



HOUSE OF REPRESENTATIVES

H. No. 6834

BY REPRESENTATIVES ROQUE (H.), MENDING, BRAVO (M.V.), PLAZA,
ROBES, LABADLABAD, CASTELO, ACOSTA-ALBA AND FORTUN,
PER COMMITTEE REPORT NO. 545

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:*

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 "New Public Assembly Act".

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to
4 ensure that the people can freely exercise their rights to free speech,
5 of expression, to peaceably assemble, and petition the government
6 for redress of grievances, without prejudice to the rights of others to
7 life, liberty, property, and to equal protection of laws.

8 These fundamental rights of the people are essential and vital
9 to the collective strength and stability of the nation. Towards this

1 end, the State shall ensure the free exercise of such rights without
2 unnecessary and unreasonable impediments whatsoever.

3 SEC. 3. *Public Assembly.* – Public assembly includes any
4 rally, demonstration, march, parade, procession or any other form of
5 mass or concerted action held in any place for the purpose of:
6 (a) presenting a lawful cause; (b) expressing an opinion to the
7 general public on any issue; (c) protesting against or influencing any
8 issue or program of the government whether political, economic, or
9 social; or (d) petitioning the government for redress of grievances.

10 Public assembly excludes political meetings or rallies allowed
11 and held during election campaign periods, as provided for by law,
12 and picketing and other concerted action in strike areas by workers
13 and employees resulting from a labor dispute as defined by
14 Presidential Decree No. 442, otherwise known as “Labor Code of the
15 Philippines”, as amended by Batas Pambansa Blg. 227, and its
16 implementing rules and regulations.

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

20 SEC. 4. *Right to Organize Public Assembly.* – Any private
21 person with full legal capacity may organize a public assembly. A
22 person who is without full legal capacity but is fifteen (15) years of
23 age may organize a public assembly.

24 SEC. 5. *Right to Participate in a Public Assembly.* – Any
25 person, regardless of legal capacity, has the right to participate in
26 any public assembly.

1 SEC. 6. *Restrictions Relating to the Meeting Place.* – Subject
2 to the provisions of Section 12 of this Act, in case several public
3 assemblies are proposed to be held at the same time, and their
4 simultaneous holding is not possible, the leader or organizer who
5 first submitted the application shall be given priority unless the
6 proposed meeting place has been traditionally used for a different
7 meeting and has already been arranged for such meeting. In such
8 event, the mayor of the city or municipality where the public
9 assembly is sought to be held may, after consulting with the leaders
10 or organizers of such proposed meeting, schedule the proposed
11 meeting to another suitable time or place.

12 SEC. 7. *Meeting Equipment.* – Banners, insignia, loud
13 speakers, and other equipment may be used, and temporary
14 structures may be erected for any public assembly. The leaders or
15 organizers shall see to it that no danger and unreasonable
16 inconvenience or damage is thereby caused to the participants,
17 bystanders or the surrounding area.

18 In case of any damage caused by the equipment, the leaders
19 and organizers shall be held jointly liable. Moreover, it is the
20 responsibility of the leaders or organizers to remove the equipment
21 mentioned in the first paragraph hereof immediately at the end of
22 the assembly. They shall arrange for proper disposal of any waste,
23 trash, garbage or any refuse generated by or during the meeting or
24 assembly, pursuant to applicable laws and ordinances.

25 SEC. 8. *Notice of Public Assembly.* – Any person or group who
26 intends to organize and hold a public assembly in a public place

1 shall serve a notice to the city or municipal mayor who has
2 jurisdiction over the place where the assembly is to be held.

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

5 (a) A freedom park duly established by law or ordinance;

6 (b) A private property with the consent of the owner or the
7 person entitled to its legal possession; or

8 (c) In the campus of a government-owned and -operated
9 educational institution, subject to its rules and regulations.

10 SEC. 9. *Notice Requirements.* – Notice shall be given in
11 accordance with the following guidelines:

12 (a) The notice must be in writing with the following
13 information:

14 (1) Name of leader or organizer and contact number;

15 (2) Purpose of the public assembly;

16 (3) Date, time and duration of the public assembly;

17 (4) Place or street to be used for the public assembly;

18 (5) Estimated number of participants; and

19 (6) Transport and public address system to be used during
20 the public assembly;

21 (b) The notice must include an undertaking by the leaders or
22 organizers of the public assembly of their duties and responsibilities
23 in accordance with Section 12 of this Act;

24 (c) The notice shall be given at least three (3) working days
25 before the scheduled public assembly to the city or municipal mayor
26 who has jurisdiction over the place;

1 (d) Upon receipt of the notice, duly acknowledged or received
2 in writing, the city or municipal mayor shall immediately post the
3 notice at several conspicuous places in the city or municipal
4 building; and

5 (e) In case the city or municipal mayor, or the representative
6 of the city or municipal mayor, refuses to accept the notice, the
7 leader or organizer of the public assembly shall post the notice in
8 the office of the city or municipal mayor, in which case, the city or
9 municipal mayor is deemed duly served.

