



The Philippine Digital Transformation Agenda

How President Ferdinand “Bongbong” Marcos, jr (PBBM)
can improve the Philippine information and
communications (ICT) ecosystem

A policy paper by Democracy.Net.PH



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INTRODUCTION

The June 28, 2021, editorial of the BusinessMirror, “Strong telco sector: A Duterte legacy”ⁱⁱ, put for the premise that the administration of President Rodrigo Roa Duterte (PRRD) left office with a stronger telecommunications sector. While this may be somewhat true, it would be more accurate to say that the PRRD administration had mixed results, if the discussion was about the information and communications technology (ICT) ecosystem.

There is an opportunity for the administration of President Ferdinand Marcos jr (PBBM) to jump-start the digital transformation of the Philippines. The benefits of a country’s digital transformation can be best exemplified by the Estonia experienceⁱⁱⁱ, where from “starting from scratch” after a half-century of foreign domination, and with “limited legacy technology systems and virtually no resources”, the former Eastern Bloc country is now a world leader in the ICT space and a country resilient to various crises, most notably the recent COVID-19 pandemic^{iv}.

In 2016, Democracy.Net.PH, an ICT rights, governance, development, and security advocacy group, presented for the benefit of PRRD the administration a paper entitled “The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?”^v In that year, the charter of the Department of Information and Communication, a legislative initiative that Democracy.Net.PH had been active in promoting^{vi}, had just been recently signed into law by President Benigno Simeon “Noynoy” Aquino III (PNoy)^{vii}. There was significant optimism that the PRRD would be able to go beyond his predecessor’s gains towards improving the Philippine ICT ecosystem, as his first State of the Nation Address (SONA) specifically included a mandate “to improve internet speed”^{viii}.

This paper is an update to the original 2016 paper and expands the coverage from improving Philippine internet connectivity to improving the state of Philippine rights, governance, development, and security in the ICT space. This paper intends to present to the administration of President Ferdinand Marcos jr (PBBM) a **digital transformation agenda** that will build on the gains of the PRRD and previous administrations and avoid pitfalls that can result in setbacks in the pursuit of a better Philippine ICT ecosystem



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THE PHILIPPINE ICT LANDSCAPE: THE 2022 CONTEXT

From 2016 to 2022, the PRRD administration had mixed results in improving the Philippine ICT ecosystem in terms of the promotion of rights, governance, development, and security in the ICT space.

RIGHTS

In protecting rights of Filipinos in the ICT space, the most significant achievement of the PRRD administration was the veto of the proposed Subscriber Identity Module (SIM) Card Registration Act^{ix}, a veto that was campaigned by Democracy.Net.PH^x based on studies that mandatory SIM card registration has been recognized by rights organizations worldwide to cause more harm than good^{xi}, and that voluntary SIM card registration already being practiced in the Philippines for specific individual use cases is a current best practice^{xii}.

Another significant win for ICT rights was the passage of the Mobile Number Portability Act^{xiii}, an initiative that Democracy.Net.PH was involved from the beginning. A significant win for consumer rights, the Mobile Number Portability Act allows subscribers to switch providers they have become unhappy with, or the payment modality that they have become unhappy with, without changing their cellphone numbers. The Mobile Number Portability Act allows a subscriber to switch from one service provider to another, or switch from postpaid to prepaid or from prepaid to postpaid, without having to lose their cellphone number. In a country where over 95% of Filipinos choose to use prepaid as the payment modality for their cellular mobile services, this promotes competition in the cellular mobile industry and promotes the rights of consumers to quality services and reasonable costs.

Unfortunately, the “Special Protections against Online Sexual Abuse and Exploitation of Children (OSAEC) Law”^{xiv}, which lapsed into law last July 29, 2022^{xv}, having been sent to the Palace last June 29, 2022, degraded constitutional guarantees of due process protections by allowing warrantless searches in internet service provider (ISP) databases and takedowns, blocking, and filtering of websites without court intervention for suspicion of OSAEC-related activities online. This, despite the Supreme Court ruling in *Disini vs. Secretary of Justice*^{xvi} regarding the constitutionality of the Cybercrime Prevention Act that any takedown of any websites must undergo court processes and have court orders issued to that effect.

Nonetheless, both chambers of the legislature recognized the imperative need for improving quality of service of ICT services and other consumer rights protections in the ICT space. Various versions of a “Better Internet Act” were filed in both the House of Representatives and the Senate, with various degrees of minimum standards provided, with a version by Senator Imee Marcos promoting net neutrality^{xvii}. Democracy.Net.PH supports this and has even had proposed to the National Telecommunications Commission for its consideration a draft Memorandum Circular on internet



service quality as early as 2010^{xxviii}.

GOVERNANCE

A major win of the PRRD administration for Philippine ICT ecosystem governance was the organization of the Department of Information and Communications Technology (DICT), after the enactment of its charter and being signed into law by PNoy^{xix}, after years of being promoted by advocates^{xx}. Despite the DICT not being organized faithfully in keeping with its charter^{xxi}, the DICT was able to spearhead many of the gains in Philippine ICT development from 2016 to 2022.

Similarly, a major win of the PRRD administration was the work of the National Privacy Commission (NPC), created by the Data Privacy Act of 2012^{xxii}, after its constitution in March 2016 during the PNoy administration. The active efforts of the NPC^{xxiii} in promoting data privacy rights resulted in increased public awareness^{xxiv}.

It was in the PRRD administration where a groundswell occurred in the Philippine legislature in realizing the importance of improving Philippine ICT governance. Regarding the National Telecommunications Commission (NTC), in the 17th Congress the House of Representatives passed on third reading House Bill No. 6558, "An Act Strengthening the Powers of the National Telecommunications Commission, Amending for the Purpose Republic Act No. 7925, Otherwise Known as the Public Telecommunications Policy Act of the Philippines"; unfortunately, the Senate failed to pass a counterpart bill and thus it was not enacted. This bill was refiled in the 18th Congress based on the House of Representatives rule that a bill that hurdles committee in a previous Congress is deemed refiled in the successive one^{xxv}; unfortunately, the bill was not able to hurdle committee in the 18th Congress.

Also filed in the 17th Congress was a measure to improve the mandate of the National Privacy Commission (NPC); House Bill No. 5741, "An Act Amending Republic Act No. 10173, Otherwise Known as the 'Data Privacy Act of 2012', to Adopt a More Systematic, Comprehensive and Effective Protection Program, to Foster the Imposition of All Existing Policies and Guidelines, Increasing its Penalties and Sanctions, and for Other Purposes", unfortunately did not hurdle the committee level. Similar bills were filed in the 18th Congress, with the same intent of providing the NPC with the power to impose administrative fines as a means of equitable penalties instead of the currently heavy criminal penalties for all infractions.

The 17th Congress also started discussions on the governance of the radio frequency (RF) spectrum. House Resolution No. 1338, "Resolution Directing the Committee on Information and Communications Technology to Conduct an Investigation, In Aid of Legislation, on the Management and Administration of the Country's Radio Frequency Spectrum by the National Telecommunications Commission", wherein Congress learned that the incoherence in Philippine RF spectrum management was because the governing laws, Act No. 3846^{xxvi} and Executive Order 546 s. 1979^{xxvii}, were being used as the basis for the force-fitting of spectrum management regulation. Democracy.Net.PH submitted for Congress' consideration best practices for the management of RF spectrum^{xxviii}, and in the 18th Congress House Bill No. 896, "An Act Providing for Policies to Enhance Efficiency and Transparency in the Allocation, Assignment, and Management of the Radio Frequency



Spectrum”, was filed. Unfortunately, the bill did not hurdle committee level.^{xxix}

Also recognizing outdated modes of governance, the Senate in the 18th Congress proposed Senate Bill No. 2130, “An Act Promoting the Growth and Development of the Cable Television (CATV) and Direct-To-Home Television (DTH) Industry and for Other Purposes” or “CATV-DTH Industry Development Act”, recognizing the fact that the cable television (CATV) and direct-to-home (DTH) industry do not benefit from coherent governance, and instead is governed by Executive Order No. 205 s. 1987^{xxx} and Executive Order No. 436 s. 1997^{xxxi}. The Senate began to hold the opinion that it was high time that the CATV industry, often the only c in areas that the major telecommunications companies were loath to go to, stood to benefit from proper governance and industry development. Similarly, the House of Representatives recognized that the current governance models over satellite communications were no longer responsive for the times, and thus House Bill No. 7081, “An Act Encouraging Satellite-Based Technologies, Mandating Relevant Agencies to Promote the Development of Satellite-Based Technologies Dedicated to Education and Other Civic Causes, and for Other Purposes,” was filed, as a follow-up measure to Executive Order No. 127 s. 2021^{xxxii}. Unfortunately, none of these bills were debated and later enacted.

Many other ICT governance bills were proposed in both chambers of the legislature, such as bills related to the establishment of ICT hubs in each legislative district in the country, bills pushing for e-governance, and so on, and Democracy.Net.PH participated in the discussions of these bills in the House of Representatives and the Senate. The Magna Carta for Philippine Internet Freedom, the initiative that was part of the foundation of Democracy.Net.PH^{xxxiii}, was last filed in the 17th Congress.

DEVELOPMENT

There are significant changes in the Philippine ICT ecosystem from when it was last analyzed in the 2016 Democracy.Net.PH paper^{xxxiv}. See the table on the next page, “#PHINTERNET Quick Facts” for a short rundown on the Philippine ICT ecosystem.

In the PRRD administration, there were some significant gains in ICT development. The enactment of the Free Internet in Public Places Act^{xxxv} and the amended Public Service Act^{xxxvi}, the successful implementation of the “New Major Player Selection Process”^{xxxvii}, the issuance of the “Common Tower Policy”^{xxxviii}, among others, were among the many legislative and executive initiatives where Democracy.Net.PH actively participated in.

The Senate emphasized the need to increase internet access and penetration, particularly in the rural and geographically isolated, disadvantaged, and conflict areas (GIDCAs), and in the 18th Congress the Senate filed Senate Bill No. 2131, “An Act Promoting the Growth and Development of Wired Information and Communications Technology (ICT) Infrastructure in Rural Areas, and for Other Purposes Filed”, otherwise known as the “Rural Wired Connectivity Development Act.” The initiative is geared to encourage rural ISPs, especially micro, medium, and small enterprise (MSME) ISPs to connect distant areas by converting costs to connect (the cost to establish a wired connection between the ISP and a subscriber) for potential subscribers in far-flung areas into tax credits or other small yet tangible non-financial incentives. Unfortunately, the bill was not debated on, nor was there a counterpart initiative from the House of Representatives.



Table: #PHINTERNET Quick Facts

Population Data	
Total population projected (2022 projected)	115.559M ^{xxxix}
Total population (2020) / (2015 comparison)	109.035M ^{xl} / 100.981M ^{xli}
Urban population (2020) / (2015 comparison)	58.93M (54%) / 51.73M (51.2%) ^{xlii}
Rural population (2020) / (2015 comparison)	50.01M (46%) / 49.25M (48.8%) ^{xliii}
Households (2020) / (2015 comparison)	26,393,906 / 22,975,630 ^{xliv}
Average household size (2020) / (2015 comparison)	4.1 / 4.4 ^{xlv}
Telecommunications options (wired) - Landline telephony - Wired internet connectivity (dial-up, wired broadband, fiber) Telecommunications options (wireless) - Cellular mobile telephony - Satellite mobile telephony - Legacy radio (analog and digital; terrestrial and maritime; government, military, law enforcement, private, amateur)	Internet connectivity options (wired) - Broadband ^{xlvi} (landline telephone network ADSL, CATV, FTTX) ^{xlvii} - Dial-up (legacy landline telephone network; available but generally unused) Internet connectivity options (wireless) - Fixed wireless - Mobile internet/ mobile broadband ^{xlviii} - Satellite internet connectivity (fixed and mobile) ^{xlix}
Landline penetration per 100 inhabitants (2020) / (2016 comparison)	4.32 / 3.65 ^l
Mobile cellular penetration per 100 inhabitants (2020) / (2016 comparison)	136.50/ 115.85 ^{li}
Cable TV penetration per 100 inhabitants (2019) / (2010 comparison)	31.76 ^{lii} / 1.58 ^{liii}
Cable TV internet per 100 inhabitants (2019) / (2010 comparison)	18.19 ^{liv} / 0.43 ^{lv}
Fixed broadband per 100 inhabitants (2020) / (2016 comparison)	7.24 / 2.88 ^{lvii}
Mobile broadband per 100 inhabitants (2020) / (2016 comparison)	64.34 / 54.61 ^{lviii}
Individuals using the Internet (2020) / (2016 comparison)	50% / 39% ^{lix}
Prepaid versus postpaid cellular mobile subscriptions (2020) / (2016 comparison)	Post 3%, Pre 97% ^{lx} / Post 4% Pre 96% ^{lxi}
Fixed broadband average speed (2020) / (2016 comparison)	94.66 Mbps ^{lxii} / 4.3 Mbps ^{lxiii}
Mobile broadband average speed (2020) / (2016 comparison)	50.57 Mbps ^{lxiv} / 3.13 Mbps ^{lxv}
Minimum speed of broadband connections (2020) / (2016 comparison)	256 kbps ^{lxvi} / 256 kbps ^{lxvii}

The most unfortunate miss of the PRRD administration in ICT development was the non-passage of the Open Access in Data Transmission bill. While passed in third reading by the House of



Representatives **twice** (17th and 18th Congresses, emphasis supplied), a counterpart bill was not enacted by the Senate.

SECURITY

The PRRD administration had mixed results also for security in the ICT space. The 2017-2022 National Security Strategy of the PRRD administration unfortunately limited its strategy on cybersecurity in the context of cybercrime and pushed for capacitating the law enforcement and security sector^{lxxviii}. In the National Security Strategy 2018, the kinetic and informational threats launched through cyberspace were recognized. The latter threat specifically emanates from internal security threats as identified in the Development Support and Security Plan: Kapayapaan, the campaign plan of the Armed Forces of the Philippines. The NSS 2018 outlines strategic lines of action in the towards providing a strong cybersecurity infrastructure include four items. First, the implementation of the National Common Criteria Evaluation Program and the National Cyber Intelligence Platform, which the Department of Information Communication and Technology launched in January 2019 as the Cybersecurity Management System Project (CMSP) which serves as platform for information sharing. Second, continuing cybersecurity education campaign to monitor threats to the country's cyber infrastructure^{lxxix}. Third, increase supply of national cybersecurity professionals and experts, which remains a challenge, especially among government agencies. Fourth, cooperation with the global community; and lastly, provide clarity of the roles and responsibilities of stakeholders during cyber-attacks, which has been outlined in the National Cyber Security Plan 2022. While these are commendable lines of action, its operationalization and subsequent implementation, its timelines, and targets remain unclear^{lxxx}. This was at least better than the National Security Policy of the previous administration, where cyberspace and cybercrimes merited only a mention.^{lxxxi}

A National Cybersecurity Plan 2022 (NCSP 2022)^{lxxxi}, officially unveiled last May 2, 2017, was the capstone of the PRRD administration for cybersecurity. However, as the plan did not provide for any concrete action steps, milestones, and timelines, as of this writing the plan has not resulted in any progress of the implementation of the country's national cybersecurity plan, even if only through the issuance of annual reports. Further, there is no publicly-accessible monitoring and evaluation system to determine if the Plan is effective and efficient in hitting its objectives.

Information security on cyberspace also emerged as a security consideration in the previous administration, and has been emphasized both the National Cyber Security Plan 2022 and the National Security Strategy 2018, with terrorist organizations being identified as key agents of disinformation and misinformation^{lxxiii}. Disinformation and misinformation are also factors that exacerbated COVID-19. Known as "infodemic", the phenomenon led to increased mental health issues, distrust towards healthcare workers, and vaccine anxiety^{lxxiv}. Lastly, existing policies and strategies have not touched upon disinformation using cyberspace initiated by foreign state actors, a phenomenon that has been documented extensively in various literatures^{lxxv lxxvi lxxvii}. Regardless of source, disinformation and misinformation, specifically when conducted online, can rapidly distort public perception and critical thinking and destroys the integrity of traditional journalism, essential elements of a strong democracy. In 2019, Senator Vicente Sotto III filed the "Anti-False Content Bill" in the 18th Congress, which seeks to penalize people who "offer, publish, distributed, circulate, and spread false news or information." While the bill did not progress into a law, it received significant



criticisms from both local and international bodies. Experts from the University of the Philippines cautioned to re-examine the bill, as apart from social media, disinformation and misinformation also come from other channels, including traditional media platforms.^{lxxviii} International group Human Rights Watch also criticized that the proposed bill will allow the government to clamp down on critical information and opinions from the Philippines and globally. The group emphasized that the law would restrict online freedom of speech^{lxxix}.

A security operations center (SOC) project for government was also launched last January 16, 2019^{lxxx}, but government awareness and take up of this project was slow, as evidenced by testimony in a Senate hearing in 2020, with the National Security Adviser being unaware of the existence of the Cybersecurity Management System Project (CMSP) and saying categorically in the hearing that the Philippines does not have a cybersecurity operations center.^{lxxxi}

The organization of the government apparatus to deal with cybersecurity issues may have contributed to the slow progress and incoherence of implementing cybersecurity initiatives. Despite Republic Act No. 10844, the "Department of Information and Communications Technology Act of 2015", having partially amended Republic Act No. 10175^{lxxxii}, the "Cybercrime Prevention Act", the proper reorganization of government agencies with cybersecurity vis-à-vis cybercrime prevention mandates has not occurred, and this absence of proper rightsizing may have contributed to the mixed or minimal successes of the government in moving Philippine cybersecurity forward^{lxxxiii}.

All in all, the weakness of the Philippine cybersecurity in the PRRD administration appears to be because of the narrow focus and anchor on cybercrimes, instead of a holistic view of cybersecurity as an essential and integral component of the Philippine national security framework.



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THE WAY FORWARD: A DIGITAL TRANSFORMATION AGENDA FOR THE PHILIPPINES

Democracy.Net.PH respectfully submits to the PBBM administration, to both the executive and the legislative branches of government, a digital transformation agenda for the Philippines that should begin as soon as possible. The agenda must be coherent and aligned with the promotion of rights, governance, development, and security in the Philippine ICT space.

It is also important that the digital transformation agenda is likewise aligned with the principles expressed by the President, notably that of prioritizing government efficiency and right-sizing, digitalization of government processes, and aggressive infrastructure development in the countryside. As such, instead of presenting the Democracy.Net.PH recommended digital transformation agenda in the traditional “rights, governance, development, and security” sequence, the agenda will be presented in the “governance, development, security, and rights” sequence to be better aligned with the PBBM administration agenda.

GOVERNANCE: RIGHT SIZING A DIGITAL GOVERNMENT

The first order of business for the PBBM administration for the ICT ecosystem is to right size the bureaucracy that has been given the mandate governing rights, governance, development, and security for Philippine ICT.

First, the Department of Information and Communications Technology (DICT) must be properly reorganized to be aligned with the mandates of Republic Act No. 10844^{lxxxiv}. While Democracy.Net.PH agrees that the Administrative Code of 1987^{lxxxv} affords the president the power to reorganize departments and agencies to ensure efficiency in the delivery of government services, Democracy.Net.PH wishes to point out to the President that Republic Act No. 10844 already provides a streamlined bureaucracy for Philippine ICT stewardship, and only minimal tweaks to the originally proposed organization may be necessary^{lxxxvi}.

Furthermore, with the partial amendment of Republic Act No. 10175^{lxxxvii} by Republic Act No. 10844, Democracy.Net.PH wishes to point out to the President that there is an opportunity to consolidate and right size the governance of Philippine cybercrime prevention^{lxxxviii}, as well as consolidate and right size the governance of Philippine cybersecurity stewardship^{lxxxix}.

Also, to promote proper ICT governance is the need to enact an NTC Revitalization Act, amending for the purpose Executive Order 546 s. 1979^{xc} which created the National Telecommunications Commission. Essential new provisions must include ensuring competence in technology matters^{xcⁱ}, a “litigation shield”^{xcⁱⁱ}, and term limits and institutional memory through the appointment of career officials, all these improvements similar to the provisions in the Philippine Competition Act^{xcⁱⁱⁱ}.

