

DSWD OPINION NO. 37 S. 2024DRN: LS-L-LO-24-02-29414-C**MEMORANDUM**

FOR : ASSISTANT SECRETARY JULIUS EXEQUEL B. GOROSPE
Chief Information Officer

FROM : THE ASSISTANT SECRETARY FOR GASSG AND CONCURRENT OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : REQUEST FOR LEGAL OPINION ON THE DSWD'S ISSP

DATE : 22 APRIL 2024

This pertains to the MEMORANDUM¹ requesting for this level's opinion on the use of the Information System Strategic Plan (ISSP) for procurement purposes. Specifically, you asked the following:

1. *Whether or not the DSWD can proceed with the procurement process even in the absence of a DICT-approved ISSP.*
2. *If the ISSP is required, at which part of the procurement process should an approved ISSP become vital? Can the ISSP compliance requirement be done during the awarding/contracting stage or at any other stage so as not to impede with the Department's operations?*
3. *What is the correct interpretation as to the requirement of DICT, is it to endorse to DICT the ISSP which is duly signed by the Department Secretary; or a mere submission of the agency's ISSP a sufficient compliance?*

Background

Section 3(d) of the Department of Information and Communications Technology (DICT) Department Circular No. 001 dated 06 February 2024² with the subject "*Guidelines for the Submission of the Information System Strategic Plan for the Technical Review, Evaluation, and Endorsement of the Department of Information and Communication Technology*" provides for the definition of ISSP:

*d. **Information Systems Strategic Plan or ISSP** is the overall strategic plan of the organization and is aimed at directing ICT application towards mission-critical, public service sensitive, development management supportive, and revenue-generating areas of the government.*

It is a 3-year framework that serves as the agency's roadmap for using ICT as strategic resources to support the attainment of its goals, mission, and vision. It assists and directs NGAs, GOCCs, GFIs and SUCs for the effective utilization of ICT resources in accordance with their respective mandate, goals and objectives.

¹ Annex "A"

² Annex "B"

It is a written expression that aims to coordinate national ICT plans and efforts, knowledge, information and resource-sharing, database-building, and link agency ISSPs with national ICT goals. Further, the ISSP shall take into account the protection and climate resiliency of government ICT infrastructures as well as the inventory of manpower, plans, programs, software, hardware, and installed systems. Moreover, the endorsed ISSP serve as the basis of the DBM in granting budgetary allocation for the implementation of ICT projects identified in the ISSP.

Meanwhile, in the Joint Memorandum Circular No. 2021-01 of the Department of Budget and Management (DBM), Department of Information and Communication Technology³ (DICT) and NEDA with the subject "Winding up the Conduct of MITHI", it stressed that:

2.2. The DICT shall streamline the management, review, and monitoring of the ISSPs, submitted by the government agencies, instrumentalities, offices, government-owned and controlled corporations, state universities and colleges, and, in applicable cases, constitutional offices and independent bodies, should they opt to submit their ISSP. The DICT shall endeavor to have the ISSPs through the use of appropriate analytics inform and guide overall national ICT planning and decision making.

2.3 It is made clear that the DBM shall have the authority to evaluate/ recommend/ approve agency budgetary requests, subject to provisions of latest applicable budgetary issuances and such frameworks that DICT may promulgate under paragraph 2.2 hereof.

Clearly, the DICT is still the primary agency of the government tasked to manage, review, and monitor the ISSPs of government agencies. On the other hand, the Department of Budget and Management, as an oversight agency, is authorized to screen and check all agency requests if these are found to be in order.

LS Comments

1. On your first query on whether or not the DSWD can proceed with the procurement process even in the absence of a DICT-approved ISSP.

No, the DSWD cannot proceed with the procurement process in the absence of a Department of information and Communications Technology (DICT) - approved ISSP. This level opines that the submission of the ISSP to the DICT is mandatory based on the DICT Department Circular No. 001 which explicitly states:

WHEREAS, pursuant to the foregoing issuances, as a requisite in the acquisition of ICT resources, all National Government Agencies (NGAs), Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and State Universities and Colleges (SUCs) are hereby required to formulate their respective ISSP and submit them accordingly to the DICT for technical review and evaluation, subject to its subsequent endorsement to the DBM as to the budgetary requirements needed in the implementation of the ICT programs and/or projects found in their respective ISSP. [Emphasis Supplied]

