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(Republic of the Philippines)  
MINISTRI NG EDUKASYON, KULTURA AT ISPORTS  
(MINISTRY OF EDUCATION, CULTURE AND SPORTS)  
Maynila

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MECS O R D E R  
No. 61, s. 1985

RULES AND REGULATIONS CONCERNING STUDENT ORGANIZATIONS  
AND THEIR ACTIVITIES WITHIN SCHOOL CAMPUSES

To: Bureau Directors  
Regional Directors  
Schools Superintendents  
Chief of Service and Heads of Units/Centers  
Presidents, State Colleges and Universities  
Heads of Private Schools, Colleges and Universities  
Vocational School Superintendents/Administrators

1.0. BACKGROUND

1.1. These rules and regulations are hereby promulgated pursuant to the provisions of par. 3, sec. 57 of B.P. Blg. 232, otherwise known as the Education Act of 1982, governing student organizations and their activities within school campuses;

1.2. It is hereby declared policy to promote, enhance and ensure the maintenance of a safe and orderly environment in schools, conducive to effective teaching and learning. The Ministry recognizes the dual responsibility of schools to its students, which is to provide opportunities for learning and to help the students grow and develop into mature, responsible and worthy citizens, including the provision of adequate opportunity for the discussion of ideas and the exercise of free speech;

1.3. It is likewise declared policy to foster, at all times, a spirit of shared purpose and cooperation among the members and elements of the educational community, and between the community, and other sectors of society, in the realization that only in such an atmosphere can the true goals and objectives of education be fulfilled;

1.4. The Ministry recognizes the role of schools in developing moral character in the youth and the need to enhance the capability of schools to maintain proper behavior and conduct among the members of the educational community.

2.0. PERTINENT LAWS

2.1. The Constitutional provisions on supervision and regulation of educational institutions, freedom of association and freedom of speech are as follows:

2.1.1. Art. XV, Sec. 8 (1). All educational institutions shall be under the supervision of, and subject to regulation by, the State. The State shall establish and maintain a complete, adequate, and integrated system of education relevant to the goals of national development.

2.1.2. Art. XV, Sec. 8 (4). All educational institutions shall aim to inculcate love of country, teach the duties of citizenship, and develop moral character, personal discipline, and scientific, technological, and vocational efficiency.

2.1.3. Art. IV, Sec. 7. The right to form associations or societies for purposes not contrary to law shall not be abridged.

2.1.4. Art. IV, Sec. 9. No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

2.2. The Education Act of 1982 (B.P. Blg. 232) provides:

2.2.1. Sec. 54. Declaration of Policy. The administration of the education system and, pursuant to the provisions of the Constitution, the supervision and regulation of educational institutions are hereby vested in the Ministry of Education, Culture and Sports, without prejudice to the provisions of the charter of any state college or university.

2.2.1. Sec. 9. Rights of Students in School. In addition to other rights, and subject to the limitations prescribed by law and regulations, students and pupils in all schools shall enjoy the following rights:

x x x

7. The right to free expression of opinions and suggestions, and to effective channels of communication with appropriate academic and administrative bodies of the school or institution.

8. The right to form, establish, join and participate in organizations and societies recognized by the school to foster their intellectual, cultural, spiritual and physical growth and development, or to form, establish, join and maintain organizations and societies for purposes not contrary to law.

2.2.2. Sec. 15. Duties and Responsibilities of Students. In addition to those provided for under existing laws, every student shall:

x x x

2. Uphold the academic integrity of the school, endeavor to achieve academic excellence and abide by the rules and regulations governing his academic responsibilities and moral integrity.

3. Promote and maintain the peace and tranquility of the school by observing the rules of discipline, and by exerting efforts to attain harmonious relationships with fellow students, the teaching and academic staff and other school personnel.

4. Participate actively in civic affairs and in the promotion of the general welfare, particularly in the social, economic and cultural development of his community and in the attainment of a just, compassionate and orderly society.

5. Exercise his rights responsibly in the knowledge that he is answerable for any infringement or violation of the public welfare and of the rights of others.