A small but crucial detail to the government digitalization initiative must include the establishment



of government information classification standards, common for physical and electronic, by amending and institutionalizing Memorandum Circular No. 78, s. 1964 ("Security of Classified Matter in Government Departments and Instrumentalities") and Executive Order No. 608 s. 2007 ("Establishing a National Security Clearance System for Government Personnel with Access to Classified Matters"). By establishing government information classification standards, particularly for electronic documents and for government digital transactions, digitalization measures such as the Internet Transaction Act proposed in the 2022 State of the Nation Address (SONA)^{xciv} (amending and improving the e-Commerce Act of 2000^{xcv}) can ensure seamless digital transaction and proper access control mechanisms between the government and the private sector. This consolidation of processes and information and document standards can complement a proper Freedom of Information (FOI) Act.

Democracy.Net.PH encourages the PBBM administration to pursue further government digitalization efforts. The e-Government Act should be holistic and govern "people, process, technology" and must establish government ICT implementation standardization. The e-Governance Act should promote the use of ICT to provide opportunities for citizens. Both initiatives should complement the National Government Rightsizing Program (NGRP) in the coherent manner envisioned in the 2022 SONA^{xcvi}.

Democracy.Net.PH points out that there is very little need to reinvent the wheel, and that the PBBM administration can look to the experience and best practices of other countries with successful digital transformation initiatives.

GOVERNANCE: AN OPEN, ENHANCED, AND FAIR COMPETITION ENVIRONMENT FOR THE PHILIPPINE ICT ECOSYSTEM

The PBBM administration can further jumpstart the Philippine ICT ecosystem by pushing for measures that would increase competition in the Philippine ICT space through more rational governance, beginning with ensuring the passage of the Open Access in Internet Services Act. The Open Access in Internet Services Act is a streamlined version of the Open Access in Data Transmission Act that passed third reading in the House of Representatives of the 18th Congress. There is strong support across all sectors for this measure^{xcvii}.

Another key legislative initiative essential to bringing Philippine ICT into the 21st century would be the passage of spectrum management reform legislation, particularly an initiative like the "Philippine Spectrum Management Act". Coherent policy over Philippine patrimony that is the radio frequency (RF) spectrum is essential to effective, efficient, and reliable use with minimal to no RF interference and signal degradation by all RF stakeholders, amending for the purpose the 1931 Radio Control Act^{xcviii}.

Also, as a means of encouraging more participation and competition for ICT services provided using satellite technology, the PBBM administration should also push for the passage of the Satellite Services Deregulation Act. More participation from the satellite industry would provide more options that would lead to expansion of connectivity in traditionally unserved and underserved



areas as well as geographically isolated, disadvantaged, and conflict areas (GIDCAs). Democracy.Net.PH also urges the President to consider other governance frameworks that promote the development of rural and micro, small, and medium enterprises (MSMEs) internet service providers (ISPs), such as a CATV-DTH Industry Development Act.

Democracy.Net.PH is positive that these initiatives will support the success of the Broadband ng Masa (BBM) project of the Marcos administration^{xcix}, furthering the gains of the Free Internet in Public Places Act (RA 10929) and the National Broadband Plan.

DEVELOPMENT: EXPANDING COVERAGE ACROSS THE NATION

In keeping with the themes of the 2022 SONA and the push for ICT development, Democracy.Net.PH urges the President to strengthen the implementation of the Free Internet in Public Places Act (RA 10929) and the National Broadband Plan, by making these integral components of the Broadband ng Masa (BBM) project of the Marcos administration^c.

These initiatives can be strengthened further by improving on the existing “common tower policy”^{ci} by virtue of executive and/or legislative initiatives regarding shared utility corridors, passive ICT infrastructure sharing, and rationalized pole, culvert, and ducting rental costs and fees being baked into land use laws and the building code. As the President already has proposed a Land Use Act, these fundamentals can already be included in the said law and implemented as a quick win among agencies like the Department of Public Works and Highways, the National Electrification Administration, and the building engineers of local government units.

To promote a more rapid increase in countrywide local ICT access and penetration, Democracy.Net.PH urges the PBBM administration to enact the Rural Wired Internet Development Act. By allowing local ISPs to convert their costs to connect far-flung areas into incentives like tax credits and non-financial incentives to help defray their costs to connect, local ISPs will be encouraged to connect the farthest barangays and sitios, opening opportunities for these far-flung rural and geographically isolated, disadvantaged, and conflict areas (GIDCAs) to join the internet economy.

Democracy.Net.PH is positive that these initiatives will further support the success of the Broadband ng Masa (BBM) project of the Marcos administration^{cii} and aid in the long-term establishment of the fundamentals of a nationwide digital transformation.

SECURITY: CYBERSECURITY AS KEY NATIONAL OBJECTIVE

There is an immediate need for the Philippines to elevate its cybersecurity posture and capability. In 2016, allegedly amateur hackers “LULZSEC PH”, among others, exfiltrated over 75 million individual records consisting of personally identifiable information (PII) and sensitive personally identifiable information (SPII) in what is considered one of the worst information security, cybersecurity, and data privacy breaches in the world: “COMELEAK”^{ciii}.

While remedies for COMELEAK will be very difficult to implement after all this time, at least it is



possible to prevent a similar a catastrophe of unmitigated proportions. The government should immediately take steps to increase the level of Philippine cybersecurity.

A quick win would be for the PBBM administration, specifically the Office of the President (OP), to issue an Executive Order (EO) mandating that government agencies adopt minimum cybersecurity standards, designating the DICT and the Office of the Executive Secretary (ES) to be the point agencies to ensure effective implementation. While at the minimum an Administrative Order (AO) simply ordering all government agencies to adopt minimum non-proprietary and vendor-neutral cybersecurity standards would already be sufficient, using an EO as the instructive document would be much better especially if, like other governments' best practices^{civ}, government agencies would refuse to accept bids from and do work with private sector organizations who refuse to adopt the same minimum cybersecurity standards adopted by the government or better. The best framework to adopt at the minimum among all the international standard and best practices would be the National Institute of Science and Technology (NIST)^{cv} Cybersecurity Framework^{cv}.

The disadvantage of the issuance of an AO or an EO is that such orders can be rescinded by succeeding administrations for political or other reasons, never mind if the reasons are unreasonable. To ensure long-term institutionalization of the mandate of government agencies to be compliant with minimum cybersecurity standards, Democracy.Net.PH urges the PBBM administration to consider making a National Cybersecurity and Information Security Act (NCISA) as a priority legislative measure of the administration, and the establishment of a National Cybersecurity Commission (NCyC) as an attached agency of the DICT to pursue the cybersecurity protection of the Philippines. The NCISA should be well-fit under the umbrella of a broader overall National Critical Infrastructure Protection Act (NCIPA).

As an aside, and related to NCISA legislation, Democracy.Net.PH also encourages the PBBM administration to include in the improvement of the proposed National Defense Act the concept of completing a credible posture in the full spectrum of the domains of defense, i.e., land, sea, air, space, and cyber, and include cyberdefense^{cvii} as a key and essential component of the National Security Policy and the National Security Strategy.

In the defense of the cognitive domain of national security, Democracy.Net.PH recommends the review of the proposed House Bill No. 2971, which seeks the amendment of the existing Cybercrime Prevention Act of 2012 to include penalties for "fake news"^{cviii}. Bradshaw, et al (2018) refers to controlling and criminalizing content as "crude" and recommend that policymakers focus on algorithmic transparency, digital advertising, and data privacy as measures to combat disinformation.^{cix} Other strategies that the PBBM Administration can explore are the inoculation treatment against misinformation, which requires "prebunking" misinformation^{cx} and media literacy education^{cx}. These interventions are found to be more effective in curtailing fake news and while adhering to the freedom of speech that is essential in a strong democracy.

As cybersecurity is one of the areas in the local and international workforce where there is a dearth of available talent, Democracy.Net.PH encourages the establishment of Cybersecurity Centers of Excellence across the country. A pipeline ensuring continuous supply of cybersecurity professionals



should be available for access by both the public and private sectors, and this pipeline should have the active involvement of both the public and private sectors.

RIGHTS: PRESERVING THE GAINS OF DEMOCRACY

The generally accepted democratic principle regarding rights in the ICT space is that "our rights online are our rights offline"^{cxii}. As the Philippines is not only a member of the United Nations, but more than that is among the 51 original member states, the Philippines has been known to be a key proponent of rights. The PBBM administration can ensure that the Philippines joins the ranks of the world's leading lights for rights in the ICT space.

As a starting point in the continual promotion of rights in ICT, the PBBM administration can continue pushing for initiatives that support citizen's rights. Some of these rights in the real world have exact replicas in the digital space; for instance, freedom of expression advocates worldwide are pushing for the decriminalization of libel, and thus ICT advocates worldwide, including Democracy.Net.PH here in the Philippines, also promote the decriminalization of libel and the delisting of cyberlibel as a criminal offense. Another example is that freedom of information advocates worldwide encourage governments to increase transparency in government; ICT advocates in the Philippines, including Democracy.Net.PH, likewise encourage the government to enact a Freedom of Information (FOI) Act. Further, ICT rights and data privacy advocates worldwide encourage governments to steer clear from dragnet registries, warrantless searches, and warrantless general public surveillance; ICT advocates in the Philippines, including Democracy.Net.PH, lauded the PRRD administration for vetoing the proposed SIM Card Registration Act^{cxiii}. Similarly, Democracy.Net.PH urges the PBBM administration to refuse to entertain similar measures that erode ICT rights and protections of Filipino citizens such as mandatory sim registration and mandatory social media accounts registration, among others.

