

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



House Bill No. **4574**

Introduced by
KABATAAN Party-list Rep. RENEE LOUISE M. CO
and **ACT Teachers Party-list Rep. ANTONIO L. TINIO**

AN ACT
STRENGTHENING THE RIGHT OF THE PEOPLE TO FREE EXPRESSION,
TO PEACEABLY ASSEMBLE AND TO PETITION THE GOVERNMENT
FOR REDRESS OF GRIEVANCES, REPEALING FOR THE PURPOSE
BATAS PAMBANSA BLG. 880 OR THE "PUBLIC ASSEMBLY ACT OF 1985"

EXPLANATORY NOTE

The 1987 Philippine Constitution not only guarantees the right of the people to peaceably assemble and to call on the government to redress grievances, but also states that no law shall be passed to abridge it.¹ This bill seeks to overturn many of the aspects of the Marcosian, dictatorial, and tyrannical Public Assembly Act or Batas Pambansa (B.P.) Blg. 880, enacted in 1985.

The said law, as well as its implementation, has been castigated many times over not only by Philippine human rights defenders but also by international rights monitors. As noted by Freedom World in 2021, "Citizen activism and public discussion [in the Philippines] are robust, and demonstrations are common. However, permits are required for rallies, and police sometimes use violence to disperse anti-government protests."

While mass actions and their collective voices are often the only "weapons" that the people have to express their protests, authorities in the years of B.P. Blg. 880 allergic to the dissent being aired during protests have thrown much more insidious weapons against the people. Implementing a "no rally, no permit" policy, so-called law enforcement agents usually resort to violent and brutal dispersals using water

¹ Section 4, Article III of the 1987 Philippine Constitution.

cannons, tear gas, even a police van which an officer apparently drugged on power used to repeatedly ram over protesters. Police and military agents hover around, sometimes even in the middle of protest sites, in full-battle gear complete with long firearms, as if placards and words can spill their blood. Protesters, regardless of the existence of or necessity for a permit, are slandered as “destabilizers” and “rebels”.

All these to prevent the staging of rallies and mass actions and to drown legitimate grievances with the noise of accusation and scare tactics. All these, despite decades after a long-time and blooded dictator was ousted by one of the largest public assemblies then known to the world demonstrated the power of free expression, collective dissent, and a people united.

Pursuant to international rights instruments, liberty of assembly should generally not require prior permission. This bill therefore replaces the permit requirement with a “notice regime,” complemented by a positive presumption in favor of peaceful assembly. According to the Commission on Human Rights in its position paper for the 18th Congress version of this bill:

[T]he proposed regime creates a legal environment that facilitates the free exercise of the right to peaceful assembly and petition the government for redress of grievances. Also, in providing that the “notice” can be challenged by the City or Municipal Mayor in the Courts, the Bill transfers the power to determine whether to enjoin the conduct of a public assembly from the local chief executives to the judiciary which ensures stronger protection against arbitrary restrictions to exercise the right. The burden to prove that there is clear and present danger of a substantive evil will be placed upon the local authorities.

Another salient improvement sought by this bill is the automatic designation or establishment of all public parks, halls, and plazas within the said city or municipality as Freedom Parks should the city or municipality fail or refuse to designate or establish one within the required period. This adopts the Supreme Court’s observation² as regards the “pathetic and regrettable” degree of observance of the State, and observation that pushed the Court to give a thirty-day deadline, failing in which, “no prior permit may be required for the exercise of such right in any public park or plaza of a city or municipality until that city or municipality shall have complied with Section 15 of the law. For without such alternative forum, to deny the permit would in effect be to deny the right.”

An enhanced version of *New Public Assembly Act* bills filed by Bayan Muna in previous Congresses (including House Bill No. 7935 which was approved by the Committee on People’s Participation in the 18th Congress), this bill seeks to ensure the free exercise of civil and political rights without unnecessary and unreasonable impediments. Its underlying premise is basic: the constitutional rights of the people

² BAYAN, *et al. vs. Eduardo Ermita, et al.*, G.R. No. 169838, 25 April 2006 (constitutionality of the Calibrated Preemptive Response).

peaceably to assemble and petition the government for redress of grievances are vital and indispensable to the individual and the collective strength and stability of the nation.

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



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SECTION 1. *Short Title.* — This Act shall be known as "The New Public Assembly Act."