2.3. The Revised Penal Code, the Civil Code and certain other laws carry provisions on rebellion or insurrection, sedition, illegal assemblies, illegal associations, libel and their corresponding penalties and/or matters that could affect student organizations. Pertinent provisions are attached. (Annex A)

3.0. STUDENT ASSEMBLIES

3.1. A student assembly shall mean any rally, demonstration, march, parade, procession, convocation, seminar, workshop, or any other form of meeting or mass action held by students within the premises of a school for such purposes as the discussion of issues, presentation of a cause, expression of an opinion, petition for redress of grievances;

3.2. School authorities shall give students maximum freedom to allow the discussion of ideas and exercise of free speech. At the same time, they shall see to it that the exercise by persons of their right to free speech does not disturb, prevent or otherwise infringe upon the exercise of others' rights to engage in their respective studies, work or other peaceful and lawful activities;

3.3. School authorities shall formulate the necessary policies, procedures and rules governing the details of student assemblies within school premises, within the framework and constraints of this Order;

3.4. Among others, the rules and regulations issued by a school shall identify areas in which student assemblies may be held or not held, activities that are encouraged or discouraged and any assistance that shall be or shall not be extended by school authorities.

4.0. AUTHORIZATION FOR STUDENT ASSEMBLIES

4.1. Prior written approval of school authorities in the form of a permit shall be necessary before any student assembly is held or announced;

4.2. A student organization, defined as an organization of students formed and recognized pursuant to MECS Orders Nos. 57 and 62, s. 1981, may sponsor a student assembly and apply for a permit to hold same. The application for a permit shall be submitted by the duly authorized officer of the sponsoring organization. The application shall be in writing and shall include the names of the leaders or organizers, the purposes of the student assembly, the date, the time and duration thereof, the place or area within the school where the activity shall be held, estimated number of participants, and the names of invited speakers, if any;

4.3. The application for a permit shall be filed with the Office of Student Affairs or any other office designated for the purpose within a reasonable time prior to the proposed student activity which shall not be less than five (5) working days prior to the activity;

4.4. The official of the school responsible for the processing of the permit must act within three (3) days upon receipt of the application and the applicant of the permit must be informed accordingly;

4.5. In passing upon the application for a permit, the school official concerned shall consider all factors and circumstances which may affect the holding of a peaceful assembly to the prejudice of the normal academic activities. The school official concerned shall also consider whether the student activity would pose danger to life or property within school premises;

4.6. If the application for a permit is denied, the school official shall inform the applicant of the reason/s for the denial thereof. An appeal from the decision may be taken to the president or head of the school, college or university or, in his absence, to the next ranking official of the school, college or university.

#### 5.0. CONDUCT OF STUDENT ASSEMBLIES

5.1. It shall be the responsibility and the duty of the leaders or organizers of the student assembly to adopt all measures and to take all steps necessary to ensure a peaceful student assembly. These shall include but shall not be limited to the following:

5.1.1. To police the ranks of the participants in order to ensure that the student assembly is conducted peacefully;

5.1.2. To coordinate with the school officials in order to ensure that the student assembly is conducted peacefully;

5.1.3. To ensure that no person in the student assembly molests, intimidates or threatens any other person or interferes in the exercise by others of their rights;

5.1.4. To see to it that the student assembly shall end on the time stated in the permit;

5.1.5. To see to it that the gates or any other entrance of the school is not blocked so as to permit the free entry and exit of students, faculty, nonacademic personnel and the public; and

5.1.6. To see to it that no educational functions of the school are in any way disturbed, distracted or interrupted;

5.2. It is understood that schools reserve the right to invoke pertinent laws in cases where nonstudents or outsiders attempt to organize assemblies or otherwise conduct activities within school premises;

5.3. It is understood that all student assemblies and activities shall be conducted within the bounds of law, rules and regulations, including the laws on libel and sedition.

## 6.0. ROLE OF GOVERNMENT LAW ENFORCERS

6.1. As a general rule, school authorities are responsible for the regulation and overseeing of the proper conduct and behavior of the members of the school community inside school campuses. However, they may request law enforcement elements for assistance, keeping in mind the "Guidelines on the Maintenance of Law and Order in School Premises" issued by the Chief of Constabulary/Director-General of the Integrated National Police dated July 23, 1985, a copy of which is inclosed. (Annex C)

## 7.0. ASSEMBLIES HELD IN PUBLIC PLACES

7.1. The Public Assembly Act of 1985 governs activities conducted in public places, defined to include "any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park, plaza, square, and/or any open space of public ownership where the people are allowed access." It shall be understood that student assemblies held in public places as defined in the Act shall be subject to the provisions of the said Act, a copy of which is inclosed for the guidance of all concerned. (Annex B)

## 8.0. RULES AND REGULATIONS

8.1. All schools, colleges and universities are hereby directed to issue reasonable rules and regulations for the implementation of this Order;

8.2. All rules and regulations, orders and policies of the Ministry which are inconsistent with any provision of this Order are hereby deemed repealed or modified, as the case may be.