Also, towards ensuring the welfare of Filipino citizens, Democracy.Net.PH encourages the PBBM administration to push for measures to promote consumer rights. Among those that Democracy.Net.PH encourage the PBBM administration to include among its initiatives would be the pending initiatives to remove the expiry of prepaid load in the same manner as currency does not expire, mandate free unlocking of provider-locked devices after a period no longer than the return of investment (ROI) of a subsidized device, returning consumer issues and consumer protection and enforcement related to ICT services from the National Telecommunications Commission (NTC) to the Department of Trade and Industry, as the primary agency for the enforcement of the Consumer Act. Similarly, the PBBM administration can encourage consumer welfare by encouraging more vibrant competition, by encouraging and further capacitating the Philippine Competition Commission (PCC) to be more involved in matters involving service providers and businesses in the ICT space.

CONCLUSION

The PBBM administration has the enviable and unique position of having an opportunity to jumpstart the Philippine ICT ecosystem. As such, the PBBM administration should take advantage of this opportunity, and ensure that in the next six years of the administration ICT reform initiatives that will promote rights, governance, development, and security in the ICT space will be pushed.

Democracy.Net.PH respectfully submits this paper to the PBBM administration to provide context



and information on opportunities that, when taken, will improve the Philippine ICT ecosystem. **We, and other ICT advocates pushing for rights, governance, development, and security for Philippine ICT, encourage and urge the PBBM administration to take the opportunity to spearhead the Philippine digital transformation.**



END NOTES

ⁱ Submitted by Democracy.Net.PH to the Office of the President, 29 August 2022.

About Democracy.Net.PH:

Democracy.Net.PH was founded in response to the need to address the issues that resulted to poorly-crafted legislation and policy development in the information and communications technology (ICT) space.

An ICT and civil rights advocacy movement, since 2012 Democracy.Net.PH has been actively involved in efforts to improve Philippine ICT legislation and policy development, measures to improve internet connectivity access and penetration, quality of service, cyberdefense and cybersecurity, in cooperation with international, national, and local government and non-government organizations.

About the co-authors:

Engr. Pierre Tito Galla, PECE, is a co-founder and co-convener of Democracy.Net.PH. A professional electronics engineer (PECE) with more than two decades of training and experience in the ICT sector, Engr. Galla has helped spearhead and push various ICT-related measures, such as the proposed Magna Carta for Philippine Internet Freedom, the proposed Open Access in Data Transmission Act, the proposed Rural Wired Internet Development Act, among others, the enactment of the Department of Information and Communications Technology (DICT) Act, the Free Internet in Public Places Act, the Mobile Number Portability Act, the Public Service Act, among others, the Joint Memorandum Circular on the Rules and Regulations on the Selection Process for a New Major Player in the Philippine Telecommunications Market for the DICT and the National Telecommunications Commission (NTC), draft regulations for quality of service standards for internet connectivity, among others, for the NTC, and cybersecurity, cyberdefense, ICT, and social media policies for the private sector and for national and local government agencies, the military, and law enforcement.

Janina Gillian O. Santos is a Defense Research Officer for the Office of the Assistant Chief of Naval Staff for Civil Military Operations, N7, (ON7) Philippine Navy (PN) where she develops doctrines, policies, plans, and programs related to CMO. She also manages and undertakes special projects related to strategic communication (StratCom), stakeholder engagement, and psychological operations (PsyOps). Ms. Santos engages in strategy management and was a member of the Technical Working Group that crafted the Sail Plan 2028 Book 1. A Registered Nurse, she is a founding member of the Philippine Society of SRH Nurses Inc., where her primary advocacy is Gender-Based Violence. She served as a resource person during the Senate committee hearing for the proposed Gender Based Electronic Violence (GBEV) bill, a precursor to the Safe Spaces Act. She holds a Master in Management major in National Security Administration from the Philippine Christian University and is pursuing her Doctor of Philosophy in Development Administration major in Security Development Administration from the same institution. She also received training from the Armed Forces of the Philippines Civil Military Operations School and the Naval Postgraduate School in Monterey, California. Ms. Santos is a member of Democracy.Net.PH and is a Certified Lean Six Sigma Yellow Belt.

LTC. Carlos Ely Tingson, PA (Ret) CEH, CHFI, ECSA, CISM, CISSP, MSc recently joined Kroll as Senior Vice President for Cyber Threat Intelligence after retiring from the Armed Forces of the Philippines (AFP) in 2022. He was the Data Protection Officer of the Presidential Security Group (PSG) and established the Technical Surveillance Countermeasures (TSCM) and Electronic Countermeasures (ECM) Teams. He also served as Cyber Security Consultant for the National Security Council (NSC). He authored the information security policies of the PSG and the NSC and established the Joint Cyber Operations Center at the Presidential Situation Room. He is a member of the Philippine Military Academy (PMA) "Mandala" Class of 2006, earned his commission in the Philippine Army (PA), and served in the 2nd Infantry Division (2ID) and the Special Operations Command (SOCOM). He has pursued advanced ICT and cybersecurity studies from the University of the Philippines, the Royal Holloway University of London, the George C Marshall European Center for Security Studies, and Harvard University.



ii "Strong telco sector: A Duterte legacy". businessmirror.com.ph. BusinessMirror, date last updated 28 June 2021. Web. Date accessed 06 August 2022. <https://businessmirror.com.ph/2021/06/28/strong-telco-sector-a-duterte-legacy/>

iii "This is the story of the world's most advanced digital society". ee-estonia.com. e-Estonia. Web. Date accessed 06 August 2022. <https://e-estonia.com/story/>

iv "How 20 years of digital transformation made Estonia a model for dealing with international crises". emerging-europe.com. Emerging Europe, date last updated 20 August 2020. Web. Date accessed 06 August 2022. <https://emerging-europe.com/voices/estonia-how-20-years-of-digital-transformation-be-a-model-for-preparing-for-international-crises/>

v "The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?" democracy.net.ph. Democracy.Net.PH, date last updated 24 December 2016. Web. Date accessed 03 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/806162802865565>

vi Quote:

"Matters reported out:

SBN-2686: Department of Information and Communications Technology Act of 2015
SBN-358: Department of Information and Communications Technology Act of 2013
SBN-818: Department of Information and Communications Technology Act of 2013
SBN-1234: Department of Information and Communications Technology Act of 2013
SBN-2144: Department of Information and Communications Technology Act of 2014
SBN-2638: Department of Information and Communications Technology Act of 2015
SBN-53: Magna Carta for Philippine Internet Freedom
SBN-1091: Magna Carta for Philippine Internet Freedom of 2013
SBN-1467: National Council for Information Technology and Development Act of 2013

"Reporting committee(s)

Science and Technology
Civil Service, Government Reorganization and Professional Regulation
Constitutional Amendments and Revision of Codes
Finance

"Remarks

Recommending its Approval in Substitution of SB Nos. 358, 818, 1234, 2144, 2638, Taking Into Consideration of SB Nos. 53, 1091 and 1467"

16th Congress, Committee Report No. 113, Department of Information and Communications Technology Act of 2015, filed on 11 March 2015. senate.gov.ph. Senate of the Philippines. Web. Date accessed 03 August 2022. http://legacy.senate.gov.ph/lis/committee_rpt.aspx?congress=16&q=113

The Magna Carta for Philippine Internet Freedom is a legislative initiative proposed by Democracy.Net.PH for the consideration of Congress. Reference: "The Wisdom of Crowds: Crowdsourcing Net Freedom". ph.news.yahoo.com. VERA Files/ Yahoo News Philippines, last updated 21 January 2013. Date accessed 03 August 2022. <https://ph.news.yahoo.com/blogs/the-inbox/wisdom-crowds-crowdsourcing-net-freedom-042242158.html>



vii Republic Act No. 10844, the "Department of Information and Communications Technology Act of 2015", signed into law 23 May 2016.

viii Quote:

"I have also ordered the newly-created DICT, Information and Communication Technology, to develop a National Broadband Plan to accelerate the deployment of fiber optic cables and wireless technologies to improve internet speed. Ito para ito sa... alam ko, Mahal kong mga kababayan maligayahan kayo nito. Pagpaano mo lang yung Tagalog ko, kasi... eh kayo hindi kayo marunong mag-Bisaya, eh di.

"Wi-Fi access shall be provided at no charge in selected public places including plazas and parks, public libraries, schools, government hospitals, train stations, airports and seaports. Di ba. Happy lahat.

"All government agencies are instructed to enable their clients to submit applications for coordination, other agencies combined. Taas mo, wala na iyan, ayaw mo magsalita. And national portal, yes because it's our... parang website."

Rodrigo Roa Duterte, First State of the Nation Address, July 25, 2016. Official Gazette. Web. Date accessed 3 August 2022. <https://www.officialgazette.gov.ph/2016/07/25/rodrigo-roa-duterte-first-state-of-the-nation-address-july-25-2016/>

ix Quote:

"It is incumbent upon the Office of the President to ensure that any statute is consistent with the demands of the Constitution, such as those which guarantee individual privacy and free speech," Andanar said.

"Duterte vetoes SIM registration bill". pna.gov.ph. Philippine News Agency, date last updated 15 April 2022. Web. Date accessed 05 August 2022. <https://www.pna.gov.ph/articles/1172272>

x Quote:

The price of liberty is eternal vigilance, said Thomas Jefferson so long ago. Today, we are reminded of this truism. Today, we were this close to allowing an intrusion into our privacy for what was nothing more than security theater. Today, even in the face of such full-throated bipartisan support for the passage of the SIM Card Registration Bill into law, the President vetoed it not only because the constitutional defects were glaring, but because the passage of this law posed a real and serious threat to our national security.

For this successful defense of our values and beliefs there are many who deserve thanks.

First, we thank the President for showing up at the front line of the defense of the Bill of Rights. We thank the hardworking persons in our government who work tirelessly to ensure that we do things the right way.

We thank those who have always led the way in defending our rights and freedoms, especially online. We thank the Foundation for Media Alternatives, Wiki Society of the Philippines, Data Ethics PH, Philippine Computer Emergency Response Team Coordinating Center, Computer Professionals Union, Testudo, Human Rights Online Philippines, Python Philippines, Blogwatch, Bicol IT, PHP Davao, Wordpress Iloilo, PWA Philippines, Philippine Information Technology Organization, Dakila, UP Internet Freedom Network, PizzaPy, UP College of Engineering Department of Computer Science, UP Visayas Komsai, Team Good Knight and other organizations who joined the call to petition the President to veto this bill.

We thank international organizations like Mozilla and Wikimedia Foundation for the solidarity they gave in calling the Philippine government to action.



We thank the more than 83,000 people that signed our petition on the Change website calling for the veto of this bill.

You all are instrumental in defending liberty.

Any attempt to redraw this law once more must return to the halls of Congress, which must be again chastened by the checks and balances so instituted to ensure that “we are a government of laws, not men.”

"Statement of Democracy.Net.PH on the Veto of the SIM Card Registration Bill by President Rodrigo Roa Duterte". facebook.com. Facebook, date last updated 15 April 2022. Web. Date accessed 05 August 2022.

<https://www.facebook.com/Democracy.Net.PH/posts/pfbid0BtmkwMs5nvBaETR5qUVFnMup5uRL46KToGahzEeQezH5j2Jz693msQTWe83NuaYUI>

^{xi} "Veto the SIM Card Registration Bill, Protect Fundamental Human Rights". accessnow.org. Access Now, date last updated 18 February 2022. Web. Date accessed 05 August 2022. <https://www.accessnow.org/philippines-sim-card-registration-bill/>

^{xiii} "Mandatory SIM Card Registration: A position paper respectfully submitted to the Senate Committee on Public Services, 05 February 2021". democracy.net.ph. Democracy.Net.PH, date last updated 24 December 2016. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/posts/2286408954840935/>

^{xiii} Republic Act No. 11202, “Mobile Number Portability Act”, signed into law 8 February 2019.

^{xiv} Republic Act 11930, “Anti-Online Sexual Abuse and Exploitation of Children (OSAEC) Law”, lapsed into law 29 July 2022.

^{xv} "Zubiri: Bill seeking special protection vs. online sexual abuse lapsed into law". gmanetwork.com. GMA News Online, date last updated 2 August 2022. Web. Date accessed 05 August 2022. <https://www.gmanetwork.com/news/topstories/nation/840235/zubiri-bill-seeking-special-protection-vs-online-sexual-abuse-lapsed-into-law/story/>

^{xvi} G.R. No. 203335, February 18, 2014. judiciary.gov.ph. Supreme Court E-Library. Web. Date accessed 05 August 2022. <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/56650>

^{xvii} Senate Bill No. 2103, "Internet Consumer Protection and Net Neutrality Act of 2021", filed in the 18th Congress 15 March 2021.

^{xviii} Draft Memorandum Circular on Quality of Service Standards for Internet Connectivity Services. democracy.net.ph. Democracy.Net.PH, date last updated 17 October 2017. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/1018618224953354>

^{xix} Republic Act No. 10844, "Department of Information and Communications Technology Act of 2015", signed into law 23 May 2016.

^{xx} "The Philippine ICT Ecosystem: The Duterte Administration Experience" -- an overview of the results of the recommendations from the paper “The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?” public presentation presented on 30 June 2021 in association with Foundation for Media Alternatives, USAID Philippines, and Internews. democracy.net.ph. Democracy.Net.PH, date last updated 30 June 2021. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/posts/2158639204284578/>



^{xxi} Organizing the Department of Information and Communications Technology (DICT) and its Attached Agencies. democracy.net.ph. Democracy.Net.PH, date last updated 5 August 2021. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/2186933181455180>

Post caption:

The structure of the Department of Information and Communications Technology - DICT should be revisited. Compliance must adhere with the DICT charter RA 10844 and basic administrative laws such as RA 11466, Joint Resolution No. 4 (2009), and RA 6758, EO 292 s. 1987, as well as other applicable laws and regulations, such as RA 10929, RA 10175, RA 10173, RA 10639, RA 9292, EO 546 s. 1979, Act 3846, and EO 2 s. 2016.

This is the crucial first step towards guiding the DICT to truly fulfill its mandate as “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.”

A relevant guide to the intent of Congress in the crafting of RA 10844 can be viewed by watching this video "Sen. Ralph G. Recto - Sponsorship Speech & Presentation on the Creation of the DICT": <https://www.youtube.com/watch?v=grnUtTyI8VA>

^{xxii} Republic Act No. 10173, the “Data Privacy Act of 2012”, signed into law 15 August 2012

^{xxiii} Incidentally, a Democracy.Net.PH co-founder, co-convenor, director, and 2022 acting President, Atty. Francis Euston Acero, currently a vice president and data protection officer at One Meralco (i.e., the Meralco group of companies), served in the NPC as the chief of the Complaints and Investigations Division (CID) from August 2016 to November 2019. Acting President Acero’s previous government experience also includes a stint as a Graft Investigation and Prosecution Officer of the Preliminary Investigation Administrative Adjudication and Review Bureau, Office of the Ombudsman, from July 2009 to July 2013.

^{xxiv} Quote:

“Based on a recent survey commissioned by the National Privacy Commission (NPC), public awareness and knowledge on the Data Privacy Act (DPA) grew from 13% in 2017 to 25% in 2021. However, most of those with internet access still lack awareness on internet security, with only 9% awareness of appropriate social media usage.”

“NPC survey: PH now with heightened data privacy awareness & knowledge, driven by social media and TV”. privacy.gov.ph. National Privacy Commission, date last updated 2 February 2022. Web. Date accessed 05 August 2022. <https://www.privacy.gov.ph/2022/02/npc-survey-ph-now-with-heightened-data-privacy-awareness-knowledge-driven-by-social-media-and-tv/>

^{xxv} Quote:

Section 48. Bills and Resolutions Favorably Acted Upon. - When a committee action on a bill or resolution is favorable, the bill or resolution and the corresponding report together with other supporting documents and information materials shall, together with electronic copies thereof, be filed with the Secretary General, who shall assign a number to the report. Thereafter, the sponsoring committee shall transmit the same to the Committee on Rules in such number of copies as required by said committee together with the electronic copy thereof.

In case of bills or resolutions that are identified as priority measures of the House, which were previously filed in the immediately preceding Congress and have been approved on 3rd reading, the same may be disposed of as matters already reported upon the approval of majority of the Members of the committee present, there being a quorum.



In case of local bills which were previously filed in the immediately preceding Congress and have been approved on 3rd reading, the same may be disposed of as matters already reported upon the approval of majority of the Members of the committee present, there being a quorum.

The committee secretary shall immediately prepare the necessary committee reports on said measures for inclusion in the Calendar of Business.

Rules of the House of Representatives. congress.gov.ph. House of Representatives of the Philippines. Web. Date accessed 04 August 2022. <https://hrep-website.s3.ap-southeast-1.amazonaws.com/download/docs/hrep.house.rules.pdf> (emphasis supplied)

^{xxvi} Act No. 3846, the “Radio Control Law”, enacted 11 November 1931, effective 1932.

^{xxvii} Executive Order No. 546 s. 1979, “Creating a Ministry of Transportation and Communications”, issued 23 July 1979.

^{xxviii} “Spectrum Management Notes”. democracy.net.ph. Democracy.Net.PH, date last updated 25 July 2018. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/posts/1200788893402952/>

^{xxix} For a discussion on the need for proper spectrum management, the following article is useful. Quote:

What are the basics of proper spectrum management?

In a presentation made before the House of Representatives Committee on Information and Communications Technology (ICT), Democracy.Net.PH outlined the fundamental concepts when crafting pro-Filipino spectrum management policy:

- The radio frequency spectrum is a scarce finite resource.
- This resource is owned by the Filipino people.
- Only spectrum designated by the International Telecommunications Union (ITU) as purposed for telecommunications, telemetry, navigation and life safety, and broadcast must be made licensed spectrum. Unlicensed spectrum must be the default, so as to encourage innovation and invention; public use must be the primary consideration when regulators decide whether a frequency band is licensed or unlicensed.
- The interest of the Filipino people must be the primary guidance when regulators grant private entities the privilege of spectrum assignments.
- Recalling, refarming, and reallocating spectrum bands and assignments must be in line with the interests of the Filipino people.
- Private entities must not forget that being a spectrum rights holder is a privilege, not a right or a chattel.
- Private entities must remember that they are not vested with ownership of their assigned frequencies.

“Spectrum management reform — we need it now”. newsbytes.ph. Newsbytes.PH, date last updated 21 February 2018. Web. Date accessed 23 August 2022. <https://newsbytes.ph/2018/02/21/opinion-spectrum-management-reform-we-need-it-now/>

^{xxx} Executive Order No. 205 s. 1987, "Regulation the Operation of Cable Antenna Television (CATV) Systems in the Philippines, and For Other Purposes", issued 30 June 1987

^{xxxi} Executive Order No. 436 s. 1997, "Prescribing Policy Guidelines to Govern the Operations of Cable Television in the Philippines", issued 30 June 1997



^{xxxiii} Executive Order No. 127, s. 2021, “Expanding the Provision of Internet Services through Inclusive Access to Satellite Services, Amending Executive Order No. 467 (s. 1998) for the Purpose”, issued 11 March 2021.

^{xxxiii} "Magna Carta for Philippine Internet Freedom". wikipedia.org. Wikipedia. Web. Date accessed 05 August 2022. https://en.wikipedia.org/wiki/Magna_Carta_for_Philippine_Internet_Freedom

^{xxxiv} “The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?” democracy.net.ph. Democracy.Net.PH, date last updated 24 December 2016. Web. Date accessed 03 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/806162802865565>

^{xxxv} Republic Act No. 10929, "Free Internet in Public Places Act", signed into law 2 August 2017.

^{xxxvi} Republic Act No. 11659, “An Act Amending Commonwealth Act No. 146, Otherwise Known as the Public Service Act, as Amended”, signed into law 21 March 2022.

^{xxxvii} National Telecommunications Commission (NTC) Memorandum Circular No. 09-09-2018, “Rules and Regulations on the Selection Process for a New Major Player in the Philippine Telecommunications Market”, issued 20 September 2018.

^{xxxviii} Department of Information and Communications Technology (DICT) Department Circular (DC) No. 008, s. 2020, “Policy on Shared Passive Telecommunications Tower Infrastructure (Shared PTTIs)”, issued 29 May 2020.

