

**Comments on House Bill No. 6297 entitled, *An Act Strengthening the Right of the People to Free Expression, To Peaceably Assemble and To Petition the Government for Redress or Grievances, Repealing for the Purpose Batas Pambansa Bilang 880 or “The Public Assembly Act of 1985”***

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1. The proposed bill upholds the right of the people to free speech and the right to peaceful assembly and petition as contained in Section 4 of the 1986 Constitution, which states:

*“Section 4. 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.”*

2. Section 7 of the proposed bill indicates that the municipal mayor may file an action before the appropriate regional trial court to prohibit the conduct of a public assembly if he/she sees that it will “create a clear and present danger to public order, public safety, public morals, or public health”, based on personal knowledge. Such is a risky provision as it can be exploited to suppress a public assembly with a valid objective. The regional trial court, therefore, to which the petition shall be filed, is assumed to be objective and impartial. It is also suggested that once the bill is passed, the implementing rules and regulations should have a clear definition of what encompasses threats to public order, safety, morals, or health in the context of a public assembly to avoid subjective interpretations.
3. The proposed bill should consider other means of conducting a public assembly that will not require physical presence in light of the “new normal”. Social distancing is envisioned to persist in the post-COVID society for public health reasons. Virtual ways of connecting, working, delivering services, and even convening people are becoming the norm. The same goes for public assembly, which can still be carried out through the aid of modern technology. Given that the platform differs from the traditional face-to-face method, the guidelines as to its conduct would also differ. It may require a substantial modification of the current provisions. For instance, the Freedom Parks stipulated in Section 16 is no longer needed under the new normal. Instead, a government-sponsored virtual space such as a publicly accessible website, which can host and stream public assemblies, can serve as an alternative to the physical park.

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