## 9.0. EFFECTIVITY

This Order shall take effect immediately.

(SGD.) JAIME C. LAYA  
Minister

### Incls.:

- A. Excerpts from the Revised Penal Code, the Civil Code and related laws
- B. The Public Assembly Act of 1985
- C. PC/INP Guidelines on the Maintenance of Law and Order in School Premises

### References:

- MEC Orders: (Nos. 57 and 62, s. 1981)
  - MECS Order: No. 76, s. 1984
  - Allotment: 1-2-3-4--(D.O. 1-76)
- To be indicated in the Perpetual Index under the following subjects:

ASSEMBLY  
BOARD or COUNCIL  
BUREAUS & OFFICES  
CHANGE  
LEGISLATION

RULES & REGULATIONS  
SCHOOLS  
SOCIETY or ASSOCIATIONS  
STUDENTS  
UNIVERSITIES and COLLEGES

The following provisions of the Revised Penal Code, New Civil Code, PD 970, PD 33 and PD 885 are hereby reproduced for the information and guidance of all concerned.

1. The Revised Penal Code provides:

Art. 134. Rebellion or insurrection - How committed. The crime of rebellion or insurrection is committed by rising publicly and taking arms against the Government for the purpose of removing from the allegiance to said Government or its laws, the territory of the Philippine Islands or any part thereof, of any body of land, naval or other armed forces, or of depriving the Chief Executive or the Legislature, wholly or partially, of any of their powers or prerogatives.

Art. 135. Penalty for rebellion or insurrection. - Any person who promotes, maintains, or heads a rebellion or insurrection, or who, while holding any public office or employment, takes part therein, engaging in war against the forces of the Government, destroying property or committing serious violence, exacting contributions or diverting public funds from the lawful purpose for which they have been appropriated, shall suffer the penalty of reclusion temporal in its medium period and a fine not to exceed 20,000 pesos.

Any person merely participating or executing the commands of others in a rebellion shall suffer the penalty of reclusion temporal in its minimum period.

When the rebellion or insurrection shall be under the command of unknown leaders, any person who in fact directed the others, spoke for them, signed receipts and other documents issued in their name, or performed similar acts, on behalf of the rebels shall be deemed the leader of such rebellion.

Art. 136. Conspiracy and Proposal to Commit Rebellion or Insurrection. - The conspiracy and proposal to commit rebellion or insurrection shall be punished, respectively, by prison mayor in its maximum period and a fine not exceeding 10,000 pesos. (As amended by P.D. 1974)

Art. 138. Inciting to Rebellion or Insurrection. - The penalty of reclusion temporal in its minimum period and a fine not exceeding 15,000 pesos shall be imposed upon any person who, without taking arms or being in open hostility against the Government, shall incite others to the execution of any of the acts specified in Article 134 of this Code, by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end. (As amended by P.D. 1974)

Art. 139. Sedition - How committed. - The crime of sedition is committed by persons who rise publicly and tumultuously in order to attain by force, intimidation, or by other means outside of legal methods, any of the following objects:

- 1) To prevent the promulgation or execution of any law or the holding of any popular election;
- 2) To prevent the National Government, or any provincial or municipal government, or any public officer thereof from freely exercising its or his functions or prevent the execution of any administrative order;

- 3) To inflict any act of hate or revenge upon the person or property of any public officer or employee;
- 4) To commit, for any political or social end, any act of hate or revenge against private persons or any social class; and
- 5) To despoil, for any political or social end, any person, municipality or province, or the National Government or the Government of the United States, of all its property or any part thereof.

