

Republic of the Philippines  
Bangsamoro Autonomous Region in Muslim Mindanao  
**BANGSAMORO TRANSITION AUTHORITY 2**  
Cotabato City

*First Regular Session*

**BTA PARLIAMENT**  
BTA Parliament Bill No. 152

Bangsamoro Autonomous Region in Muslim Mindanao  
Parliament  
BILLS AND INDEX DIVISION  
**RECEIVED**

Name: EDDAN, RAMA/DAE Signature: [Signature]  
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Introduced by:  
**MP ENGR. BAIN TAN ADIL-AMPATUAN, MNSA**

**Co-Authors:**

MP Amilbahar S. Mawallil, MPSA; MP Atty. Laisa M. Alamia, MNSA; MP Atty. Suharto M. Ambolodto, MNSA; MP Don Mustapha A. Loong, MPSA; MP Atty. Rasol Y. Mitmug, Jr., CESE; MP Rasul E. Ismael; MP Khalid Ma-Amor Hadji Abdullah; MP Jaafar Apollo Mikhail L. Matalam; MP Bassir D. Utto, and MP Tawakal B. Midtimbang

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**AN ACT**  
**CREATING THE MINISTRY OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, ESTABLISHING ITS POWERS AND JURISDICTION, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**Explanatory Note**

Section 24, Article II of the 1987 Constitution declares that the State recognizes the vital role of communications and information in nation-building. To implement and institutionalize this state priority, the Department of Transportation and Communications (DOTC) was created under the Administrative Code of 1987 to maintain and expand a viable, efficient, safe, and dependable transportation and communications systems as effective instruments for national recovery and economic progress. Today, the department is facing divergent issues in solving problems relating to both transportation and communications. To cope up with the demands of globalization, and to decrease the DOTC's workload, departments should ideally be directed to prioritize and focus on only one or two aspects.

The Department of Information and Communications Technology (DICT) was then created under the Republic Act No. 10844, otherwise known as the "Department of Information and Communications Technology Act of 2015", which was then signed into law on May 26, 2016. The DICT is the primary policy, planning, coordinating, implementing, and administrative entity of the executive branch of the government that will plan, develop, and promote the national ICT development agenda. Being a new department in the process of organizing and fulfilling its mandate, the DICT divided its Field Operations Offices (FOO) into clusters composed of regions.

The COVID-19 pandemic drastically affected countries around the world, including the Philippines. The pandemic has highlighted how powerful and helpful the internet is today. People relied on the internet as means of survival as it was the lifeline to those isolated by quarantine and restrictions, by providing real time information in planning and fighting against the virus. It is also a driver of change as the Bangsamoro people were given the opportunity and flexibility to work from home, to learn online, to communicate with family and friends, and to trade goods in e-commerce platforms.

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) is a new political entity created on 2019 by virtue of Republic Act No. 11054 or the Bangsamoro Organic Law (BOL). Its establishment was the culmination of several years of peace talks between the Philippine Government and the Moro Islamic Liberation Front (MILF). The BOL specified that in the exercise of the Bangsamoro Autonomous Region's right to self-governance, it is free to pursue its political, economic, social and cultural development. One of the developments that the region needs is the expansion and enhancement of information and communications technology throughout the region.

Currently, the Bangsamoro Region is being served by the Bangsamoro Information and Communications Technology Office (BICTO). The creation of the Ministry of Information and Communications Technology, as proposed in this measure, can better ensure that the communications and technology sector shall be given priority by the Bangsamoro Government. It shall be the primary policy, planning, coordinating, implementing administrative entity that will promote, develop, and regulate integrated and strategic information across communication technology systems and reliable and cost-efficient communication facilities in the Bangsamoro Region.

Thus, to ensure the availability and accessibility of information and communications in areas not adequately served by the private sector, it is but appropriate to create and establish the Ministry of Information and Communications Technology in the BARMM.

