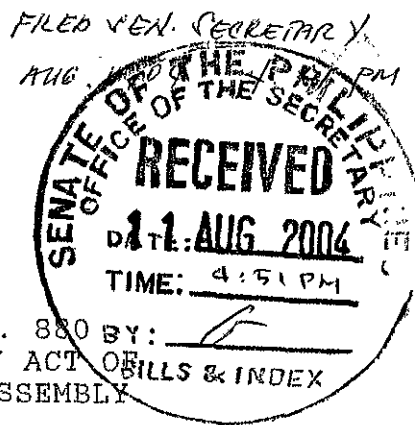


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

S. NO. 1723

AN ACT
AMENDING BATAS PAMBANSA BLG. 880 BY:
OTHERWISE KNOWN AS THE PUBLIC ASSEMBLY ACT OF 1985
TO BE KNOWN AS THE "FREEDOM OF ASSEMBLY ACT OF 2004"



Introduced by Senator Alfredo S. Lim

EXPLANATORY NOTE

Democracy flourishes when the basic rights of citizens to free speech and peaceably assemble for redress of grievances are not merely guaranteed but more importantly, respected and made inviolable.

Unfortunately, we have seen and felt these recent days that these rights are beginning to be curtailed and worse, destroyed. God forbid when our country will once again be plunged into an age of repression and darkness!

The bill seeks to breath life to these freedoms by first, mandating the establishment of long overdue freedom parks; second, guaranteeing free speech; and third, by providing graver penal and administrative sanctions against public officials involved in the repression and suppression of these rights and local executives who denigrate the sacredness of these freedoms.

The call for the establishment of freedom park dates back in the 80s when then Batasang Pambansa enacted BP 880 otherwise known as the "Public Assembly Act of 1985", yet,

till this we have yet to hear of a real freedom park which our predecessor legislated.

That law, however, is being ignored with impunity even as the citizens reel from lack of adequate space to assemble and exercise their freedom of expression.

In the City of Manila, Plaza Miranda, Liwasang Bonifacio and Chino Roces bridge, to name a few, were designated as freedom parks yet hardly fit as real freedom parks within the contemplation of BP 880. EDSA was the last venue where freedom fighters expressed their grunts and grievances against the government but, unfortunately, is now insulated from being used by freedom loving citizens.

Clearly, these parks have ceased to be free because law enforcement agencies, even in peaceful assemblies, have crushed the exercise, punished the freedom fighters and crippled their assembly. Water cannons and tear gases were being used to disperse peaceful gatherings in blatant violation of BP Blg. 880.

We have to stop these repressive and suppressive acts once and for all and punish the military and police personnel involved in such suppression and repression! Otherwise, we will wake up one of these days to find ourselves engulfed in a civil strife, a worse scenario I dare not see happen again.

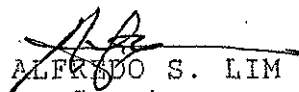
When the state acts in a Gestapo manner and begins to muzzle the mouths and manacle the hands of its citizens whose only fault is to exercise their rights of free speech and assembly, it ceases to be called a democratic state but

a fascist and dictatorial state. No fascist or dictator has survived these days no matter how ingrained the imprints of terror and fear are in the hearts of his people because freedom is most precious, even if it would cost the life and blood of the people.

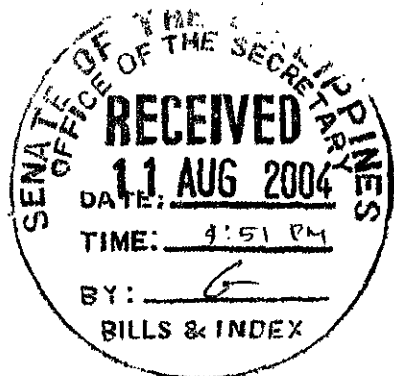
Ironically, while our nation served as the beacon of light and exemplar of people power of the various dictatorial regimes all over the globe because it was the author of "People Power", nowadays, it has ceased to be power of the people but "Powered People".

When citizens are taught and forced to act and behave, they become automatons and robots, powered by the State's brutes and brutish hands. That should never be permitted to continue.

Thus, the need to re-invigorate BP Blg. 880, if not improve, by increasing the penalty and setting time frames to achieve its objectives and make the freedom of the citizens real, vibrant and respected all over the archipelago.


ALFREDO S. LIM
Senator

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



SENATE
S.B. No. 1723

Introduced by SENATOR ALFREDO S. LIM

AN ACT
AMENDING BATAS PAMBANSA BLG. 880,
OTHERWISE KNOWN AS THE PUBLIC ASSEMBLY ACT OF
1985, TO BE KNOWN AS THE "FREEDOM OF ASSEMBLY
ACT OF 2004"

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

Section 1. This Act shall be known as the "Freedom of Assembly Act of 2004".