Art. 142. Inciting to Sedition. - The penalty of prision mayor in its maximum period and a fine not exceeding 12,000 pesos shall be imposed upon any person who, without taking any direct part in the crime of sedition, should incite others to the accomplishment of acts which constitute sedition, by means of speeches, proclamations, writings, emblems, cartoons, banners, or other representations tending to the same end, or upon any person or persons who shall utter seditious words or speeches, write, publish or circulate scurrilous libels against the Government of the Philippines or any of the duly constituted authorities thereof, which tend to disturb or obstruct any lawful officer in executing the functions of his office, or which tend to instigate others to cabal and meet together for unlawful purposes, or which suggest or incite rebellious conspiracies or riots, or which lead or tend to stir up the people against the lawful authorities or to disturb the peace of the community, the safety and order of the Government, or who shall knowingly conceal such evil practices. (As amended by P.D. 1974)

Art. 142-B. The penalty of prision mayor in its minimum period and a fine not exceeding 8,000 pesos shall be imposed on any person who, on the occasion of a rebellion or sedition, gives aid and comfort to the perpetrators of such crimes. The same penalty shall also be imposed upon such person who, having control and management of printing, broadcast or television facilities, or any form of mass communication, shall use or allow the use of such facilities for the purpose of amounting sustained propaganda assaults against the Government or any of its duly constituted authorities, which tend to destabilize the Government or undermine or destroy the faith and loyalty of the citizenry thereto, or who shall use or allow the use of such facilities for any plot or conspiracy to accomplish any of the acts which constitute rebellion or insurrection or sedition.

Conviction for the offenses provided under this Article shall carry with it the forfeiture and/or sequestration of the mass media facilities, firearms and explosives, and all other instruments, equipment or tools used in their commission. (As provided for in P.D. 1974)

Art. 146. Illegal Assemblies. - The penalty of prision mayor in its medium period shall be imposed upon the organizers or leaders of:

1. any meeting attended by armed persons for the purpose of committing any of the crimes punishable under this Code,
2. any meeting in which the audience is incited to the commission of the crime of treason, rebellion or insurrection, sedition, or assault upon a person in authority or his agents; and

3. Any meeting which is held for propaganda purposes against the Government or any of its duly constituted authorities in order to destabilize the Government or undermine its authority by eroding the faith and loyalty of the citizenry thereto, or for the purpose of supporting any plot or conspiracy to accomplish any of the acts which constitute rebellion or insurrection or sedition.

Persons merely present at such meeting shall suffer the penalty of arresto mayor in its maximum period, unless they are armed, in which case the penalty shall be prision correccional in its maximum period.

If any person present at the meeting carries an unlicensed firearm, it shall be presumed that the purpose of said meeting, insofar as he is concerned, is to commit acts punishable under this Code, and he shall be considered a leader or organizer of the meeting within the purview of the preceding paragraph.

As used in this Article, the word 'meeting' shall be understood to include a gathering or group such as public rallies, and similar group actions, whether in a fixed place or moving. (As amended by P.D. 1974)

Art. 147. Illegal Associations. The penalty of prision correccional in its maximum period shall be imposed upon the founders, directors, presidents, and other officers of associations totally or partially organized for the purpose of committing any of the crimes punishable under this Code or for some purpose contrary to public morals. Mere members of said associations shall suffer the penalty of arresto mayor in its maximum period. (As amended by P.D. 1974).

2. P.D. 970 promulgated July 24, 1976, defines and penalizes other acts of inciting to rebellion and sedition. It provides:

Sec. 1. Amendment of Articles 138 & 142, Revised Penal Code. - Articles 138 and 142 of Act Numbered Thirty Eight Hundred and Fifteen, otherwise known as the Revised Penal Code, are hereby amended by increasing the penalties therein respectively prescribed to prision mayor or fine ranging from six thousand to twelve thousand pesos, or both such imprisonment and fine, for act or acts which incite or tend to incite rebellion or sedition or the undermining, in any manner, of the faith and confidence of the people in their government and/or duly constituted authorities and which penalty shall be imposed upon:

1. those who shall publicly expound or proclaim doctrines openly rebellious or seditious;
2. the authors of rebellious or seditious literature, published with their knowledge in any form; the editors publishing such literature; and the owners/operators of the establishment selling the same;
3. those who, in theaters, fairs, cinematographs or any other place, exhibit rebellious or seditious plays, scenes, acts or shows which incite or tend to incite rebellion or sedition; and
4. those who shall sell, give away or exhibit films, prints, engravings, sculptures, or literatures which are rebellious or seditious in character.



