Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila  
EIGHTEENTH CONGRESS  
First Regular Session  
House Bill No. 5708  

Introduced by OFW FAMILY PARTY LIST Representative Alberto D. Pacquiao  

EXPLANATORY NOTE  

On November 7, 2000, Republic Act No. 8972, otherwise known as the Solo Parents Welfare Act of 2000, was signed into law by then President Joseph E. Estrada. The law formally recognized the solo parent family as an integral part of Philippine society and outlines the rights and privileges accorded for them.  

This bill takes a closer scrutiny of the law and attempts to initiate meaningful amendments more than 18 years after the initial passage. By taking into account the current condition of solo parent families as well as the face-to-face experiences of our solo parent partner organization – the National Council for Solo Parents Inc., provisions for inclusion of OFWs in the classification, additional benefits, shortening of waiting period for availing benefits, raising the age of dependents, and discounts have been incorporated. Moreover, this bill provides for penalties against those that fail to enforce the provisions of this Act to ensure its effective implementation.  

The likes of solo parents in the mold of Mary Jane Veloso who opted to go abroad to seek employment is a mirror of the plight of millions of solo parents and one of the more compelling reasons for the inclusion of OFWs in the classification. More specifically from the perspective of the effect of absentee parents on the Filipino family today, it is high time that the classifications of solo parents are hereby amended in this Act.  

In a 2015 report of the National Statistical Coordination Board (NSCB), approximately three (3) million children are in solo parent homes in the Philippines. These are children of solo parents and migrants or overseas workers. In 2017 alone, 53.3% or 907,061 of the live births were to unwed mothers, which is but one of the many solo parent categories.  

In a progressive and responsive legislation, these evolving dynamics of the family must be addressed as part of responsible relationships with the protection of children in mind. As lawmakers, we must aim to address the complexities and growing needs of the Filipino family, which remains the basic unit of our society.  

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

ALBERTO D. PACQUIAO  
OFW Family Party List
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House Bill No. 5708

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AN ACT
AMENDING REPUBLIC ACT NO. 8972, OTHERWISE KNOWN AS THE SOLO PARENTS WELFARE ACT OF 2000, EXPANDING ITS COVERAGE, INCREASING THE BENEFITS OF SOLO PARENTS AND THEIR CHILDREN, REDEFINING SOLO PARENTS, PROVIDING PENAL PROVISIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Sections 1, 2, and 3 of Republic Act No. 8972 are hereby amended as follows:

SECTION 1. Title. - This Act shall be known as the "National Coverage for the Solo Parent Family Act of 2019, otherwise known as the NCSP Family Act of 2019 [Solo Parents Welfare Act of 2000]."

SECTION 2. Declaration of Policy. - This Section is hereby amended as follows:

It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development.

The home serves as the starting point in molding the character of one of the most important assets of the country – the child. In this aspect, each member of the family must consciously strive to ensure that the home is a place for harmonious and wholesome relationships that will positively influence the development of the child.

It is up to the government to uphold, aid, and support the natural rights and duties of parents in insuring that children are raised with civic efficiency and as positive contributors of Philippine society. The solo parent household should be no exception.

Furthermore, the 1987 constitution provides the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development; with families or family associations being granted the right to participate in the planning and implementation of policies and programs that affect them.

Towards this end, the following Departments are tasked to develop a comprehensive program of services for solo parents and their children; the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education (DepEd), the Department of the Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Department Of Trade And Industry (DTI), the Department Of Human Settlement And Urban Development (DHSUD), the Department of Labor and Employment (DOLE), the Public Attorney’s Office (PAO), including their respective attached agencies, and other related government and nongovernment agencies, to be implemented by all provinces, cities, municipalities, and barangay units in the Philippines under the administrative supervision of the National Commission for Solo Parent Affairs. Failure to do so shall be penalized based on Section 14 of this Act. [Towards this end, it shall develop a comprehensive program of services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education, Culture and Sports (DECS), the Department of the...
Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE) and other related government and nongovernment agencies.]

