[G.R. No. 106440; January 29, 1996]

ALEJANDRO MANOSCA, et al. petitioners vs. COURT OF APPEALS, et al.,respondents

Ponente: Vitug, J.

FACTS: In this petition for review on certiorari, the Court is asked to resolve whether or not the "public use" requirement of Eminent Domain is extant in the attempted expropriation by the Republic of a 492-square-meter parcel of land so declared by the National Historical Institute ("NHI") as a national historical landmark. Petitioners inherited a 492 sq. meter land located at P. Burgos Street, Calzada, Taguig, Metro Manila. When the parcel was ascertained by the NHI to have been the birth site of Felix Y. Manalo, the founder of Iglesia Ni Cristo, it passed Resolution No. 1, Series of 1986, pursuant to Section 4 of Presidential Decree No. 260, declaring the land to be a national historical landmark. It was approved by the Minister of Education, Culture and Sports, while the Secretary of Justice, in his opinion on the legality of the measure, said in part that "the birth site of the founder of the Iglesia ni Cristo, the late Felix Y. Manalo, who, admittedly, had made contributions to Philippine history and culture has been declared as a national landmark. It has been held that places invested with unusual historical interest is a public use for which the power of eminent domain may be authorized x x x. it is believed that the NHI… may initiate the institution of condemnation proceedings for the purpose of acquiring the lot in question in accordance with the procedure provided for in Rule 67 of the Revised Rules of Court."

In May 1989, the Republic, through the OSG, instituted a complaint for expropriation before RTC Pasig for and in behalf of the NHI. At the same time, it filed an urgent motion for the issuance of an order to permit it to take immediate possession of the property. The motion was opposed by petitioners. The trial court ruled in favor of the Republic. Petitioners moved to dismiss the complaint on the main thesis that the intended expropriation was not for a public purpose and, incidentally, that the act would constitute an application of public funds, directly or indirectly, for the use, benefit, or support of Iglesia ni Cristo, a religious entity, contrary to the provision of Section 29(2), Article VI, of the 1987 Constitution. Motion was dismissed. Petitioners then lodged a petition for certiorari and prohibition with the Court of Appeals.

ISSUE: Whether or not the expropriation of the land in the case at bar is for public use.

HELD: YES. Petitioners ask about the so-called unusual interest that the expropriation of (Felix Manalo's) birthplace become so vital as to be a public use appropriate for the exercise of the power of eminent domain" when only members of the Iglesia ni Cristo would benefit. This attempt to give some religious perspective to the case deserves little consideration, for what should be significant is the principal objective of, not the casual consequences that might follow from, the exercise of the power. The purpose in setting up the marker is essentially to recognize the distinctive contribution of the late Felix Manalo to the culture of the Philippines, rather than to commemorate his founding and leadership of the Iglesia ni Cristo.

The practical reality that greater benefit may be derived by members of the Iglesia ni Cristo than by most others could well be true but such a peculiar advantage still remains to be merely incidental and secondary in nature. Indeed, that only a few would actually benefit

from the expropriation of property does not necessarily diminish the essence and character of public use. All considered, the Court finds the assailed decision to be in accord with law and jurisprudence. The petition is DENIED.

ESTRADA v. ESCRITOR

AM No. P-02-1651, August 4, 2003, June 20, 2006

Ponente: Puno, J.

FACTS: Soledad Escritor is a court interpreter since 1999 in the RTC of Las Pinas City. Alejandro Estrada, the complainant, wrote to Judge Jose F. Caoibes, presiding judge of Branch253, RTC of Las Pinas City, requesting for an investigation of rumors that Escritor has been living with Luciano Quilapio Jr., a man not her husband, and had eventually begotten a son. Escritor's husband, who had lived with another woman, died a year before she entered into the judiciary. On the other hand, Quilapio is still legally married to another woman. Estrada is notrelated to either Escritor or Quilapio and is not a resident of Las Pinas but of Bacoor, Cavite. According to the complainant, respondent should not be allowed to remain employed in the judiciary for it will appear as if the court allows such act. Escritor is a member of the religious sect known as the Jehovah's Witnesses and the Watch Tower and Bible Tract Society where her conjugal arrangement with Quilapio is in conformity with their religious beliefs. After ten years of living together, she executed on July 28, 1991 a ―Declaration of Pledging Faithfulness‖ which was approved by the congregation. Such declaration is effective when legal impediments render it impossible for a couple to legalize their union. Gregorio, Salazar, a member of the Jehovah's Witnesses since 1985 and has been a presiding minister since 1991, testified and explained the import of and procedures for executing the declaration which was completely executed by Escritor and Quilapio's in Atimonan, Quezon and was signed by three witnesses and recorded in Watch Tower Central Office.

