

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8595



Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

The Constitution provides that “The right of the people to information on matters of public concern shall be recognized. [x x x]”¹ It likewise states that, “Science and technology are essential for national development and progress. The State shall give priority to research and development, invention, innovation, and their utilization [x x x].”²

In *Tañada v. Tuvera*³, the Supreme Court had declared publication of laws as an indispensable ingredient to due process. Even at that time, the Court had already observed that the publication in the Official Gazette required under Article 2 of the Civil Code may have already been overtaken by events, and that the interest of publication would be better served by newspapers of general circulation, which came out more regularly and to a wider readership.

Needless to say, technological advances have since overtaken *Tañada*. More advanced platforms of communication and publication have been developed than those contemplated under the 70-year old Civil Code of the Philippines and which provide the citizenry more access to and knowledge of enacted laws, rules and regulations, which are essential to due process.

The advent of smartphones and mobile applications, for instance, has certainly changed the world forever. Statista, a German statistics company, reports that the Philippines had around 36.35 million smartphone users as of September 2019⁴—a little more than one smartphone for every three Filipinos. We Are Social and Hootsuite, social network and media companies based in London and Vancouver respectively, also report that for 2018, “In the Philippines, time spent online daily soared [x x x] to 10 hours and 2 minutes this year, the highest in the world.”⁵ It is also interesting to note that social media penetration among Filipinos is at 99% of internet users and that we also spend the most time on social media at 4 hours

¹ Const. art. III, § 7.

² Const. art. XIV, § 10.

³ G.R. No. L-63915 (1986).

⁴ Available at <https://www.statista.com/statistics/748053/worldwide-top-countries-smartphone-users/>.

⁵ Gelo Gonzales, *Filipinos spend most time online, on social media worldwide – report* (2019), available at <https://www.rappler.com/technology/news/222407-philippines-online-use-2019-hootsuite-we-are-social-report>.

and 12 minutes per day.⁶ “Fixed internet speed grew from 15.19 Mbps [on] average to 19 Mbps.”⁷

The government has likewise been catching up with digitization. The Official Gazette now has an online portal at <https://www.officialgazette.gov.ph/>. And a quick scan with search engines reveals that even government agencies have their own websites and social media accounts as well.

Our statutes must reflect these existing realities while serving the primordial aim of informing citizens of the laws which affect them.

The urgent passage of this bill, therefore, is earnestly sought.



Rep. PABLO JOHN F. GARCIA
3rd District, Province of Cebu

⁶ *Id.*

⁷ *Id.*

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AN ACT
AMENDING ARTICLE 2 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS
THE CIVIL CODE OF THE PHILIPPINES, TO INCLUDE THE ELECTRONIC
PUBLICATION OF LAWS AS A REQUIREMENT FOR THEIR EFFECTIVITY

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

Section 1. Article 2 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, is hereby amended to read as follows:

Article 2. **UNLESS A DIFFERENT PERIOD IS OTHERWISE PROVIDED,** laws shall take effect after fifteen days following the completion of their publication in any of the following: (a) the Official Gazette, **WHETHER PRINT OR ELECTRONIC**; (b) a newspaper of general circulation in the Philippines; or (c) **THE OFFICIAL ELECTRONIC CHANNELS OF CONCERNED GOVERNMENT AGENCIES.**

FOR PURPOSES OF THIS ARTICLE, THE OFFICIAL ELECTRONIC CHANNELS OF CONCERNED GOVERNMENT AGENCIES SHALL MEAN WEBSITES, SOFTWARE APPLICATIONS, SOCIAL MEDIA ACCOUNTS, AND THE LIKE OF THE GOVERNMENT AGENCIES PRIMARILY TASKED WITH THE EXECUTION OR IMPLEMENTATION OF THE LAW TO BE PUBLISHED.

Section 2. *Repealing Clause.* - Section 18 of Book I of Executive Order No. 292, s. 1987, otherwise known as the Administrative Code of 1987, as well as all laws, executive orders, proclamations, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 3. *Effectivity.* - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,