In view of the foregoing, the approval of this measure is earnestly sought.

  
ENGR. BAIN TAN ADIL-AMPATUAN, MNSA



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Introduced by:  
**MP ENGR. BAIN TAN ADIL-AMPATUAN, MNSA**

**Co-Authors:**

MP Amilbahar S. Mawallil, MPSA; MP Atty. Laisa M. Alamia, MNSA; MP Atty. Suharto M. Ambolodto, MNSA; MP Don Mustapha A. Loong, MPSA; MP Atty. Rasol Y. Mitmug, Jr., CESE; MP Rasul E. Ismael; MP Khalid Ma-Amor Hadji Abdullah; MP Jaafar Apollo Mikhail L. Matalam; MP Bassir D. Utto, and MP Tawakal B. Midtimbang

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**AN ACT**  
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*Be it enacted by the Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao assembled:*

**Article I**  
**General Provisions**

**Section 1. Title.** – This Act shall be known as the *“Ministry of Information and Communications Technology Act of 2023”*.

**Section 2. Declaration of Policy.** – It shall be the declared policy of the Bangsamoro Government to recognize the vital role of information and communication in nation-building and to ensure the provision of a strategic, reliable, cost-efficient and citizen centric information and communications technology (ICT) infrastructure, systems and resources as instruments of nation-building and global competitiveness.

**Section 3. Definition of Terms<sup>1</sup>.** – The terms used in this Act shall each mean, as follows:

- a) **“Information and Communications Technology”** or ICT shall mean the totality of electronic means to collect, store, process, and present information to end-users in support of their activities and services. It consists of computer systems, office systems and consumer electronics, as well as networked information, infrastructure, the components of which include telephone, cable, wireless and satellite systems, the internet, fax machines and computers;
- b) **“Convergence”** shall mean the interface between and among various telephony, radio, video, broadcasting and multimedia infrastructure, devices and services, enabling users or subscribers thereof to communicate with one another;
- c) **“Electronic Government”** or E-Government shall mean the application of ICT in government processes to bring about efficient, responsive, ethical, accountable and transparent government service;
- d) **“ICT Sector”** shall mean telecommunication operators, ICT equipment manufacturers, content providers, ICT solution providers, Internet service providers, ICT training institutions, software developers and ICT-enabled service providers;
- e) **“ICT-Enabled Services”** or ICT-ES Sector shall mean those engaged in providing services that require the intrinsic use of ICT including engineering or architectural design, informatics service providers, offshoring and outsourcing service providers such as call centers, back-office processing, software development, medical or legal transcription, animation, game development, and other services that require the intrinsic use of a networked information infrastructure.

## **Article II**

### **THE MINISTRY OF INFORMATION AND COMMUNICATIONS TECHNOLOGY: MANDATE, POWERS AND FUNCTIONS**

**Section 1. Creation.** – There is hereby created the Ministry of Information and Communications Technology, herein referred to as **“the Ministry”**.

**Section 2. Mandates of the Ministry.** – The Ministry is mandated as the Bangsamoro Government institution that shall be the primary policy, planning,

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<sup>1</sup> Extracted from R.A. 10844 (<https://www.officialgazette.gov.ph/2016/05/23/republic-act-no-10844/>)



coordinating, implementing, regulating, and administrative entity that will plan, promote and help develop the region's ICT sector.

**Section 3. Powers and Functions of the Ministry.**<sup>2</sup>– The Ministry shall exercise and perform the following powers and functions consistent with its national counterpart:

- a) Formulate, recommend, and implement policies, plans, programs and guidelines for the ICT and ICT-enabled services sector that will promote wider use and development of ICT and provide increased and convenient access by citizens to the same in the Bangsamoro Autonomous Region;
- b) Harmonize, coordinate, and initiate all ICT plans and initiatives of the Bangsamoro Government agencies to ensure overall consistency and harmony with e-government objectives in particular;
- c) Establish and prescribe rules and regulations for the establishment, operation, and maintenance of ICT infrastructure in unserved and underserved areas, in consultation with private sector, local government units (LGUs) and the academe;
- d) Ensure the development and protection of integrated government information and communications infrastructure and coordinate all relevant government entities, taking into consideration the inventory of existing manpower, plans, programs, proposal, software and hardware and the installed systems and programs in the Bangsamoro Autonomous Region;
- e) Assist and provide technical assistance to government agencies in the development of guidelines in the enforcement and administration of laws, standards, rules, and regulations governing ICT;
- f) Assess, review, and support ICT research and development programs of the ministries and offices in coordination with the Ministry of Science and Technology (MOST) and other institutions concerned;
- g) Develop programs that would enhance the career advancement opportunities of ICT workers in the Bangsamoro Autonomous Region;
- h) Assist in the dissemination of vital information essential to disaster risk reduction through the use of ICT in the Bangsamoro Autonomous Region;
- i) Represent and negotiate for the Bangsamoro Region interest on matters pertaining to ICT;

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<sup>2</sup> Patterned from R.A. 10844 (<https://www.officialgazette.gov.ph/2016/05/23/republic-act-no-10844/>)

- j) Develop and maintain ICT development plans and establish and administer comprehensive and integrated programs for ICT with due consideration to advances on convergence and other emerging technologies, in coordination with the Department of Information and Communication and Technology (DICT) and private stakeholders;
- k) Promote knowledge, information and resource sharing, database building and agency networking linkages among various government agencies in the Bangsamoro Autonomous Region;
- l) Ensure and protect the rights and welfare of consumers and business users to privacy, security and confidentiality in matters relating to ICT, in coordination with concerned national government agencies and the private sector;
- m) Support the promotion of trade and investment opportunities in the ICT and ICT-ES sectors, in coordination with the Ministry of Trade, Industry and Tourism (MITI), and other relevant ministries and offices, and the private sector; and
- n) Establish guidelines for public-private partnerships in the implementation of ICT projects for ministries and offices in the Bangsamoro Autonomous Region in coordination with DICT national.

### **Article III ORGANIZATION AND MANAGEMENT**

**Section 1. *Organizational Structure and Staffing.*** – The Ministry shall be comprised of the Office of the Minister, the Offices of the Deputy Ministers and their immediate staff, and the Provincial Offices. The Ministry shall be composed of the following divisions:

- a) Research and Development Division.
- b) Competency Management Division.;
- c) Governance Division;
- d) ICT Systems and Infrastructure Development Division;
- e) Systems and Infrastructure Management Division; and
- f) Finance and Administrative Management Division.

The staffing of each office and division shall be based on the Bangsamoro Civil Service Code and the Standard Position Classification and Compensation System being adopted by the Ministry of Finance, Budget and Management.

**Section 2. *The Minister.*** – The Ministry shall be headed by the Minister of Information and Communications Technology, herein referred to as the Minister, who



shall be appointed by the Chief Minister, subject to the confirmation of the Bangsamoro Parliament.

The Minister must possess the following qualifications:

- a. A resident and a registered voter of the Bangsamoro region;
- b. Of good moral character and proven integrity; and
- c. He/she must have a full grasp, competence and at least ten (10)-years of competence and experience in any of the following: information and communications technology, information technology service management, information security management, cybersecurity, data privacy, e-Commerce, or human capital development in the ICT sector.

