Mr. Speaker:

The Committee on People’s Participation to which was referred House Bill No. 6297 introduced by Representatives Carlos Isagani T. Zarate, Ferdinand R. Gaite and Eufemia C. Cullamat, entitled:

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

has considered the same and recommends that the attached House Bill No. 7935 entitled:

“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”

be approved in substitution of House Bill No. 6297 with Representatives Carlos Isagani T. Zarate, Ferdinand R. Gaite and Eufemia C. Cullamat as authors and Representatives France L. Castro, Florida “Rida” P. Robes, Joy Myra S. Tambunting, Deputy Speaker Deogracias Victor “DV” Savellano,

Respectfully submitted,

[Signature]

FLORIDA "RIDA" P. ROBES
Chairperson
Committee on People's Participation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7935
(In substitution to House Bill No. 6297)


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”

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

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, and petition the Government for redress of grievances, without prejudice to the rights of others to life, liberty, property, and to equal protection of the 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. Public Assembly—Public assembly includes any rally, demonstration, march, parade, procession or any other form of mass or concerted action held in any place, public or private space, 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.

Public Assembly excludes political meetings or rallies allowed and held during election campaign 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, as amended, otherwise known as "Labor Code of the Philippines," and its implementing rules and regulations.

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

SEC. 4. Notice of Public Assembly.—Any person or group who intends to organize and hold a public assembly in a public place which includes any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park, plaza, square, or any open space of public ownership where people are allowed access, 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.

SEC. 5. 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.

(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 8 of this Act;

(c) The leader or organizer of the public assembly shall give notice to the city or municipal mayor at least three (3) working days before the scheduled public assembly;

(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. 6. Action to Enjoin the Public Assembly. –

a) If there is a clear and convincing evidence based on personal knowledge that the public assembly will create a clear and present danger to public safety, public order, public morals or public health, the city or municipal mayor may initiate negotiations with the leader and organizer of the public assembly in question, in order to agree on courses of action to address any issue relative to the conduct of the public assembly or file an action to enjoin the holding of the public assembly.
The city or municipal mayor may file an action to enjoin the holding of the public assembly before the municipal trial court (MTC) within two (2) working days from the date notice was given, otherwise the action is barred.

For the purposes of this section, clear and present danger characterized as both grave and imminent, and of a serious evil to public safety, public order, public morals, public health, that it can justify the limitation on the exercise of the right so fundamental to the maintenance of democratic institutions.

b) The negotiation between the city or municipal mayor and the leader or organizer of the public assembly is limited within the two (2)-day period from filing of notice, otherwise the public assembly should proceed as indicated in the notice, unless an action was filed and the holding of the public assembly was enjoined by the court.

c) In case a negotiation was conducted and no agreement was reached, or if the negotiation did not push through within two (2) days from giving of notice, the city or municipal mayor may still file an action to enjoin the holding of the public assembly as long as it is still within the two (2)-day period indicated in paragraph (a) of this section.

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

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

f) The decision of the MTC to enjoin the public assembly is appealable within forty-eight (48) hours upon receipt of decision. No appeal bond or record on appeal shall be required.

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

h) Electronically-transmitted appeals may be allowed to be followed by formal or physical appeals, in accordance with the Rules of Court.
SEC. 7. 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. 8. Responsibilities of Leaders and Organizers.— The leaders and organizers of a public assembly shall take all reasonable measures to conduct it in a peaceful manner. The undertaking included in the notice required under Sections 4 and 5 of this Act shall state that the leader or organizer of the public assembly undertakes to perform the following:

(a) Inform the participants of their responsibility under applicable laws and ordinances;

(b) Police the ranks of the participants in order to prevent non-participants from disrupting the lawful activities of the public assembly;

(c) Confer with local officials and law enforcers for the conduct of the public assembly;

(d) Ensure that the public assembly does not go beyond the time stated in the notice;

(e) Ensure that participants of the public assembly respect the rights of non-participants;

(f) Be present throughout the duration of the public assembly;

(g) Ensure that minors participating in public assemblies are protected from abuse and violence, are free from undue pressure or manipulation, and are allowed to articulate their views free from harm or discriminations;

(h) Proscribe the participation of children of tender years who are not capable of making informed decisions unless under the supervision of parents or guardians; and
(i) Ensure that the public assembly will not cause violations of environmental laws including Republic Act No. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000", such that the place of assembly and properties therein remain as they are before the conduct of mass action.

The leaders and organizers shall be primarily responsible in case of violations of the undertaking, including any damages made to public or private properties, as a consequence of the violence that ensued during the public assembly, unless caused by violence due to infiltrators or by dispersal operations by the law enforcers.

SEC. 9. 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. 10. Guidelines and Rules of Conduct.—It shall be the primordial duty of the law enforcement contingent so detailed and positioned to ensure public order and security during a public assembly. The members of the law enforcement contingent shall observe the following guidelines and rules of conduct:

(a) 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) Observe maximum protection and tolerance at all times;

(c) Carry only batons or riot sticks and shields without any kind of firearms; and

(d) 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 shall not constitute a ground for dispersal.