SEC. 2. *Declaration of Policy.* — It is the policy of the State to ensure that the people can freely exercise their rights to free speech, of expression, to peaceably assemble, to petition the Government for redress of grievances, and to take part in the conduct of public affairs without prejudice to the rights of others to life, liberty, property, and to equal protection of laws.

These fundamental rights of the people are essential and vital to 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.

SEC. 3. *Definition of Terms.* — As used in this Act:

- 1) *Clear and present danger* refers to danger characterized by both grave and imminent, and of a serious evil to public safety, public morals, public health, or any other legitimate public interest that it can justify the limitation on the exercise of the right so fundamental to the maintenance of democratic institutions.

- 2) *Expression* refers to any statement of opinion, including the means of dissemination, 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;
- 3) *Freedom Park* refers to any place or location such parks, roads, public buildings and premises where public assemblies are usually held in which no notice shall be required for the holding of the same;
- 4) *Maximum Protection and Tolerance* refers to the highest degree of protection and restraint that the military, police, peacekeeping and law enforcement authorities are required to observe and guarantee maximum respect for the exercise of the right to express and peaceably assemble during a public assembly including the dispersal of the same;
- 5) *Public Assembly* refers to any rally, demonstration, march, parade, procession or any other form of mass or concerted action held in any place for the purpose of: (1) presenting a lawful cause, (2) expressing an opinion to the general public on any issue, (3) protesting against or influencing any issue or program of the government whether political, economic, or social, or (4) petitioning the government for redress of grievances; and
- 6) *Public Place* refers to any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park plaza, square, or any open space of public ownership where the people are allowed access.

SEC. 4. *Assemblies not Included in the Coverage.* — Public Assembly covered by this Act excludes political meetings or rallies allowed and held during election campaigns periods, as provided for by law, and picketing and other concerted action in strike areas by workers and employees resulting from a labor dispute as defined by Presidential Decree No. 442, otherwise known as "Labor Code of the Philippines," as amended by Batas Pambansa Blg. 227, and its implementing rules and regulations.

The processions, rallies, parades, demonstrations, public meetings, and assemblages for religious purposes are governed by local ordinances.

SEC. 5. *Notice of Public Assembly.* — Any person or group who intends to organize and hold a public assembly in a public place shall serve a notice to the city or municipal mayor who has jurisdiction over the place where the assembly is to be held.

However, no such notice shall be required if the public assembly is to be held in any of the following places:

- (a) A freedom park duly established by law or ordinance,

- (b) A private property with the consent of the owner or the person entitled to its legal possession, or
- (c) In the campus of a government-owned and operated educational institution, subject to its rules and regulations.

In no case shall the implementation of the notice condition amount to or interpreted as a permit or approval requirement from the mayor or any other public authority.

SEC. 6. Notice Requirements. — Notice shall be given in accordance with the following guidelines:

- (a) The notice must be in writing with the following information:
 - (1) Name of leader or organizer and contact number;
 - (2) Purpose of the public assembly;
 - (3) Date, time and duration of the public assembly;
 - (4) Place or street to be used for the public assembly;
 - (5) Estimated number of participants; and
 - (6) Transport and public address system to be used during the public assembly;

Provided, That electronic filing of notices pursuant to applicable, existing laws shall be allowed.

- (b) The notice must include an undertaking by the leaders or organizers of the public assembly of their duties and responsibilities in accordance with Section 9 of this Act;
- (c) The notice shall be given at least three (3) working days before the scheduled public assembly to the city or municipal mayor who has jurisdiction of the place;
- (d) Upon receipt of the notice, duly acknowledged or received in writing, the city or municipal mayor shall immediately post the notice at several conspicuous places in the city or municipal building; and
- (e) In case the city or municipal mayor, or the representative of the city or municipal mayor, refuses to accept the notice, the leader or organizer of the public assembly shall post the notice in the office of the city or municipal mayor, in which case, the city or municipal mayor is deemed duly served.

SEC. 7. *Action to Enjoin the Public Assembly.* — If there is a clear and convincing evidence based on his or her personal knowledge or that of any law enforcement officer that the public assembly will create a clear and present danger to public order, public safety, public morals or public health, the city or municipal mayor shall initiate negotiations with the leaders and organizers of public assembly in question, in order to agree on courses of action to address any issue relative to the conduct of the public assembly.