ISSUE: Whether or not Escritor's contention of freedom of religion as defense to her action be sustained.

HELD: Freedom of choice guarantees the liberty of the religious conscience and prohibits any degree of compulsion or burden, whether direct or indirect, in the practice of one's religion. The Free Exercise Clause principally guarantees voluntarism, although the Establishment Clause also assures voluntarism by placing the burden of the advancement of religious groups on their intrinsic merits and not on the support of the state. In interpreting the Free Exercise Clause, the realm of belief poses no difficulty. A similar jurisprudence is cited by the court wherein in the case of Gerona v. Secretary of Education viz: The realm of belief and creed is infinite and limitless bounded only by one's imagination and thought. So is the freedom of belief, including religious belief, limitless and without bounds. One may believe in most anything, however strange, bizarre and unreasonable the same may appear to others, even heretical when weighed in the scales of orthodoxy or doctrinal standards. But between the freedom of belief and .the exercise of said belief, there is quite a stretch of road to travel. The difficulty in interpretation sets in when belief is externalized into speech and action. religious freedom will not be upheld if it clashes with the established institutions of society and with the law such that when a law of general applicability (in this case the Department Order) incidentally burdens the exercise of one's religion, one's right to religious freedom cannot justify exemption from compliance with the law.

EBRALINAG v. THE DIVISION SUPERINTENDENT OF SCHOOLS OF CEBU

G.R. No. 95770 March 1, 1993

AMOLO et al vs. THE DIVISION SUPERINTENDENT OF SCHOOLS OF CEBU and ANTONIO A. SANGUTAN

G.R. No. 95887 March 1, 1993

Ponente: GRIÑO-AQUINO, J.

FACTS:

The petitioners who are minor students and a member of the Jehova's Witness sect were expelled from their classes by the respondent public school authorities in Cebu for refusing gto salute the flag, sing the national anthem and recite the patriotic pledge. Jehovah's Witnesses admittedly teach their children not to salute the flag, sing the national anthem, and recite the patriotic pledge for they believe that those are "acts of worship" or "religious devotion" which they "cannot conscientiously give to anyone or anything except God‖. They feel bound by the Bible's command to "guard ourselves from idols. They consider the flag as an image or idol representing the State. They think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on the State's power and invades the sphere of the intellect and spirit which the Constitution protects against official control.

ISSUE:

Whether school children who are members of a religious sect known as Jehovah's Witnesses may be expelled from school (both public and private), for refusing, on account of their religious beliefs, to take part in the flag ceremony which includes playing (by a band) or singing the Philippine national anthem, saluting the Philippine flag and reciting the patriotic pledge

HELD: Religious freedom is a fundamental right of highest priority. The 2 fold aspect of right to religious worship is: 1.) Freedom to believe which is an absolute act within the realm of thought. 2.) Freedom to act on one's belief regulated and translated to external acts. The only limitation to religious freedom is the existence of grave and present danger to public safety, morals, health and interests where State has right to prevent. The expulsion of the petitioners from the school is not justified. Jehovah's Witnesses may be exempted from observing the flag ceremony but this right does not give them the right to disrupt such ceremonies. In the case at bar, the Students expelled were only standing quietly during ceremonies. By observing the ceremonies quietly, it doesn't present any danger so evil and imminent to justify their expulsion. What the petitioner's request is exemption from flag ceremonies and not exclusion from public schools.

The expulsion of the students by reason of their religious beliefs is also a violation of a citizen's right to free education. The non-observance of the flag ceremony does not totally constitute ignorance of patriotism and civic consciousness. Love for country and admiration for national heroes, civic consciousness and form of government are part of the school curricula. Therefore, expulsion due to religious beliefs is unjustified. Expulsion is ANNULLED.

RELI GERMAN, et. al.,petitioners, vs. GEN. SANTIAGO BARANGAN and MAJOR ISABELOLARIOSA, respondents.

G.R. No. 68828. March 27, 1985.

