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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

United Nations Development Program (UNDP) cites the importance of linking the indigenous sector with the information highway. Further, UNDP Deputy Resident Representative Ms. Ricarda Rieger states that “providing the indigenous sector with access to information and communication technology will give them more chances to empower themselves and will eventually strengthen indigenous people’s governance initiatives.”

A report of the G-8’s Digital Opportunity Task Force concludes that information and communication technology or ICT, when wisely applied, offers enormous opportunities to narrow social and economic inequalities and support sustainable local wealth creation. The inequality in the access to ICT is referred to as the “digital divide” defined by the Organization for Economic Cooperation and Development as the gap that exists in the opportunities to access advanced information and communication technologies between geographic areas or by individuals at different socio-economic levels.

The bill seeks to provide Indigenous Cultural Communities/Indigenous Peoples (ICC/IP) access to ICT. It also seeks to direct the National Commission on Indigenous Peoples, in coordination with the National Telecommunications Commission and the National Computer Center under the Department of Science and Technology, to formulate plans and programs on ICT for ICC/IP.¹


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¹ This bill was originally filed during the 14th Congress, 1st Regular Session

1 (E) Assist in the retention and preservation of native languages and cultural traditions.

2 SECTION 4. *Definitions.* – For purposes of this Act the following terms -

3 (A) “Block Grant” – refers to a grant provided under Section 6.

4 (B) “Chairperson” – refers to the Chairperson of the National Commission on Indigenous
5 Peoples (NCIP).

6 (C) “Commission” – refers to the NCIP created under Republic Act No. 8571 or the
7 “Indigenous Peoples Rights Act.”

8 (D) “Council” – refers to the Indigenous Peoples Connectivity Coordinating Council,
9 which formulates plans and programs in the implementation of the provisions of this Act.

10 (E) “Eligible Activity” – refers to an activity carried out to –

11 (1) acquire or lease real property (including licensed spectrum, water rights, dark
12 fiber, exchanges, and other related interests) to provide telecommunications services,
13 facilities, and improvements;

14 (2) acquire, construct, reconstruct, or install communications facilities, sites,
15 improvements (including design features), or utilities;

16 (3) retain any real property acquired under this Act for ICC/IP communications
17 purposes;

18 (4) carry out activities necessary to - (a) develop a comprehensive
19 telecommunications development plan; and (b) develop a policy, planning and
20 management capacity so that an eligible entity can more rationally and effectively

21 (i) determine the needs of the entity;

22 (ii) set long-term and short-term goals;

23 (iii) devise programs and activities to meet the goals of the entity,
24 including, if appropriate, telehealth,

25 (iv) evaluate the progress of the programs and activities in meeting the
26 goals of the entity; and

1 (v) carry out management, coordination, and monitoring of activities
2 necessary for effective planning implementation.

3 (5) pay reasonable administrative costs and carrying charges related to the
4 planning and execution of telecommunications development activities, including the
5 provision of information and resources about the planning and execution of the activities
6 to residents of areas in which telecommunications development activities are to be
7 concentrated;

8 (6) increase the capacity of an eligible entity to carry out telecommunications
9 regulations and related regulatory matters;

10 (7) provide assistance to institutions of higher education (including indigenous
11 colleges and universities) that have a demonstrated capacity to carry out eligible
12 activities;

13 (8) enable an eligible entity to facilitate telecommunications development by - (a)
14 providing technical assistance, advice, and business support services (including services
15 for developing business plans, securing funding, and conducting marketing); and (b)
16 providing general support (including peer support programs and mentoring programs) to
17 ICC/IP in developing telecommunications projects.

18 (9) evaluate eligible activities to ascertain and promote effective
19 telecommunications and information technology development practices and usages
20 among ICC/P; or

21 (10) provide research, analysis, data collection, data organization, and
22 dissemination of information relevant to telecommunications and information technology
23 to ICC/IP for the purpose of promoting effective telecommunications and information
24 technology development practices and usages among them.