The negotiation between the city or municipal mayor and the leaders or organizers of the public assembly is limited within the three (3)-day period from filing of notice, otherwise the public assembly should proceed as indicated in the notice.

If there was negotiation conducted and no agreement was reached, or if the negotiation did not push through within three (3)-day period by action or inaction of any of the parties, the one who is aggrieved on any matter concerning the conduct of the public assembly has a cause of action and shall not be barred from filing an action in court.

The Regional Trial Court is duty-bound to decide on the action within 24 hours from the date of filing. The failure of the Regional Trial Court to render a decision within the prescribed period shall not be a basis against the holding of such assembly.

A decision denying the prayer to enjoin the public assembly shall be immediately executory.

The decision of the Regional Trial Court is appealable within 48 hours upon receipt of decision. No appeal bond or record on appeal shall be required.

In all cases, the decision may be appealed to the Regional Trial Court.

Electronic filing of appeals shall be allowed.

SEC. 8. *Use of Public Thoroughfare.* — If the proposed public assembly involves the use of any public highway, boulevard, avenue, road or street, the city or municipal mayor or any official acting on behalf of the mayor, may reroute vehicular traffic to prevent serious or undue interference with the flow of traffic, commerce and trade, or designate a route for the conduct of the public assembly to prevent grave public inconvenience upon prior coordination with the leaders and organizers.

The notice of the rerouting shall also be posted in the thoroughfare and conspicuous places in the city or municipality.

SEC. 9. *Responsibility of Leaders and Organizers.* — The leaders and organizers shall take all reasonable measures to conduct a peaceful public assembly. The undertaking included in the notice required under Sections 5 and 6 of this Act shall state the following:

- (a) To inform the participants of their responsibility under applicable laws and ordinances;
- (b) To police the ranks of the participants in order to prevent non-participants from disrupting the lawful activities of the public assembly;
- (c) To confer with local officials and law enforcers for the conduct of the public assembly;
- (d) To ensure that the public assembly does not go beyond the time stated in the notice;
- (e) To ensure that participants of the public assembly respect the rights of non-participants;
- (f) To be present throughout the duration of the public assembly;
- (g) To regulate the inclusion of minors: *Provided*, That regulation shall neither include nor amount to prohibition; and
- (h) To ensure that the public assembly will not cause violations of environmental laws including Republic Act No. 9003 or the "Ecological Solid Waste Management Act," such that the place of assembly should be kept clean and properties therein remain as they were before the conduct of mass action.

The leaders and organizers shall be primarily responsible in case of violations of the undertaking above, including any damages made to public or private properties, as a consequence of the violence that ensued during the public assembly, unless the violence was clearly caused by infiltrators with intent to cause violence and damages to property or by the law enforcers themselves.

SEC. 10. *Non-interference by Law Enforcement Authorities and Private Individuals.*

— The military, police and other law enforcement authorities, and persons or groups who do not agree with the purpose of the public assembly, shall not interfere with the conduct of the public assembly. To ensure public order and safety both for the participants of the public assembly and the individuals, institutions or entities surrounding the place of assembly, a law enforcement contingent may be detailed and positioned at least one hundred (100) meters away from the place of assembly.

SEC. 11. *Guidelines and Rules of Conduct.* — It shall be the primordial duty of the members of the law enforcement contingent mentioned in Section 10 of this Act to protect participants of the public assembly and of the public in general. The members of the law enforcement contingent shall observe the following guidelines and rules of conduct:

- (a) To wear complete and official uniform with nameplates and unit numbers displayed prominently on the front and dorsal parts of the uniform. Crash

helmets with visor, gas masks, boots or ankle high shoes with shin guards may be used;

- (b) To observe maximum protection and tolerance at all times;
- (c) To carry batons or riot sticks and shields without any kind of firearms; and
- (d) To refrain from using tear gas, smoke grenades, water cannons, or any similar anti-riot device unless the public assembly is attended with actual violence, serious threats of violence, or deliberate destruction of property.

Isolated acts or incidents of disorder or breach of the peace during the public assembly do not constitute grounds for dispersal.