10 SEC. 10. *Action to Enjoin the Public Assembly.* - (a) If there
11 is clear and convincing evidence based on personal knowledge that
12 the public assembly may create a clear and present danger to public
13 order, public safety, public morals or public health, the city or
14 municipal mayor may file an action before the appropriate regional
15 trial court to enjoin the holding of the public assembly.

16 (b) The action shall be filed before the regional trial court
17 within two (2) working days from the date the notice was given;
18 otherwise, the action is barred.

19 (c) Before the filing of the action with the regional trial court,
20 the city or municipal mayor shall first inform the leaders or
21 organizers in writing of the intent to file the action, citing the
22 evidence gathered or the clear and present danger posed by the
23 holding of such assembly, and to discuss or negotiate the possible
24 courses of action that may be taken to address the issue, protest or
25 petition that is the subject of the assembly. The leaders or
26 organizers of the public assembly shall appear before the regional
27 trial court to argue and present their own evidence.

1 (d) The decision of the regional trial court may be appealed to
2 the appropriate appellate court within forty-eight (48) hours after
3 the receipt of the decision. No appeal bond or record on appeal shall
4 be required. A decision denying the prayer to enjoin the public
5 assembly shall be immediately executory.

6 (e) All action filed in court pursuant to this section shall be
7 decided by the regional trial court within twenty-four (24) hours
8 from the date of filing. For this purpose, the case shall be
9 immediately endorsed to the executive judge or, in the absence of
10 the executive judge, to the judge next in rank, for disposition.

11 (f) In all cases, the decision of the appellate courts may be
12 appealed to the Supreme Court.

13 (g) Telegraphic appeals, to be followed by formal appeals,
14 shall be allowed.

15 (h) The failure of the regional trial court to render a decision
16 within the prescribed period shall not be a basis against the holding
17 of such public assembly.

18 The filing of an action in court shall not be limited to one
19 party alone. The mayor or the organizer who is aggrieved in a
20 negotiation on any matter, and has a cause of action, shall not be
21 barred from filing an action in court.

22 SEC. 11. *Use of Public Thoroughfare.* - If the proposed
23 public assembly involves the use of any public highway, boulevard,
24 avenue, road or street, the city or municipal mayor, or any official
25 acting on behalf of the mayor, may reroute vehicular traffic to
26 prevent serious or undue interference with the flow of traffic,
27 commerce and trade, or designate a route for the conduct of the

1 public assembly to prevent grave public inconvenience upon prior
2 coordination with the leaders or organizers.

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

5 SEC. 12. *Responsibility of Leaders and Organizers.* – The
6 leaders and organizers shall take all reasonable measures to
7 conduct a peaceful public assembly. The undertaking included in
8 the notice required under Sections 8 and 9 of this Act shall state the
9 following:

10 (a) To inform the participants of their responsibility under
11 applicable laws and ordinances;

12 (b) To police the ranks of the participants in order to prevent
13 nonparticipants from disrupting the lawful activities of the public
14 assembly;

15 (c) To coordinate with local officials and law enforcers for
16 the conduct of the public assembly;

17 (d) To ensure that the public assembly does not go beyond
18 the time stated in the notice;

19 (e) To ensure that participants of the public assembly respect
20 the rights of nonparticipants; and

21 (f) To be present throughout the duration of the public
22 assembly.

23 SEC. 13. *Noninterference by Law Enforcement Authorities and*
24 *Private Individuals.* – The military, police and other law
25 enforcement authorities, and persons or groups who do not agree
26 with the purpose of the public assembly shall not interfere with the
27 conduct of the public assembly. However, upon the request by

1 leaders or organizers of the public assembly, a law enforcement
2 contingent under the command of a responsible officer may be
3 detailed and stationed in a place at least one hundred (100) meters
4 away from the area of activity to maintain peace and order at all
5 times and to ensure the safety of participants.

6 SEC. 14. *Guidelines and Rules of Conduct.* – It shall be the
7 primordial duty of the members of the law enforcement contingent
8 mentioned in Section 13 of this Act to protect the participants of the
9 public assembly and of the public in general. The members of the
10 law enforcement contingent shall observe the following guidelines
11 and rules of conduct:

12 (a) To wear complete and official uniform with nameplates
13 and unit numbers displayed prominently on the front and dorsal
14 parts of the uniform. Crash helmets with visor, gas masks, boots or
15 ankle-high shoes with shin guards may be used;

16 (b) To observe maximum tolerance at all times;

17 (c) To carry batons or riot sticks and shields without any
18 kind of firearms; and

19 (d) To refrain from using tear gas, smoke grenades, water
20 cannons, or any similar anti-riot device unless the public assembly
21 is attended with actual violence, serious threats of violence, or
22 deliberate destruction of property.