^{xxxix} Philippines Population 2022 (Live). worldpopulationreview.com. World Population Review, date last updated 01 July 2022. Web. Date accessed 04 August 2022. <https://worldpopulationreview.com/countries/philippines-population>

^{xl} Quote:

While the growth in the population remains primarily driven by fertility or number of live births, albeit decreasing, the POPCOM chief also noted that since the census was conducted during the pandemic, the return migration of overseas Filipino workers to the country may also have contributed to the movement in the Philippines’ population count.

"As Philippine population reaches 109M in 2020... POPCOM calls on government, partners to intensify devt programs". popcom.gov.ph. Commission on Population and Development, date last updated 05 July 2022. Web. Date accessed 04 August 2022. <https://popcom.gov.ph/as-philippine-population-reaches-109m-in-2020-popcom-calls-on-government-partners-to-intensify-devt-programs/>

^{xli} Household Population, Number of Households, and Average Household Size of the Philippines (2020 Census of Population and Housing). psa.gov.ph. Philippine Statistics Authority, date last updated 23 March 2022. Web. Date accessed 04 August 2022. <https://psa.gov.ph/population-and-housing/node/166426>

^{xlii} Household Population, Number of Households, and Average Household Size of the Philippines (2020 Census of Population and Housing). psa.gov.ph. Philippine Statistics Authority, date last updated 05 July 2022. Web. Date accessed 04 August 2022. <https://psa.gov.ph/population-and-housing/node/167692>

^{xliii} Household Population, Number of Households, and Average Household Size of the Philippines (2020 Census of Population and Housing). psa.gov.ph. Philippine Statistics Authority, date last updated 05 July 2022. Web. Date accessed 04 August 2022. <https://psa.gov.ph/population-and-housing/node/167692>

^{xliv} Household Population, Number of Households, and Average Household Size of the Philippines (2020 Census of Population and Housing). psa.gov.ph. Philippine Statistics Authority, date last updated 23 March 2022. Web. Date accessed 04 August 2022. <https://psa.gov.ph/content/household-population-number-households-and-average-household-size-philippines-2020-census>



- ^{xlv} Household Population, Number of Households, and Average Household Size of the Philippines (2020 Census of Population and Housing). psa.gov.ph. Philippine Statistics Authority, date last updated 23 March 2022. Web. Date accessed 04 August 2022. <https://psa.gov.ph/content/household-population-number-households-and-average-household-size-philippines-2020-census>
- ^{xlvi} NTC Memorandum Order No. 07-07-2011, "Minimum Speed of Broadband Connections". ntc.gov.ph. National Telecommunications Commission, date last updated 7 July 2011. Web. Date accessed 04 August 2022. <https://ntc.gov.ph/wp-content/uploads/2015/10/LawsRulesRegulations/MemoOrders/MO-07-07-2011.pdf>
- ^{xlvii} NTC Memorandum Circular No. 07-08-2015, "Rules on the Measurement of Fixed Broadband/Internet Access Service". ntc.gov.ph. National Telecommunications Commission, date last updated 8 July 2015. Web. Date accessed 04 August 2022. <https://ntc.gov.ph/wp-content/uploads/2016/MC/2015/MC-07-08-2015.pdf>
- ^{xlviii} NTC Memorandum Circular No. 10-12-2016, "Rules on the Measurement of Mobile Broadband/ Internet Access Service". ntc.gov.ph. National Telecommunications Commission, date last updated 12 October 2016. Web. Date accessed 04 August 2022. <https://ntc.gov.ph/wp-content/uploads/2016/MC/MC-10-12-2016.pdf>
- ^{xlix} DICT Department Circular No. 001, s. 2022.
- ⁱ "ICT Statistics Home Page, Time Series By Country (Until 2020), Fixed Telephone Subscriptions (excel)." itu.int. International Telecommunications Union. Web. Date accessed 4 August 2022. https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2021/December/FixedBroadbandSubscriptions_2000-2020.xlsx
- ⁱⁱ "ICT Statistics Home Page, Time Series By Country (Until 2020), Mobile Cellular Subscriptions (excel)." itu.int. International Telecommunications Union. Web. Date accessed 4 August 2022. https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2021/December/MobileCellularSubscriptions_2000-2020.xlsx
- ⁱⁱⁱ Data extrapolated from "Philippines in View 2021". avia.org. Asia Video Industry Association. Web. Date accessed 03 August 2022. https://avia.org/index.php?pda_v3_pf=/pda/2021/07/Philippines-in-View-2021-Full-Report.pdf
- ⁱⁱⁱⁱ "The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?" democracy.net.ph. Democracy.Net.PH, date last updated 24 December 2016. Web. Date accessed 03 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/806162802865565>
- ^{lv} Data extrapolated from "Philippines in View 2021". avia.org. Asia Video Industry Association. Web. Date accessed 03 August 2022. https://avia.org/index.php?pda_v3_pf=/pda/2021/07/Philippines-in-View-2021-Full-Report.pdf
- ^{lvi} "The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?" democracy.net.ph. Democracy.Net.PH, date last updated 24 December 2016. Web. Date accessed 03 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/806162802865565>
- ^{lvii} "ICT Statistics Home Page, Time Series By Country (Until 2020), Fixed Broadband Subscriptions (excel)." itu.int. International Telecommunications Union. Web. Date accessed 4 August 2022. https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2021/December/FixedBroadbandSubscriptions_2000-2020.xlsx



It should be noted that the data submitted by the National Telecommunications Commission to the International Telecommunications Union is not aligned with the ITU definition "Fixed-broadband subscriptions refers to fixed subscriptions to high-speed access to the public Internet (a TCP/IP connection); at downstream speeds equal to; or greater than; 256 kbit/s. This includes cable modem; DSL; fibre-to-the-home/building; other fixed (wired)-broadband subscriptions; satellite broadband and terrestrial fixed wireless broadband. This total is measured irrespective of the method of payment. It excludes subscriptions that have access to data communications (including the Internet) via mobile-cellular networks. It should include fixed WiMAX and any other fixed wireless technologies. It includes both residential subscriptions and subscriptions for organizations."

The NTC has not included cable broadband and satellite broadband in past submitted data.

^{lvii} Philippine Cable TV Association (PCTA) past president Jose Luis Dabao cautions the public that this data is now inaccurate; quote – “2020 is an outlier because of the pandemic and the need for rapidly connecting homes, and we are not seeing mean reversion so far.”

Dabao estimates that, taken together, PCTA member CATVs/ISPs deliver broadband to over 1.2M homes, second only to PLDT's 1.5M homes. Interview, 3 August 2022.

^{lviii} “ICT Statistics Home Page, Time Series By Country (Until 2020), Mobile Broadband Subscriptions (excel).” [itu.int. International Telecommunications Union. Web. Date accessed 4 August 2022. https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2021/December/MobileBroadbandSubscriptions_2007-2020.xlsx](https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2021/December/MobileBroadbandSubscriptions_2007-2020.xlsx)

^{lix} Individuals using the Internet (% of population) - Philippines (excel). [worldbank.org. World Bank, date last updated 20 July 2022. Web. Date accessed 4 August 2022. https://api.worldbank.org/v2/en/indicator/IT.NET.USER.ZS?downloadformat=excel](https://api.worldbank.org/v2/en/indicator/IT.NET.USER.ZS?downloadformat=excel)

^{lx} Data derived from:

First Half 2022 Financial and Operating Highlights. [pldt.com. PLDT, date last updated 4 August 2022. Web. Date accessed 04 August 2022. https://cms.pldt.com/drupal/sites/default/files/irpresentations/1H2022%20Presentation%20-%20Analysts%20-%20Complete_0.pdf](https://cms.pldt.com/drupal/sites/default/files/irpresentations/1H2022%20Presentation%20-%20Analysts%20-%20Complete_0.pdf)

Globe Telecom, Inc. and Subsidiaries Management Discussion and Analysis of Financial Condition and Results of Operations for the Three Months Ended 31 March 2022. [globe.com.ph. Globe Telecom, date last updated 5 May 2022. Web. Date accessed 04 August 2022. https://www.globe.com.ph/content/dam/globe/bric/About-us/investor-relations/documents/SEC-PSE-Disclosures/2022/quarterly-v2/quarterly-report-\(17q\)/GLO-1Q22-17Q-v3.pdf](https://www.globe.com.ph/content/dam/globe/bric/About-us/investor-relations/documents/SEC-PSE-Disclosures/2022/quarterly-v2/quarterly-report-(17q)/GLO-1Q22-17Q-v3.pdf)

Press release: "DITO disrupts PH telco market; expects head-to-head battle to start this July" [ditocmeholdings.ph. Dito Telecommunity, date last updated 8 July 2022. Web. Date accessed 04 August 2022. https://ditocmeholdings.ph/files/company-disclosures/disclosures/2022/DITO%20Telecommunity%20Press%20Release%202007-08-22%20v2.pdf](https://ditocmeholdings.ph/files/company-disclosures/disclosures/2022/DITO%20Telecommunity%20Press%20Release%202007-08-22%20v2.pdf)

^{lxi} “The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?” [democracy.net.ph. Democracy.Net.PH, date last updated 24 December 2016. Web. Date accessed 03 August 2022. https://www.facebook.com/groups/Democracy.Net.PH/permalink/806162802865565](https://www.facebook.com/groups/Democracy.Net.PH/permalink/806162802865565)

^{lxii} Philippines' Mobile and Fixed Broadband Internet Speeds. [speedtest.net. Speedtest, date last updated 30 June 2022. Web. Date accessed 03 August 2022. https://www.speedtest.net/global-index/philippines](https://www.speedtest.net/global-index/philippines)



lxiii “The Problem of #PHInternet: How Can President Duterte Make Philippine Telecommunications Faster, More Reliable, Cheaper, and More Accessible Across the Country?” democracy.net.ph. Democracy.Net.PH, date last updated 24 December 2016. Web. Date accessed 03 August 2022.

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<https://www.facebook.com/groups/Democracy.Net.PH/permalink/806162802865565>

lxvi NTC Memorandum Order No. 07-07-2011, "Minimum Speed of Broadband Connections". ntc.gov.ph. National Telecommunications Commission, date last updated 7 July 2011. Web. Date accessed 04 August 2022.

