
34 applications and services which may include support for ICT-based
35 start-up enterprises through strategic partnerships;

- 1 (h) To promote the use of ICT for the enhancement of key public
2 services, such as education, public health and safety, revenue
3 generation, and socio-civic purposes;
- 4 (i) To encourage the use of ICT for the development and promotion of
5 the country's arts and culture, tourism and national identity;
- 6 (j) To promote digital literacy, ICT expertise, and knowledge-building
7 among citizens to enable them to participate and compete in an
8 evolving ICT age:
- 9 (k) To empower, through the use of ICT, the disadvantaged segments
10 of the population, including the elderly, persons with disabilities and
11 indigenous and minority groups;
- 12 (l) To ensure the rights of individuals to privacy and confidentiality of
13 their personal information;
- 14 (m) To ensure the security of critical ICT infrastructures including
15 information assets of the government, individuals and businesses; and
- 16 (n) To provide oversight over agencies governing and regulating the
17 ICT sector and ensure consumer protection and welfare, data privacy
18 and security, foster competition and the growth of the ICT sector.

19 **Section 3. Definition of Terms**

- 20 (a) Information and Communications Technology or ICT shall mean
21 the totality of electronic means to access, create, collect, store,
22 process, receive, transmit, present and disseminate information:
- 23 (b) Convergence shall mean the interface between and among various
24 telephony, radio, video, broadcasting and multimedia infrastructure,
25 devices and services, enabling users or subscribers thereof to
26 communicate with one another;
- 27 (c) Electronic Government or E-Government shall mean the use of
28 ICT by the government and the public to enhance the access to and
29 delivery of government services to bring about efficient, responsive,
30 ethical, accountable and transparent government service:
- 31 (d) ICT Sector shall mean those engaged in providing goods and
32 services primarily intended to fulfill or enable the function of
33 information processing and communication by electronic means. The
34 ICT sector includes telecommunications and broadcast information
35 operators, ICT equipment manufacturers, multimedia content

1 developers and providers, ICT solution providers, internet service
2 providers, ICT training institutions, software developers and ICT-ES
3 providers;

4 (e) ICT-Enabled Services or ICT-ES Sector shall mean those engaged
5 in providing services that require the intrinsic use of Id's including
6 engineering or architectural design, informatics service providers,
7 offshoring and outsourcing service providers such as call centers, back
8 office processing, software development, medical or legal
9 transcription, animation, game development, and other services that
10 require the intrinsic use of a networked information infrastructure; and

11 (f) Chief Information Officer or CIO shall mean a senior officer in all
12 national government agencies (NGAs), including constitutional
13 offices, state universities and colleges (SUCs), government-owned
14 and -controlled corporations (GOCCs), and government financial
15 institutions (GFIs) responsible for the development and management
16 of the agency's ICT systems and applications.

17 **Section 4. Mandate-** The Department shall be the primary policy,
18 planning, coordinating, implementing, and administrative entity of the
19 Executive Branch of the government that will plan, develop, and
20 promote the national ICT development agenda

21 **Section 5. Powers and Functions**

22 ***I. Policy and Planning***

23 (a) Formulate, recommend and implement national policies,
24 plans, programs and guidelines that will promote the
25 development and use of ICT with due consideration to the
26 advantages of convergence and emerging technologies;

27 (b) Formulate policies and initiatives, in coordination with the
28 Department of Education (DepED), the Commission on Higher
29 Education (CHED), and the Technical Education and Skills
30 Development Authority (TESDA), to develop and promote ICT
31 in education consistent with the national goals and objectives,
32 and responsive to the human resource needs of the ICT and
33 ICT-ES sectors;

34 (c) Provide an integrated framework in order to optimize all
35 government ICT resources and networks for the identification
36 and prioritization of all E-Government systems and applications

1 as provided for the E-Government Masterplan and the
2 Philippine Development Plan (PDP);

3 ***II. Improved Public Access***

4 (d) Prescribe rules and regulations for the establishment,
5 operation and maintenance of ICT infrastructures in unserved
6 and underserved areas, in consultation with the local
7 government units (LGUs), civil society organizations (CSOs).
8 Private sector, and the academe;

9 (e) Establish a free internet service that can be accessed in
10 government offices and public areas using the most cost-
11 effective telecommunications technology, through partnership
12 with private service providers as may be necessary;