**Section 3. Powers and Functions of the Minister.**<sup>3</sup> – The Minister shall be vested with the following powers and functions:

- a. Provide executive direction and supervision over the entire operations of the Ministry;
- b. Establish policies and standards for the effective, efficient and economical operation of the Ministry pursuant to the approved programs of the Bangsamoro Government;
- c. Exercise disciplinary powers over officers and employees under the Ministry in accordance with law enacted by the Bangsamoro Parliament, including their investigation and the designation of a committee or officer to conduct such investigation;
- d. Appoint all officers and employees of the Ministry except those whose appointments are specifically vested in the Chief Minister or in some other appointing authority;
- e. Administer the Ministry in accordance with the law, and relevant executive orders and regulations issued by the Chief Minister;
- f. Manage the implementation of Ministry's programs, projects, and activities;
- g. Promulgate rules and regulations necessary to carry out Ministry's objectives, policies, functions, plans, programs and projects;
- h. Promulgate administrative issuances necessary for the efficient administration of the Ministry, and for proper execution of the laws relative thereto. These

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<sup>3</sup> Patterned from R.A. 10844, also known as Department of Information and Communications Technology Act of 2015

issuances shall not prescribe penalties for their violation, except when expressly authorized by law;

- i. Delegate authority to officers and employees under the Minister's direction in accordance with the Bangsamoro Administrative Code; and
- j. Perform such other functions as may be provided by law.

**Section 4. Powers, Functions, and Qualifications of the Deputy Ministers.** – The Minister shall be assisted by two (2) Deputy Ministers, who shall be appointed by the Chief Minister, upon the recommendation of the Minister, subject to the confirmation of the Bangsamoro Parliament: Provided, That one (1) of the Deputy Ministers shall be career officer. Provided further that, each Deputy Minister will be assigned three (3) divisions under it.

The Deputy Ministers shall perform the following powers and functions<sup>4</sup>:

- a. Assist and advise the Minister in the formulation and implementation of the objectives and policies of the Ministry;
- b. Oversee all the operational activities of the Ministry for which he shall be responsible to the Minister;
- c. Coordinate the programs and projects of the Ministry and be responsible for its economical, efficient and effective administration;
- d. Serve as deputy to the Minister in all matters relating to the operations of the Ministry;
- e. Temporarily discharge the duties of the Minister in the latter's absence or inability to discharge his duties for any cause or in case of vacancy of the said office, unless otherwise provided by law. The Minister shall allocate the foregoing powers and duties among the Deputy Ministers. The Chief Minister shall likewise make the temporary designation of Acting Minister from among them;
- f. Recommend policies for operations and program developments in the Ministry; and
- g. Perform such other functions as may be delegated by the Minister.

The Deputy Ministers must possess the following qualifications:

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<sup>4</sup> Patterned from Section 10, Chapter 2, Book IV of E.O. 292, also known as the Administrative Code of 1987 (<https://www.officialgazette.gov.ph/1987/07/25/executive-order-no-292-book-ivchapter-2-secretaries-undersecretaries-and-assistant-secretaries/>)



- a. He/she must be a resident and a registered voter of the Bangsamoro region;
- b. Of good moral character and of proven integrity;
- d. He/she shall have at least five (5)-year of competence and expertise in any of the following: information and communications technology, information technology service management, information security management, cybersecurity, data privacy, e-Commerce, or human capital development in the ICT sector.

**Section 5. *Functions and Responsibilities of the Divisions.***<sup>5</sup> – The technical and administrative divisions shall have the following functions and responsibilities:

**1. Competency Management Division.** – The Competency Management Division shall have the following functions and responsibilities:

- a) Build the capacities of public sector institutions and their personnel in the use of ICT to improve planning, management, delivery of crucial functions and monitoring and evaluation through both public and private sector partnerships and collaborations;
- b) Manage the provision of training courses in ICT related fields to enhance the competitiveness of the Bangsamoro region's human resource, both for the government and ICT & ICT-enabled industries, consistent with local and international standards;
- c) Professionalize Bangsamoro ICT human resource through the development of region's ICT competency standards and the issuance of proficiency certification, consistent with the national standards and guidelines;
- d) Perform other related functions as may be assigned by the Minister and other competent authority.

