

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3847**

Introduced by **HON. RENE LOPEZ RELAMPAGOS**
1st District, Bohol

EXPLANATORY NOTE

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly on December 16, 1966, and in force from March 23, 1976. It commits its parties to respect civil and political rights of individuals, including the right to life, freedom of religion, **freedom of speech**, freedom of assembly, electoral rights and rights to due process and a fair trial. The Philippines signed and ratified the Covenant on December 19, 1966 and October 23, 1986, respectively.

Under Article 19(2) of the ICCPR, “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice.”

Under Section 7, Art. III (Bill of Rights) of the 1987 Philippine Constitution, “the right of the people to information on matters of public concern shall be recognized. x x x” It is implied under this provision of the 1987 Philippine Constitution that government communications should be understandable by everyone, not just people with Masters or Doctorate Degrees.

Our country can benefit and learn from the following Code of Conduct for State Services (New Zealand) which is relevant to the right of people to information on matters of public concern:

- a) The State Servants must treat everyone fairly and with respect. It is not fair or respectful to publish important public information in a style that a majority of people cannot understand. For example, consider an application form that is badly written and hard to understand. Many people will abandon their attempt to apply for a benefit, and fail to get the state support they are entitled to.
- b) State servants must work to improve the performance and efficiency of their organization. Gobbledygook (wordy and generally unintelligible jargon) wastes time and money. Plain English (For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English – Sec. 7, Art. XIV, 1987 Philippine Constitution) saves time and money. Again, consider that badly written application form. Many people will phone for help (and waste staff time), or complete the form incorrectly (and waste staff time).
- c) State servants must be honest. When information is written in a complex, obscure style, people often suspect an intention to deceive. Being honest is not enough; state communications must be clear and comprehensible.

In other countries like Sweden, it has had plain language for 30 years. The South Africa's Constitution is in plain language and requires plain language. **The Congress of the United States had just recently passed a “Plain Writing Act of 2010” (HR 946) and signed into law by its President on October 13, 2010.**

Plain language, sometimes called **simple language or clear language** is lucid, succinct writing designed to ensure the reader understands as quickly and completely as possible. Plain language avoids complications created by verbose, convoluted writing common in technical, legal and other fields. Plain language is writing that is as easy to read, understand and use as possible, allowing for the complexity of a given subject. In addition to wording and structural choices, it can involve specific techniques for information design and document layout.

Put simply, this bill will require that government documents be written in “plain language,” defined as “writing that is clear, concise, well-organized and follows other best practices appropriate to the subject or field and intended audience.” In other words, you have to be able to understand it.

The sponsor of this bill firmly believes that legislation is necessary. Without legislation, plain language is perceived by authorities as a project rather than an ongoing requirement; projects and their budgets come to an end, but the quest for clear communication goes on forever. But, more importantly, a legislation will enhance access to Government information and services by establishing that Government issued documents issued must be clearly written.

Thus, the support from the members of the House of Representatives for the immediate passage of this bill into law is earnestly sought.


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AN ACT
TO ENHANCE CITIZEN ACCESS TO GOVERNMENT INFORMATION AND SERVICES BY
ESTABLISHING THAT GOVERNMENT DOCUMENTS ISSUED TO THE PUBLIC MUST BE
WRITTEN CLEARLY, AND FOR OTHER PURPOSES.

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

SECTION 1. Title. This Act may be cited as the “Plain Language Law of 2010”.

SEC. 2. Purpose. The purpose of this Act is to improve the effectiveness and accountability of Government agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 3. Definition of Terms. In this Act:

(1) The term “Government Agency” shall refer to the Government of the Republic of the Philippines, National Government, Local Government, Agency of the Government, National Agency, Instrumentality, Regulatory Agency, Chartered Institution and Government-owned or controlled corporation as defined under Secs. 2 (1), (2), (3), (4), (5), (10), (11), (12), and (13), respectively, of the Administrative Code of 1987.

(2) COVERED DOCUMENT - The term “covered document” –

(A) means any document that –

- (i) is necessary for obtaining any benefit or service from the Government or filing taxes;
- (ii) provides information about any benefit or service from the Government;
- (iii) explains to the public how to comply with a requirement the Government administers or enforces;

(B) includes (whether in paper or electronic form) a letter, publication, form, notice or instruction; and

(C) does not include a regulation.

(3) PLAIN WRITING – The term “plain writing” means writing in Filipino or English that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

SEC. 4. RESPONSIBILITIES OF GOVERNMENT AGENCIES.

(a) Preparation for Implementation of Plain Writing Requirements –

(1) **IN GENERAL** – Not later than nine (9) months after the enactment of this Act, the head of each agency shall –

- (A) designate one (1) or more senior officials within the agency to oversee the agency implementation of this Act;
- (B) communicate the requirements of this Act to the officials and employees of the Agency;
- (C) train officials and employees of the agency in plain writing;
- (D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this Act;
- (E) create and maintain a plain writing section of the agency's website as required under paragraph (2) that is accessible from the homepage of the agency's website; and
- (F) designate one (1) or more agency points-of-contact to receive and respond to public input on –
 - (i) agency implementation of this Act; and
 - (ii) the agency reports required under Section 5.

(2) WEBSITE - The plain writing section described under paragraph (1) (E) shall –

- (A) inform the public of agency compliance with the requirements of this Act; and
- (B) provide a mechanism for the agency to receive and respond to public input on –
 - (i) agency implementation of this Act; and
 - (ii) the agency reports required under Section 5.

(b) **Requirement to Use Plain Writing in New Documents** – Beginning not later than one (1) year after the date of enactment of this Act, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) Guidance –

(1) **IN GENERAL** – Not later than six (6) months after the date of enactment of this Act, the Secretary of the Department of Budget and Management (DBM) shall develop and issue guidance on implementing the requirements of this section. The Secretary may designate a lead agency, and may use interagency working groups to assist in developing and issuing guidance.

(2) **INTERIM GUIDANCE** – Before the issuance of guidance under paragraph (1), agencies may follow the guidance of –

- (A) the writing guidelines developed by the Plain Language Action and Information Network (PLAIN), a group of federal employees of the United States

of America from many different agencies and specialties; or similar writing guidelines developed by any of the agencies of the Philippine Government or group of employees of the Philippine government from many different agencies and specialties; and

(B) guidance provided by the head of the agency that is consistent with the guidelines referred to in subparagraph (A).

SEC. 5. REPORTS TO CONGRESS.

(a) Initial Report – Not later than nine (9) months after the date of enactment of this Act, the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this Act.

(b) Annual Compliance Report – Not later than eighteen (18) months after the date of enactment of this Act, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this Act.

SEC. 6. JUDICIAL REVIEW AND ENFORCEABILITY.

(a) Judicial Review – There shall be no judicial review except by the Supreme Court of the Philippines of compliance or noncompliance with any provision of this Act.

(b) Enforceability – No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 7. SEPARABILITY CLAUSE. – The provisions of this Act are declared separable and in the event of any such provision is declared unconstitutional, the other provisions, which are not affected, shall remain in force and effect.

SEC. 8. REPEALING CLAUSE. – All other laws, decrees, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are repealed, amended or modified accordingly.

SEC. 9. EFFECTIVITY. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,