Ponente: ESCOLIN, * J.:

FACTS: At about 5:00 p.m. of October 2, 1984, petitioners, composed of businessmen, students and office employees converged at J.P. Laurel Street, Manila, to hear mass at the St. Jude Chapel which adjoins the Malacañang grounds locate in the same street. Wearing the yellow T-shirts, they started to march down said street with raised clenched fists 1 and shouts of anti-government invectives. Along the way, however, they were barred by respondent Major Isabelo Lariosa, upon orders of his superior and co-respondent Gen. Santiago Barangan, from proceeding any further, on the ground that St. Jude Chapel was located within the Malacañang security area. When petitioners' protestations and pleas to allow them to get inside the church proved unavailing, they decided to leave. However, because of the alleged warning given them by respondent Major Lariosa that any similar attempt by petitioners to enter the church in the future would likewise be prevented, petitioners now invokes their right of freedom of religion. Petitioners' alleged purpose in converging at J.P. Laurel Street was to pray and hear mass at St. Jude church. At the hearing of this petition, respondents assured petitioners and the Court that they have never restricted any person or persons from entering and worshipping at said church They maintain, however, that petitioners' intention was not really to perform an act of religious worship, but to conduct an anti-government demonstration at a place close to the very residence and offices of the President of the Republic.

ISSUE: Whether or not the right to freedom of religion of the petitioners was violated.

HELD: While it is beyond debate that every citizen has the undeniable and inviolable right to religious freedom, the exercise thereof, and of all fundamental rights for that matter, must be done in good faith. As Article 19 of the Civil Code admonishes: "Every person must in the exercise of his rights and in the performance of his duties . . . observe honesty and good faith." Even assuming that petitioners' claim to the free exercise of religion is genuine and valid, still respondents reaction to the October 2, 1984 mass action may not be characterized as violative of the freedom of religious worship. Since 1972, when mobs of demonstrators crashed through the Malacañang gates and scaled its perimeter fence, the use by the public of J P. Laurel Street and the streets approaching it have been restricted. While travel to and from the affected thoroughfares has not been absolutely prohibited, passers-by have been subjected to courteous, unobtrusive security checks. The reasonableness of this restriction is readily perceived and appreciated if it is considered that the same is designed to protect the lives of the President and his family, as well as other government officials, diplomats and foreign guests transacting business with Malacañang. In the case at bar, petitioners are not denied or restrained of their freedom of belief or choice of their religion, but only in the manner by which they had attempted to translate the same into action.

IGLESIA NI CRISTO (INC.),petitioner, vs. THE HONORABLE COURT OF APPEALS,BOARD OF REVIEW FOR MOVING PICTURES AND TELEVISION and HONORABLEHENRIETTA S. MENDEZ,respondent.

G.R. No. 119673. July 26, 1996

Ponente: Puno, J.

FACTS: Petitioner has a television program entitled "Ang Iglesia ni Cristo" aired on Channel 2every Saturday and on Channel 13 every Sunday. The program presents and propagates petitioner's religious beliefs, doctrines and practices often times in comparative studies with other religions. When the petitioner submitted to the Board of Review for Moving Pictures and Television, respondent, the VTR tapes of its several TV program series, the Board classified the series as "X" or not for public viewing on the ground that they "offend and constitute an attack against other religions which is expressly prohibited by law." On November 28, 1992, it appealed to the Office of the President the classification of its TV Series No. 128 which allowed it through a letter of former Executive Secretary Edelmiro A. Amante, Sr., addressed for Henrietta S. Mendez reversing the decision of the respondent Board. According to the letter the episode in is protected by the constitutional guarantee of free speech and expression and no indication that the episode poses any clear and present danger. Petitioner also filed Civil Case alleging that the respondent Board acted without jurisdiction or with grave abuse of discretion in requiring petitioner to submit the VTR tapes of its TV program and in x-rating them. In their Answer, respondent Board invoked its power under PD No. 19861 in relation to Article 201 of the Revised Penal Code. RTC ruled in favor of petitioners. CA however reversed it hence this petition.

ISSUE: Whether or not the "ang iglesia ni cristo" program is not constitutionally protected as aform of religious exercise.