23 Isolated acts or incidents of disorder or breach of the peace
24 during the public assembly does not constitute a ground for
25 dispersal.

26 SEC. 15. *Public Assembly Without Notice.* – The absence of
27 notice in violation of Section 8 of this Act is not a ground for the

1 dispersal of the public assembly. No person may be punished or
2 held criminally liable for participating in or attending an otherwise
3 peaceful assembly. When the public assembly turns violent, creates
4 actual danger to public order, public safety, public morals or public
5 health, or actually causes grave public inconvenience, the leaders or
6 organizers of the public assembly may be requested by the law
7 enforcement contingent to peacefully and voluntarily disperse.

8 SEC. 16. *Prohibited Acts.* - The following acts are
9 prohibited:

10 (a) Holding of a public assembly without notice when such
11 notice is required;

12 (b) Arbitrary and unjustified filing of an action to enjoin a
13 public assembly or the arbitrary and unjustified refusal to accept or
14 acknowledge receipt of the notice for a public assembly;

15 (c) Holding of the public assembly at a time and place other
16 than that approved by the city or municipal mayor;

17 (d) Discharge of firearm by a member of any law enforcement
18 agency or any person to disperse the public assembly;

19 (e) Arbitrary and unjustified dispersal of the public assembly
20 in violation of Section 15 hereof; and

21 (f) Commission of any of the following acts within the area of
22 the public assembly or on the occasion thereof:

23 (1) Carrying of a deadly or offensive weapon or device such as
24 firearm, pillbox, bomb, and the like;

25 (2) Carrying of a bladed weapon and the like;

26 (3) Carrying of firearms by members of the law enforcement
27 unit or participants in the public assembly or event; and

1 (4) Interference with or intentional disturbance of a public
2 assembly by the use of a motor vehicle, its horns and loud sound
3 systems.

4 SEC. 17. *Penalties.* - The following penalties shall be
5 imposed upon any person found guilty of violating Section 16 of this
6 Act:

7 (a) Public censure for violation of paragraph (a);

8 (b) Imprisonment of six (6) months and one (1) day to six (6)
9 years for violation of paragraphs (b), (c), (d), (e) and item (3) of
10 paragraph (f);

11 (c) Imprisonment of six (6) months and one (1) day to six (6)
12 years for the violation of Section 16, paragraph (f), item (1) without
13 prejudice to prosecution under Presidential Decree No. 1866,
14 entitled: "Codifying the Laws on Illegal/Unlawful Possession,
15 Manufacture, Dealing in, Acquisition or Disposition, of Firearms,
16 Ammunition or Explosives or Instruments Used in the Manufacture
17 of Firearms, Ammunition or Explosives, and Imposing Stiffer
18 Penalties for Certain Violations Thereof and for Relevant Purposes",
19 and Republic Act No. 10591, otherwise known as the
20 "Comprehensive Firearms and Ammunition Regulation Act"; and

21 (d) Imprisonment of one (1) day to thirty (30) days for
22 violation of item (2) and item (4) of paragraph (f).

23 SEC. 18. *Freedom Parks.* - Every city and municipal mayor
24 shall, within six (6) months after the effectivity of this Act, and in
25 consultation with civil society groups, establish or designate at least
26 one (1) suitable freedom park or hall in their respective jurisdiction
27 which must be, as far as practicable, centrally located within the

1 city or municipality, and where public assemblies, demonstrations
2 and meetings may be held at any time without the need of a notice
3 as required in Section 8 of this Act.

4 Persons or groups exercising their right to peaceful assembly
5 under the provisions of this Act shall be provided with free access to
6 the designated freedom parks.

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

12 SEC. 19. *Rules of Construction.* – Any doubt in the
13 interpretation of any provision of this Act is resolved in favor of
14 strengthening and promoting the free exercise of the people's right
15 of expression and to peaceably assemble.

16 SEC. 20. *Implementing Rules and Regulations.* – The
17 Secretary of the Interior and Local Government shall, in
18 consultation with the Commission on Human Rights and with the
19 concerned people's organizations (POs), promulgate the
20 implementing rules and regulations within six (6) months from the
21 effectivity of this Act.

22 SEC. 21. *Separability Clause.* – In case any provision or part
23 of this Act is declared invalid or unconstitutional, the remaining
24 parts or provisions not affected shall remain in full force and effect.

25 SEC. 22. *Repealing Clause.* – Batas Pambansa Blg. 880 is
26 hereby repealed. All other laws, decrees, letters of instruction,
27 resolutions, orders, and ordinances, or parts thereof, which are

1 inconsistent with the provisions of this Act are hereby repealed,
2 amended, or modified accordingly.

3 SEC. 23. *Effectivity.* – This Act shall take effect fifteen (15)
4 days after its publication in the *Official Gazette* or in a newspaper of
5 general circulation.

Approved,

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