

Title

Jose B.L. Reyes, in Behalf of the Anti-Bases Coalition (ABC), v. Ramon Bagatsing, as Mayor of the City of Manila

Facts

In October 1983, retired Justice J.B.L. Reyes, representing the Anti-Bases Coalition (ABC), filed a petition for a mandamus with an alternative prayer for a writ of preliminary mandatory injunction against Mayor Ramon Bagatsing of Manila. The ABC sought a permit for a rally advocating for general disarmament, world peace, and the removal of all foreign military bases, slated for October 26, 1983, in the vicinity of the Luneta Grandstand and the U.S. Embassy in Manila. Mayor Bagatsing denied the permit, citing police intelligence reports advising against the rally due to safety concerns, and suggested an alternative enclosed venue for the event.

The case escalated to the Supreme Court upon ABC's contention that the denial infringed upon their constitutional rights to free speech and assembly. The Supreme Court held a hearing where the parties presented their arguments. The Supreme Court focused on the absence of a clear and present danger that could justify the denial of the permit, considering previous peaceful demonstrations and the police's capability to manage the event.

Issues

1. Whether the denial of the permit for the rally constitutes an infringement on the constitutional rights to free speech and assembly.
2. Whether the City Ordinance No. 7295, restricting demonstrations near foreign missions, justifies the denial of the permit.
3. Whether the police intelligence reports indicating potential risk provide a sufficient basis for denying the rally permit.

Court's Decision

The Supreme Court, in a per curiam resolution, granted the petition for a mandamus, mandating the issuance of the permit for the rally. The Court held that the denial of the permit was an infringement on the constitutional rights to free speech and assembly, stating that these rights are fundamental to a democratic society and cannot be denied absent a clear and present danger of a substantive evil. The Court found no sufficient evidence indicating such a danger. Moreover, the Court deemed City Ordinance No. 7295 inapplicable given the specific assurances and plans provided by the petitioner, assuaging

concerns over potential disturbances.

Doctrine

The Supreme Court reasserted the doctrine that the rights to free speech and peaceful assembly are indispensable to democracy. Limitations on these rights require a clear and present danger of substantive evil. Additionally, the resolution questioned the applicability of municipal ordinances in instances where constitutional rights might be infringed, emphasizing the supremacy of fundamental liberties.

Class Notes

- **Key Concepts**: Free Speech, Peaceful Assembly, Clear and Present Danger, Municipal Ordinance vs. Constitutional Rights.
- **Statutes Cited**: Philippine Constitution on Free Speech and Assembly; Vienna Convention on Diplomatic Relations, Article 22.
- **Application**: The decision illustrates the balance between exercising constitutional rights and ensuring public safety, where the latter cannot unduly restrict the former without sufficient evidence of imminent danger. City ordinances cannot contravene the exercise of fundamental liberties guaranteed by the Constitution.

Historical Background

This case emerged during a period marked by political unrest and heightened activism against foreign military presence in the Philippines. The ABC's rally, calling for general disarmament and the removal of foreign bases, highlighted the ongoing debate over sovereignty and the Philippines' foreign policy amidst Cold War tensions. The Supreme Court's decision underscored the importance of maintaining democratic institutions and the exercise of constitutional rights, even in times of political turbulence.