



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 4494



Introduced by **HON. EDWARD VERA PEREZ MACEDA**

EXPLANATORY NOTE

The Constitution recognizes the right of the people to information on matters of public concern.¹ This mandate complements the State's policy of full public disclosure in all transactions involving public interest.² These provisions are aimed at ensuring transparency in policy-making as well as in the operations of the Government, and at safeguarding the exercise by the people of the freedom of expression.³ It has always been stressed that in a democratic society like ours, the free exchange of information is necessary, and can be possible only if the people are provided the proper information on matters that affect them.⁴ Accordingly, laws, rules, regulations and other issuances that govern the conduct of citizenry shall, at all times, be accessible to them.

In line with these Constitutional pronouncements, Article 2 of the New Civil Code provides:

Laws shall take effect after fifteen days following the completion of their publication either in the Official Gazette or in a newspaper of general circulation in the Philippines, unless it is otherwise provided.⁵

To highlight the importance of publication, the Administrative Code reiterated the same provision.⁶ Jurisprudence explains that 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.⁷ Without such notice and publication, there would be no basis for the application of the maxim "*ignorantia legis non excusat*." It would be the height of injustice to punish or

¹ PHIL. CONST. art. III, § 7.

² PHIL. CONST. art. II, § 28.

³ *Sereno v. Committee on Trade and Related Matters (CTRM) of the National Economic and Development Authority (NEDA)*, G.R. No. 175210, February 1, 2016.

⁴ *Id.*

⁵ An Act to Ordain and Institute the Civil Code of the Philippines [CIVIL CODE], Republic Act No. 386, art. 2 (1949) as amended by E.O. 200.

⁶ Instituting the "Administrative Code of 1987" [ADMIN CODE], Executive Order No. 292, bk. I, ch. 5, § 18 (1987).

⁷ *Tañada v. Tuvera*, G.R. No. L-63915, December 29, 1986.

otherwise burden a citizen for the transgression of a law of which he had no notice whatsoever, not even a constructive one.⁸

As we enter the Digital Era, development and adaptation has become indispensable, and the government has to formulate means for our laws to cope with the growing field that is digitization.

A 2022 report found that 68% of the country's total population translating to 71.32 million Filipinos have access to the Internet.⁹ Access may be derived through their mobile devices, smartphones, and desktops. Evidently, the Internet has become part of the lives of the majority of the Filipinos. In fact, in an earlier study, it was reported that Filipinos aged 16-64 spend at least five (5 hours) using internet in their mobile devices.¹⁰ To take advantage of these figures, this bill seeks to make laws and other issuances available online by publishing its copies through digital means.

This proposed measure will likewise supplement the administration's goal to create, foster and sustain a digitally empowered and integrated government that provides responsive and transparent online citizen-centered services in the form of the proposed E-Government Act.

A similar measure was approved on Third and Final Reading during the 18th Congress and copy of which were transmitted to the Senate for appropriate action.

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


EDWARD VERA PEREZ MACEDA
Representative, 4th District of Manila

⁸ *Id.*

⁹ Simon Kemp, DIGITAL 2022: THE PHILIPPINES, *available at* <https://datareportal.com/reports/digital-2022-philippines> (last accessed September 4, 2022).

¹⁰ Filipinos' reliance on internet at an all-time high, [manilastandard.net](https://manilastandard.net/spotlight/ph-best-communication-service-providers/357427/filipinos-reliance-on-internet-at-an-all-time-high.html), June 18, 2021, *available at* <https://manilastandard.net/spotlight/ph-best-communication-service-providers/357427/filipinos-reliance-on-internet-at-an-all-time-high.html> (last accessed September 4, 2022).



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**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 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] **AFTER** their publication [either] **IN FULL**, in the **PRINT OR ONLINE VERSION OF THE *Official Gazette***, or 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.”

SECTION 2. Section 18 of Executive Order No. 292, otherwise known as the Administrative Code of 1987, is hereby amended to read as follows:

“SEC. 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.**”**

SECTION 3. Section 24 and 25 of the same Executive Order are hereby amended to read as follows:

“SEC. 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 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 **BE** authorized 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.

“SEC. 25. *Editing and Publications.* – The *Official Gazette* shall be edited in the Office of the President and published weekly in [Pilipino] **FILIPINO or in 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 the subscribers free of postage.”**

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

SECTION 5. Executive Order No. 200, dated June 18, 1987, is hereby repealed. Sections 18, 24 and 25 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.

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

Approved,