

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

13 JUL -1 AM 17

SENATE

RECEIVED BY: *ja*

Senate Bill No. 73

Introduced by SENATOR TEOFISTO "TG" GUINGONA III


Explanatory Note

Laws are expressions of the People's dreams, goals, and vision. The People have to participate in the development of the law. While representatives are elected to the legislative bodies of this country, election does not create a monopoly controlled only by Members of the House of Representatives and Senators on the process of determining what policies are necessary for the good of the Nation.

This bill seeks to expand the avenues of participation to the online community. It seeks to harness the productive and effective power of social media. It seeks to give a voice to netizens. People participation must go beyond physical borders. From Batanes to Sulu, people must be allowed to participate in the process of law-making.

When people are allowed to participate, we have better laws. When people are allowed to participate, we have better people.

The urgent passage of this measure is earnestly sought.



TEOFISTO "TG" GUINGONA III
Senator

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Introduced by **SENATOR TEOFISTO "TG" GUINGONA III**

PHILIPPINE CROWDSOURCING ACT OF 2013

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

- 1 **Section 1. Purpose of the law-** This Act seeks to allow the people to
2 participate in the legislative process, online and/or with the use of
3 information and communications technology, providing effective and
4 responsive mechanisms therefor.
- 5 **Section 2. Declaration of Policy.** – The State must promote and protect
6 the right of the people and their organizations to effective and reasonable
7 participation at all levels of social, political, and economic decision-making.
8 Because of the great potentials of technology, the State must strive to
9 promote its ever-increasing use to protect and enhance the right of
10 participation. The State should harness its potential in all fields of social,
11 political, and economic discourse, including its potential to consult more
12 people from all over the world, on legislative matters.
- 13 **Section 3. Crowdsourcing in the Legislative Process, Principles and**
14 **Guidelines.** This law allows the public to participate in the legislative
15 process wherever they are. It believes in the power of online
16 crowdsourcing. The law believes that:

1

2 A. Crowd sourcing is a concept that recognizes and allows the
3 individual and collective power of the people, with the use of
4 the internet and/or other information and communications
5 system, to contribute to the formulation, improvement, and
6 creation of laws that benefit the entire nation.

7 B. Crowdsourcing is an expression of the belief that despite our
8 geographical separation, people can still participate in national
9 affairs through the borderless world of the internet.

10 C. Crowdsourcing is a recognition of a new breed of citizens that
11 work effectively and productively, contributing to national
12 development, through the internet and/or with the use of
13 information and communications system.

14

15 **Section 4. Definition of Terms**

16

17 A. "Information and communications system" refers to a system
18 for generating, sending, receiving, storing, or otherwise
19 processing electronic documents and includes the computer
20 system or other similar device by or in which data is recorded
21 or stored and any procedures related to the recording or
22 storage of electronic document.

23 B. "Online" refers to a location that is accessible by the public
24 anywhere in the world as opposed to a physical location like
25 the building of the House of Representatives or the Senate. This
26 includes electronic mails, websites, internet fora, social media
27 sites, and other such similar media.

28 **Section 5. Right to Information.** All pending bills and committee reports
29 of Congress must be made available online for public access within three
30 (3) days from the time the bill or committee report is filed and until it is
31 approved by Congress.

1 The computation of the three-day period shall exclude non-working days.

2
3 **Section 6. Parallel online consultations.** While committee hearings are
4 done offline and in the physical offices of the House of Representatives or
5 the Senate, the public shall likewise be allowed to participate online and
6 give comments on pending bills, at any time between the filing of the bill
7 and the filing of the committee report.

8
9 All comments sent through email and similar means using information and
10 communications technology shall form part of the official and public
11 records of Congress and must be considered in the drafting of the
12 committee reports for pending bills. This includes all comments sent as
13 soon as the bill is filed, those sent prior to the first committee hearing on a
14 bill, and those sent even after all committee hearings have been concluded,
15 and those sent prior to the filing of the committee report.

16
17 Furthermore, for purposes of broadening public participation in committee
18 hearings, the schedule of committee hearings must be published online at
19 least three (3) days before the scheduled hearing date. It must contain:

- 20
21 1. A clear invitation for the people to send their comments
22 on pending bills even after the date of the committee
23 hearing.
- 24
25 2. A link to the online location of the bills to be heard.
- 26
27 3. The concerned committee's electronic mail (email)
28 address and other ways through which the people can
29 send their comments on pending bills without actually
30 going to the physical offices of the Senate or the House of
31 Representatives.

32
33 **Section 7. Continuing Participation during the Period of Debates.** The
34 public must be allowed to continuously express their views on pending
35 bills from the time the sponsorship speech is delivered until the time that

1 the bill is approved and voted on Third Reading, and until the report of the
2 bicameral committee is approved by the House of Representatives or the
3 Senate. This shall be done according to the following guidelines:

4
5 A. The Agenda for the Day must be published online at least one
6 (1) day before the session indicated in the Agenda. Should the
7 Agenda change on the day of the session, the revised Agenda
8 should immediately be published online. The online agenda
9 must provide links to the online location of the bills included in
10 the Agenda for the Day.

11
12 B. Congress must provide an online mechanism that allows the
13 public to view and observe the sessions of both Houses of
14 Congress.

15
16 C. In order to guide each Senator or Member of the House of
17 Representatives in the discussion of pending bills, the people
18 must be allowed to continue sending their comments to their
19 representatives. Congress must post online the contact
20 information of each Member of the House of Representatives
21 and the Senate. The contact information should include
22 electronic mail addresses and other information that allows the
23 public to contact the legislators without need of going to the
24 physical location of the House of Representatives and the
25 Senate.

26
27 D. Congress must post online the versions of pending bills
28 approved on Second Reading, Third Reading, and the Bicameral
29 Conference. Posting must be done within twenty-fours (24)
30 from the time of approval. The computation of this period shall
31 exclude hours within a non-working day.

32 **Section 8. Pre-approval Consultation.** Before signing any bill into law,
33 the President must allow the people to submit their comments online for at
34 least five (5) days. After the five-day period, the President must observe a

1 three-day period or longer within which he can consider the views
2 presented to him by the people. The periods in this provision can only be
3 shortened for measures that have been certified as urgent by the President.

4 **Section 9. Separability Clause.** If, for any reason, any section or provision
5 of this Act is held unconstitutional or invalid, no other section or provision
6 shall be affected.

7 **Section 10. Repealing Clause.** All laws, decrees, executive orders, rules
8 and regulations, or issuances inconsistent with the provisions of this Act
9 are hereby repealed or amended accordingly.

10 **Section 11. Effectivity.** This Act shall take effect fifteen (15) days after its
11 publication in at least two (2) national newspapers of general circulation.

Approved,