

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 6226



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

The Supreme Court, in the landmark case of *Tañada v. Tuvera*³, elucidates on the importance of the publication of laws with respect to the rule of law and due process:

It is not correct to say that [x x x] publication may be dispensed with altogether. The reason is that such omission would **offend due process insofar as it would deny the public knowledge of the laws that are supposed to govern it**. Surely, if the legislature could validly provide that a law shall become effective immediately upon its approval notwithstanding the lack of publication (or after an unreasonably short period after publication), **it is not unlikely that persons not aware of it would be prejudiced as a result; and they would be so not because of a failure to comply with it but simply because they did not know of its existence**. Significantly, this is not true only of penal laws as is commonly supposed. One can think of many non-penal measures, like a law on prescription, which must also be communicated to the persons they may affect before they can begin to operate. (emphases supplied)

At issue was Article 2 of the Civil Code, which provides “Laws shall take effect after fifteen days following the completion of their publication in the Official Gazette, unless it is otherwise provided. [x x x]” Parties to the case argued as to the meaning of the exception. The Court, as mentioned above, ruled that while publication is indispensable “[L]egislature may in its discretion provide that the usual fifteen-day period shall be shortened or extended.” In passing, the Court also said (in comparison with the Official Gazette with its limited readership and erratic publication), “[N]ewspapers of general circulation could better perform the function of communicating the laws to the people as such periodicals are more easily available, have a wider readership, and come out regularly. The trouble, though, is that this

¹ Const. art. III, § 7.

² Const. art. XIV, § 10.

³ G.R. No. L-63915 (1986).

kind of publication is not the one required or authorized by existing law. As far as we know, no amendment has been made of Article 2 of the Civil Code. [x x x]” It added, “At any rate, this Court is not called upon to rule upon the wisdom of a law or to repeal or modify it if we find it impractical. That is not our function. That function belongs to the legislature. [x x x]”⁴

The Civil Code is more than seventy (70) years old. And since *Tañada*, more advanced platforms of communication have been developed and dispersed throughout this globalized Internet era.

For instance, the advent of smartphones and mobile applications 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 2019⁵—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.”⁶ 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.⁷ “Fixed internet speed grew from 15.19 Mbps [on] average to 19 Mbps.”⁸

The government is likewise busy with digitization. The Official Gazette has an online portal now at <https://www.officialgazette.gov.ph/>. 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 realities while serving the primordial aim of informing citizens of the laws which govern them. We must also heed the call of the Judiciary—a co-equal branch. This bill aims to modernize how laws take effect. It enables statutes to be published alternatively on electronic platforms in addition to traditional print for purposes of effectivity. It is hoped that this measure shall greatly enhance the circulation of statutory information and the resulting participation of the body politic.

In view of the foregoing, the urgent passage of this bill is earnestly sought.



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

⁴ The Administrative Code took heed of this observation. Section 18 provides, “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.”

⁵ Available at <https://www.statista.com/statistics/748053/worldwide-top-countries-smartphone-users/>.

⁶ 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>.

⁷ *Id.*

⁸ *Id.*

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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 of] **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."

SEC. 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 **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:

"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."**

SEC. 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.

SEC. 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.

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,