

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



Senate
Office of the Secretary

SENATE
S. No. 1479

20 MAY -4 P3:27

Introduced by Senator Grace Poe

RECEIVED BY: 

**AN ACT
PROHIBITING PUBLIC OFFICIALS AND EMPLOYEES FROM BEING THE
SOURCE OF MISINFORMATION, AMENDING FOR THIS PURPOSE,
PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6713 OR THE "CODE OF
CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND
EMPLOYEES"**

Explanatory Note

Information is defined by the Merriam-Webster Dictionary as the communication or reception of knowledge or intelligence. It 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 it 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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AN ACT
PROHIBITING PUBLIC OFFICIALS AND EMPLOYEES FROM BEING THE SOURCE OF MISINFORMATION, AMENDING FOR THIS PURPOSE, PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6713 OR THE "CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES"

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

1 Section 1. *Short Title.* — This Act shall be known as the "Anti-Fake News in
2 Public Service Act".

3 Sec. 2. Section 4 (b) of Republic Act No. 6713, otherwise known as the "Code
4 of Conduct and Ethical Standards for Public Officials and Employees", is hereby
5 amended to read as follows:

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

1 **AND TRUTHFULNESS ACCORDED BY THE PUBLIC TO THE**
2 **GOVERNMENT."**

3 Sec. 3. Section 7 of R.A. No. 6713 is hereby amended to read as follows:

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

9 a. Financial and material interest. - Public officials and employees shall
10 not, directly or indirectly, have any financial or material interest in any
11 transaction requiring the approval of their office.

12 b. Outside employment and other activities related thereto. - Public
13 officials and employees during their incumbency shall not:

14 1. Own, control, manage or accept employment as officer,
15 employee, consultant, counsel, broker, agent, trustee or
16 nominee in any private enterprise regulated, supervised or
17 licensed by their office unless expressly allowed by law;

18 2. Engage in the private practice of their profession unless
19 authorized by the Constitution or law, provided, that such
20 practice will not conflict or tend to conflict with their official
21 functions; or

22 3. Recommend any person to any position in a private enterprise
23 which has a regular or pending official transaction with their
24 office.

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

31 c. Disclosure and/or misuse of confidential information. - Public officials
32 and employees shall not use or divulge, confidential or classified

1 information officially known to them by reason of their office and not
2 made available to the public, either:

- 3 1. To further their private interests, or give undue advantage to
4 anyone; or
- 5 2. To prejudice the public interest.

6 **d. PUBLICATION OR DISSEMINATION, OR CAUSE OF**
7 **PUBLICATION OR DISSEMINATION, OF ANY FALSE NEWS OR**
8 **INFORMATION, IN RELATION TO SECTION 4 (B) OF THIS ACT,**
9 **IN ANY PLATFORM.**

10 e. ~~[(d)]~~ Solicitation or acceptance of gifts. - Public officials and employees
11 shall not solicit or accept, directly or indirectly, any gift, gratuity, favor,
12 entertainment, loan or anything of monetary value from any person in
13 the course of their official duties or in connection with any operation
14 being regulated by, or any transaction which may be affected by the
15 functions of their office.

16 As to gifts or grants from foreign governments, the Congress
17 consents to:

- 18 i. The acceptance and retention by a public official or employee of
19 a gift of nominal value tendered and received as a souvenir or
20 mark of courtesy;
- 21 ii. The acceptance by a public official or employee of a gift in the
22 nature of a scholarship or fellowship grant or medical treatment;
23 or
- 24 iii. The acceptance by a public official or employee of travel grants
25 or expenses for travel taking place entirely outside the Philippine
26 (such as allowances, transportation, food, and lodging) of more
27 than nominal value if such acceptance is appropriate or
28 consistent with the interests of the Philippines, and permitted by
29 the head of office, branch or agency to which he belongs.

30 The Ombudsman shall prescribe such regulations as may be
31 necessary to carry out the purpose of this subsection, including
32 pertinent reporting and disclosure requirements.

1 Nothing in this Act shall be construed to restrict or prohibit any
2 educational, scientific or cultural exchange programs subject to
3 national security requirements.”

4 *Sec. 4. Separability Clause.* — If, for any reason, any part, section or
5 provision of this Act is held invalid or unconstitutional, the remaining provisions not
6 affected thereby shall continue to be in full force and effect.

7 *Sec. 5. Repealing Clause.* — All laws, decrees, orders, rules, regulations and
8 other issuances or parts thereof which are inconsistent with the provisions of this Act
9 are hereby repealed or modified accordingly.

10 *Sec. 6. Effectivity Clause.* — This Act shall take effect fifteen (15) days after
11 its publication in the Official Gazette or in a newspaper of general circulation.

Approved,