13 ***III. Resource-sharing and Capacity-building***

14 (f) Harmonize and coordinate all national ICT plans and
15 initiatives to ensure knowledge, information and resource-
16 sharing, database-building and agency networking linkages
17 among government agencies, consistent with E-Government
18 objectives in particular, and national objectives in general;

19 (g) Ensure the development and protection of integrated
20 government ICT infrastructures and designs, taking into
21 consideration the inventory of existing manpower, plans,
22 programs, software, hardware, and installed systems;

23 (h) Assist and provide technical expertise to government
24 agencies in the development of guidelines in the enforcement
25 and administration of laws, standards, rules, and regulations
26 governing ICT;

27 (i) Assess, review and support ICT research and development
28 programs of the government in coordination with the
29 Department of Science and Technology (DOST) and other
30 institutions concerned;

31 (j) Prescribe the personnel qualifications and other qualification
32 standards essential to the effective development and operation
33 of government ICT infrastructures and systems;

34 (k) Develop programs that would enhance the career
35 advancement opportunities of ICT workers in government;

1 (l) Assist in the dissemination of vital information essential to
2 disaster risk reduction through the use of ICT:

3 (m) Represent and negotiate for Philippine interest on matters
4 pertaining to ICT in international bodies, in coordination with
5 the Department of Foreign Affairs (DFA) and other institutions
6 concerned;

7 ***IV. Consumer Protection and Industry Development***

8 (n) Ensure and protect the rights and welfare of consumers and
9 business users to privacy, security and confidentiality in matters
10 relating to ICT, in coordination with agencies concerned, the
11 private sector and relevant international bodies;

12 (o) Support the promotion of trade and investment opportunities
13 in the ICT and ICT-ES sectors, in coordination with the
14 Department of Trade and Industry (DTI) and other relevant
15 government agencies and the private sector;

16 (p) Establish guidelines for public-private partnerships in the
17 implementation of ICT projects for government agencies; and

18 (q) Promote strategic partnerships and alliances between and
19 among local and international ICT, research and development,
20 educational and training institutions, to speed up industry
21 growth and enhance competitiveness of Philippine workers,
22 firms, and small and medium enterprises in the global markets
23 for ICT and ICT-ES.

24 ***V. Cybersecurity Policy and Program Coordination***

25 (r) To formulate a national cybersecurity plan and extend
26 immediate assistance for the suppression of real-time
27 commission of cybercrime offenses through a computer
28 emergency response team (CERT);

29 (s) To coordinate the preparation of appropriate and effective
30 measures to prevent and suppress cybercrime activities as
31 provided for in R.A. No. 10175;

32 (t) To monitor cybercrime cases being handled by participating
33 law enforcement and prosecution agencies;

- 1 (u) To facilitate international cooperation on intelligence,
2 investigations, training and capacity building related to
3 cybercrime prevention, suppression and prosecution;
- 4 (v) To coordinate the support and participation of the business
5 sector, local government units and nongovernment
6 organizations in cybercrime prevention programs and other
7 related projects;
- 8 (w) To recommend the enactment of appropriate laws,
9 issuances, measures and policies;
- 10 (x) To call upon any government agency to render assistance in
11 the accomplishment of the Department's mandated tasks and
12 functions; and
- 13 (y) To perform all other matters related to cybercrime
14 prevention and suppression, including capacity building and
15 such other functions and duties as may be necessary for the
16 proper implementation of R.A. No. 10175.

17 **Section 6. Composition**—The Department shall be headed by a
18 Secretary. The Department proper shall be composed of the Office of
19 the Secretary, the Offices of the Undersecretaries and the assistant
20 secretaries.

21 **Section 7. Secretary** —The Secretary shall be appointed by the
22 President, subject to confirmation by the Commission on
23 Appointments. The Secretary shall have the following functions:

- 24 (a) Provide executive direction and supervision over the entire
25 operations of the Department and to its attached agencies as provided
26 in E.O. No. 292 series of 1987;
- 27 (b) Establish policies and standards for the effective, efficient and
28 economical operation of the Department, in accordance with the
29 programs of government;
- 30 (c) Review and approve requests for financial and manpower
31 resources of all operating offices of the Department;
- 32 (d) Designate and appoint officers and employees of the Department,
33 excluding the undersecretaries, assistant secretaries, and regional and
34 assistant regional directors, in accordance with the civil service laws,
35 rules and regulations;