3. The Civil Code provides:

Art. 27. Any person suffering material or moral loss because a public servant or employee refuses or neglects, without just cause, to perform his official duty may file an action for damages and other relief against the latter, without prejudice to any disciplinary administrative action that may be taken.

Art. 34. When a member of a city or municipal police force refuses or fails to render aid or protection to any person in case of danger to life or property, such peace officer shall be primarily liable for damages, and the city or municipality shall be subsidiarily responsible therefor. The civil action herein recognized shall be independent of any criminal proceedings, and a preponderance of evidence shall suffice to support such action.

4. PD 33, Penalizing the printing, possession, distribution and circulation of certain leaflets, handbills and propaganda materials and the inscribing or designing of graffiti, provides:

(1) The penalty of prision correccional in its minimum period shall be imposed upon any person who, without taking up arms or being in open hostility against the government or without inciting others to the execution of any act of rebellion, shall print or publish any handbill, leaflet, poster, or other similar materials, or shall possess; distribute or circulate any such printed or published materials, or shall draw, write or sketch any immoral or indecent picture or word on any wall, fence, sidewalk or any other visible or private place, which incites or tends to incite people to violence or to disregard, ridicule, defy or ignore any lawful order or act of the government or any of its officers, or which, in any case, tends to undermine the integrity of the government or the stability of the State.

5. PD No. 885, Outlawing subversive organizations, penalizing membership therein and for other purposes.

Sec. 2. Subversive Associations and Organizations- Any association, organization, political party, or group of persons organized for the purpose of overthrowing the Government of the Republic of the Philippines with the open or covert assistance and support of a foreign power by force, violence, deceit or other illegal means shall be considered and is hereby declared an illegal organization.

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Sec. 4. Whoever knowingly, wilfully and by overt acts affiliates with, becomes or remains a member of, a subversive association or organization as defined in Section 2 hereof, whether committed within or outside the territorial jurisdiction of the Philippines, shall be punished by reclusion temporal, and, in addition thereto, shall be permanently disqualified from holding any public office, appointive and elective, and from exercising the right to vote if he is a Philippine citizen; in case of a second conviction, the principal penalty shall be reclusion perpetua; and, in all subsequent convictions, the penalty of reclusion perpetua to death shall be imposed; and any alien convicted under this Decree shall be deported immediately after he shall have served the sentence imposed upon him: Provided, That if such member is an officer or a ranking leader of such subversive organization or association as defined in Section 2 hereof, or if such member takes up arms against the Government, he shall be punished by reclusion perpetua to death with all the accessory penalties provided therefor in the Revised Penal Code: Provided, finally, That one who conspires with any other person for the purpose of overthrowing the Government of the Republic

of the Philippines or any of its political subdivisions and placing such Government or political subdivision under the control and domination of a foreign power, or for the purpose of removing from the allegiance to said Government or its laws, the territory of the Philippines, or any part thereof, by force, violence, terrorism, arson, assassination, deceit or other illegal means, shall be punished by reclusion temporal with all the accessory penalties provided therefor in the same Code. (P.D. 1835 as amended by P.D. 1975).

## BATAS PAMBANSA BLG. 880

AN ACT ENSURING THE FREE EXERCISE BY THE PEOPLE  
OF THEIR RIGHT PEACEABLY TO ASSEMBLE AND  
PETITION THE GOVERNMENT FOR REDRESS  
OF GRIEVANCES AND FOR OTHER PURPOSES

Be it enacted by the Batasang Pambansa in session assembled:

Section 1. Title - This Act shall be known as "The Public Assembly Act of 1985."

Sec. 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.

Sec. 3. Definition of terms. - For purposes of this Act:

(a) "Public assembly" means any rally, demonstration, march, parade, procession or any other form of mass or concerted action held in a public place for the purpose of presenting a lawful cause; or expressing an opinion to the general public on any particular issue; or protesting or influencing any state of affairs whether political, economic or social; or petitioning the government for redress of grievances.

The processions, rallies, parades, demonstrations, public meetings and assemblages for religious purposes shall be governed by local ordinances; Provided, however, That the declaration of policy as provided in Section 2 of this Act shall be faithfully observed.