SEC. 11. **Public Assembly Without Notice.**—The absence of a notice as required under Section 4 of this Act is not a ground for the peaceful dispersal of a public assembly. No person may be punished or held criminally, civilly or administratively 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. 12. **Prohibited Acts.**—The following acts are prohibited:

(a) Holding of a public assembly without notice when such notice is required as provided in Section 4 of this Act;

(b) Arbitrary and unjustified refusal of the representative of the mayor 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 approved by the city or municipal mayor;

(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 11 hereof;

(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; and

(4) Interference with or intentional disturbance of a public assembly by the use of a motor vehicle, its horns and loud sound systems.
In cases of violation of paragraphs (a) and (c) of this section, only the leaders and organizers of the public assembly shall be imposed the corresponding penalties provided in Section 13 of this Act.

SEC. 13. Penalties.—The following penalties shall be imposed upon any person found guilty of violating Section 12 of this Act:

(a) Public censure for the first offense, fine or community service for the second offense and arresto menor or imprisonment of one (1) day to one (1) month for the third offense for violation of paragraph (a);

(b) Suspension of six (6) months and one (1) day to two (2) years and four (4) months for the 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 (f)(3);

(d) Imprisonment of six (6) months and one (1) day to six (6) years for the violation of Section 12, paragraph (f)(1) without prejudice to prosecution under Presidential Decree No. 1866, as amended 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 No. 10591, otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act,” and

(e) Imprisonment of one (1) day to thirty (30) days for violation of item 2 and item 4 of paragraphs (f)(2) and (f)(4).

SEC. 14. Freedom Parks.—All city and municipal mayors 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 jurisdiction 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 4 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.

In case the city or municipality fails or refuses to designate at least one (1) suitable freedom park, then all public parks within the said city or municipality shall be considered freedom parks and public assemblies may be held thereat even without the required notice.

SEC. 15. 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.

For purposes of this section, 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 media or other means.

SEC. 16. Implementing Rules and Regulations. — The Secretary of the Interior and Local Government shall, in consultation with the Commission on Human Rights and with the concerned civil society organizations, promulgate the implementing rules and regulations within six (6) months from the effectivity of this Act.

SEC. 17. Separability Clause. — In case any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 18. 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. 19. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,
FACT SHEET

House Bill No. 7935
(In substitution of House Bill No. 6297)

"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 BATASSA PAMBANSA BLG. 880 OR THE "PUBLIC ASSEMBLY ACT OF 1985"

Introduced by: REPRESENTATIVES CARLOS ISAGANI T. ZARATE, FERNANDO R. GAITE AND EUFEMIA C. CULLAMAT

Committee Referral: COMMITTEE ON PEOPLE'S PARTICIPATION
Committee Chairperson: REPRESENTATIVE FLORIDA "RIDA" P. ROBES

OBJECTIVE:

- To ensure the people of their constitutional rights to free speech, expression, peaceably assemble and to petition the Government for redress of grievances without unnecessary and unreasonable impediments

KEY PROVISIONS:

- Includes in the coverage of the right to peaceably assemble any rally, demonstration, march, parade, procession, or any other form of concerted action for the purpose of presenting a lawful cause, expressing an opinion on any issue, and protesting against or influencing any issue or program of the government;

- Excludes some assemblages in the coverage of this Act such as picketing and other concerted action in strike areas by workers and the political meetings or rallies during election campaign periods;

- Requires any person or group who intends to hold a public assembly to serve notice to the local chief executive who has jurisdiction over the venue of public assembly;

- Mandates the mayor or any official acting on the mayor's behalf, to reroute traffic in public thoroughfares to prevent grave public inconvenience;

- Enumerates the responsibilities of the leaders and organizers who shall be required to execute an undertaking to ensure the peaceful and orderly conduct of a public
assembly;

- Proscribes the interference of the law enforcement authorities and private individuals in the holding of a public assembly;

- Penalizes the arbitrary and unjustified refusal to accept or acknowledge receipt of notice; the holding of the public assembly at a time and place other than that approved by the city or municipal mayor; the discharge of firearm by any law enforcement agency or any person to disperse the public assembly, and the arbitrary and unjustified dispersal of the public assembly, among others;

- Penalizes violations of this Act by public censure, imprisonment of one (1) day to six (6) years, as the case may be;

- Establishes or designates one (1) suitable freedom park or hall in every city or municipality for purposes of public assembly; and

- Requires the Department of the Interior and Local Government, in consultation with the Commission on Human Rights and the concerned civil society organizations to promulgate the rules and regulations to implement this Act within six (6) months from its effectivity.

RELATED LAWS

- Batas Pambansa 880 or the “Public Assembly Act of 1985”