

SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Second Regular Session

SENATE
S. B. 1680

Introduced by Senator Poe

*18 FEB -6 P4:02

AN ACT
AMENDING SECTIONS 4 (B) AND 7 OF REPUBLIC ACT NO. 6713, OTHERWISE
KNOWN AS THE "CODE OF CONDUCT AND ETHICAL STANDARDS FOR
PUBLIC OFFICIALS AND EMPLOYEES", AND FOR OTHER PURPOSES

Explanatory Note

"INFORMATION" is defined by the Merriam-Webster Dictionary as "the communication or reception of knowledge or intelligence". The word "information" has been used to mean either of the following: (a) "knowledge obtained from investigation, study, or instruction"; (b) "intelligence, news"; or (c) "facts, data".

In an article entitled, "*Making Sense of the News: The Power of Information*", Michael Spikes of Moyers & Company emphasized the importance of sharing and receiving information and/or news, of significance:

"...there is a universal need to receive and share news. To illustrate this concept we use a science metaphor and say this need stretches back to the earliest humans and is so ingrained in us that is almost part of our DNA. **What makes information so integral to all humans is that it Alerts, Diverts and Connects us all...** We are all drawn to consuming and sharing news. Many anthropologists have found in their studies of prehistoric societies that **systems of exchanging news and information were highly prized.**"

Verily, the truthfulness and veracity of "information" being shared and/or communicated are paramount and sacred. No less than the 1987 Constitution of the Philippines declared that "the State recognizes the vital role of communication and information in nation-building." Even the Revised Penal Code of the Philippines prohibits and punishes the publication of "false news", to wit:

"Art. 154. Unlawful use of means of publication and unlawful utterances. - The penalty of arresto mayor and a fine ranging from P200 to P1,000 pesos shall be imposed upon:

1. Any person who by means of printing, lithography, or any other means of publication shall **publish or cause to be published as news any false news** which may endanger the public order, or cause damage to the interest or credit of the State.”

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The Government, thru its officials, when it disseminates “information”, bears the seal of being “official” and thus automatically carries with it the presumption of truthfulness, reliability and accuracy. As such, it is logical and necessary that government officials, particularly those charged with the duty and/or mandate to disseminate information in their respective offices, agencies and/or departments, must be subjected to higher standards of proper conduct particularly in their usage of Social Media and other platforms of information dissemination.

It is thereby the goal of this legislative measure to hold public officials to higher standards in the advent of the unavoidable continuous rise of the influence and internet penetration brought about by Social Media by amending pertinent provisions of Republic Act No. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees”.

In order to uphold the accuracy, reliability and truthfulness expected from Government officials and/or employees, the immediate enactment into law of this legislative measure is hereby sought.


GRACE POE

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RECEIVED BY: 

AMENDING SECTIONS 4 (B) AND 7 OF REPUBLIC ACT NO. 6713,
OTHERWISE KNOWN AS THE 'CODE OF CONDUCT AND ETHICAL
STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES', AND FOR
OTHER PURPOSES

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

Section 1. Section 4 (b) of Republic Act No. 6713, otherwise known as the "Code of
Conduct and Ethical Standards for Public Officials and Employees", is hereby amended to
read as follows:

(b) Professionalism. - Public officials and employees shall perform and
discharge their duties with the highest degree of excellence, professionalism,
intelligence and skill. They shall enter public service with utmost devotion
and dedication to duty. They shall endeavor to discourage wrong perceptions
of their roles as dispensers or peddlers of undue patronage. **PUBLIC
OFFICIALS AND EMPLOYEES OF GOVERNMENT AGENCIES,
INSTRUMENTALITIES, OFFICES AND/OR DEPARTMENTS,
ESPECIALLY THOSE TASKED TO DISSEMINATE
INFORMATION/NEWS, MUST ENSURE NOT TO PUBLISH OR
DISSEMINATE, OR CAUSE TO PUBLISH OR DISSEMINATE, IN
THEIR OFFICIAL AND PERSONAL CAPACITIES, FALSE NEWS
OR INFORMATION THAT SHALL ERODE THE RELIABILITY,
ACCURACY AND TRUTHFULNESS ACCORDED BY THE PUBLIC
TO THE GOVERNMENT.**