The definition herein contained shall not include picketing and other concerted action in strike areas by workers and employees resulting from a labor dispute as defined by the Labor Code, its implementing rules and regulations, and by Batas Pambansa Bilang 227.

(b) "Public place" shall include any highway, boulevard, avenue, road, street, bridge or other thoroughfare, park, plaza, square, and/or any open space of public ownership where the people are allowed access.

(c) "Maximum tolerance" means the highest degree of restraint that the military, police and other peace-keeping authorities shall observe during a public assembly or in the dispersal of the same.

(d) "Modification of a permit" shall include the change of the place and time of the public assembly, rerouting of the parade or street march, the volume of loud-speakers or sound system and similar changes.

Sec. 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 a government-owned and operated educational institution which shall be subject to the rules and regulations of said educational institution. Political meetings or rallies held during any election campaign period as provided for by law are not covered by this Act.

Sec. 5. Application requirements. - All applications for a permit shall comply with the following guidelines:

(a) The applications shall be in writing and shall include the names of the leaders or organizers; the purpose of such public assembly; the date, time and duration thereof, and place or streets to be used for the intended activity; and the probable number of persons participating, the transport and the public address systems to be used.

(b) The application shall incorporate the duty and responsibility of applicant under Section 8 hereof.

(c) The application shall be filed with the office of the mayor of the city or municipality in whose jurisdiction the intended activity is to be held, at least five (5) working days before the scheduled public assembly.

(d) Upon receipt of the application, which must be duly acknowledged in writing, the office of the city or municipal mayor shall cause the same to immediately be posted at a conspicuous place in the city or municipal building.

Sec. 6. Action to be taken on the application. -

(a) It shall be the duty of the mayor or any official acting in his behalf to issue or grant a permit unless there is clear and convincing evidence that the public assembly will create a clear and present danger to public order, public safety, public convenience, public morals or public health.

(b) The mayor or any official acting in his behalf shall act on the application within two (2) working days from the date the application was filed, failing which, the permit shall be deemed granted. Should for any reason the mayor or any official acting in his behalf refuse to accept the application for a permit, said application shall be posted by the applicant on the premises of the office of the mayor and shall be deemed to have been filed.

(c) If the mayor is of the view that there is imminent and grave danger of a substantive evil warranting the denial or modification of the permit, he shall immediately inform the applicant who must be heard on the matter.

(d) The action on the permit shall be in writing and served on the application within twenty-four hours.

(e) If the mayor or any official acting in his behalf denies the application or modifies the terms thereof in his permit, the applicant may contest the decision in an appropriate court of law.

(f) In case suit is brought before the Metropolitan Trial Court, the Municipal Trial Court, the Municipal Circuit Trial Court, the Regional Trial Court, or the Intermediate Appellate Court, its decisions may be appealed to the appropriate court within forty-eight (48) hours after receipt of the same. No appeal bond and record on appeal shall be required. A decision granting such permit or modifying it in terms satisfactory to the applicant shall be immediately executory.

(g) All cases filed in court under this section shall be decided within twenty-four (24) hours from date of filing. Cases filed hereunder shall be immediately endorsed to the executive judge for disposition or, in his absence, to the next in rank.

(h) In all cases, any decision may be appealed to the Supreme Court.

(i) Telegraphic appeals to be followed by formal appeals are hereby allowed.

Sec. 7. Use of public thoroughfare. - Should the proposed public assembly involve the use, for an appreciable length of time, of any public highway, boulevard, avenue, road or street, the mayor or any official acting in his behalf may, to prevent grave public inconvenience, designate the route thereof which is convenient to the participants or reroute the vehicular traffic to another direction so that there will be no serious or undue interference with the free flow of commerce and trade.

Sec. 8. Responsibility of applicant. - It shall be the duty and responsibility of the leaders and organizers of a public assembly to take all reasonable measures and steps to the end that the intended public assembly shall be conducted peacefully in accordance with the terms of the permit. These shall include but not be limited to the following:

(a) To inform the participants of their responsibility under the permit;

(b) To police the ranks of the demonstrators in order to prevent non-demonstrators from disrupting the lawful activities of the public assembly;

(c) To confer with local government officials concerned and law enforcers to the end that the public assembly may be held peacefully;

(d) To see to it that the public assembly undertaken shall not go beyond the time stated in the permit; and

(e) To take positive steps that demonstrators do not molest any person or do any act unduly interfering with the rights of other persons not participating in the public assembly.

