

SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

'13 NOV 20 P 4 :07

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SENATE
S. B. 1939

Introduced by Senator Poe

Explanatory Note

The 1987 Philippine Constitution recognizes the right of the people to information on matters of public concern.¹ Moreover, the same provision in the Constitution affords access to official records and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, subject to such limitations as may be provided by law.²

Republic Act No. 386, otherwise known as the Civil Code of the Philippines, sets the effectivity of laws to fifteen days following the completion of their publication in the Official Gazette, unless otherwise provided.³ With the legal maxim of "Ignorance of the law excuses no one," notice and publication of laws has become necessary.

However, the people's limited access to, and sometimes knowledge of, the Official Gazette have denied the public of their Constitutional right to information, especially of new laws that govern the land. Recognizing this limitation and its legal implications, Executive Order No. 292, otherwise known as the Administrative Code of 1987, mandated the publication of laws in at least two newspapers of general circulation as an alternative to their publication in the Official Gazette, before the same become effective.

In this day and age, considering the technological advancements where information technology has become an essential part of our daily lives, the internet has become a more efficient medium for information dissemination. In order to utilize this technological advancement for the benefit of the general public and to bring the needed information closer to the people, this bill seeks to mandate the publication of laws in the online edition of the Official Gazette as further means of publication over and above publication in newspapers of general circulation.

Hence, immediate passage of this bill is earnestly sought.

Grace Poe
GRACE POE

¹ Section 7, Article III, 1987 Philippine Constitution.

² *Ibid.*

³ Section 2, Civil Code of the Philippines.

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AN ACT
PRESCRIBING ELECTRONIC OR ONLINE MODALITIES FOR THE
PROMULGATION OF LAWS, RESOLUTIONS, RULES AND OTHER ISSUANCES,
AMENDING FOR THE PURPOSE SECTION 18, 24 AND 25 CHAPTER 5, BOOK 1 OF
EXECUTIVE ORDER NO. 292 OTHERWISE KNOWN AS THE ADMINISTRATIVE
CODE OF 1987

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Short Title. – This Act shall be known as the “Electronic Publication Compliance Act of 2013.”

Section 2. Declaration of Policy. – It is the policy of the State to ensure compliance to the fundamental rights of the public to information, specifically on matters of public concern. The State recognizes the vital role of information and communications technology as an alternative to traditional printed or paper editions of newspaper and the Official Gazette in bringing to the people important information for proper guidance and appropriate compliance.

Section 3. Sections 18, 24 and 25, Chapter 5, Book 1 of Executive Order No. 292 are hereby amended to read as follows:

“**Section 18. When Laws Take Effect.** – laws shall take effect after fifteen (15) Days following the completion of their publication in **the ELECTRONIC OR PRINT VERSIONS** of the Official Gazette or in a newspaper of general circulation, unless it is otherwise provided.”

GOVERNMENT AGENCIES AND OFFICES MANDATED TO IMPLEMENT THE LAW SHALL PUBLISH AN ELECTRONIC COPY THEREOF IN THEIR OFFICIAL WEB PORTAL; PROVIDED, HOWEVER, THAT SUCH ELECTRONIC PUBLICATION OTHER THAN THAT PUBLISHED IN THE ONLINE EDITION OF THE OFFICIAL GAZETTE SHALL BE FOR INFORMATION DISSEMINATION ONLY.

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“**Section 24. Contents.** – There shall be published in the **ELECTRONIC AND PRINT VERSIONS** of the Official Gazette all legislative acts and resolutions of a public nature; all executive and administrative issuances of general application; decisions or abstracts of decisions of the Supreme Court and Court of appeals, or

other courts of similar rank, as may be deemed by the said courts of sufficient importance to be so published; such documents or classes of documents as may be required so to be published by law; and such documents or classes of documents as the President shall determine from time to time to have general application or which he may authorize to be published.

“the publication of any law, resolution or other official documents in the ELECTRONIC AND PRINT VERSIONS of the Official Gazette shall be prima facie evidence of its authority.

“**Section 25.** Editing and publications. – The Official Gazette, **BOTH ITS ELECTRONIC AND PRINT VERSIONS**, shall be edited **BY THE PRESIDENTIAL COMMUNICATIONS DEVELOPMENT AND STRATEGIC PLANNING OFFICE** of the Office of the President. **THE PAPER VERSION OR PRINTED COPY SHALL BE** [and] published weekly in FILIPINO or in the English language. It shall be sold and distributed by the National Printing Office which shall promptly mail copies thereof to subscribers free of postage.”

Section 4. Omission of Some Rules. – The publication of laws, rules, regulations and other issuances in newspapers as required by law and this Act may be omitted if the publication would be unduly cumbersome, expensive or otherwise inexpedient. A bulletin may, however, be published containing a notice stating the general subject matter of the omitted law, rule, regulation, or issuance can be viewed online or downloaded.

The publication of the bulletin shall be prima facie evidence of the authority of the law or issuance, subject to the requirements mentioned above.

Every rule establishing an offense or defining an act which, pursuant to law is punishable as a crime or subject to a penalty shall in all cases be published in full text.

Section 5. Implementing Rules and regulations. – The Presidential Communications Development and Strategic Planning Office, in coordination with concerned agencies, shall formulate the necessary rules and regulations within sixty (60) days from approval of this Act, for its effective implementation.

Section 6. Separability Clause. – If any provision of this Act is held invalid, the other provisions not affected shall remain in full force and effect.

Section 7. Repealing Clause. – All other laws, decrees, rules or issuances inconsistent with this Act are hereby repealed or modified accordingly.

Section 8. Effectivity - shall take effect fifteen (15) days after the completion of its publication in the online or printed edition of the Official gazette, or in at least two (2) newspapers of general circulation.

Approved,