Section 2. Section 7 of R.A. No. 6713 is hereby amended to read as follows:

Section 7. Prohibited Acts and Transactions. - In addition to acts and
omissions of public officials and employees now prescribed in the
Constitution and existing laws, the following shall constitute prohibited acts
and transactions of any public official and employee and are hereby declared
to be unlawful:

1
2 (a) Financial and material interest. - Public officials and employees shall
3 not, directly or indirectly, have any financial or material interest in any
4 transaction requiring the approval of their office.

5
6 (b) Outside employment and other activities related thereto. - Public
7 officials and employees during their incumbency shall not:

8
9 (1) Own, control, manage or accept employment as officer,
10 employee, consultant, counsel, broker, agent, trustee or nominee in any
11 private enterprise regulated, supervised or licensed by their office
12 unless expressly allowed by law;

13
14 (2) Engage in the private practice of their profession unless
15 authorized by the Constitution or law, provided, that such practice will
16 not conflict or tend to conflict with their official functions; or

17
18 (3) Recommend any person to any position in a private enterprise
19 which has a regular or pending official transaction with their office.
20

21 These prohibitions shall continue to apply for a period of one (1) year after
22 resignation, retirement, or separation from public office, except in the case of
23 subparagraph (b) (2) above, but the professional concerned cannot practice his
24 profession in connection with any matter before the office he used to be with,
25 in which case the one-year prohibition shall likewise apply.
26

27 (c) Disclosure and/or misuse of confidential information. - Public officials
28 and employees shall not use or divulge, confidential or classified information
29 officially known to them by reason of their office and not made available to
30 the public, either:

31
32 (1) To further their private interests, or give undue advantage to
33 anyone; or

34
35 (2) To prejudice the public interest.
36

37 **(D) PUBLICATION OR DISSEMINATION, OR CAUSE OF**
38 **PUBLICATION OR DISSEMINATION, OF ANY FALSE NEWS OR**
39 **INFORMATION, IN RELATION TO SECTION 4 (B) OF THIS ACT,**
40 **IN ANY PLATFORM.**
41

42 [(d)] E. Solicitation or acceptance of gifts. - Public officials and employees
43 shall not solicit or accept, directly or indirectly, any gift, gratuity, favor,
44 entertainment, loan or anything of monetary value from any person in the
45 course of their official duties or in connection with any operation being
46 regulated by, or any transaction which may be affected by the functions of
47 their office.
48

49 As to gifts or grants from foreign governments, the Congress consents to:
50

1 (i) The acceptance and retention by a public official or employee
2 of a gift of nominal value tendered and received as a souvenir or mark
3 of courtesy;

4
5 (ii) The acceptance by a public official or employee of a gift in the
6 nature of a scholarship or fellowship grant or medical treatment; or
7

8 (iii) The acceptance by a public official or employee of travel
9 grants or expenses for travel taking place entirely outside the
10 Philippine (such as allowances, transportation, food, and lodging) of
11 more than nominal value if such acceptance is appropriate or
12 consistent with the interests of the Philippines, and permitted by the
13 head of office, branch or agency to which he belongs.
14

15 The Ombudsman shall prescribe such regulations as may be necessary to carry
16 out the purpose of this subsection, including pertinent reporting and disclosure
17 requirements.
18

19 Nothing in this Act shall be construed to restrict or prohibit any educational,
20 scientific or cultural exchange programs subject to national security
21 requirements.
22

23
24 **Section 3. *Repealing Clause.*** – All laws, executive orders, presidential decrees,
25 presidential communications, letters of instruction, rules and regulations or parts thereof
26 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.
27

28
29 **Section 4. *Effectivity.*** – This Act shall take effect upon its approval fifteen (15) days
30 following its publication in the Official Gazette or in two (2) newspapers of general
31 circulation in the Philippines.
32

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34 *Approved.*