- 1 (e) Exercise disciplinary powers over officers and employees of the
2 Department in accordance with law, including their investigation and
3 the designation of a committee or officer to conduct such
4 investigation:
- 5 (f) Coordinate with LGUs, other agencies and public and private
6 interest groups, including nongovernment organizations (NGOs) and
7 people's organizations (POs) on Department policies and initiatives;
- 8 (g) Prepare and submit to the President through the Department of
9 Budget and Management (DBM) an estimate of the necessary
10 expenditures of the Department during the next fiscal year, on the
11 basis of the reports and estimates submitted by bureaus and offices
12 under him/her;
- 13 (h) Serve as a member of the Government Procurement Policy Board
14 (GPPB) as established by Republic Act No. 9184;
- 15 (i) Advise the President on the promulgation of executive and
16 administrative orders and formulation of regulatory and. Legislative
17 proposals on matters pertaining to ICT development;
- 18 (j) Formulate such rules and regulations and exercise such other
19 powers as may be required to implement the objectives of R.A. No
20 10844: and
- 21 (k) Perform such other tasks as may be provided by law or assigned
22 by the President.

23 **Section 8. Undersecretaries** – The Secretary shall be assisted by
24 three (3) undersecretaries, who shall be appointed by the President
25 upon the recommendation of the Secretary: Provided, That two (2) of
26 the undersecretaries shall be career officers. The powers and duties of
27 the Undersecretaries shall be in accordance with the E.O. No. 292 of
28 1987.

29 **Section 9. Assistant Secretaries** –The Secretary shall be assisted by
30 four (4) assistant secretaries who shall be appointed by the President
31 upon the recommendation of the Secretary: Provided, That two (2) of
32 the assistant secretaries shall be career officers: Provided, further,
33 That at least one (1) of the assistant secretaries shall be a licensed
34 Professional Electronics Engineer (PECE), or any suitably qualified
35 person in accordance with Civil Service Commission (CSC) rules and

1 regulations. The powers and duties of the Assistant secretaries shall be
2 in accordance with the E.O. No. 292 of 1987.

3 **Section 10. Qualifications of Secretary, Undersecretaries and**
4 **Assistant Secretaries-** No person shall be appointed Secretary,
5 Undersecretary, or Assistant Secretary of the Department unless he or
6 she is a citizen and resident of the Philippines, of good moral
7 character, of proven integrity and with at least seven (7) years of
8 competence and expertise in any of the following: information and
9 communications technology, information technology service
10 management, information security management, cybersecurity, data
11 privacy. e-Commerce, or human capital development in the ICT
12 sector.

13 **Section11. Regional Offices** –The Department may establish,
14 operate, and maintain a regional office in the different administrative
15 regions of the country as the need arises. Each regional office shall be
16 headed by a Regional Director, who may be assisted by one (1)
17 Assistant Regional Director. The Regional Director and Assistant
18 Regional Director shall be appointed by the President. The regional
19 offices shall have, within their respective administrative regions, the
20 following functions:

- 21 (a) Implement laws, policies, plans, programs, projects, rules
22 and regulations of the Department:
- 23 (b) Provide efficient and effective service to the people:
- 24 (c) Coordinate with regional offices of other departments,
25 offices, and agencies;
- 26 (d) Coordinate with the LGUs; and
- 27 (e) Perform such other functions as may be provided by law or
28 assigned by the Secretary.

29 **Section12. CIO Council-** The Department shall facilitate the creation
30 of the CIO Council, which shall consist of CIOs, with the Secretary
31 serving as the Chairman, to assist the Department in the
32 implementation of government ICT initiatives.

33 **Section13. Sectoral and Industry Task Force--** The Department
34 may create sectoral and industry task forces, technical working
35 groups, advisory bodies or committees for the furtherance of its
36 objectives. Additional private sector representatives, such as from the

1 academe, CSOs, and federation of private industries directly involved
2 in ICT, as well as representatives of other NGAs. LGUs and GOCCs
3 may be appointed to these working groups. Government IT
4 professionals may also be tapped to partake in the work of the
5 Department through, these working groups.