Sec. 9. Non-interference by law enforcement authorities. - Law enforcement agencies shall not interfere with the holding of a public assembly. However, to adequately ensure public safety, a law enforcement contingent under the command of a responsible police officer may be detailed and stationed in a place at least one hundred (100) meters away from the area of activity ready to maintain peace and order at all times.

Sec. 10. Police assistance when requested. - It shall be imperative for law enforcement agencies, when their assistance is requested by the leaders or organizers, to perform their duties always mindful that their responsibility to provide proper protection to those exercising their right peaceably to assemble and the freedom of expression is primordial. Towards this end, law enforcement agencies shall observe the following guidelines:

(a) Members of the law enforcement contingent who deal with the demonstrators shall be in complete uniform with their nameplates and units to which they belong displayed prominently on the front and dorsal parts of their uniform and must observe the policy of "maximum tolerance" as herein defined;

(b) The members of the law enforcement contingent shall not carry any kind of firearms but may be equipped with baton or riot sticks, shields, crash helmets with visor, gas masks, boots or ankle high shoes with shin guards;

(c) Tear gas, smoke grenades, water cannons, or any similar anti-riot device shall not be used unless the public assembly is attended by actual violence or serious threats of violence, or deliberate destruction of property.

Sec. 11. Dispersal of public assembly with permit. - No public assembly with a permit shall be dispersed. However, when a public assembly becomes violent, the police may disperse such public assembly as follows:

(a) At the first sign of impending violence, the ranking officer of the law enforcement contingent shall call the attention of the leaders of the public assembly and ask the latter to prevent any possible disturbance;

(b) If actual violence starts to a point where rocks or other harmful objects from the participants are thrown at the police or at the non-participants, or at any property causing damage to such property, the ranking officer of the law enforcement contingent shall audibly warn the participants that if the disturbance persists, the public assembly will be dispersed;

(c) If the violence or disturbance prevailing as stated in the preceding subparagraph should not stop or abate, the ranking officer of the law enforcement contingent shall audibly issue a warning to the participants of the public assembly, and after allowing a reasonable period of time to lapse, shall immediately order it to forthwith disperse;

(d) No arrest of any leader, organizer or participant shall also be made during the public assembly unless he violates during the assembly a law, statute, ordinance or any provision of this Act. Such arrest shall be governed by Article 125 of the Revised Penal Code, as amended;

(e) Isolated acts or incidents of disorder or breach of the peace during the public assembly shall not constitute a ground for dispersal.

Sec. 12. Dispersal of public assembly without permit. - When the public assembly is held without a permit where a permit is required, the said public assembly may be peacefully dispersed.

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

(a) The holding of any public assembly as defined in this Act by any leader or organizer without having first secured the written permit where a permit is required from the office concerned, or the use of such permit for such purposes in any place other than those set out in said permit: Provided, however, That no person can be punished or held criminally liable for participating in or attending an otherwise peaceful assembly;

(b) Arbitrary and unjustified denial or modification of a permit in violation of the provisions of this Act by the mayor or any other official acting in his behalf;

(c) The unjustified and arbitrary refusal to accept or acknowledge receipt of the application for a permit by the mayor or any official acting in his behalf;

(d) Obstructing, impeding, disrupting or otherwise denying the exercise of the right to peaceful assembly;

(e) The unnecessary firing of firearms by a member of any law enforcement agency or any person to disperse the public assembly;

(f) Acts in violation of Section 10 hereof;

(g) Acts described hereunder if committed within one hundred (100) meters from the area of activity of the public assembly or on the occasion thereof:

1. the carrying of a deadly or offensive weapon or device such as firearm, pillbox, bomb, and the like;
2. the carrying of a bladed weapon and the like;
3. the malicious burning of any object in the streets or thoroughfares;
4. the carrying of firearms by members of the law enforcement unit;
5. the interfering with or intentionally disturbing the holding of a public assembly by the use of a motor vehicle, its horns and loud sound systems.