Section 3. Definition of Terms. – This Section is hereby amended as follows:

(a) "Solo parent" – any individual who falls under any of the following categories, regardless of age:

(1) A woman who gives birth as a result of rape and/or [and] crimes against chastity even without a final conviction of the offender: Provided, that the mother keeps and raises the child;

   X X X

(5) Parent left solo or alone with the responsibility of parenthood due to legal separation or de facto separation from spouse for at least six (6) months [one (1) year], as long as he/she is entrusted with the custody of the children;

   X X X

(7) Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least six (6) months [one (1) year];

   X X X

(8) Unmarried mother/father who has preferred to keep and rear his/her child/children instead of having others care for them or give them up to a welfare institution. Provided that the spouses have been separated at least six (6) months from the date of birth of the child of the applicant; [Unmarried mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution]

   X X X

(9) Any other person who solely provides parental care and support to a child or children provided he/she is duly licensed as a foster parent by the DSWD or duly appointed legal guardian by the court, regardless whether said person is a solo parent or not; [Any other person who solely provides parental care and support to a child or children]

   X X X

(10) Any family member, up to the 4th level of consanguinity or affinity, who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent, regardless whether said family member is solo parent or not. Provided, that such abandonment, disappearance, or absence lasts for at least six (6) months; [Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent]

   X X X

The following shall be added under this Section:

(11) Any spouse or child of an Overseas Filipino Worker (OFW) who assumes parental responsibility as head of family provided that said OFW has a valid contract and is deployed through legal channels. In the absence of a spouse or child of majority age, the OFW shall be declared as a solo parent with his child/children receiving full benefits based on the provisions of this act.

In cases of separation, only one (1) of the spouses can claim solo parenthood regardless if custody of the children are divided among them. The responsibility of identifying solo parenthood shall fall
under the purview of the social worker tasked to handle solo parent affairs in the city/municipality of jurisdiction.

A change in the status or circumstance of the person claiming benefits under this Act, such that he/she is no longer left alone with the responsibility of parenthood, shall terminate his/her eligibility for these benefits.

(b) "Minor children" [Children] – as defined in this Act shall refer to those dependent upon the solo parent for support who are unmarried, and not more than twenty one (21) years of age, or even over twenty one (21) years but are incapable of self-support.

(c) "Parental responsibility" – with respect to their minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines", without regard to the financial capability of the person claiming solo parenthood or whether the former spouse is giving financial support as provided for by law. [with respect to their minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines"

(d) "Parental leave" – shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required. This shall cover any and all activities of the child where the presence of the solo parent is a necessity. [shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required]

(e) "Flexible work schedule" – is the right granted to a solo parent employee to vary his/her arrival and departure time without affecting the core work hours and duties of the solo parent as defined by the employment contract or agreement with the employer. [is the right granted to a solo parent employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer]

The following shall be added under this Section:

(f) “Overseas Filipino Worker (OFW)” – as defined in RA 8042 and amended by RA 10022.

(g) “Change in status or circumstance” – refers to the act of, but not limited to, remarrying, cohabitation with another person regardless of gender, having sexual or romantic relations. It is not a requirement for the new partner to adopt, recognize, or exercise parental control and responsibility over the child or children of the solo parent. Furthermore, the existing relationship as mentioned in this Act does not refer to a solo parent who is in a relationship but not cohabiting in a common abode, he/she should be considered as solo parent;

(h) “Place of domicile” – refers to the locality where the solo parent has established legal residency for at least six (6) months prior to application of a Solo Parent ID. As used in this Act, it references the locality where the personal rights, duties, and obligations of the applicant are exercised.

(i) "Nongovernmental Organizations (NGOs) of regional and/or national scope" – refers to solo parent organizations duly registered with the Securities and Exchange Commission (SEC) with updated incorporation papers and has membership in at least a third of the regions as evidenced by the organizations' presentation of its roster of members with corresponding organization identification cards.

(j) “Administrative supervision” – as referred to in this Act shall be defined in accordance with Chapter 7, Section 38 of Administrative Relationships under Executive Order number 292.

SECTION 2. Sections 4 and 5 of the same Act are hereby amended as follows:

Section 4. Criteria for Support. – This Section shall be amended as follows:

Any solo parent defined in this Act shall enjoy the benefits and privileges defined herein provided that a proper assessment, with due diligence, has been carried out by the city/municipal social
welfare department personnel assigned for solo parent affairs. [Any solo parent whose income in
the place of domicile falls below the poverty threshold as set by the National Economic and
Development Authority (NEDA) and subject to the assessment of the DSWD worker in the area
shall be eligible for assistance]

The following shall be added under this Section:

The following documentary proof shall be presented upon application of a Solo Parent ID:

(1) Barangay Certification for Solo Parents duly signed by the Barangay Captain or
authorized representative from the place of domicile of the applicant;

(2) Birth Certificate of all minor children;

(3) Proof of Solo Parenthood like death certificate of spouse, annulment paper, court order,
valid OFW contract duly authenticated by the proper government agency, and other
similar documents. In the absence of government issued documentation like in the
case of abandoned or de facto separated solo parents for example, a notarized affidavit
stating the circumstances leading to solo parenthood should suffice;

(4) Proof of voter registration in the place of domicile; and

(5) Picture of the solo parent applicant taken within the past three (3) months.

