

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1380



Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
AMENDING ARTICLE 131 OF ACT NO. 3815, OTHERWISE KNOWN AS THE
REVISED PENAL CODE, AS AMENDED, TO UPHOLD THE RIGHT OF
RESIDENTS TO PRIVACY FROM MASS OR CONCERTED ACTIONS NOT
DIRECTED TO THE PUBLIC

EXPLANATORY NOTE

Article III, Section 4, of the Constitution provides 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."

In line with this declaration, the Penal Code, Article 131, paragraph 3, penalizes a public officer or employee who shall prohibit or hinder any person from addressing, either alone or together with others, any petition to the authorities for the correction of abuses or redress of grievances.

But this right of the people is not absolute, though it is fundamentally and protected by the Supreme law of the land. If within reasonable bounds in terms of time, place and manner, and if necessary to further significant governmental interests, the right of the people to peaceably assemble for redress of their grievances can be prohibited if it infringes on the greater public good. For instance, making a speech in a library would certainly infringe upon the convenience and welfare of others, but that same speech should be perfectly appropriate in a park.

The proposed bill focuses on one area that may certainly be considered as deserving of governmental interest, that is, the protection of residential privacy since the Penal Code failed to specify certain exceptions to the rule.

The US Supreme Court, whose decisions have certainly influenced our own interpretation of constitutional issues, has had the opportunity to address cases where the right to peaceably assemble was weighed against residential privacy. Citing the case of *Carey v. Brown* 447 US 455, the Court held that:

"The State's interest in protecting the well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society." Our prior decisions have often remarked on the unique nature of the home, "the last citadel of the tired, the weary, and the sick," *Gregory v. Chicago*, 394 US. 111, 125 (1969) (Black, J., concurring), and have recognized that "preserving the sanctity of the home, the one retreat to which men and women can repair to escape from the tribulations of their daily pursuits, is surely an important value."

This bill contemplates the mass or concerted action that is narrowly directed at the household, not the public. The type of picketers or rallyists banned by the new section are those who do not seek to disseminate a message to the general public, but simply aims to intrude upon the targeted resident, and to do so in an especially offensive way.

The protection of the unwilling listener is an important aspect of residential privacy. The home should offer security from those who seek to enforce their opinions and conduct upon other persons. "That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech . . . does not mean we must be captives everywhere." *Rowan v. Post Office Dept.*, 397 U.S. 728, 738 (1970). Instead, a special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions.

It is for these reasons that expeditious passage of this measure is earnestly requested.



DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur



GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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

SECTION 1. Article 131 of Act No. 3815, also known as The Revised Penal Code, as amended, is hereby further amended to read as follows:

Article 131. *Prohibition, interruption and dissolution of peaceful meetings.*
– The penalty of *prision correccional* in its minimum period shall be imposed upon any public officer or employee who, without legal ground, shall prohibit or interrupt the holding of a peaceful meeting, or shall dissolve the same.

The same penalty shall be imposed upon a public officer or employee who shall hinder any person from joining any lawful association or from attending any of its meetings.

The same penalty shall be imposed upon any public officer or employee who shall prohibit or hinder any person from addressing, either alone or together with others, any petition to the authorities for the correction of abuses or redress of grievances. PUBLIC OFFICERS OR EMPLOYEES MAY, HOWEVER, PROHIBIT OR HINDER ANY PERSON FROM ADDRESSING, EITHER ALONE

OR TOGETHER WITH OTHERS, ANY PETITION TO THE AUTHORITIES FOR THE CORRECTION OF ABUSES OR REDRESS OF GRIEVANCES WHICH SHALL BE HELD BEFORE OR ABOUT THE RESIDENCE OR DWELLING OF A PARTICULAR INDIVIDUAL OR IN VIOLATION OF EXISTING LAWS.

SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, 'administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,