Sec. 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) violation of subparagraph (a) shall be punished by imprisonment of one month and one day to six months;

(b) violations of subparagraphs (b), (c), (d), (e), (f), and item 4, subparagraph (g) shall be punished by imprisonment of six months and one day to six years;

(c) violation of item 1, subparagraph (g) shall be punished by imprisonment of six months and one day to six years without prejudice to prosecution under Presidential Decree No. 1866;

(d) violations of item 2, item 3, or item 5 of subparagraph (g) shall be punished by imprisonment of one day to thirty days.

Sec. 15. Freedom parks. - Every city and municipality in the country shall within six months after the effectivity of this Act establish or designate at least one suitable "freedom park" or mall in their respective jurisdictions which, as far as practicable, shall be centrally located within the poblacion where demonstrations and meetings may be held at any time without the need of any prior permit.

In the cities and municipalities of Metropolitan Manila, the respective mayors shall establish the freedom parks within the period of six months from the effectivity of this Act.

Sec. 16. Constitutionality. - Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

Sec. 17. Repealing clause. - All 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. 18. Effectivity. - This Act shall take effect upon its approval.

Approved.

(SGD.) NICANOR E. YÑIGUEZ  
Speaker

This Act was passed by the First Batasang Pambansa on September 26, 1985.

(SGD.) ANTONIO M. DE GUZMAN  
Secretary-General

Approved: October 22, 1985

(SGD.) FERDINAND E. MARCOS  
President of the Philippines

A true copy



ANNEX C

Republic of the Philippines  
Ministry of National Defense  
HEADQUARTERS PHILIPPINE CONSTABULARY/INTEGRATED NATIONAL POLICE  
Camp Crame, Quezon City

23 July 1985

SUBJECT: Guidelines on the Maintenance of Law and Order in School Premises

TO: Regional Commanders/Directors, PC/INP  
Commanders, Separate Units, PC/INP  
Provincial and Metro District PC  
Commanders/Superintendents, INP  
Station/Sub-Station Commanders, INP

1. References:

a. Conference among MND, MECS, MOJ, NISA, ACSAFP and their key personnel held at OMND on 5 June 1985 pertaining to the Student/Youth Sector.

b. MND guidance, subject as above.

c. MECS Order, Subject: Rules and Regulations Concerning Student Organizations and Their Activities Within School Campuses.

2. Implemental to the points of agreement reached pursuant to the foregoing references, the following are the guidelines on the maintenance of law and order in school premises:

a. PC or INP detachments shall not be established inside school campuses. As a general rule, the school authorities are responsible for the regulation and overseeing of the proper conduct and behavior of the members of the school community inside school campuses. Detachments near schools, but outside campuses, however, may be established to enforce law and order and to protect members of the educational community and school property against criminal elements.

b. Normally, police authorities will enter campuses only upon request of school authorities as situation warrants; however, law enforcement authorities, on their own initiative, shall take necessary police measures to control or suppress crimes actually being committed or about to be committed inside the school campus; but this should be done in coordination with the school management therein.

c. Law enforcers shall not interfere with peaceful student protest actions inside the campuses. Only uniformed law enforcers will be deployed when entry into school campuses becomes necessary or justified; and only uniformed personnel will be deployed for law enforcement duties during demonstrations and rallies.

d. Law enforcers shall avoid, as much as possible, the employment of force in handling student protest actions. If ever warranted, only reasonable force shall be employed to stabilize a disorderly or tumultuous situation.

e. School security guards are not as a general rule vested with police power and therefore are not allowed to detain or interrogate students. Upon effecting a citizen's arrest on a student for an offense, the security guard shall forthwith turn over the student to the police authorities.

In this connection,

(1) Citizen's arrest can be invoked by the security guards within a school campus where a crime punishable under the Revised Penal Code is being committed, or has just been committed in their presence or is about to be committed, on the condition that the victims, offenders, witnesses and other evidence material to the case are immediately brought to the nearest police authorities for investigation preparatory to the institution of appropriate criminal action.

(2) Security Guards can invite students caught violating school regulations for the necessary investigative process as a basis of making the pertinent report to school authorities for the imposition of administrative disciplinary action.

3. This rescinds HPC/INP Letter Directive dated 28 October 1981, Subject: Guidelines on Student Affairs. For immediate implementation and report of action taken to this Headquarters, Attention: 03.

(SGD.) FIDEL V RAMOS  
Lieutenant General, AFP  
Chief of Constabulary  
and  
Director General, INP

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