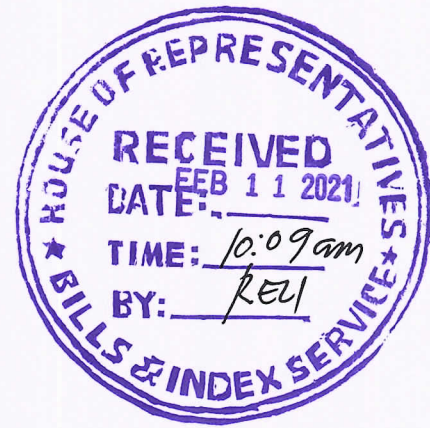


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8667



Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

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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. Later, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, incorporated the use of newspapers for the publication requirements of local ordinances.

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 and 30-year-old Local Government Code 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

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/>.

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

Local governments have likewise been catching up with digitization. A quick scan with search engines reveals that many local governments 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.

A stylized, handwritten signature in black ink, appearing to read 'P. Garcia'.

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

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>.

⁶ *Id.*

⁷ *Id.*

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AN ACT
AMENDING SECTIONS 59, 188, and 511 OF REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, TO
INCLUDE THE ELECTRONIC PUBLICATION OF ORDINANCES AND
RESOLUTIONS AS AN ALTERNATIVE METHOD 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. Section 59 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

SECTION 59. Effectivity of Ordinances or Resolutions. — (a) Unless **A DIFFERENT PERIOD IS** otherwise stated in the ordinance or the resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the provincial capitol or city, municipal, or barangay hall, as the case may be, **OR ON THE OFFICIAL ELECTRONIC CHANNELS OF THE LOCAL GOVERNMENT UNIT CONCERNED (“OFFICIAL ELECTRONIC CHANNELS”), IF AVAILABLE** [and least two (2) other conspicuous places in the local government unit concerned].

(b) The secretary to the sanggunian concerned shall cause the posting of an ordinance or resolution **ON OFFICIAL ELECTRONIC CHANNELS, IF AVAILABLE, OR** in the bulletin board at the entrance of the provincial capitol and the city, municipal, or barangay hall [in at least two (2) conspicuous places in the local government unit concerned] not later than five (5) days after approval thereof.

The text of the ordinance or resolution shall be disseminated and posted in Filipino or English and in the language or dialect understood by the majority of the people in the local government unit concerned, and the secretary to the sanggunian shall record such fact in a book kept for the purpose, stating the dates of approval and posting.

(c) The gist of all ordinances with penal sanctions shall be published in a newspaper of general circulation within the province where the local legislative body concerned belongs **OR ON THE OFFICIAL ELECTRONIC CHANNELS OF THE PROVINCE AND ALL THE CITIES AND MUNICIPALITIES WITHIN SUCH PROVINCE WHERE THE SANGGUNIAN OF ORIGIN IS SITUATED, IF AVAILABLE.** In the absence of any newspaper of general circulation within the province, posting of such ordinances shall be made in all municipalities and cities of the province where the sanggunian of origin is situated **OR THROUGH THEIR RESPECTIVE OFFICIAL ELECTRONIC CHANNELS.**

(d) In the case of highly urbanized and independent component cities, the main features of the ordinance or resolution duly enacted or adopted shall, in addition to being posted, be published **ON OFFICIAL ELECTRONIC CHANNELS, IF AVAILABLE, OR** once in a local newspaper of general circulation within the city: Provided, That in the absence thereof the ordinance or resolution shall be published in any newspaper of general circulation.

FOR PURPOSES OF THIS SECTION AND ELSEWHERE IN THIS ACT, THE OFFICIAL ELECTRONIC CHANNELS OF THE LOCAL GOVERNMENT UNIT CONCERNED SHALL MEAN THE WEBSITE(S), SOFTWARE APPLICATION(S), SOCIAL MEDIA ACCOUNT(S), AND THE LIKE OF THE LOCAL GOVERNMENT UNIT ENACTING OR ADOPTING THE ORDINANCE OR RESOLUTION REQUIRED TO BE PUBLISHED AND/OR POSTED FOR ITS EFFECTIVITY.

Section 2. Section 188 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

SECTION 188. Publication of Tax Ordinances and Revenue Measures. – Within ten (10) days after their approval, certified true copies of all provincial, city, and municipal tax ordinances or revenue measures shall be published in full **ON THE OFFICIAL ELECTRONIC CHANNELS OF THE LOCAL GOVERNMENT UNIT CONCERNED, IF AVAILABLE, OR** for three (3) consecutive days in a newspaper of local circulation: Provided, however, That in provinces, cities and municipalities where there are no newspapers

