

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

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **408**



INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

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 it is otherwise provided.”

Indeed, in its resolution of the motion for reconsideration in the landmark case of *Tañada v. Tuvera*,¹ the Supreme Court said that an 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 a 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 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 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.

According to reports, the Philippines is the second top Internet user in Southeast Asia, the 6th in Asia, and the 17th in the world.³ From 1.98% in 2000, Internet penetration in the country has

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

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.

³ Entrepreneur Philippines, Good to know: Philippine Web statistics (available at <http://www.entrepreneur.com.ph/franchising/good-to-know-philippine-web-statistics>)

increased to 36.24% in 2012.⁴ It has likewise been reported that as of January 2015, there are 44.2 million active Internet users in the Philippines.⁵ The statistics show that Internet access and usage in the country has grown rapidly and significantly in the past decade and this sharp rise is expected to continue in the coming years. In the last four years, Internet access in the country has grown by 500%, the fastest rate in Southeast Asia, with Filipinos spending an average of 6.3 hours a day online via laptop and 3.3 hours a day through their mobile devices.⁶

The Internet has obviously changed the way people communicate and interact. With the Internet, information and knowledge is easily accessible and may now be communicated, disseminated, and shared rapidly, widely, and inexpensively. With more and more Filipinos having access to and using and spending a lot of time on the Internet, it is submitted that it is now proper and apt for Congress to allow, as a prerequisite for their effectivity, the publication of laws over the Internet through the OG-Online.

This is a refiled bill from last Congress and I earnestly request for the support of the Members of Congress for the prompt passage of this measure.



XAVIER JESUS D. ROMUALDO

⁴ Jose Ramon G. Albert, Examining ICT Indices: How Do We Fare in ICT? (available at http://www.nscb.gov.ph/sexystats/2014/SS20140207_ict.asp#f1).

⁵ Jonha Revesencio, Philippines: A Digital Lifestyle Capital in the Making? (available at http://www.huffingtonpost.com/jonha-revesencio/philippines-a-digital-lif_1_b_7199924.html)

⁶ Id.

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AN ACT
AMENDING ARTICLE 2 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS THE
CIVIL CODE OF THE PHILIPPINES, BY PROVIDING FOR THE PUBLICATION OF
LAWS IN THE PRINT OR ONLINE VERSION OF THE OFFICIAL GAZETTE OR IN A
NEWSPAPER OF GENERAL CIRCULATION IN THE PHILIPPINES, AS A
REQUIREMENT FOR THEIR EFFECTIVITY

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 days ~~[following the completion of]~~
AFTER their publication IN FULL in the PRINT OR ONLINE VERSION OF THE
Official Gazette OR IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
PHILIPPINES, unless ~~[it]~~ A DIFFERENT PERIOD is otherwise ~~[provided.]~~
PRESCRIBED; PROVIDED THAT PUBLICATION IN THE ONLINE VERSION
OF THE OFFICIAL GAZETTE SHALL BE MADE WITH THE APPROPRIATE
TIMESTAMP ON THE LAW PUBLISHED. This Code shall take effect one year
after such publication.

FOR PURPOSES OF THIS ARTICLE, THE TERM “LAWS” SHALL REFER TO
(1) ALL STATUTES, INCLUDING JOINT RESOLUTIONS, ENACTED BY THE
CONGRESS OF THE PHILIPPINES, (2) ALL ORDERS, PROCLAMATIONS,

1 CIRCULARS, AND OTHER ISSUANCES PROMULGATED BY THE
2 PRESIDENT OF THE PHILIPPINES PURSUANT TO HIS OR HER
3 ORDINANCE POWER, AS PROVIDED FOR BY EXECUTIVE ORDER NO.
4 292, DATED JULY 25, 1987, OTHERWISE KNOWN AS THE
5 ADMINISTRATIVE CODE OF 1987, AND (3) ALL RULES AND
6 REGULATIONS PROMULGATED TO IMPLEMENT OR ENFORCE
7 STATUTES PURSUANT TO A VALID DELEGATION BY THE CONGRESS
8 OF THE PHILIPPINES.

9
10 SEC. 2. Executive Order No. 200, dated June 18, 1987, and Section 18 of Executive Order No.
11 292, dated July 25, 1987, otherwise known as the Administrative Code of 1987, are hereby
12 repealed. All laws, decrees, executive orders, proclamations, rules and regulations, and other
13 issuances or parts thereof, which are inconsistent with the provisions of this Act are hereby
14 repealed or modified accordingly.

15
16 SEC. 3. This Act shall take effect 15 days after its publication in two newspapers of general
17 circulation.

18
19 Approved,
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