³ Republic Act No. 10844 or An Act Creating the Department of Information and Communications Technology, Defining Its Powers and Functions Appropriating Funds Therefor, and for Other Purposes

Further, under Section 26 of Republic Act (RA) No. 11975 or the *General Appropriations Act, FY 2024* (GAA FY 2024) there must be a strict compliance with the ISSP in accordance with an agency's ISSP, thus:

Sec. 26. Compliance with the Information Systems Strategic Plan. The amounts authorized in this Act for ICT requirements shall be used in accordance with the agency's Information Systems Strategic Plan, subject to the compliance with the rules and regulations issued by the DICT. [Emphasis Supplied]

That is, the amount indicated in the General Appropriations Act, which is supposed to meet an agency's priority ICT needs, must only be utilized for the intended purpose, as reflected in the agency's ISSP. In this case, the DSWD's approved ISSP is the agency's time-bound blueprint for using ICT resources to effectively carry out its social protection mandate. It is an indispensable requirement because it is linked to the internal budgetary processes of the agency, and it ensures that there is sufficient budgetary support for a seamless implementation of the DSWD's various programs, projects, and activities. In addition, with an approved ISSP duly submitted to the DICT and DBM, the DSWD is assured of procuring only ICT resources that are integral to the Department's operations. Hence, the submission to the DICT of the approved DSWD ISSP must necessarily precede the procurement process for the acquisition of ICT resources.

2. As to your second query on what particular stage of the procurement process, should the ISSP be required, this level further opines that **an approved ISSP must be already existing prior to the conduct of procurement process under Republic Act No. 9184** or the Government Procurement Reform Act because the ISSP is a strategic plan of the organization to carry-out its mandate, goals, and objectives. Without the ISSP, an agency such as the DSWD would encounter difficulties in fulfilling its obligation of public service to its clients. Further, the ISSP is a very useful tool in identifying the ICT needs of specific government agencies, with the end goal of maximizing the limited resources of the government hence, it can neither be brushed aside nor simply done away with.

3. As to the third query on the correct interpretation as to the requirement of DICT.

We initially found this quite vague as there is no specific mention of what requirement was being referred to. LS then sought clarification to the focal person Mr. Karl Marxcuz R. Reyes from the ICTMS and he mentioned that the third query is related to the ISSP requirements needed to be submitted by the DSWD to the DICT, in order to proceed with the procurement activity.

However, the focal person also informed this level that the submission of the ISSP is already clear on their part because of the issuance of the DICT Department Circular No. 1 s. 2024: "*Guidelines for the Submission of the Information Systems Strategic Plan for the Technical Review, Evaluation, and Endorsement of the Department of Information and Communications Technology*".

In this case, please be guided that DICT Department Circular No. 1 s. 2024 specifically provides the documentary requirements for the submission of ISSP, to wit:

Title II.
Submission of ISSPs

Section 6. Documentary Requirements. - The Requesting Agency shall submit a physical and electronic copy of the following:


- a. **ISSP duly signed by (1) the IS Planner and (2) the Head of the Requesting Agency, the Chairperson of the Board, or the SUC President, as the case may be. Each ISSP shall contain all the fundamental parts found in ISSP Template. The Template may be accessible through the DICT website at <https://dict.gov.ph/wp-content/uploads/2023/11/ISSP-Template.pdf>;**
- b. **Transmittal letter addressed to the Secretary of the DICT signed by the Head of the Requesting Agency; and x x x [Emphasis Supplied]**

It is clear from the foregoing that the submission of ISSP, duly approved by the Secretary pursuant to above guidelines, must be complied with.

As a final note, please be informed that the foregoing legal opinion is based solely on the limited information provided, and documents submitted to this level.

For consideration.

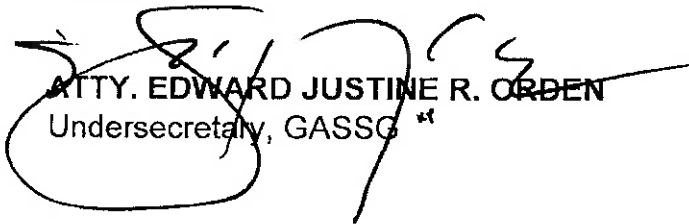
Kindly, fill out the attached Customer Feedback Form and return the same to the Legal Service. Thank you.



ATTY. GINA V. WENCESLAO
042924

MCMUG/MTML/10065

Approved by:



ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary, GASSG