<https://ntc.gov.ph/wp-content/uploads/2015/10/LawsRulesRegulations/MemoOrders/MO-07-07-2011.pdf>

NTC Memorandum Circular No. 07-08-2015, "Rules on the Measurement of Fixed Broadband/Internet Access Service". ntc.gov.ph. National Telecommunications Commission, date last updated 8 July 2015. Web. Date accessed 04 August 2022. <https://ntc.gov.ph/wp-content/uploads/2016/MC/2015/MC-07-08-2015.pdf>

NTC Memorandum Circular No. 10-12-2016, "Rules on the Measurement of Mobile Broadband/ Internet Access Service". ntc.gov.ph. National Telecommunications Commission, date last updated 12 October 2016. Web. Date accessed 04 August 2022. <https://ntc.gov.ph/wp-content/uploads/2016/MC/MC-10-12-2016.pdf>

lxvii NTC Memorandum Order No. 07-07-2011, "Minimum Speed of Broadband Connections". ntc.gov.ph. National Telecommunications Commission, date last updated 7 July 2011. Web. Date accessed 04 August 2022.

<https://ntc.gov.ph/wp-content/uploads/2015/10/LawsRulesRegulations/MemoOrders/MO-07-07-2011.pdf>

NTC Memorandum Circular No. 07-08-2015, "Rules on the Measurement of Fixed Broadband/Internet Access Service". ntc.gov.ph. National Telecommunications Commission, date last updated 8 July 2015. Web. Date accessed 04 August 2022. <https://ntc.gov.ph/wp-content/uploads/2016/MC/2015/MC-07-08-2015.pdf>

NTC Memorandum Circular No. 10-12-2016, "Rules on the Measurement of Mobile Broadband/ Internet Access Service". ntc.gov.ph. National Telecommunications Commission, date last updated 12 October 2016. Web. Date accessed 04 August 2022. <https://ntc.gov.ph/wp-content/uploads/2016/MC/MC-10-12-2016.pdf>

lxviii Quote:

To meet these rapidly evolving security challenges in cyberspace, the Philippines must first and foremost develop the nation's cyber capabilities. Experts noted that one of the most serious weaknesses of the Philippines is the low number of practicing cybersecurity professionals. The State must enhance and expand its pool of information and communication technology (ICT) experts, especially in the law enforcement and security sectors, in order to equip the government with the necessary skills/knowhow to preempt and combat cyber-based crimes. Collaborative efforts with the academe and the business community should be part of this national campaign.

2017-2022 National Security Policy for Change and Well-Being of the Filipino People. nsc.gov.ph. National Security Council. Web. Date accessed 06 August 2022. <https://nsc.gov.ph/attachments/article/NSP/NSP-2017-2022.pdf>

lxix Department of Information and Communications Technology. (2019). DICT launches national cyberintelligence platform. Retrieved <https://dict.gov.ph/dict-unveils-national-cyber-intelligence-platform/>



^{lxx}National Security Council (2018). National Security Strategy 2018. Retrieved <https://www.officialgazette.gov.ph/downloads/2018/08aug/20180802-national-security-strategy.pdf>

^{lxxi} Quote:

5. Cybercrimes. Information and communications technologies give tremendous benefits to societies. The Government, transportation, industries and economy have become more and more reliant on all components of cyber space. However, the growing cyber space dependence comes with an increased level of exposure and vulnerability to cyber attacks. These could lead to the paralysis of communication infrastructure, international financial systems, critical government services and defense/military command and control systems.

2011-2016 National Security Policy - Securing the Gains of Democracy. nsc.gov.ph. National Security Council. Web. Date accessed 06 August 2022. <https://nsc.gov.ph/attachments/article/NSP/NSP-2011-2016.pdf>

^{lxxii} Draft Memorandum Circular on Quality of Service Standards for Internet Connectivity Services. dict.gov.ph. Department of Information and Communications Technology, date last updated 17 October 2017. Web. Date accessed 06 August 2022. <https://dict.gov.ph/national-cybersecurity-plan-2022/>

^{lxxiii} Quote:

Moreover, the easy access to the Internet has also been used by insurgents, terrorists, and other groups to publicize their actions and promote their cause. This has also resulted in the rise of radicalization and violent extremism, especially among the vulnerable youth who are tech savvy. The protection of critical infrastructure from cyberattacks and information manipulators has become an urgent imperative.

Department of Information and Communications Technology (2018) National Cyber Security Plan 2018. Retrieved <https://dict.gov.ph/wp-content/uploads/2019/07/NCSP2022-rev01Jul2019.pdf>

^{lxxiv} Naeem, S.B. and Bhatti, R. (2020) The COVID-19 ‘infodemic’: a new front for information professionals. Health Information & Libraries Journal 37:3, 233-239. <https://onlinelibrary.wiley.com/doi/epdf/10.1111/hir.12311>

^{lxxv} Huang, A. (2020). Combatting and defeating Chinese propaganda and disinformation: A case study of Taiwan’s 2020 elections. Harvard Kennedy School of Governance, date accessed 22 August 2022. <https://www.belfercenter.org/CombattingChinesePropagandaandDisinformationHuang>

^{lxxvi} Smith, H. (2020). Online Influence and Hostile Narratives in Eastern Asia. Riga: NATO Strategic Communications Centre of Excellence, date accessed 22 August 2022. <https://stratcomcoe.org/OnlineInfluenceandHostileNarrativeinEastAsia>

^{lxxvii} Sanchez, L. (2021) Bolstering the democratic resilience of the alliance against disinformation and propaganda. Committee on Democracy and Security, NATO Parliamentary Assembly, date accessed 22 August 2022. <https://www.nato-pa.int/bolstering-democratic-resilienceof-alliance-against-disinformation-and-propaganda>

^{lxxviii} Quilanguing, K.Q. (2019). UP experts call for more substantial bill vs ‘fake news’. University of the Philippines, date accessed 22 August 2022. <https://up.edu.ph/up-experts-call-for-more-substantial-bill-vs-fake-news/>

^{lxxix} International Rights Watch (2019) Philippines: Reject sweeping ‘fake news’ bill: Proposed law would excessively restrict online freedom of speech. International Human Rights Watch, date accessed 22 August 2022. <https://www.hrw.org/news/2019/07/25/philippines-reject-sweeping-fake-news-bill>

^{lxxx} "DICT launches Cybersecurity Management System Project for gov’t agencies". rappler.com. Rappler, date last updated 16 January 2019. Web. Date accessed 06 August 2022. <https://www.rappler.com/technology/221115-dict-launches-cybersecurity-management-system-project-for-govt-agencies/>



^{lxxxix} "PH has no cybersecurity operations center, says Esperon in Dito Telecom hearing". [rappler.com](https://www.rappler.com/nation/esperon-says-philippines-no-cybersecurity-operations-center-senate-hearing-dito-telecom/). Rappler, date last updated 7 December 2020. Web. Date accessed 06 August 2022. <https://www.rappler.com/nation/esperon-says-philippines-no-cybersecurity-operations-center-senate-hearing-dito-telecom/>

^{lxxxii} Republic Act No. 10175, the "Cybercrime Prevention Act of 2012", signed into law September 12, 2012. Provisions of the Cybercrime Prevention Act were declared unconstitutional by the Supreme Court in *Disini vs. Secretary of Justice* (G.R. No. 203335, February 18, 2014)

^{lxxxiii} Statutory Guidance on the Various Agencies and Offices Tasked with Implementing Cybercrime Laws. [democracy.net.ph](https://www.facebook.com/groups/Democracy.Net.PH/permalink/2191649904316841). Democracy.Net.PH, date last updated 11 August 2021. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/2191649904316841>

Post caption:

Statutory Guidance on the Various Agencies and Offices Tasked with Implementing Cybercrime Laws

There are two laws that provide guidance over agencies that will pursue cybercrime in the Philippines. The first, the Cybercrime Prevention Act of 2012 (Republic Act No. 10175), provides explicit guidance on cybercrime agencies. The other, the Department of Information and Communications Technology Act of 2015 (Republic Act No. 10844), partially amends the Cybercrime Prevention Act and provides further but implied guidance on cybercrime agencies. There are also other laws as well as administrative issuances that equally have an impact in cybercrime law enforcement.

Democracy.Net.PH recommends a full review of the mandates set by the various laws having impact on cybercrime law enforcement.

^{lxxxiv} Republic Act No. 10844, the "Department of Information and Communications Technology Act of 2015", signed into law 23 May 2016.

^{lxxxv} Executive Order No. 292 s. 1987, "Instituting the 'Administrative Code of 1987'". [officialgazette.gov.ph](https://www.officialgazette.gov.ph/1987/07/25/executive-order-no-292-s-1987/). Official Gazette. Web. Date accessed 06 August 2022. <https://www.officialgazette.gov.ph/1987/07/25/executive-order-no-292-s-1987/>

^{lxxxvi} Organizing the Department of Information and Communications Technology (DICT) and its Attached Agencies. [democracy.net.ph](https://www.facebook.com/groups/Democracy.Net.PH/permalink/2186933181455180). Democracy.Net.PH, date last updated 5 August 2021. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/2186933181455180>

Post caption:

The structure of the Department of Information and Communications Technology - DICT should be revisited. Compliance must adhere with the DICT charter RA 10844 and basic administrative laws such as RA 11466, Joint Resolution No. 4 (2009), and RA 6758, EO 292 s. 1987, as well as other applicable laws and regulations, such as RA 10929, RA 10175, RA 10173, RA 10639, RA 9292, EO 546 s. 1979, Act 3846, and EO 2 s. 2016.

This is the crucial first step towards guiding the DICT to truly fulfill its mandate as "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."

A relevant guide to the intent of Congress in the crafting of RA 10844 can be viewed by watching this video "Sen. Ralph G. Recto - Sponsorship Speech & Presentation on the Creation of the DICT": <https://www.youtube.com/watch?v=grnUtTyI8VA>



^{lxxxvii} Republic Act No. 10175, the “Cybercrime Prevention Act of 2012”, signed into law September 12, 2012.

