

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2309**



Introduced by: REP. MEL SENEN S. SARMIENTO

EXPLANATORY NOTE

The 1987 Philippine Constitution recognizes the right of the people to information on matters of public concern, more particularly, access to official records pertaining to official acts, transactions or decisions, subject, however, to some limitations provided by law. This bill seeks to strengthen this right by taking advantage of technological development and innovation in information technology.

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. "The clear object of the above-quoted provision is to give the general public adequate notice of the various laws which are to regulate their actions and conduct as citizens. Without such notice and publication, there would be no basis for the application of the maxim "ignorantia legis non excusat." However, limited access to and readership of the Official Gazette have denied the public of their Constitutional right to information. 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 (2) newspapers of general circulation as an alternative to their publication in the Official Gazette, before the same become effective.

Moreover, much of government resources are being used for the publication of voluminous documents to meet the requirements imposed by law. A case in point is the publication of product standards in newspapers by the Department of Trade and Industry (DTI) which is costing the government as much as Php 90 million annually. This amount alone can already be used to finance other strategic projects and development programs. This bill aims to lessen the government's operational and administrative costs while maintaining efficiency and transparency in its services.

¹*Tanada v. Tuvera, 220 Phil. 422 (1985)*

With the fast-paced development and innovation in information technology, and recognizing its vital role in nation-building, this bill, therefore, aims to further bring the needed information closer to the public. This bill seeks to mandate the publication of laws in the online edition of the Official Gazette as a further alternative to the publication requirement in newspapers of general circulation.

In view of the above, approval of this bill is earnestly sought.



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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 SECTIONS 18, 24 AND 25, CHAPTER 5, BOOK I 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 newspapers 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 I 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 the 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 so 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 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; Provided, that the bulletin contain a link or information where 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 Office of the President, 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.* – This Act 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,