SEC. 12. *Public Assembly without Notice.* — The absence of notice in violation of Section 5 of this Act is not a ground for the dispersal of a public assembly. No person shall be punished or held criminally liable for participating in or attending an otherwise peaceful assembly. When the public assembly turns violent, creates actual danger to public order, public safety, public morals or public health, or actually causes grave public inconvenience, it may be peacefully dispersed.

SEC. 13. *Presumption in Favor of Peaceful Assembly.* — In case of doubt, an assembly shall be presumed peaceful. Isolated acts of violence shall not be grounds to consider the entire assembly violent or unlawful.

SEC. 14. *Prohibited Acts.* — The following acts are prohibited:

- (a) Holding of a public assembly without notice when such notice is required;
- (b) Arbitrary and unjustified filing of an action to enjoin a public assembly or the arbitrary and unjustified refusal to accept or acknowledge receipt of the notice for a public assembly;
- (c) Holding of the public assembly at a time and place other than that indicated in the notice;
- (d) Discharge of firearm by a member of any law enforcement agency or any person to disperse the public assembly;
- (e) Arbitrary and unjustified dispersal of the public assembly in violation of Section 12 hereof; or
- (f) Commission of any of the following acts within the area of the public assembly or on the occasion thereof:
 - (1) Carrying of a deadly or offensive weapon or device such as firearm, pillbox, bomb, and the like;

- (2) Carrying of a bladed weapon and the like;
- (3) Carrying of firearms by members of the law enforcement unit or participants in the public assembly or event; or
- (4) Interference with or intentional disturbance of a public assembly by the use of a motor vehicle, its horns and loud sound systems.

SEC. 15. *Penalties.* — The following penalties shall be imposed upon any person found guilty of violating Section 14 of this Act:

- (a) Public Censure for violation of paragraph (a): Provided, That a fine or community service shall be imposed against repeat offenders;
- (b) Suspension from office for at least six (6) months and one (1) day, up to two (2) years and four (4) months for violation of paragraph (b);
- (c) Imprisonment of six (6) months and one (1) day to six (6) years for violation of paragraphs (c), (d), (e) and item 3, paragraph (4);
- (d) Imprisonment of six (6) months and one (1) day to six (6) years for the violation of Section 13, paragraph (1), item (1) without prejudice to prosecution under Presidential Decree 1866, entitled “Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition, of Firearms, Ammunition or Explosives or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violation Thereof and for Relevant Purposes” and Republic Act 10591, otherwise known as the “Comprehensive Firearm and Ammunition Regulation Act;” and
- (e) Imprisonment of one (1) day to thirty (30) days for violation of item 2 and item 4 of paragraph (f).

SEC. 16. *Freedom Parks.* — Every city and municipal mayor shall, within six (6) months after the effectivity of this Act, and in consultation with civil society groups, establish or designate at least one (1) suitable Freedom Park or hall in their respective jurisdictions which must be, as far as practicable, centrally located within the city or municipality, and where public assemblies, demonstrations, and meetings may be held at any time without the need of a notice as required in Section 5 of this Act.

Persons or groups exercising their right to peaceful assembly under the provisions of this Act shall be provided with free access to the designated Freedom Parks. Any person violating this Section, such as by blockades preventing free ingress and egress to Freedom Parks and venues of public assemblies, shall be liable for interference under Section 10 under this Act as well as other applicable laws.

In case the city or municipality fails or refuses to designate at least one (1) suitable Freedom Park, then all public parks, halls, and plazas within the said city or municipality shall be considered Freedom Parks and public assemblies may be held thereat even without complying with the notice requirement.

SEC. 17. *Rules of Construction.* — Any doubt in the interpretation of any provision of this Act is resolved in favor of strengthening and promoting the free exercise of the people's right of expression and to peaceably assemble.

SEC. 18. *Implementing Rules and Regulations.* — The Secretary of Interior and Local Government shall, in consultation with the Commission on Human Rights and with the concerned people's organizations (POs), promulgate the implementing rules and regulations within six (6) months from the effectivity of this Act.

SEC. 19. *Separability Clause.* — In case any provision or part of this Act is declared invalid or unconstitutional, the remaining parts of provisions not affected shall remain in full force and effect.

SEC. 20. *Repealing Clause.* — *Batas Pambansa Bilang 880* is hereby repealed. All other laws, decrees, letters of instructions, resolutions, orders, ordinances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

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

Approved,