

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session

House Bill No. 4837



**Introduced by Partido ng Manggagawa
Representative Renato "Ka Rene" B. Magtubo**

**An Act
Repealing Batas Pambansa Blg. 880**

EXPLANATORY NOTE

The Constitution's Bill of Rights, specifically Article III Section 4, states that "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."

Batas Pambansa Blg. 880 (BP 880), otherwise known as "The Public Assembly Act of 1985", has remained as a vestige of a authoritarian rule, which was overthrown by the people's sovereign right and will exercised in 1986 EDSA. Since then, BP 880 has been disregarded, both by government and people's assemblies.

BP 880 has of late been resurrected by the present administration, which has generated a lot of partisanship in its handling of rallies. Partisanship has often intertwined with the granting of permits to rallies, not to mention the runaround given to groups who do not share the political bias of the city mayors, who have been granted almost absolute discretion in granting (or denying) permits. Probable traffic has often been used as reason to deny permit from prospective rallyists.

In a case of ***Reyes vs. Bagatsing***, the honorable Supreme Court, however ruled that "freedom of speech cannot be suppressed, but if ever the streets are to be used for the exercise of this right, the State can only regulate as to time and place". Circumvention of said ruling, nonetheless, is so easy in a law which grants almost absolute judicial discretion to implementors/administrators, as practice and experience have shown.

Pro-administration rallies without permits, even in areas not designated as freedom parks, do not get dispersed. Pro-administration rallies, for example, stood all day before the entrance of Congress not even to advocate their views, but only to hold off anti-administration rallyists.

On the other hand, anti-administration rallies, even when they are peaceful, get dispersed, mostly even violently causing undue and unnecessary damages and injuries, and often serious even, to the rallyists.

In effect, BP880 curtails the constitutionally-enshrined freedoms of speech, of expression, or the press and the right to peaceably assemble and petition for redress of grievances. Any regulation, even just a minor modification of the rallyists intention, can be construed as tantamount to the curtailment of such freedoms. Moreso if force is used upon the citizens to disperse an otherwise peaceful assembly.

And worse if such law is appropriated by authorities to impose policies, such as the so-called Calibrated Preemptive Response (CPR) policy, which, in so far as our comparative experience is concerned, is even worse than Marcos Martial Rule's handling of rallies.

Repeal of such law is the only logical ethical remedy. The proposed bill, **"An Act Repealing Batas Pambansa Blg. 880"** aims to remove the antiquated impediment such as this law which curtails the aforementioned cardinal freedoms and rights enshrined in our Constitution.

With the conviction that the members of this august body hold dear such freedoms and rights, the immediate passage of this bill is fervently desired.



RENATO "Ka Rene" B. MAGTUBO

Party list Representative, Partido ng Manggagawa

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

SECTION 1. Batas Pambansa Blg. 880 dated October 22, 1985 is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved,