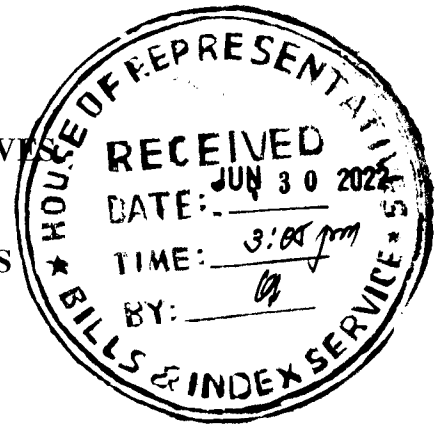


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 200



INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This measure is a refiled bill principally authored by Hon. Xavier Jesus D. Romualdo of the Lone District of Camiguin since the 17th Congress and during the 18th Congress this bill remained pending at the Senate.

The publication of laws, as a requisite for their effectivity, is a measure of due process meant to give the public adequate notice of the rules that will regulate and govern their actions and conduct. Hence, Article 2 of the Civil Code provides that “(l)aws shall take effect after fifteen days following the completion of their publication in the Official Gazette, unless otherwise provided.”

The University of the Philippines Law Center in their position paper last Congress supported the amendment of Article 2 of the Civil Code of the Philippines citing these reasons:

- 1) promotes procedural due process, the people’s right to information on matters of public concern under Section 7, Article III of the Constitution, and the rule of law;
- 2) it clarifies the publication requirement for joint resolutions of Congress; and
- 3) it clarifies the publication requirement for presidential ordinances under the Book III, Chapter 2 of the Administrative Code such as memorandum orders, memorandum circulars, and general or special orders.

In the resolution of the motion for reconsideration in the landmark case of *Tañada v. Tuvera*,¹ the Supreme Court said that and omission of publication would offend due process insofar as it would deny the public knowledge of the laws that are supposed to govern it. The Court added that it is not unlikely that persons not aware of laws due to lack of publication would be prejudiced as a result, not because of failure to comply but simply because they did not know of its existence. The Court likewise observed that, due to the erratic release and limited readership of the Official Gazette (“OG”), newspapers of general circulation could be better perform the function of communicating laws to the public because such newspapers are more easily available, have a wider readership, and come out regularly. Nevertheless, the Court held that publication must still be made in the OG because this was the requirement of the Civil Code.

In response to the observation of the Court, President Corazon Aquino, in the exercise of her legislative power, issued Executive Order (“EO”) NO. 200, which authorized publication either in the Official Gazette or in a newspaper of general circulation in the Philippines. The new rule

¹ *Tañada v. Tuvera*, G.R. No. L-63915, December 29, 1986.

on publication was reiterated in Section 18 of EO No. 292, otherwise known as the Administrative Code of 1987, likewise promulgated by President Aquino, which states:

“Section 18. When Laws Take Effect. – Laws shall take effect after fifteen (15) days following the completion of their publication in the Official Gazette or in a newspaper of general circulation, unless it is otherwise provided.”

The Official Gazette is presently attached to the Presidential Communications Development and Strategic Planning Office, which exercises editorial functions over the OG.² The online version of the Official Gazette (the “OG-Online”) went live on July 26, 2010 under the uniform resource locator, www.gov.ph. The OG-Online is constantly updated, with laws passed by Congress, implementing rules and regulations, executive issuances, and other government issuances and documents posted therein.

Since the Covid pandemic where people’s movement were restricted and the physical reporting was rapidly changed to work from home mode the internet has been a very useful tool and became a normal way of doing work, business and personal activities through the internet using tablets, gadgets, mobile phones and desktop computers. Therefore, reliable information is a necessity and one can get it through trusted websites and online platforms. The data can be accessed and shared expeditiously and inexpensively. With more Filipinos having access and spending more of their waking time online, it is submitted that it is proper and apt for Congress to allow, as a prerequisite for their effectivity, the publication of laws over the Internet through the OG-Online.