The solo parent ID shall be valid for a period of one (1) year from the date of issuance and must be
renewed annually. OFW solo parents shall be allowed to renew their IDs at the nearest Philippine
embassy.

The solo parent ID shall be recognized, and benefits defined in this Act, must be available
nationwide regardless of the issuing LGU. However, as to specific LGU-based benefits, existing
local ordinances prioritizing solo parents and their children in their jurisdiction or expressing
exclusivity thereof shall be upheld.

Section 5. Comprehensive Package of Social Development and Welfare Services. – This Section
shall be amended as follows:

A comprehensive package of social development and welfare services for solo parents and their
families will be developed by the National Commission on Solo Parent Affairs (NCSPA) through
its board of commissioners. A valid solo parent ID must be presented to avail any and all benefits
defined in this Act. [A comprehensive package of social development and welfare services for solo
parents and their families will be developed by the DSWD, DOH, DECS, CHED, TESDA, DOLE, NHA
and DILG, in coordination with local government units and a nongovernmental organization with
proven track record in providing services for solo parents.]

The package will initially include, but not limited to:

(b) Regular free counseling for solo parents and their children from the local government unit they
reside in, the DSWD, the school, or any other place where professional service is available.
[Counseling services which include individual, peer group or family counseling. This will focus on
the resolution of personal relationship and role conflicts.]

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(e) Special projects for solo parents and their children [individuals] in need of protection which
include temporary shelter, self-concept or ego-building, crisis management and spiritual
enrichment among others.

The following shall be added under this Section:

(f) Establishment of barangay welfare desk for solo parents and an Office for the National Coverage
of the Solo Parent Family in every city and municipality. Provincial Social Welfare and
Development Offices will be responsible for collating all data of solo parents and their families within their jurisdictions, and annually report to the NCSPA on the same.

SECTION 3. Sections 6, 7, and 8 of the same Act are hereby amended as follows:

Section 6. Flexible Work Schedule. – The employer must [shall] provide for a flexible working schedule for solo parents: Providing, that the same shall not affect individual and company productivity: Provided, further, that any employer must [may] request exemption from the above requirements from the DOLE on certain meritorious grounds.

Section 7. Work Discrimination. – No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status. Discrimination from co-employees shall be covered by existing laws. [No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status]

Section 8. Parental Leave. – In addition to leave privileges under existing laws, paid parental leave of not more than ten (10) [seven (7)] working days every year shall be available to any solo parent employee immediately upon hiring, without regard to the employment status [shall be granted to any solo parent employee who has rendered service of at least one (1) year].

The following shall be added under this Section:

Provided that Parental Leave shall not exceed four (4) consecutive days at any given time.

Parental leave shall not be convertible to cash and in no case will any unused parental leaves be carried over to the following calendar year. Provided, further, that any employer must request exemption from the above requirements from the DOLE on certain meritorious grounds.

Work-related benefits shall apply to all solo parents with valid solo parent IDs regardless whether they are in the government or public sector.

SECTION 4. Sections 9, 10, and 11 of the same Act are hereby amended as follows:

Section 9. Educational Benefits. – The DepEd, CHED and the DTI through the TESDA [DECS, CHED and TESDA] shall provide the following benefits and privileges:

(1) At least 10% of all scholarship program slots from the national and local government units shall be allocated for solo parents and their children in institutions of basic, tertiary, and technical/skills education, without regard to the scholastic performance, provided that 95% attendance is maintained to retain scholar status. These scholarship grants shall cover tuition fees and miscellaneous fees, if any, including books, school supplies, and other incidental materials necessary to complete a free quality education, [Scholarship programs for qualified solo parents and their children in institutions of basic, tertiary and technical/skills education]

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The following shall be added under this Section:

(3) Financial literacy and entrepreneurial education programs for solo parents and their children.

The DepEd, CHED and DTI [DECS, CHED and TESDA] shall promulgate rules and regulations for the proper implementation of this program.