25 (F) "Eligible Entity" - refers to an organization of indigenous peoples, indigenous
26 cultural communities, private or public institution of higher education acting under an agreement
27 with the ICC/IP.

1 (G) "Indigenous Cultural Communities/ Indigenous Peoples (ICCIP)" – as defined in the
2 Indigenous Peoples Rights Act of 1997, refers to a group of people or homogenous societies
3 identified by self-ascription and ascription by others, who have continuously lived as organized
4 community on communally bounded and defined territory, and who have, under claims of
5 ownership since time immemorial, occupied, possessed customs, tradition and other distinctive
6 cultural traits, or who have, through resistance to political, social and cultural inroads of
7 colonization, non-indigenous religions and culture, became historically differentiated from the
8 majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous
9 on account of their descent from the populations which inhabited the country at the time of
10 conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or
11 the establishment of present state boundaries, who retain some or all of their own social,
12 economic, cultural and political institutions, but who may have been displaced from their
13 traditional domains or who may have resettled outside their ancestral domains.

14 (H) "Information Technology" – refers to any equipment or interconnected system or
15 subsystem of equipment that is used in the automatic acquisition, storage, analysis, evaluation,
16 manipulation, management, movement, control, display, switching, interchange, transmission, or
17 reception of data or information. It includes computers, ancillary equipment (including imaging
18 peripherals, input, output, and storage devices necessary for security and surveillance),
19 peripheral equipment designed to be controlled by the central processing unit of a computer,
20 software, firmware and similar procedures, services (including support services), and related
21 resources.

22 (I) "NCC" – refers to the National Computer Center under the Department of Science and
23 Technology.

24 (J) "NTC" – refers to the National Telecommunications Commission.

25 (K) "Technical Assistance" – refers to the facilitation of skills and knowledge in
26 planning, developing, assessing, and administering eligible activities.

27 (L) "Training and Technical Assistance Grant" – refers to a grant provided under
28 Section 7.

1 (M) "Telehealth" – refers to the use of electronic information and telecommunications
2 technologies to support long-distance clinical health care, patient and professional health-related
3 education, public health, and health administration.

4 SECTION 5. *Indigenous Peoples Connectivity Coordinating Council.* – A Coordinating
5 Council shall be established to formulate plans and programs in connection with the
6 implementation of the provisions of this Act. This Council shall be composed of the following
7 officials or their representatives: Chairperson of the NCIP, the Commissioner of the NTC and the
8 Director of the NCC. The Council shall be supported by a Secretariat.

9 SECTION 6. *Block Grant Program.* - (A) *Establishment.* – There is established within
10 the NTC a Rural Telecommunications Block Grant Program to provide grants on a competitive
11 basis to eligible entities to carry out activities under Section 4(E).

12 (B) *Block Grants.* - The Commissioner may provide a block grant to an eligible entity
13 that submits a block grant application to the NTC for approval.

14 (C) *Eligible Activities.* - A grant under this Section may only be used for an eligible
15 activity.

16 (D) *Regulations.* - Not later than one hundred eighty (180) days after the date of
17 enactment of this Act, the Commissioner shall promulgate regulations establishing specific
18 criteria for the competition conducted to select eligible entities to receive grants under this
19 Section for each fiscal year.

20 SECTION 7. *Training and Technical Assistance Grants.* - (A) Notification and Criteria –
21 The Council shall provide notice of the availability of training and technical assistance grants
22 and publish criteria for selecting recipients.

23 (B) *Grants.* - The NCC and NTG may provide training and technical assistance grants to
24 eligible entities with a demonstrated capacity to carry out eligible activities.

