

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

SEVENTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5918

INTRODUCED BY HON. HARLIN NEIL J. ABAYON, III

EXPLANATORY NOTE

It is of vital importance to the country that its citizens and visitors are well informed of the laws of the land via the latest means of information dissemination.

The Official Gazette comes published in an official printed version but printed on paper is no longer just the mode of publication now. In fact, publishing via the internet has become the new mode of wider dissemination of information to the general public.

It is now necessary therefore to update the charter of the Official Gazette which is Commonwealth Act No. 638 approved on June 10, 1941, as amended by Executive Order No. 200 issued on June 18, 1987.

The publication of laws is basically a ministerial function by the office responsible for publishing the Official Gazette. Laws are the bases by which the Judiciary decides cases that come before it. The Supreme Court now has a well-functioning internet portal for the judicial branch. It is through this portal, www.judiciary.gov.ph, that the general public is informed in timely fashion of matters of law that come before the courts. The portal is also evolving as improvements are continually being made.

To hasten the process of improvement of this crucial link on matters of law between the State and its citizens, the Revised Charter of the Official Gazette is now proposed. This proposed revised charter places the control, supervision, and editorial authority over the Official Gazette in the hands of the Court Administrator.

The Official Gazette is being administered by the Presidential Communications Office. Executive Order No. 4, dated 30 July 2010, placed the

Official Gazette under the Presidential Communications Development and Strategic Planning Office during the Benigno S. Aquino administration.

No other E.O has been issued involving the Official Gazette has been issued since July 30, 2010, not even after the Presidential Communications Development and Strategic Planning Office ceased to exist when its Secretary resigned from government.

The administration of the Official Gazette was simply transferred to the Presidential Communications Operations Office by operation of law as it was the most proximate government instrumentality for the role. There is no written law clearly spelling out the mandate over the Official Gazette now exercised by the PCOO. This proposed revised charter cures this situation.

Furthermore, the transfer of the Official Gazette to the Court Administrator also seeks to separate and insulate the Official Gazette from the inherent political character and nature of the Office of the President. The Official Gazette as a tool of Justice, must also be blind to bias and so its operations must be in the hands of the branch of government whose mandate is the interpretation of laws.



HARLIN NEIL J. ABAYON, III

Representative, AANGAT TAYO Party-list

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AN ACT
PROVIDING FOR THE UPDATING THE CHARTER OF THE OFFICIAL GAZETTE,
SETTING PROCESS AND MEANS FOR THE EFFECTIVITY OF LAWS
OF THE REPUBLIC OF THE PHILIPPINES, AND FOR OTHER PURPOSES

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

Section 1. *Short Title.* - This Act shall be known as the "*Revised Charter of the Official Gazette*".

Section 2. *Declaration of Policy.* - It is the declared policy of the State to have an informed citizenry and to protect and conserve the nation's historical heritage and resources.

Section 3. *Effectivity of Laws.* Laws of the Republic of the Philippines shall take effect after fifteen days following the completion of their publication in the website of the Official Gazette or in the news websites of two newspapers of general printed circulation in the Philippines, unless it is otherwise provided in the laws approved.

Section 4. *Archiving of Original Signed Copy of Laws.* Original signed copies of laws shall be maintained by the Malacanang Records Office and the National Archives of the Philippines. The Malacanang Records Office shall transmit to the Court Administrator an original signed copy and an electronic version of the original signed copy of laws within twenty hours from the moment a law is signed by the President of the Philippines or lapses into law.

Section 5. *Control, Supervision, and Editorial Authority over the Official Gazette.* The Court Administrator of the Supreme Court of the Philippines is hereby vested with control, supervision, and editorial authority over the Official Gazette.

Transfer of control, supervision, and editorial authority over the Official Gazette from the Executive Branch of the Government of the Philippines to the Court Administrator of the Supreme Court of the Philippines shall be effected within six (6) months from the effectivity of this Act.

Section 6. *Organizational Structure and Staffing Pattern.* The Court Administrator shall formulate and establish the organizational structure and staffing pattern of the section within the

Office of the Court Administrator involving such administrative and technical personnel as may be deemed necessary to efficiently and effectively carry out the functions and duties prescribed in this Act, subject to the approval of the Chief Justice of the Supreme Court.

Section 7. *Repealing Clause.* Commonwealth Act No. 638 approved on June 10, 1941, Executive Order No. 200 issued on June 18, 1987, Republic Act No. 9470 (The National Archives of the Philippines Act of 2007), and all other laws and executive orders inconsistent with this Act are hereby repealed or modified accordingly.

Section 8. *Separability.* - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall continue to be in full force and effect.

Section 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the website of the Official Gazette or in the news websites of two newspapers of general printed circulation in the Philippines.

Approved.