Section 10. Housing Benefits. – Solo parents shall be given at least 10% allocation in all housing projects from the national and local government units and shall be provided with liberal terms of payment on said government low-cost housing projects in accordance with housing law provisions prioritizing applicants below the poverty line as declared by the NEDA. [Solo parents shall be given allocation in housing projects and shall be provided with liberal terms of payment on said
government low-cost housing projects in accordance with housing law provisions prioritizing applicants below the poverty line as declared by the NEDA]

Section 11. Medical Assistance. – aside from the coverage of the Universal Health Care Act, the DOH shall develop a comprehensive health care program for solo parents and their children. The program shall be implemented by the DOH through their retained hospitals and medical centers and the local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units (RHUs). Solo parents and their children shall be given at least 10% discount on all medical services including dental, diagnostic, and other medical examinations. [The DOH shall develop a comprehensive health care program for solo parents and their children. The program shall be implemented by the DOH through their retained hospitals and medical centers and the local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units (RHUs)]

SECTION 5. New sections to be denominated as Section 12, 13, 14, and 15 are hereby added to read as follows:

Section 12. The National Commission on Solo Parent Affairs (NCSPA) – under this Act is hereby created the National Commission on Solo Parent Affairs, which shall be tasked to oversee the effective, efficient, and responsive implementation of the provisions of this Act by the respective LGUs.

The NCSPA shall be an attached agency of the DILG with a Board of Commissioners composed of a representative from the DSWD, DOH, DEPED, CHED, DTI, DOLE, DHSUD, DILG, the League Of Governors of the Philippines, League of Cities of the Philippines, League of Municipalities of the Philippines, Philippine Councilors’ League, and from two (2) Non-governmental Organizations (NGOs) of regional and/or national scope, with proven track record in providing services for solo parents, as certified by the appropriate government agency.

The NCSPA shall be chaired by the DILG Secretary and co-chaired by the DSWD Secretary or their duly appointed representatives with all others being members with equal voting rights on issues presented before it. The NGO members must seek accreditation from the NCSPA prior to being included into the Commission based on the definition under Section 3, item (i).

The NCSPA shall oversee the implementation of the comprehensive package of social development and welfare services for solo parents and their families. The NCSPA, through the Board of Commissioners, shall maintain a secretariat to report on the implementation which shall be forwarded to the Office of the President, the House of Representatives, and the Senate of the Philippines annually. It shall accept reports as well as document violations of this Act so that proper action can be taken, aside from aiding future legislation.

The Board of Commissioners shall determine the staffing requirements of the Commission, which may also be sourced from existing personnel of the involved departments and agencies.

Section 13. Legal Assistance. – the PAO shall develop a comprehensive program for free legal assistance and representation for solo parents and their children in any and all matters requiring the presence of a lawyer.

Section 14. Additional Benefits. – Aside from the aforementioned, additional benefits for legitimate solo parents and their children shall be as follows:

(a) Discounts – solo parents shall be given a discount not lower than 10% on the total amount of any and all transactions/purchases they make, including but not limited to utility bills, transportation and related costs, tuition fees, and others, upon the presentation of a valid solo parent ID. The discount shall apply regardless if the reflected amount is the regular price or not.

Businesses, corporations, and other entities providing such discounts in accordance with this section shall be allowed to claim discounts given as business expense subject to proper recording and documentation. In instances where establishments provide a higher discount, the higher discount shall prevail;
(b) Legalizing of Status – in order to legally recognize the status of solo parents, the following provisions shall be enforced:

i. Solo parents defined under Section 3, Article (a), Items 5 and 7 of this Act shall be allowed to file for a nullity of marriage with the proper courts or government bodies free of charge, not for the purpose of approval, but rather to legalise the separation and properly divide any properties, if any, including defining the extent of financial support to be extended to all children. Women covered by this provision shall be allowed to immediately use their maiden surname in any and all undertakings.

Such order from the court or government body declaring the marriage null and void must be released within a period of three (3) months from the date of filing and shall be final and executory.

ii. Solo parent shall be considered a legal civil status such that any and all forms, public or private, requiring the civil status of an individual shall include “Solo Parent” as one of the options in the said form.

(c) Protection of Children – any and all derogatory acts towards children of solo parents either directly or indirectly shall be covered by the provisions of RA 7610 and other pertinent laws intended for the protection of children.

When the offender is a minor, he/she shall be remanded to the custody of the DSWD to undergo counseling and psychological evaluation for a period of not less than thirty (30) days.

When the offender is the parent and/or relative or any other adult, the penalty shall be one (1) degree higher than what is prescribed in the appropriate law.