**2. Governance Division.** – The Governance Division shall have the following functions and responsibilities:

- a) Lead and manage the development, adoption, implementation, monitoring and evaluation of plans, policies and standards in ICT Governance in the Bangsamoro Autonomous Region;
- b) Ensure that all regional ICT plans, policies and standards are aligned with the Bangsamoro region's overall interest;

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<sup>5</sup> Patterned and extracted from the organizational structure of the DICT

- c) Design and develop policies and action plans that maintain the integrity of the Bangsamoro region's critical ICT and internet resources, and further trust in the information society and landscape;
  - d) Ensure that plans, policies, and standards are developed through the constructive engagement with all concerned stakeholders;
  - e) Engage in necessary national and international activities in furtherance of the Bangsamoro region's ICT policy development work;
  - f) Engage and commission private sector and civil society entities in specific areas of planning, policy, and standard development activities; and
  - g) Perform other related functions as may be assigned by the Minister and other competent authority.
- 3. Systems and Infrastructure Development Division.** – The Systems and Infrastructure Development Division shall have the following functions and responsibilities:
- a) Manage the provision of ICT related development services required by the Bangsamoro Government to fully leverage ICT for public service, improve Bangsamoro region's competitiveness and socio-economic development;
  - b) Ensure and optimal mix of utilizing in-house and external resources to secure the needed capacity and capabilities of the office; and
  - c) Perform other related functions as may be assigned by the Minister and other competent authority.
- 4. ICT Systems and Infrastructure Management Division.** – The ICT Systems and Infrastructure Management Division shall be composed of the following units with its corresponding specific functions and responsibilities:
- a) Applications and Data Services Unit:**
    - 1) Manage and operate the operations of critical Bangsamoro government application and data services;
    - 2) Ensure reliable and secure operations, leveraging private sector capacities whenever possible; and
    - 3) Providing technical support to private sector partners providing government ICT application and data services.



**b) Public-Private Partnerships Management Unit:**

- 1) Manage all ICT public-private partnerships (PPPs) and provide the same service to Bangsamoro agencies upon request;
- 2) Ensure the optimal use of private sector infrastructure, applications and data services by the Bangsamoro government;
- 3) Provide PPP management consultation to interested Bangsamoro agencies for the development and implementation of PPP ICT projects;
- 4) Promote the development of ICT PPPs in the Bangsamoro through forums and seminars.

**c) Infrastructure Development Unit:**

- 1) Manage strategic infrastructure interventions aimed at catalyzing the nationwide adoption and use of ICT in all areas and aspects of society;
- 2) Ensure that the designed lifecycles of interventions are implemented consistently as intended with the primary aim of minimizing prolonged Bangsamoro government participation vis-à-vis their long-term sustainability and effectivity

**5. Research and Development Division. – The Research and Development Division shall have the following functions and responsibilities:**

- a) Conduct responsive studies for the development of ICT industry in order to provide research outputs that will address the challenges facing the industry;
- b) Develop and maintain data and information systems that will serve as a repository of processed data and statistical information related ICT industry in the Bangsamoro region;
- c) Coordinate with other local researchers and other concerned offices for planning, policy formulation and project development related to the industry;
- d) Develop possible measures in support of the programs of the Ministry and to continuously contribute to the desired state of a well-managed Ministry responsive to the demands of the industry; and
- e) Perform such other functions as may be directed by the Minister and other competent authority.

**6. Finance and Administrative Management Division.** – The Finance and Administrative Management Division shall have the following functions and responsibilities:

- a) Provide advice to the Office of the Minister on administrative, financial and asset management matters;
- b) Develop and implement management policies, systems and processes to ensure economical and efficient delivery of support service to the Ministry;
- c) Provide support services relating to personnel, staff development, records management, supplies and equipment, procurement, budgeting and accounting, collection, and general clerical and utility services; and
- d) Perform other related functions as may be assigned by the Minister and other competent authority.

**Section 6. Staffing.** – The Ministry shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Ministry in accordance with the Civil Service Law, rules, and regulations.

**Section 7. Principal Office and Provincial Offices.** – The Ministry shall have its principal office in the Bangsamoro Government Center.

A Provincial Office shall also be created in each of the provinces of Maguindanao del Norte, Maguindanao del Sur, Lanao del Sur, Basilan, Sulu, and Tawi-Tawi and in other areas as it may be proper and necessary. Each provincial office shall be headed by a Provincial Director, who may be assisted by one (1) Assistant Provincial Director. The Provincial Director and Assistant Provincial Director shall be appointed by the Chief Minister. The provincial offices shall have the following functions<sup>6</sup>:

- a) Implement laws, policies, plans, programs, projects, rules and regulations of the Ministry;
- b) Provide efficient and effective service to the people in its areas of jurisdiction;
- c) Coordinate with provincial offices of other departments, offices, and agencies;
- d) Perform other related functions as may be assigned by the Minister and other competent authorities.

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<sup>6</sup> Patterned from R.A. 10844 (<https://www.officialgazette.gov.ph/2016/05/23/republic-act-no-10844/>)



## ARTICLE IV TRANSITORY PROVISIONS

**Section 1. *Abolition and Transfer of Functions of Concerned Ministries and Offices.*** - The current Bangsamoro Information and Communication Technology Office (BICTO) shall be abolished and the functions of the Bangsamoro Telecommunication and Communication (BTC) shall be transferred to the MICT, immediately upon the effectivity of this Act.

**Section 2. *Absorption or Transfer of Personnel.*** - The personnel of the BICTO and BTC shall be absorbed and transferred to the MICT, immediately upon the effectivity of this Act.

**Section 3. *Transfer of Resources.*** - The assets and resources BICTO and BTC shall be absorbed and transferred to the MICT, immediately upon the effectivity of this Act.

**Section 4. *Transitory Provision.*** - The functions, assets, funds, equipment, properties, transactions, and personnel of the affected and transferred agencies, and the organization, staffing pattern, and operating system, shall be completed within three (3) years from the effectivity of this Act, during which, the existing personnel shall continue to assume their posts on holdover capacity.

## ARTICLE IV FINAL PROVISIONS

**Section 1. *Rules and Regulations.*** - The Ministry shall promulgate the required rules and regulations for the effective implementation of this Act and revise or amend the same as may be necessary.

**Section 2. *Appropriations.*** - The funds necessary for the establishment of the Ministry of Information and Communications Technology shall be included in the annual appropriations of the Bangsamoro Autonomous Region, submitted to the Parliament for its approval.

**Section 3. *Periodic Reports.*** - The Ministry shall submit an annual report to the Chief Minister indicating, among others, the list of programs and projects being implemented, the stage of implementation, and the financial position of the Ministry. It shall likewise submit such periodic or other reports as may be required from time to time.

**Section 4. *Mandatory Review on the Implementation of this Act.*** - Every ten (10) years after the effectivity of this Act, an independent review panel composed of experts, to be appointed by the Chief Minister, shall review the policies and projects/programs of the Ministry and shall make recommendations, based on its findings, to the Chief Minister and to the Parliament.

**Section 5. *Interpretation.*** - Any doubt in the interpretation of any provision of this Act shall be liberally construed in favor of the fulfillment of the objectives of this Act, especially in relation to the provision of effective, efficient, and timely disaster response, rehabilitation, and recovery.

**Section 6. *Separability Clause.*** - If for any cause, any part of this Act is declared unconstitutional or contrary to the provisions of Bangsamoro Organic Law, the rest of the provisions shall remain in force and effect.

**Section 7. *Repealing Clause.*** - All laws, orders, rules, and regulations which are inconsistent with the provisions of this Act, are hereby repealed, modified, superseded, or amended accordingly.

**Section 8. *Effectivity.*** - This Act shall take effect after fifteen (15) days following its complete publication in a newspaper of general circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.

Adopted,

  
MP ENGR. BAIN TAN ADIL AMPATUAN, MNSA  
Author