6 **Section 14. Transfer of Agencies and Personnel:**

7 (a) The following agencies are hereby abolished, and their powers and
8 functions, applicable funds and appropriations, records, equipment,
9 property, and personnel transferred to the Department:

10 (1) Information and Communications Technology Office;

11 (2) National Computer Center;

12 (3) National Computer Institute;

13 (4) Telecommunications Office;

14 (5) National Telecommunications Training Institute; and

15 (6) All operating units of the Department of Transportation and
16 Communications (DOTC) with functions and responsibilities
17 dealing with communications.

18 All offices, services, divisions, units and personnel not
19 otherwise covered by R.A. No. 10844 for transfer to the
20 Department shall be retained under the DOTC which is hereby
21 renamed the Department of Transportation.

22 The Department shall assume representations and membership of
23 the abolished agencies and operating units in different international
24 and local organizations, councils, committees, inter-agency
25 working groups, task forces and other organizations as provided by
26 law and applicable rules and regulations.

27 (b) The following agencies are hereby attached, to the Department
28 for policy and program coordination, and shall continue to operate
29 and function in accordance with the charters, laws or orders
30 creating them, insofar as they are not inconsistent with R.A. No.
31 10844:

32 (1) National Telecommunications Commission;

33 (2) National Privacy Commission; and

34 (3) Cybercrime Investigation and Coordination Center (CICC)

1 The CICC shall be chaired by the DICT Secretary.

2 The Department's administrative relationship with its attached
3 agencies shall be governed by Section 38 of Executive Order No.
4 292 series of 1987.

5 (c) The laws and rules on government reorganization as provided
6 for in Republic Act No. 6656, otherwise known as the
7 Reorganization Law, shall govern the reorganization process of the
8 Department.

9 **Section15. Separation and Retirement from Service-** Employees
10 who are separated from service within six (6) months from the
11 effectivity of R.A. No. 10844 as a result of the consolidation and/or
12 reorganization under the provisions of R.A. No. 10844 shall receive
13 separation benefits to which they may be entitled under Executive
14 Order No. 366, s. 2004: Provided, That those who are qualified to
15 retire under existing retirement laws shall be allowed to retire and
16 receive retirement benefits to which they may be entitled under
17 applicable laws and issuances.

18 **Section16. Structure and Staffing Pattern-** Subject to the approval
19 of the DBM, the Department shall determine its organizational
20 structure and create new divisions or units as it may deem necessary,
21 and shall appoint officers and employees of the Department in
22 accordance with the civil service law, rules, and regulations.

23 **Section17. Application of R.A. No. 8439 -** Qualified employees of
24 the Department and its attached agencies shall be covered by Republic
25 Act No. 8439, which provides a magna carta for scientists, engineers,
26 researchers and other science and technology personnel in the
27 government.

28 **Section18. Transition Period -** The transfer of functions, assets,
29 funds, equipment, properties, transactions, and personnel of the
30 affected agencies, and the formulation of the internal organic
31 structure, staffing pattern, operating system, and revised budget of the
32 Department, shall be completed within six (6) months from the
33 effectivity of R.A. No. 10844, during which time, the existing
34 personnel shall continue to assume their posts in holdover capacities
35 until new appointments are issued: Provided, That after the abolition
36 of the agencies as specified in Section 15(a) of R.A. No. 10844, the
37 Department, in coordination with the DBM, shall determine and

1 create new positions, the funding requirements of which shall not
2 exceed the equivalent cost of positions abolished.

3 **Section19. Appropriation-** The amount needed for the initial
4 implementation of R.A. No. 10844 shall be taken from the current
5 fiscal year's appropriation of the ICTO and all agencies herein
6 absorbed by or attached to the Department. Thereafter, the amount
7 needed for the operation and maintenance of the Department shall be
8 included in the General Appropriations Act

9 **Section20. Separability Clause-** If any provision of R.A. No. 10844
10 and/or this Implementing Rules and Regulations shall be declared
11 unconstitutional or invalid, the other provisions not otherwise affected
12 shall remain in full force and effect.

13 **Section21. Repealing Clause -** All laws, decrees, executive orders,
14 rules and regulations and other issuances or parts thereof which are
15 inconsistent with R.A. No. 10844 and this Implementing Rules and
16 Regulations are hereby repealed, amended or modified accordingly.

17 **Section22. Effectivity -** These Rules shall take effect fifteen (15) days
18 after its publication in the Official Gazette or in two (2) national
19 newspapers of general circulation and upon filing of three (3) certified
20 true copies with the Office of the National Administrative Register,
21 University of the Philippines Law Center.