HELD: RTC's ruling clearly suppresses petitioner's freedom of speech and interferes with its right to free exercise of religion. This is true in this case. So-called "attacks" are mere criticisms of some of the deeply held dogmas and tenets of other religions. ―Attack‖ is different from―offend‖ any race or religion. The respondent Board may disagree with the criticisms of other religions by petitioner but that gives it no excuse to interdict such criticisms, however, unclean they may be. Under our constitutional scheme, it is not the task of the State to favor any religion by protecting it against an attack by another religion. Religious dogmas and beliefs are often at war and to preserve peace among their followers, especially the fanatics, the establishment clause of freedom of religion prohibits the State from leaning towards any religion. The basis of freedom of religion is freedom of thought and it is best served by encouraging the marketplace of dueling ideas. It is only where it is unavoidably necessary to prevent an immediate and grave danger to the security and welfare of the community that infringement of religious freedom maybe justified, and only to the smallest extent necessary to avoid the danger. There is no showing whatsoever of the type of harm the tapes will bring about especially the gravity and imminence of the threatened harm. Prior restraint on speech, including religious speech, cannot be justified by hypothetical fears but only by the showing of a substantive and imminent evil.

Reyes v. Bagatsing
FERNANDO, C.J.

The Anti-Bases Coalition planned to hold a peaceful march and rally. It would start in Luneta Park and end at the gates of the US Embassy. After the march, a program would follow whereby two brief speeches were to be delivered. However, the City Mayor did not act on the request of organization for permit.

Facts:

1. Retired Justice J.B.L. Reyes, on behalf of the Anti-Bases Coalition, sought a permit from the City of Manila to hold a peaceful march and rally on October 26, 1983 from 2:00 to 5:00 in the afternoon. The route is from the Luneta, a public park, to the gates of the US Embassy which is two blocks away. The march would be attended by the local and foreign participants of such conference.
2. A short program would be held after the march. During the program, there would be a delivery of two brief speeches. After which, a petition based on the resolution adopted on the last day by the International Conference for General Disarmament, World Peace and the Removal of All Foreign Military Bases held in Manila, would be presented to a representative of the Embassy or any of its personnel who may be there so that it may be delivered to the US Ambassador.
3. The Mayor of the City of Manila however intruded by not acting on the request of the organization for permit. Rather, he suggested with the recommendation of the police authorities that a permit may be issued for the rally if it would be held at the Rizal Coliseum. As such, Reyes, on behalf of the organization, filed a suit for mandamus.

Ruling:

1. Reyes' petition was granted.
2. The Court is called upon to protect the exercise of the cognate rights to free speech and peaceful assembly, arising from the denial of a permit. The Constitution is quite explicit that "[n]o 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." Free speech, like free press, may be identified with the liberty to discuss publicly and truthfully any matter of public concern without censorship or punishment. There is to be then no previous restraint on the communication of views or subsequent liability whether in libel suits, prosecution for sedition, or action for damages, or contempt proceedings unless there be a "clear and present danger of a substantive evil that the State has a right to prevent."
3. Freedom of assembly connotes the right of the people to meet peaceably for consultation and discussion of matters of public concern. It is entitled to be accorded the utmost deference and freedom of expression, of a clear and present danger of a substantive evil that the State has a right to prevent. It is not to be limited, much less denied, except on a showing, as is the case with freedom of expression, of a clear and present danger of a substantive evil that the State has a right to prevent.
4. Even prior to the 1935 Constitution, Justice Malcolm had occasion to stress that it is a necessary consequence of our republican institutions and complements the right of free speech.
5. Reiterating the ruling in Thomas v. Collins, the American Supreme Court held that it was not by accident or coincidence that the rights to freedom of speech and of the press were coupled in a single guarantee with the rights of the people peaceably to assemble and to petition the government for redress of grievances. All these rights, while not identical, are inseparable. In every case, therefore, where there is a limitation placed on the exercise of the right, the judiciary is called upon to examine the effects of the challenged governmental actuation. The sole justification for a limitation on the exercise of this right, so fundamental to the maintenance of democratic institutions, is the danger, of a character both grave and imminent, of a

serious evil to public safety, public morals, public health, of other legitimate public interest.

6. What is guaranteed by the Constitution is peaceable assembly. One may not advocate disorder in the name of protest, much less preach rebellion under the cloak of dissent. The Constitution frowns on disorder or tumult attending a rally or assembly. Resort to force is ruled out and outbreaks of violence to be avoided. The utmost calm though is not required. As pointed out in US v. Apurado, "[i]t is rather to be expected that more or less disorder will mark the public assembly of the people to protest against grievances whether real or imaginary, because on such occasions, feeling is always wrought to a high pitch of excitement, and the greater the grievances and the more intense the feeling, the less perfect, as a rule, will be the disciplinary control of the leaders over their irresponsible followers." It bears repeating that for the constitutional right to be invoked, riotous conduct, injury to property, and acts of vandalism must be avoided. To give free rein to one's destructive urges is to call for condemnation. It is to make a mockery of the high estate occupied by intellectual liberty is our scheme of values.
7. It is settled law that as to public places, especially so as to parks and streets, there is freedom of access. Nor is their use dependent on who is the applicant for the permit, whether an individual or a group. If it were, then the freedom of access becomes discriminatory access, giving rise to an equal protection question. The principle under American doctrines was given utterance by Chief Justice Hughes in these words: "The question, if the rights of free speech and peaceable assembly are to be preserved, is not as to the auspices under which the meeting is held but as to its purpose; not as to the relations of the speakers, but whether their utterances transcend the bounds of the freedom of speech which the Constitution protects."
8. There could be danger to public peace and safety if such a gathering were marked by turbulence. That would deprive it of its peaceful character. Even then, only the guilty parties should be held accountable. It is true that the licensing official, here respondent Mayor, is not devoid of discretion in determining whether or not a permit would be granted. While prudence requires that there be a realistic appraisal not of what may possibly occur but of what may probably occur, given all the relevant circumstances, still the assumption – especially so where the assembly is scheduled for a specific public place – is that the permit must he for the assembly being held there. The exercise of such a right, in the language of Justice Roberta, speaking for the American Supreme Court, is not to be "abridged on the plea that it may be exercised in some other place."
9. The applicants for a permit to hold an assembly should inform the licensing authority of the date, the public place where and the time when it will take place. If it were a private place, only the consent of the owner or the one entitled to its legal possession is required. Such application should be filed well ahead in time to enable the public official concerned to appraise whether there may be valid objections to the grant of the permit or to its grant but at another public place. It is an indispensable condition to such refusal or modification that the clear and present danger test be the standard for the decision reached. If he is of the view that there is such an imminent sad grave danger of a substantive evil, the applicants must be heard on the matter. Thereafter, his decision, whether favourable or adverse, must be transmitted to them at the earliest opportunity. Thus, if so minded, they can have recourse to the proper judicial authority.
10. Free speech and peaceable assembly, along with other intellectual freedom, are highly ranked in our scheme of constitutional values. It cannot be too strongly stressed that on the judiciary – even more so than on the other departments – rests the grave and delicate responsibility of assuring respect for and deference to such preferred rights. No verbal formula, no sanctifying phrase can, of course, dispense with what has been felicitously termed by Justice Holmes "as the sovereign prerogative of judgment." Nonetheless, the presumption must be to incline the

weight of the scales of justice on the side of suds rights, enjoying as they do precedence and primacy.

Lagunzad v. Soto vda De Gonzales

The parties entered into a licensing agreement for the filming of "The Moises Padilla Story." Soto vda. de Gonzales is the mother of Moises. Moises' half-sister objecred to the movie as it exploited Moises' life.

Facts:

1. Lagunzad and de Gonzales entered into a licensing agreement for the former was filming "The Moises Padilla Story." Manuel Lagunzad was a newspaperman and, through his MML Productions, began the production of the movie. The movie was based on the book of Atty. Ernesto Rodriguez, Jr.s "The Long Dank Night in Negros."

2. Although the focus on the film on the Moises' life, there were portions which dealt with his private and family life including the portrayal in some scenes, of his mother, Maria Soto Vda. De Gonzales.

3. The movie was scheduled for a premiere showing on October 16, 1961. Thirteen days prior to it, Moises' half-sister, Mrs. Nelly Amante, objected to the movie as it exploited Moises' life.

Ruling:

1. The Court neither finds merit in petitioner's contention that the Licensing Agreement infringes on the constitutional right of freedom of speech and of the press, in that, as a citizen and as a newspaperman, he has a right to express his thoughts in film on the public life of Moises Padilla without prior restraint.

2. The clear and present danger rule was applied. In quoting Gonzales v. COMELEC, "[t]he prevailing doctrine is that the clear and present danger rule is such a limitation. Another criterion for permissible limitation on freedom of speech and of the press, which includes such vehicles of the mass media as radio, television and the movies, is the "balancing-of-interests test." The principle requires a court to take conscious and detailed consideration of the interplay of interests observable in a given situation or type of situation.

3. In the case at bar, the interests observable are the right to privacy asserted by respondent and the right of freedom of expression invoked by petitioner. Taking into account eh interplay of those interests, we hold that under the particular circumstances presented, and considering the obligations assumed in the Licensing Agreement entered into by petitioner, the validity of such agreement will have to be upheld particularly because the limits of freedom of expression are reached when expression touches upon matters of essentially private concern.

Ayer Productions Pty Ltd. V. Capulong

Ayer Productions Pty Ltd. sought to film the EDSA Revolution. They informed Enrile regarding the motion picture and he wrote that he would not approve the use, appropriation, reproduction and/ore exhibition of his name or picture or that of any member of his family in any cinema.

Facts:

1. Hal McElroy owns the production company, Ayer Productions Pty Ltd. Through this movie production company, he intended to make a movie that would depict the historic peaceful struggle of the Filipinos at EDSA in a six hour mini-series.
2. The proposed motion picture is entitled "The Four Day Revolution," and was endorsed by the Movie Television Review and Classification Board as well as the other government agencies consulted. General Fidel Ramos also signified his approval of the intended film production. Petitioner McElroy had likewise informed Juan Ponce Enrile

about the projected motion picture, enclosing a synopsis of it.

3. Enrile replied that he would not and will not approve of the use, appropriation, reproduction and/or exhibition of his name or picture or that of any member of his family in any cinema or television production. Because of this, petitioners deleted the name of Enrile in the movie script and proceeded to film the projected motion picture. Despite of the deletion, Enrile still sought to enjoin petitioners from producing the movie, which was later on granted.

Ruling:

1. Petitioners claim that in producing the "The Four Day Revolution," they are exercising their freedom of speech and of expression protected under the Constitution. Private respondent, on the other hand, asserts a right of privacy and claims that the production and filming of the projected mini-series would constitute an unlawful intrusion into his privacy which he is entitled to enjoy.
2. The freedom of speech and of expression includes the freedom to film and produce motion pictures and to exhibit such motion pictures in theatres or to diffuse them through television. In our day and age, motion pictures are a universally utilized vehicle of communication and medium of expression.
3. This freedom is available in our country both to locally-owned and to foreign-owned motion picture companies. Furthermore, the circumstance that the production of motion picture films is a commercial activity expected to yield monetary profit, is not a disqualification for availing of freedom of speech and of expression. Indeed, commercial media constitute the bulk of such facilities available in our country and hence to exclude commercially-owned and operated media from the exercise of constitutionally protected freedom of speech and of expression can only result in the drastic contraction of such constitutional liberties in our country.
4. The production and filming by petitioners of the projected motion picture does not constitute an unlawful intrusion upon private respondent's right of privacy. More so, the motion picture is not principally about, nor is it focused upon, the man Juan Ponce Enrile, but it is compelled, if it is to be historical, to refer to the role played by Enrile in the precipitating and the constituent events of the change of government.
5. The privilege of enlightening the public is not limited to the dissemination of news in the scene of current events. It extends also to information or education, or even entertainment and amusement, by books, articles, pictures, films and broadcasts concerning interesting phases of human activity in general, as well as the reproduction of the public scene in newsreel and travelogues. In determining where to draw the line, the courts were invited to exercise a species of censorship over what the public may be permitted to read; and they were understandably liberal in allowing the benefit of the doubt.
6. The line of equilibrium in the specific context of the instant case between the constitutional freedom of speech and of expression and the right of privacy, may be marked out in terms of a requirement that the proposed motion picture must be fairly truthful and historical in its presentation of events. There must, in other words, be no knowing or reckless disregard of truth in depicting the participation of private respondent in the EDSA Revolution. There must be no presentation of the private life of the unwilling private respondent and certainly no revelation of intimate or embarrassing personal facts. To the extent that the motion picture limits itself in portraying the participation of private respondent in the EDSA Revolution to those events which are directly and reasonably related to the public facts of the EDSA Revolution, the intrusion into private respondent's privacy cannot be regarded as unreasonable and actionable. Such portrayal may be carried out even without a license from private respondent.

Malabanan v. Ramento

Student leaders at the Gregorio Araneta University, after holding the meeting, marched towards the Life Science building using megaphones and giving utterance to language severely critical of the school authorities. Classes were disturbed while the non-academic personnel's work was interrupted.

Facts:

1. Petitioners organized a meeting, being officers of the Supreme Student Council of Gregorio Araneta University Foundation. They were granted the permit to hold a meeting from 8:00 a.m. to 12:00 p.m. on August 27, 1982 at the Veterinary Medicine and Animal Science basketball court. However, they held the general assembly at the second floor lobby of the VMAS, contrary to what is stated in the permit.
2. During the gathering, they manifested their opposition to the proposed merger of the Institute of Animal Science with the Institute of Agriculture, in a vehement and vigorous language.
3. After the assembly, at around 10:30 a.m., they marched toward the Life Science building and continued their rally, using megaphones and giving utterance to language severely critical of the University authorities. As a result, classes were disturbed aside from the work of non-academic employees within hearing distance.
4. The petitioners were placed under preventive suspension for their failure to explain the holding of an illegal assembly in front of the Life Science building.
5. Respondent, the Director of NCR of the Ministry of Education, Culture and Sports, found the petitioners guilty of the charge of having violated paragraph 146(c) of the Manual for Private Schools, more specifically their holding of an illegal assembly which was characterized by the violation of the permit granted resulting in the disturbance of classes and oral defamation.

Ruling:

1. It is true that petitioners held the rally at a place other than that specified in the permit and continued it longer than the time allowed. Undeniably too, they did disturb the classes and caused the work of the non-academic personnel to be left undone. Such undesirable consequence could have been avoided by their holding the assembly in the basketball court as indicated in the permit. Nonetheless, suspending them for one year is out of proportion to their misdeed.
2. As declared by the Court in Reyes v. Bagatsing, the invocation of the right to freedom of peaceable assembly carries with it the implication that the right to free speech has likewise been disregarded. Both are embraced in the concept of freedom of expression which is identified with the liberty to discuss publicly and truthfully, any matter of public interest without censorship or punishment and which "is not to be limited, much less denied, except on a showing of a clear and present danger of a substantive evil that the state has a right to prevent."
3. Petitioners are entitled to invoke their rights to peaceable assembly and free speech. They enjoy like the rest of the citizens, the freedom to express their views and communicate their thoughts to those disposed to listen in gatherings such as in this case. They do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. While, therefore, the authority of educational institutions over the conduct of students must be recognized, it cannot go so far as to be violative of constitutional safeguards. On a more specific level, there is persuasive force to this formulation in Tinker v. Des Moines Community School District: "The principal use to which the schools are dedicated is to accommodate students during prescribed hours for the purpose of certain types of activities. Among those activities is personal intercommunication among the students. This is not only an inevitable part of the process. A student's rights do not embrace merely the classroom hours. When he is in the cafeteria or on the playing field, or on campus during the authorized hours, he may express his opinions, even on

controversial subjects like the conflict in Vietnam, if he does so without 'materially and substantially interfering with the requirements of appropriate discipline in the operation of the school' and without colliding with the rights of others. But conduct by the student, in class or out of it, which for any reason – whether it stems from time, place or type of behaviour – materially disrupts classwork or involves substantial disorder or invasion of the rights of others is not immunized by the constitutional guarantee of freedom of speech."

4. If in the course of such demonstration with an enthusiastic audience goading them on, utterances, extremely critical, at times even vitriolic, were let loose, that is quite understandable. Student leaders are hardly the timid, diffident types. They are likely to be assertive and dogmatic. They would be ineffective if during a rally they speak in the guarded and judicious language of the academe. At any rate, even a sympathetic audience is not disposed to accord full credence to their fiery exhortations. They take into account the excitement of the occasion, the propensity of speakers to exaggerate, the exuberance of youth.
5. The rights to peaceable assembly and free speech are guaranteed students of educational institutions. Necessarily, their exercise to discuss matters affecting their welfare or involving public interest is not to be subjected to previous restraint or subsequent punishment unless there be a showing of a clear and present danger to a substantive evil that the State has a right to prevent. As a corollary, the utmost leeway and scope is accorded the content of the placards displayed or utterances made. The peaceable character of an assembly could be lost, however, by an advocacy of disorder under the name of dissent, whatever grievances that may be aired being susceptible to correction through the ways of the law. If the assembly is to be held in school premises, permit must be sought from its school authorities, who are devoid of the power to deny such request arbitrarily or unreasonably. In granting such permit, there may be conditions as to the time and place of the assembly to avoid disruption of classes or stoppage of work of the non-academic personnel. Even if, however, there be violations of its terms, the penalty incurred should not be disproportionate to the offense.
6. Petitioners cannot be totally absolved for the events. There was violation of the terms of the permit. Accordingly, they could be disciplined.