Section 2. *Amendment of BP Blg. 880.* - Several Sections of Batas Pambansa Blg. 880, otherwise known as the "Public Assembly Act of 1985", are amended to suit contemporary times.

Section 3. *Additional Declaration of Policy.*- Section 2 is amended to read as follows:

Section 2. *Declaration of Policy.*- The constitutional right of the people peaceably to assemble and petition the government for redress of grievances is essential and vital to the strength and stability of the State. To this end, the State shall ensure the free exercise of such right without prejudice to the rights of others to life, liberty and equal protection of the law. Likewise, the State shall impose severe punishment on public officers who shall engage in the suppression and repression of the exercise of such rights.

Section 4. *Additional Definition of Terms.*- In addition to subparagraphs (a) to (d) in Section 3 of BP 880, subparagraph (e) is hereby added thereto. Thus:

Section 3. *Definition of terms.*- For purposes of this Act:

- (a) x x x
- (b) x x x
- (c) x x x
- (d) x x x

(e) Suppression shall mean the stoppage, termination, abatement or dispersal of any existing or ongoing peaceful public assembly as defined in subparagraph (a) above by any member of the AFP, para-military units, member of the PNP, peace officer, barangay tanod or any public officer performing police duties and/or upon orders of their superior officers or any local official of the locality.

(f) Repression shall be any act that restrains, subdues or prevents the holding of any public assembly committed by any member of the AFP, para-military units, members of the PNP, peace officer, barangay tanod or any public officer performing police duties and/or upon orders of their superior officers or any local official of the locality, including the refusal of the Mayor or any of his legal successor to issue any permit.

Section 5. *Political Rallies, Included.*- Section 4 is hereby amended to read as follows:

Section 4. *Permit when required and when not required.* - A written permit shall be required for any person or persons to organize and hold a public assembly in a public place. However, no permit shall be required if the public assembly shall be done or made in a freedom park duly established by law or ordinance or in private property, in which case only the consent of the owner or the one entitled to its legal possession is required, or in the campus of government-owned and operated educational institution which shall be subject to the rules and regulations of said educational institution. Political rallies and meetings shall also be covered by this Act provided they are held during election campaign periods as provided by law.

Section 6. *Additional Prohibited Acts.*- In addition to the Prohibited Acts enumerated under Section 13, there shall be added three (3) prohibited acts specifically directed against members of the AFP, para-military units, members of the PNP, peace officers, barangay tanods or any public officer performing police duties and/or upon orders of their superior officers or any local official of the locality and the Municipal or City Mayors, namely: suppression, repression and failure to designate freedom parks in their respective localities. Thus, Sec. 13 is amended to read as follows:

Sec. 13. *Prohibited Acts.*- The following shall constitute violations of this Act:

- (a) x x x
- (b) x x x
- (c) x x x
- (d) x x x

- (e) x x x
- (f) x x x
- (g) x x x
- (1) x x x
- (2) x x x
- (3) x x x
- (4) x x x
- (5) x x x

(h) Suppression as defined under subparagraph (e) of Sec. 3; and,

(i) Repression as defined under subparagraph (f) of Sec. 3;

(j) Failure of the City or Municipal Mayors to establish a freedom park or to submit its compliance and data thereof with the Department of Interior and Local Government as mandated under Section 6 hereof.

Section 7. *Additional Penalties.*- In addition to the penalties provided for in Section 14, the penalties for suppression, repression and failure to designate freedom parks are hereby added thereto. Sec. 14 is thus hereby amended to read as follows:

Section 14. *Penalties.*- Any person found guilty and convicted of any of the prohibited acts defined in the immediately preceding section shall be punished as follows:

- (a) x x x
- (b) x x x
- (c) x x x
- (d) x x x

(e) violations of subparagraph (h) of Section 13 hereof shall be punished by imprisonment of two years and one day to six years as well as perpetual disqualification from holding any public elective or appointive office;

(c) violations of subparagraph (i) of Section 13 hereof shall be punished by imprisonment of three years and one day to eight years as well as perpetual disqualification from holding any public elective or appointive office.

(d) violations of subparagraph (j) of Section 13 hereof shall be punished by imprisonment of two years and one day to six years as well as perpetual disqualification from holding any public elective or appointive office.

Section 8. *Establishment of Freedom Parks.*- The duty of local governments to establish freedom parks as fixed in Section 15 of BP Blg. 880 is hereby mandated and must be

completed not later six (6) months from effectivity hereof. To insure compliance hereof, the chief executive of local governments must submit the details as to area, exact location and location map of the freedom parks so designated to the Department of Interior and Local Government not later than ten (10) months from effectivity hereof, furnishing copies to the Department of National Defense, Philippine National Police and the National Bureau of Investigation.

Section 9. *Repealing Clause.*- All laws, decrees, local ordinances inconsistent herewith are hereby repealed, modified or amended accordingly.

Section 10. *Effectivity.*- This Act shall take effect upon its approval.