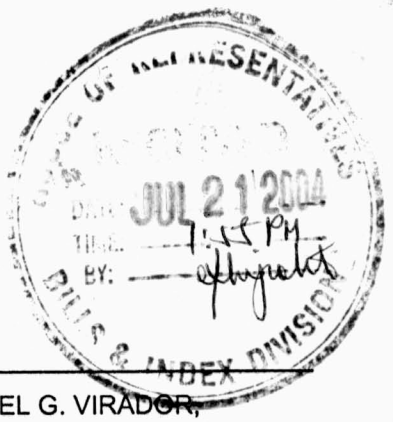
Republic of the Philippines
HOUSE OF REPRESENTATIVES
THIRTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 1555

Introduced by Reps. SATUR C. OCAMPO, TEODORO A. CASIÑO, JOEL G. VIRADOR, CRISPIN B. BELTRAN, RAFAEL V. MARIANO and LIZA L. MAZA

Explanatory Note

Many protest rallies would have been otherwise peaceful were it not for their violent dispersal by police forces. Every year, the persisting trend has been the police disruption of rallies that should have radically ebbed following the ouster of the Marcos dictatorship.

Why the very act of persons bearing placards, flags and streamers assembling in one place should elicit police reprisal is an issue that should be addressed. The presence of the religious sector in rallies has been no guarantee for the peaceful practice of the freedom of expression.

More often than not, authorities invoke the "No Permit, No Rally" rule to justify the dispersal of rallies. The Marcos-period Batasang Pambansa Bilang 880 has been the convenient excuse for state forces to suppress otherwise peaceful demonstrations, effectively curtailing the basic constitutional rights to assembly, free speech and petition of government for redress of grievances.

This bill repeals the Marcosian relic Batasang Pambansa 880. It seeks to ensure the untrammeled exercise of civil rights without unnecessary and unreasonable impediments. Its underlying premise is basic: the constitutional rights of the people peaceably to assemble and petition the government for redress of grievances are essential and vital to the individual and the collective strength and stability of the nation.

Immediate approval of this measure is earnestly sought.

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AN ACT STRENGTHENING THE RIGHT OF THE PEOPLE TO FREE EXPRESSION, PEACEABLY ASSEMBLE AND PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES, REPEALING BATAS PAMBANSA BILANG 880 AND FOR OTHER PURPOSES

SECTION 1. Title. – This law shall be known as "The Freedom of Expression Act of 2004."

SECTION 2. Declaration of policy. – The constitutional rights of the people peaceably to assemble and petition the government for redress of grievances through all medium and means of expression are essential and vital to the individual and the collective strength and stability of the nation. Towards this end, the State shall ensure the free exercise of such rights without unnecessary and unreasonable impediments whatsoever.

SECTION 3. Definition of terms. – For purposes of this Act:

1. "Expression" refers to any statement of opinion for the purpose of presenting any cause, articulation of political, economic or social advocacies, or manifestation of support in any partisan political activity through the use of any means or media.

2. "Public assembly" means any rally, demonstration, march, parade, procession or any other form of mass or concerted action held in a public place for the purpose of presenting any cause; or expressing an opinion to the general public on any particular issue; or protesting or influencing any state of affairs whether political, economic or social, including picketing and other concerted action in strike areas by workers and employees resulting from a labor dispute as defined by the Labor Code, its implementing rules and regulations; or petitioning the government for redress of grievances.

   The processions, rallies, parades, demonstrations, public meetings and assemblages for religious purposes shall be governed by local ordinances: PROVIDED, however, That the declaration of policy as provided in Section 2 of this Act shall be faithfully observed.

3. "Public place" shall include any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park, plaza, square, and/or any open space of public ownership where the people are allowed access.

4. "Maximum tolerance" means the highest degree of restraint that the military, police and other peace-keeping authorities shall observe during a public assembly or in the dispersal of the same.

SECTION 4. No permit required. – No permit shall be required for any person or persons to organize and hold a public assembly in a public place. The organizers and leaders of the public assembly shall however be responsible for the orderly and peaceful conduct of the same so as to produce the least inconvenience to the community without injuring or endangering the health or safety of others, or totally obstructing or

interfering with the free passage of any public highway or street or any body of water. PROVIDED, the leaders and organizers of a public assembly shall police the ranks of the demonstrators in order to prevent non-demonstrators from disrupting the lawful activities of the public assembly, and to take positive steps that demonstrators do not molest any person or do any act unduly interfering with the rights of other persons not participating in the public assembly. PROVIDED FURTHER, should the public assembly involve the use, for an appreciable length of time, of any public highway, boulevard, avenue, road or street, the mayor or any official acting on his behalf may, to prevent grave public inconvenience, reroute the vehicular traffic to another direction so that there will be no serious or undue interference with the free flow of commerce and trade.

SECTION 5. Non-interference by law enforcement authorities. – Law enforcement agencies shall not interfere with the holding of a public assembly. However, to adequately ensure public safety, a law enforcement contingent under the command of a responsible police officer may be detailed and stationed in a place at least two hundred (200) meters away from the area of activity to readily maintain peace and order at all times.

SECTION 6. Police assistance when requested. – It shall be imperative for law enforcement agencies, when their assistance is requested by the leaders or organizers, to perform their duties, always mindful that their responsibility to provide proper protection to those exercising their rights peaceably to assemble and to freedom of expression is primordial. Towards this end, law enforcement agencies shall observe the following guidelines:

1. Members of the law enforcement contingent who deal with the demonstrators shall be in complete uniform, with their nameplates and units to which they belong displayed prominently on the front and dorsal parts of their uniform and must observe the policy of "maximum tolerance" as herein defined;

2. The members of the law enforcement contingent shall not carry any kind of firearms but may be equipped with baton or riot sticks, shields, crash helmets with visor, gas masks, boots or ankle high shoes with shin guards; and

3. Tear gas, smoke grenades, water cannons, or any similar anti-riot device shall not be used unless the public assembly is attended by actual violence or deliberate destruction of property.

SECTION 7. No dispersal of public assembly. – No public assembly shall be dispersed unless a public assembly has become actually violent and only under the following considerations:

1. At the first sign of impending violence, the ranking officer of the law enforcement contingent shall call the attention of the leaders of the public assembly and ask the latter to prevent any possible disturbance;

2. If actual violence starts to a point where rocks or other harmful objects from the participants are thrown at the non-participants or at any property causing damage to such property, the ranking officer of the law enforcement contingent shall audibly warn the participants that if the disturbance persists, the public assembly will be dispersed;

3. If the violence or disturbances prevailing as stated in the preceding subparagraph should not stop or abate, the ranking officer of the law enforcement contingent shall audibly issue another warning to the participants of the public assembly;

4. Isolated acts or incidents of disorder or breach of the peace during the public assembly shall not constitute a ground for dispersal; and

5. No public assembly shall be dispersed without the consent of the leaders or organizers thereof unless there is clear and convincing evidence of grave public inconvenience or serious or undue interference with the free flow of commerce and trade. In any event, no member of any

law enforcement agency or any person shall fire his or her firearms in the dispersal of a public assembly.

SECTION 8. Immunity from arrest and taxation. – In order to give fullest protection to the right of the people to expression, peaceably assemble and petition the government for redress of grievances:

1. No person can be punished or held criminally liable for participating in or attending a public assembly;

2. No leader, organizer or participant shall be arrested during the public assembly; and

3. No tax shall be imposed upon any means or media used and owned by private individuals for expression as defined herein.

SECTION 9. Penalties. – Any person found guilty of violating any provision of this Act shall suffer imprisonment of seven (7) years and perpetual disqualification from public office.

SECTION 10. Freedom days. – Every city and municipality in the country shall endeavor to coordinate with people's organizations and cause-oriented groups before the dates fixed for commemorating historic or socially relevant events so that traffic re-routing plans are laid down and publicized for the information of the public.

SECTION 11. Constitutionality. – Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SECTION 12. Repealing clause. – All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, particularly Batas Pambansa Bilang 880, are hereby repealed, amended, or modified accordingly.

SECTION 13. Effectivity. – This Act shall take effect twenty (20) days after its publication in a newspaper of general circulation.

Approved,