With the foregoing, may I earnestly request for the support of the Members of Congress for the immediate passage of this bill.



JURDIN JESUS M. ROMUALDO

² Executive Order NO. 4, Reorganizing and Renaming the Office of the Press Secretary as the Presidential Communications Operations Office; Creating the Presidential Communications Development and Strategic Planning Office; and for Other Purposes, July 30, 2010.

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HOUSE BILL NO. 200

INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

AN ACT
PROVIDING FOR THE PUBLICATION OF LAWS IN THE PRINT OR ONLINE
VERSION OF THE OFFICIAL GAZETTE AND OF A NEWSPAPER OF GENERAL
CIRCULATION

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress 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. Laws shall take effect [after] fifteen (15) days [following the completion of] **AFTER** their publication [either] **IN FULL**, in the **PRINT OR ONLINE VERSION OF THE** Official Gazette, [or] **AND** in **THE PRINT OR ONLINE VERSION OF A** newspaper of general circulation in the Philippines, unless [it] **A DIFFERENT PERIOD** is otherwise [provided.] **PRESCRIBED TO RESPOND TO A NATIONAL EMERGENCY: PROVIDED, THAT PUBLICATION IN THE ONLINE VERSION OF THE OFFICIAL GAZETTE AND THE NEWSPAPER OF GENERAL CIRCULATION SHALL INDICATE THE OFFICIAL DATE OF THE PUBLICATION.**

AS USED IN THIS ACT, THE TERM “LAWS” SHALL REFER TO:

(1) ALL STATUTES ENACTED BY THE CONGRESS OF THE PHILIPPINES;

(2) ALL ORDERS, PROCLAMATIONS, CIRCULARS, AND OTHER ISSUANCES PROMULGATED BY THE PRESIDENT OF THE PHILIPPINES PURSUANT TO THE ORDINANCE POWER, AS PROVIDED FOR BY EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS THE ADMINISTRATIVE CODE OF 1987; OR

(3) ALL RULES AND REGULATIONS PROMULGATED TO IMPLEMENT OR ENFORCE STATUTES PURSUANT TO A VALID DELEGATION OF LEGISLATIVE POWER BY THE CONGRESS OF THE PHILIPPINES.”

SEC. 2. Section 18 of Executive Order No. 292, otherwise known as the Administrative Code of 1987, is 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 **PRINT OR ONLINE VERSION OF THE** Official Gazette [or] **AND IN THE PRINT OR ONLINE VERSION OF** [in] a newspaper of general circulation, unless [it] **A DIFFERENT PERIOD** is otherwise [provided] **PRESCRIBED TO RESPOND TO A NATIONAL EMERGENCY.”**

SEC. 3. Sections 24 and 25 of the same Executive Order are hereby amended to read, as follows:

“Section 24. *Contents.* - There shall be published in the Official Gazette, **IN ITS PRINT AND ONLINE VERSION**, 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 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 Official Gazette shall be prima facie evidence of its authority.”

“Section 25. *Editing and Publications.* - The Official Gazette shall be edited in the Office of the President and published weekly in [Pilipino] **FILIPINO** or in the English language **IN PRINT OR THROUGH THE OFFICIAL GAZETTE WEBSITE MANAGED BY THE OFFICE OF THE PRESIDENT OR SUCH OTHER GOVERNMENT AGENCY OR OFFICE AUTHORIZED BY THE PRESIDENT.** [It] **THE PRINT VERSION OF THE OFFICIAL GAZETTE** shall be sold and distributed by the National Printing Office which shall promptly mail copies thereof to subscribers free of postage.”

SEC. 4. If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 5. Executive Order No. 200, dated June 18, 1987, is hereby repealed. Sections 18, 25 and 26 of Executive Order No. 292, otherwise known as the Administrative Code of 1987 are hereby amended. All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations or parts thereof which are contrary to or

inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,