

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



Senate  
Office of the Secretary

23 JAN -9 P4 :43

SENATE

S. No. 1645

RECEIVED BY:

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**Introduced by Senator Jinggoy Ejercito Estrada**

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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**

**EXPLANATORY NOTE**

Republic Act No. 386, otherwise known as the Civil Code of the Philippines was approved on June 18, 1949 and provides under Article 2 that, "Laws shall take effect after fifteen days following the completion of their publication either in the Official Gazette, unless it is otherwise provided."

The said law was amended in 1987 by Executive Order No. 200 to include newspapers of general circulation as a means to comply with the requirement for publication of laws. This is in recognition of the limited readership and erratic release of the Official Gazette. This concern was raised by the Supreme Court in *Tañada, et. al. vs. Tuvera, et. al.* (G.R. No. 6395, December 29, 1986).

In the same year, Executive Order No. 292, otherwise known as the Administrative Code of the Philippines was signed and it contained provisions consistent with Executive Order No. 200. Particularly, Chapter 5 (Operation and Effect of Laws) and Chapter 6 (Official Gazette) provides for other rules related to laws that govern the country.

With the advancements in information and communication technology, information dissemination through the internet has become very reliable in terms of speed and reach. Hence, online documents are more accessible to the public at the faster, more convenient, and more affordable manner.

In this light, this measure seeks to include the online version of publication of both the Official Gazette and the newspapers of general circulation as among the legal and recognized format and channel of publication of laws of the country.

This measure was approved on Third Reading by the House of Representatives in the 18<sup>th</sup> Congress.

In view of the foregoing, the immediate passage of this legislative proposal is highly recommended.



**JINGGOY EJERCITO ESTRADA**

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*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

1  
2 Section 1. Article 2 of Republic Act No. 386, otherwise known as the "Civil  
3 Code of the Philippines," is hereby amended to read as follows:

4 "Article 2. Laws shall take effect [after] fifteen **(15)** days  
5 [~~following the completion of~~] **AFTER** their publication [either] **IN FULL**,  
6 in the **PRINT OR ONLINE VERSION OF THE** *Official Gazette*, or in  
7 **THE PRINT OR ONLINE VERSION OF** a newspaper of general  
8 circulation in the Philippines, unless [it] **A DIFFERENT PERIOD** is  
9 otherwise [~~provided.~~] **PRESCRIBED TO RESPOND TO A NATIONAL**  
10 **EMERGENCY: PROVIDED, THAT PUBLICATION IN THE ONLINE**  
11 **VERSION OF THE OFFICIAL GAZETTE AND THE NEWSPAPER OF**  
12 **GENERAL CIRCULATION SHALL INDICATE THE OFFICIAL DATE**  
13 **OF THE PUBLICATION.**

14 "AS USED IN THIS ACT, THE TERM "LAWS" SHALL REFER  
15 TO:

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

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

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

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

12                 “Sec. 18. *When Laws Take Effect.* – Laws shall take effect after  
13                 fifteen (15) days following the completion of their publication in the  
14                 **PRINT OR ONLINE VERSION OF THE *Official Gazette* or IN THE**  
15                 **PRINT OR ONLINE VERSION OF [it] a newspaper of general**  
16                 circulation, unless [it] **A DIFFERENT PERIOD** is otherwise [~~provided.~~]  
17                 **PRESCRIBED TO RESPOND TO A NATIONAL EMERGENCY.”**

18          Sec. 3. Sections 24 and 25 of the same Executive Order are hereby amended  
19          to read as follows:

20                 “Sec. 24. *Contents.* – There shall be published in the *Official*  
21                 *Gazette*, **IN ITS PRINT AND ONLINE VERSION**, all legislative acts  
22                 and resolutions of a public nature; all executive and administrative  
23                 issuances of general application; decisions or abstracts of decisions of  
24                 the Supreme Court and the Court of Appeals, or other courts of similar  
25                 rank, as may be deemed by the said courts of sufficient importance to be  
26                 so published; such documents or classes of documents as may be  
27                 required so to be published by law; and such documents or classes of  
28                 documents as the President shall determine from time to time to have  
29                 general application or which he may **BE** authorized so to be published.

30                 “The publication of any law, resolution or other official documents  
31                 in the *Official Gazette* shall be *prima facie* evidence of its authority.

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

10           Sec. 4. *Separability Clause.* – If any provision or part hereof is held invalid or  
11 unconstitutional, the remainder of the law or the provision or part not otherwise  
12 affected shall remain valid and subsisting.

13           Sec. 5. *Repealing Clause.* – Article 2 of Republic Act No. 386, otherwise  
14 known as the Civil Code of the Philippines, is hereby amended. Executive Order No.  
15 200, dated June 18, 1987, is hereby repealed. Sections 18, 24 and 25 of Executive  
16 Order No. 292, otherwise known as the Administrative Code of 1987, are hereby  
17 amended. All other laws, acts, presidential decrees, executive orders, presidential  
18 proclamations, issuances, rules and regulations or parts thereof which are contrary  
19 to or inconsistent with any of the provisions of this Act are hereby repealed,  
20 amended or modified accordingly.

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

*Approved,*