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Study cites DICT's 'overlapping' roles

By Eireene Jairee Gomez – May 21, 2019

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THE Department of Information and Communications Technology (DICT) should review its “scope of authority,” as some of its functions overlap or are incompatible with those of other departments, state think tank Philippine Institute for Development Studies (PIDS) said.

In a recent PIDS study titled “ICT Regulation and Regulatory Authority,” Lai-Lynn Barcenas said the law establishing DICT has “insufficient guidance on the scope of the agency’s authority.”

Under the law, DICT is mandated to develop policies and plans for the country’s telecommunications and broadcasting, data privacy, consumer protection, and the promotion of trade and investment in ICT and ICT-enabled services (ICT-ES).

Among its attached agencies are the National Telecommunications Commission, the National Privacy Commission, and the Cybercrime Investigation and Coordination Center.

Barcenas, however, said DICT’s functions cover or clashes with those of other departments of the national government.

The author cited that the Department of Trade and Industry (DTI) still governs the promotion of trade and investments on e-commerce, the improvement of ICT skills of the labor force, and network security and connectivity.

Also, the DICT has absorbed some of the functions of the Postal Regulation Division, which regulates courier delivery services, Barcenas said. “However, these delivery services include online payments, which may properly be under the jurisdiction of the Bangko Sentral ng Pilipinas,” she added.

The inadequacy of laws in ICT and the vagueness of DICT’s scope of power have also resulted in certain barriers in the country’s trade and investment on ICT services, she said.

Barcenas said the “tedious” application process in securing a legislative franchise and a certificate of public convenience and necessity, which takes an average of five years to process, have slowed down investments in the telecommunications services.

Another issue is the constitutional limit imposed on foreign ownership of telecommunications, broadcasting, mass media, and advertising firms, Barcena said. The 1987 Philippine Constitution also prohibits foreign nationals from practicing their professions, specifically those needed in the ICT services, she added.

“These provisions restrain the entry of foreign capital, technology, and skilled human resource that could spur ICT development in the country,” Barcenas said.

To address these challenges, the author urged the government to further strengthen DICT’s role in ICT matters by defining the extent of its functions, and clarify the role of DTI in promoting e-commerce.

Barcenas also recommended the removal of unnecessary requirements in the establishment and operation of telecommunications and broadcasting services providers, particularly the need for a legislative franchise.

The PIDS study also proposed an assessment of the adaptive capacity of the present regulatory structure, and to consider establishing a single ICT regulator that has authority on all ICT matters, including the power to regulate industries normally handled by other regulatory authorities, and the authority to interpret ICT-related issues for the guidance of other regulators.