(d) Children With Special Needs – children of solo parents with special needs shall be given priority attention in all government-run hospitals or centers free of charge. In instances wherein specialized treatment from the government is not available, private service providers shall give at least a fifty percent (50%) discount on the total bill including professional fees, if any;

(e) Recognition – the 7th of November of each year shall be observed as “Welfare Day for Solo Parents and their Children”, wherein the national and local government units shall conduct programs and activities to benefit and recognize solo parents and their children;

(f) Social Protection – upon recommendation of the local Social Welfare Development Office of the city/municipality where domicile has been established, a solo parent may be considered as an indigent member of the Social Security System (SSS), Philippine Health Insurance Corporation (Philhealth), and the Home Development Mutual Fund (Pag-IBIG) whenever applicable. Priority shall also be given to solo parents in government programs where they qualify; and

(g) Solo Parent Lane – priority lanes for senior citizens, PWD, and pregnant women in all private and government offices or establishments must also include solo parents.

Section 15. Penalties. – Any person, corporation, entity or agency who violates the provisions of this act shall suffer the following penalties:

(a) First Violation – fine of not less than fifty thousand pesos (₱50,000.00) but not more than one hundred thousand pesos (₱100,000.00) with community service of 90 days.

(b) Subsequent Violations – fine of not less than one hundred fifty thousand pesos (₱150,000.00) but not more than three hundred thousand pesos (₱300,000.00) or imprisonment of not less than one (1) year but not more than (2) years, or both at the discretion of the court.

If the offender is a corporation, partnership, or organization, or similar entity, the employees and officials thereof directly involved shall be individually liable therefore.

If the violator is an alien or a foreigner, he/she shall be deported immediately after service of sentence without further deportation proceedings.
Upon filing of an appropriate complaint with the NCSPA Secretariat and due notice and hearing, the proper authorities may also recommend the cancellation or revocation of the business permit, permit to operate, franchise, and other similar privileges granted to any business that fails to abide by the provisions of this act.

Any person who misrepresents status or falsifies any document to avail of the benefits provided under this act or any person who abuses the privileges granted herein shall be punished in accordance with the provisions of RA 10951, where falsification carries a fine of not more than one million pesos (₱1,000,000.00) with prison correctional in its medium and maximum periods.

Upon finding by the NCSPA that a department agency, or instrumentality of the government, a Government-Owned Or Controlled Corporation (GOCC), or a local government unit, had violated any provisions of this act, sanctions under the administrative law, civil service, or other laws may be recommended to the Civil Service Commission (CSC) or the DILG against the head of the agency or the local chief executive and the person directly in charge or responsible for the violation.

SECTION 6. Sections 12, 13, and 14 are hereby renumbered as Section 16, 17 and 18 respectively and amended hereby as follows:

Section [12] 16. Additional Powers and Functions of the NCSPA. — The NCSPA [Additional Powers and Functions of the DSWD. — The DSWD] shall perform the following additional powers and functions relative to the welfare of solo parents and their families:

(a) Conduct research necessary to:

(1) Develop a new body of knowledge on solo parents;
(2) Define executive and legislative measures needed to promote and protect the interests of solo parents and their children;
(3) Assess the effectiveness of programs designed for disadvantaged solo parents and their children;

The following shall be added under this Section:

(4) Maintain and update a national database of solo parents and their children as collated from the records of provincial and local government units.

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(d) Accredite solo parent organizations for the purpose of protecting solo parents and their children from manipulation and other forms of abuse.

(e) Assist provinces, cities and municipalities, including barangay units, in establishing the Office for the National Coverage of the Solo Parent Family in their respective localities and the Solo Parents' welfare desk in every barangay.

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Section [13] 17. Implementing Rules and Regulations. — The NCSPA together with representatives from the oversight committees of Congress and the Senate shall update, within ninety (90) days upon the passage of this Act, the Implementing Rules and Regulations (IRR). The absence of an IRR however shall not be a hindrance in the full implementation of this act. [An interagency committee headed by the DSWD, in coordination with the DOH, DECS, CHED, TESDA, DOLE, NHA, and DILG is hereby established which shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations in consultation with the local government units, nongovernment organizations and people's organizations]

Section [14] 18. Appropriations. — The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act (GAA) of the year following its enactment into law and thereafter.

The following shall be added under this Section:
Provincial, city, and municipal government units should allocate at least five percent (5%) of its annual Internal Revenue Allotment (IRA) to support solo parent programs in their respective localities.

Barangay units should allocate at least one percent (1%) of its budget for Gender and Development (GAD) programs and activities for the implementation of this act.

SECTION 7. Sections 15, 16, and 17 are hereby renumbered as Section 19, 20 and 21 respectively

Section [15] 19. Repealing Clause. – All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section [16] 20. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

Section [17] 21. Effectivity Clause. – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved.