

Republic of the Philippines  
**MUNICIPAL BOARD**  
Office of the Secretary  
Ormoc City

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
SIXTH MUNICIPAL BOARD OF ORMOG CITY, PHILIPPINES, HELD  
AT ITS SESSION HALL ON MARCH 11, 1970

PRESENT:

Hon. Jesus B. Lladoc,	Vice-Mayer, Presiding Officer
Hon. Gregorio C. Yrasterza,	Floor Leader
Hon. Juanito T. Kangleon,	City Councilor
Hon. Cesar Samson,	City Councilor
Hon. Eduardo P. Tan,	City Councilor
Hon. Albino P. Percadilla,	City Councilor
Hon. Rafael M. Mejia,	City Councilor
Hon. Dionisio Torrevillas,	City Councilor

ABSENT:

Hon. Jose C. Aviles,	City Councilor
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RESOLUTION NO. 36

"WHEREAS, unpleasant happenings in the recent past featured in by demonstrators and the authorities in the metropolitan area causing irreparable losses and damages to lives and properties have seemingly rocked the national security so much so that local governments are now conducting serious studies with the view to minimizing, if not eradicating, untoward incidents or unnecessary mishaps that would brew between private persons and authorities in the locality, invoking in this connection the exercise of the police power of the state in line with the legislative power of the local lawmaking body granted by its charter to maintain and/or regulate peace and order in the community;

"WHEREAS, while it is true that paragraph 8 of Section 1 under Article III of the Philippine Constitution, provides:

'No law shall be passed abridging the right of the people peaceably to assemble and petition the government for redress of grievances.'

As held in the case of U.S. vs. Cruikshank (1876), 92 U.S. 542, 552, that:

'The right of peaceful assembly existed long before the adoption of the Constitution. It is considered one of the attributes of citizenship under free governments. It derives its sources from those laws whose authority is acknowledged by civilized men throughout the world. It is found where civilization exists. It was not, therefore, a right granted to the people by the Constitution.'

Nevertheless, current events have given us an impression that demonstrators, especially and mostly students, are going high over their emotions such that passions agitate their actions to some kind of disregard for law and order resulting in their own loss because of their follies;

'Demonstrators should harness their motivations and efforts to processes of building up, not of tearing down, and to renounce the spirit of violence in the pursuance of their goals and they should bear in mind that while they are entitled to an exercise of their rights of freedom of protest, of contention, and to petition the government for redress of grievances, they should guard against the view that it is personal freedom to violate the freedom of others.' (His Eminence, Rufino J. Cardinal Santos)



"WHEREAS, this august Body believes that freedom to use any public place for demonstration purposes is not absolute for it may be regulated in order that it may not be injurious to the right of the community or society, and this power may be exercised under the police power of the state which is the power to prescribe regulations to promote the health, morals, peace, education, good order or safety and general welfare of the people. As the saying goes, 'Your freedom ends where my nose begins.';

"WHEREAS, we cannot hide our concern over the tragic events that left in their wake destructions of public and private properties, injuries to persons and even loss of human lives, which catastrophe, we believe, was the result of the privileges which the demonstrators over-enjoyed even as peace officers stood by their sworn duties to maintain peace and order, conscious of the fact that such privileges were not absolute but relative and should have been exercised by the demonstrators in subordination to the general comfort and convenience and in consonance with peace and good order, whereby it should be noted that political authority must always be exercised within the limits of the moral order and directed towards the common good according to the juridical order legitimately established, and, when authority is so exercised, citizens are bound in conscience to obey;

"WHEREAS, the purpose of this measure is not to restrain any person or group of persons from staging a demonstration but, on the contrary, it seeks to secure the position of the demonstrators after a permit shall have been granted by giving them ample protection for the duration of the demonstration and, likewise, it will give ample time for the Mayor and all other authorities to prepare the ground or place for public convenience such as, closing of traffic within the immediate vicinity of the demonstrations, assigning peace officers to maintain peace and order during the demonstration, etc.;

"WHEREAS, in several cases our Supreme Court held that:

'A statute or ordinance requiring permit or licensing system for use of streets, public places, etc., for communication of ideas on matters of public interest or affairs is valid only when the discretion granted to the licensing authorities issuing the permit applied for is to determine or specify the streets or public places to be used for the purpose with the view of preventing confusion by overlapping, to secure convenient use of the street and public place by others, and provide adequate and proper policing minimizing the risk of disorder. The issuance of the permit must be ministerial.'

'The licensing authorities are strictly limited, under the ordinance, in the issuance of license, to a consideration of time, place and manner of the parade or demonstration and affording an opportunity to provide proper policing, and are not invested with arbitrary discretion to issue or refuse license.'

'Laws punishing such offenses as sedition, disorderly conduct, breach of the peace, defamation and similar acts, "must not be interpreted so as to abridge the freedom of speech or the right of the people peaceably to assemble and petition the Government for redress of grievances guaranteed by the express provision



of the Constitution." Utmost discretion should be exercised in drawing the line between peaceable assembly and tumultuous uprising.'

In the Primicias vs. Fugoso case, a provision which grants an unregulated or unlimited power to grant or refuse a permit for the use of the streets and other public places for parades, meetings, or demonstrations, would make the ordinance null and void and amounting to an abridgement of the freedom of expression and the right of assembly and petition. Under our democratic system of government no such unlimited power may be validly granted to any officer of the government except perhaps in case of national emergency.

In the aferecited case, a provision in the ordinance which does not confer upon the Mayor the power to refuse or grant the permit but only the discretion in issuing the permit to determine or specify the streets or public places where the parade, meeting or demonstration may be held, such a provision in the ordinance or the ordinance itself is not unconstitutional.

"WHEREAS, after a deliberate study of the situation, the Committee on Laws and Ordinances had finally arrived at the consensus that a measure requiring any person, club or association and/or any group of persons to secure first a Mayor's permit for the use of any public place before staging a demonstration and the like in the City of Ormoc would somehow be in order as an immediate solution;

"NOW, THEREFORE, on motion of Councilor Porcadilla, jointly seconded by Councilor Samson and the Floor Leader;

"RESOLVED, to adopt:

ORDINANCE NO. 24

AN ORDINANCE REQUIRING ANY PERSON, CLUB OR ASSOCIATION AND/OR ANY GROUP OF PERSONS TO SECURE FIRST A MAYOR'S PERMIT FOR THE USE OF ANY PUBLIC PLACE BEFORE STAGING A DEMONSTRATION AND THE LIKE IN THE CITY OF ORMOC, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.

BE IT ORDAINED, by the Municipal Board of Ormoc City, That:

SECTION 1. Permit to use any public place for demonstration and the like. - Any person, club or association and/or any group of persons desiring to use any public place in the City of Ormoc for the purpose of demonstration and the like must first secure a permit from the Office of the City Mayor before conducting such demonstration. It shall be unlawful for any person or group of persons to stage a demonstration in any public place without the necessary permit from the City Mayor.

SECTION 2. Definition of terms. - For purposes of this Ordinance, the following terms are defined, vis-a-vis:

a) Person - every physical, moral, real, juridical or legal being susceptible of rights and obligations or a being subject of legal relations.



b) Club or association - a body of persons organized for some common purpose; it includes:

1. corporation - a body of associated persons;
2. fraternity - a body of men associated for their common interest, business or pleasure; a brotherhood; a student organization formed chiefly to promote friendship and welfare among the members, and usually having secret rites and a name consisting of Greek letters;
3. sorority - a club of college girls or women;
4. union - a confederated or consolidated body of persons of common interest; and
5. the like organizations.

c) Demonstration - a public display of assembled persons of feeling, as of sympathy or antagonism, especially towards a person or group of persons, cause, or action of public interest.

d) And the like - refers to parade, procession, picket, public assembly, rally, and public meeting.

SECTION 3. Written application for a permit at least 72 hours before the scheduled demonstration. - In securing a permit it is necessary for the demonstrators, through their leaders, organizers and/or authorized representatives, to apply in writing for such permit at least seventy-two (72) hours before the scheduled demonstration, said application to be prepared in at least four (4) copies for the purpose of furnishing the same to the PC commanding officer and the chief of police. The permit shall be issued by the Office of the City Mayor at least twenty-four (24) hours before the day of the proposed demonstration.

SECTION 4. Time limits for demonstration. - A demonstration may be allowed to start at 7:00 o'clock in the morning provided that it shall not continued beyond 5:00 o'clock in the afternoon, unless the City Mayor grants an extension of time upon request of the demonstrators through their leaders, organizers and/or authorized representatives.

SECTION 5. Leaders' assumption of responsibility to penalty for violation. - Any violation of the provisions of this Ordinance shall be assumed by the leaders, organizers and/or authorized representatives of the demonstration who shall be responsible therefor and who shall each be subject to a punishment of either a fine of not less than fifty pesos (P50.00) but not more than two hundred pesos (P200.00) or an imprisonment of not less than one (1) month but not more than six (6) months, or both such fine and imprisonment at the discretion of the court.

SECTION 6. Construction of this Ordinance. - If any part or section of this Ordinance shall be declared unconstitutional or ultra vires, said part or section shall not invalidate any other provisions hereof.

SECTION 7. Effectivity. - This Ordinance shall take effect immediately upon its approval.

ENACTED, March 11, 1970.





(RES. 36-ORD. 24, S. 1970, PAGE FIVE)

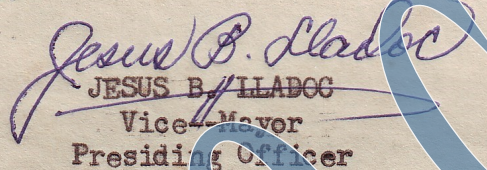
"RESOLVED, FURTHER, to furnish a copy of this resolution-ordinance each to the City Judge, the City Fiscal, the City Treasurer, the City Auditor, and all clubs or associations, in Ormoc City;

"CARRIED UNANIMOUSLY."

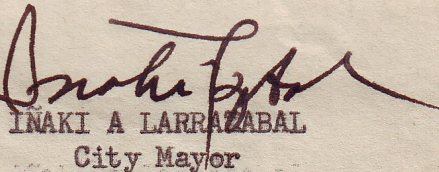
I HEREBY CERTIFY to the correctness of the above-quoted resolution-ordinance.

  
LAUREANO J. SWAN  
Secretary

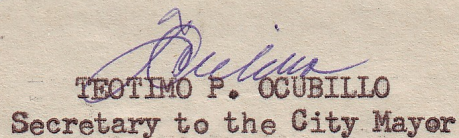
ATTESTED:

  
JESUS B. ILADOC  
Vice-Mayor  
Presiding Officer

APPROVED, Mar. 17, 1970:

  
INAKI A LARRAZABAL  
City Mayor

ATTESTED AS APPROVED:

  
TEOTIMO P. OCUBILLO  
Secretary to the City Mayor

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