Provisions of the Cybercrime Prevention Act were declared unconstitutional by the Supreme Court in *Disini vs. Secretary of Justice* (G.R. No. 203335, February 18, 2014)

^{lxxxviii} Statutory Guidance on the Various Agencies and Offices Tasked with Implementing Cybercrime Laws. democracy.net.ph. Democracy.Net.PH, date last updated 11 August 2021. Web. Date accessed 05 August 2022. <https://www.facebook.com/groups/Democracy.Net.PH/permalink/2191649904316841>

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Statutory Guidance on the Various Agencies and Offices Tasked with Implementing Cybercrime Laws

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Democracy.Net.PH recommends a full review of the mandates set by the various laws having impact on cybercrime law enforcement.

^{lxxxix} Currently, the cybersecurity governance in the Philippines is split into several offices:

- DICT Cybersecurity Bureau
- Cybercrime Information and Coordinating Center (CICC) - a creation of Republic Act No. 10175, with its cybersecurity mandate transferred to the DICT by virtue of Republic Act No. 10844
- National Cybersecurity Inter-Agency Committee (NCIAC) - a creation of Executive Order No. 189, s. 2015, as amended by Executive Order No. 95, s. 2019

The creation of a National Cybersecurity Commission (NCyC) absorbing these offices, mandates, and functions, by means of legislation similar to the creation of the DICT through Republic Act No. 10844, in which the DICT was created by consolidating ICT-related offices and budgets, would be a similar right sizing initiative.

Democracy.Net.PH supports the proposed National Cybersecurity and Information Security Act (NCISA) which performs such consolidation and right sizing towards the proper stewardship of Philippine cybersecurity.

^{xc} Executive Order No. 546 s. 1979, “Creating a Ministry of Transportation and Communications”, issued 23 July 1979.

^{xci} Section 16 of Executive Order No. 546 s. 1979 specifies that of the Commissioner and two Deputy Commissioners, it is preferred (but not required) that one "shall be a lawyer and another an economist". Further, expertise in communications is desired only "as much as possible". There is a need to ensure technical competence for the regulator.

^{xcii} Section 42 of Republic Act No. 10667, the "Philippine Competition Act", protects Philippine Competition Commission (PCC) employees from frivolous litigation designed to harass and prevent employees from doing their work properly. Quote:

Section 42. Immunity from Suit. – The Chairperson, the Commissioners, officers, employees and agents of the Commission shall not be subject to any action, claim or demand in connection with any act done or omitted by them in the performance of their duties and exercise of their powers except for those actions and omissions done in evident bad faith or gross negligence.

^{xciii} Republic Act No. 10667, the "Philippine Competition Act", signed into law 21 July 2015.



^{xciv} Ferdinand R. Marcos Jr., First State of the Nation Address, July 25, 2022. officialgazette.gov.ph. Official Gazette, date last updated 26 July 2022. Web. Date accessed 06 August 2022. <https://www.officialgazette.gov.ph/2021/07/26/ferdinand-r-marcos-jr-first-state-of-the-nation-address-july-25-2022/>

^{xcv} Republic Act No. 8792, the “Electronic Commerce Act”, signed into law 14 June 2000.

^{xcvi} Ferdinand R. Marcos Jr., First State of the Nation Address, July 25, 2022. officialgazette.gov.ph. Official Gazette, date last updated 26 July 2022. Web. Date accessed 06 August 2022. <https://www.officialgazette.gov.ph/2021/07/26/ferdinand-r-marcos-jr-first-state-of-the-nation-address-july-25-2022/>

^{xcvii} Kaka-Internet Mo ‘Yan: Priority Policy Reforms for a Better Internet. medium.com. Better Internet PH, date last updated 29 June 2022. Web. Date accessed 06 August 2022. <https://medium.com/@betterinternetph/kaka-internet-mo-yan-priority-policy-reforms-for-a-better-internet-2796b0b58b93>

^{xcviii} Act No. 3846, the “Radio Control Law”, enacted 11 November 1931, effective 1932.

^{xcix} "New DICT chief instructed to promote digitalization and better Internet". medium.com. Better Internet PH, date last updated 8 June 2022. Web. Date accessed 06 August 2022. <https://medium.com/@betterinternetph/new-dict-chief-instructed-to-promote-digitalization-and-better-internet-e850554d8e46>

^c "New DICT chief instructed to promote digitalization and better Internet". medium.com. Better Internet PH, date last updated 8 June 2022. Web. Date accessed 06 August 2022. <https://medium.com/@betterinternetph/new-dict-chief-instructed-to-promote-digitalization-and-better-internet-e850554d8e46>

^{ci} Department of Information and Communications Technology (DICT) Department Circular (DC) No. 008, s. 2020, “Policy on Shared Passive Telecommunications Tower Infrastructure (Shared PTTIs)”, issued 29 May 2020.

^{cii} "New DICT chief instructed to promote digitalization and better Internet". medium.com. Better Internet PH, date last updated 8 June 2022. Web. Date accessed 06 August 2022. <https://medium.com/@betterinternetph/new-dict-chief-instructed-to-promote-digitalization-and-better-internet-e850554d8e46>

^{ciii} "10 Things We All Should Know About #COMELEAK". spot.ph. SPOT.ph, date last updated 12 January 2017. Web. Date accessed 06 August 2022. <https://www.spot.ph/newsfeatures/the-latest-news-features/68952/10-things-about-comeleak-comelec-a1594-20170112-lfrm4>

^{civ} Quote:

What does FISMA require?

Federal agencies need to provide information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of:

- Information collected/maintained by or on behalf of an agency
- Information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.

Also, federal agencies need to “com[ply] with the information security standards” and guidelines, and mandatory required standards developed by NIST.

To whom does FISMA apply?

Federal agencies, contractors, or other sources that provide information security for the information and information systems that support the operations and assets of the agency.



"NIST Risk Management Framework: Federal Information Security Modernization Act (FISMA) Background". csrc.nist.gov. NIST Information Technology Laboratory, Computer Security Resource Center, date last updated 14 July 2022. Web. Date accessed 11 August 2022. <https://csrc.nist.gov/projects/risk-management/fisma-background>. Underscoring supplied.

^{cv} "About NIST" nist.gov. NIST. Web. Date accessed 09 August 2022. <https://www.nist.gov/about-nist>

^{cvi} NIST Cybersecurity Framework. nist.gov. NIST. Web. Date accessed 09 August 2022. <https://www.nist.gov/cyberframework>

^{cvii} In this context, cyberdefense refers to the capability to respond using combined arms operations to respond to threats and actions made in cyberspace, i.e., kinetic actions may be the appropriate force response to a cyberattacks by terrorists and violent non-state actors.

For more context, this article is useful:

"The Israeli Defense Force claimed that it bombed and partially destroyed one building in Gaza because it was allegedly the base of an active Hamas hacking group. xxx

"IDF said in a tweet on Sunday that 'We thwarted an attempted Hamas cyber offensive against Israeli targets. Following our successful cyber defensive operation, we targeted a building where the Hamas cyber operatives work. HamasCyberHQ.exe has been removed.'"

"What Israel's Strike on Hamas Hackers Means For Cyberwar". wired.com. Wired, date last updated 06 May 2019. Web. Web. Date accessed 23 August 2022. <https://www.wired.com/story/israel-hamas-cyberattack-air-strike-cyberwar/>

Further reading can be found here:

Multiple domains. Army operations are inherently cross-domain operations. U.S. forces depend on and complement joint efforts in the land, air, maritime, space, and cyberspace domains to enable operations on land. Because joint force freedom of movement and action across all domains are increasingly challenged by elusive land-based threats, this concept emphasizes Army operations to gain, sustain, and exploit control over land, to deny its use to the enemy. Future Army forces help ensure access through joint forcible entry operations with combined arms units that possess the mobility, firepower, and protection to defeat the enemy and establish control of land, resources, and populations. Future Army forces will support joint force freedom of movement and action through the projection of power from land across the maritime, air, space, and cyberspace domains. To assure allies, deter conflict, and compel determined and elusive enemies, the concept introduces a tenet of simultaneity, emphasizing the need for Army forces to extend efforts beyond the physical battleground to other contested spaces such as public perception, political subversion, and criminality.

TRADOC Pamphlet 525-3-1, "The U.S. Army Operating Concept: Win in a Complex World". army.mil. US Army. Web. Date accessed 06 August 2022. <https://api.army.mil/e2/c/downloads/367967.pdf>

^{cvi} Luna, F. (2022). *House bill seeks penalties for creating, spreading 'fake news'*. PhilStar, date accessed 22 August 2022. <https://www.philstar.com/headlines/2022/08/08/2201195/house-bill-seeks-penalties-creating-spreading-fake-news>

^{cix} Bradshaw, S., Neudert L.M., Nothhaft H., 2018. *Government Responses to Malicious Use of Social Media*. Riga: NATO Strategic Communications Centre of Excellence. Date accessed 22 August 2022. <https://stratcomcoe.org/GovernmentResponsetoMaliciousUseofSocialMedia>

^{cx} Roozenbeek, J., Van der Linden, S., *Inoculation Theory and Misinformation* (2021). Riga: NATO Strategic Communications Centre of Excellence. Date accessed 22 August 2022. <https://stratcomcoe.org/pdfjs/?file=/publications/download/Inoculation-theory-and-Misinformation-FINAL-digital-ISBN-ebbe8.pdf?zoom=page-fit> .



^{cx}_i McDougall, J. (2019). Media literacy versus fake news. Critical thinking, resilience, and civic engagement. Media Studies 10(19). Date accessed 22 August 2022. <https://core.ac.uk/download/pdf/231792996.pdf>

^{cx}_{ii} “Ensuring the protection of human rights in the digital era”. un.org. United Nations. Web. Date accessed 06 August 2022. <https://www.un.org/techenvoy/content/digital-human-rights>

^{cx}_{iii} Statement of Democracy.Net.PH on the Veto of the SIM Card Registration Bill by President Rodrigo Roa Duterte. democracy.net.ph. Democracy.Net.PH, date last updated 15 April 2022. Web. Date accessed 11 August 2022. <https://www.democracy.net.ph/vetosocmedreg/>