1 (C) *Use of Funds.* - A training and technical assistance grant shall be used to - (1)
2 develop a training program to facilitate local use and maintenance of new telecommunications
3 technologies; (2) develop and implement -

4 (a) telecommunications and information technology work study programs;

5 (b) post-secondary telecommunications and information technology-related
6 education, development, planning and management programs; and

7 (c) a training program for telecommunications employees;

8 (3) provide assistance to students who -

9 (a) participate in telecommunications or information technology work study
10 programs;

11 (b) are enrolled in a full-time graduate or undergraduate program in
12 telecommunications-related education, development, planning, or management.

13 (D) *Treatment.* - A training and technical assistance grant to an entity shall be in addition
14 to any block grant provided to the entity.

15 (E) *Provision of Technical Assistance by the Commission.* - The Commission may
16 provide technical assistance, directly or through contracts, to - (1) eligible entities; and (2)
17 persons or entities that assist ICC/IP organizations.

18 SECTION 8. *Compliance.* -

19 (A) *Audit by the Commission on Audit (COA).* -

20 (1) *In General.* - The COA may audit any financial transaction involving grant
21 funds carried out by a block grant recipient or training and technical assistance grant
22 recipient.

23 (2) *Scope of Authority.* - In conducting an audit under paragraph (1), the COA
24 shall have access to all books, accounts, records, reports, files, papers, things, or property
25 belonging to or in use by the grant recipient that relate to the financial transaction and are
26 necessary to facilitate the audit.

27 (B) *Environmental Protection and Indigenous Peoples Rights.* -

1 (1) *In General.* - After consultation with rural communities, the Council may
2 promulgate regulations to - (a) ensure that the policies of the Indigenous Peoples Rights
3 Act of 1997 and other laws further the purposes of that Act (as specified by the
4 regulations), are most effectively implemented in connection with the expenditure of
5 funds under this Act; and (b) assure the public of undiminished protection of the
6 environment.

7 (2) *Substitute Measures.* - The Council may provide for the release of funds under
8 this Act for eligible activities to grant recipients that assume all of the responsibilities for
9 environmental review, decision-making, and related action.

10 SECTION 9. *Remedies for Non-Compliance.* -

11 (A) *Failure to Comply.* - If the Council finds, on the record after opportunity for an
12 agency hearing, that a block grant recipient or training and technical assistance grant recipient
13 has failed to comply substantially with any provision of this Act, the Council, until satisfied that
14 there is no longer a failure to comply, shall -

15 (1) terminate payments to the grant recipient;

16 (2) reduce payments to the grant recipient by an amount equal to the amount of
17 payments that were not expended in accordance with this Act;

18 (3) limit the availability of payments under this Act to programs, projects, or
19 activities not affected by the failure to comply; or

20 (4) refer the matter to the Solicitor General with a recommendation that the
21 Solicitor General bring an appropriate civil action.

22 SECTION 10. *Reporting Requirements.* -

23 (A) *Annual Report to Congress.* - Not later than one hundred eighty (180) days after the
24 end of each fiscal year in which assistance under this Act is provided, the Council shall submit to
25 Congress a report that includes -

26 (1) a description of the progress made in accomplishing the objectives of this Act;

1 (2) a summary of the use of funds under this Act during the preceding fiscal year;
2 and

3 (3) an evaluation of the status of telephone, internet, and personal computer
4 penetration rates, by type of technology, among ICCIIP.

5 (B) *Reports to the Council.* - The Council may require grant recipients under this Act to
6 submit reports and other information.

7 SECTION 11. *Consultation.* - The Council shall consult with other government agencies
8 administering grant programs relating to the development of telecommunications capacities or
9 infrastructure.

10 SECTION 12. *Appropriations.* - To carry out the provisions of this Act, such sums as
11 may be necessary are hereby authorized to be appropriated from the National Treasury.

12 SECTION 13. *Separability Clause.* - If any provision of this Act is held invalid or
13 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
14 valid and subsisting.

15 SECTION 14. *Repealing Clause.* - Any law, presidential decree or issuance, executive
16 order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the
17 provisions of this Act is hereby repealed, modified or amended accordingly.

18 SECTION 15. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
19 publication in at least two newspapers of general circulation.

Approved,