

CITY MAYOR'S OFFICE  
RECEIVED

REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
Lungsod ng Ormoc

DATE OUT  
DATE: 7-7-06  
SANGGUNIANG PANLUNGSOD NG ORMOC

TELETYPE JUL 07 2006

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE TENTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON JULY 06, 2006

RECEIVED  
DATE: 7-10-06  
BY: [Signature]  
SANGGUNIANG PANLUNGSOD NG ORMOC

PRESENT:

Hon. Nepomuceno P. Aparis I,	Vice Mayor & Presiding Officer
Hon. Jose S. Serafica,	City Councilor, Minority Floor Leader
Hon. Manuel T. Fiel,	City Councilor, Assist. Minority Floor Leader
Hon. Claudio P. Larrazabal,	City Councilor, Majority Floor Leader
Hon. Mariano Y. Corro,	City Councilor
Hon. Fe S. Lladoc,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.,	City Councilor
Hon. Sotero M. Pepito,	City Councilor
Hon. Ruben R. Capahi,	City Councilor
Hon. Cheryl A. Arcuino,	Ex-Officio City Councilor, SK Federation President

ABSENT:

Hon. Eduardo P. Tan,	(Vacation Leave),	City Councilor
Hon. Jose C. Alfaro, Jr.,	(O.B. - Tacloban),	City Councilor
Hon. Emeterio Y. Larrazabal, Jr.,	(Sick Leave),	Ex-Officio City Councilor, Chapter President, Liga ng mga Barangay ng Ormoc

EXPLANATORY NOTE

This Sanggunian is in receipt of an Indorsement dated June 27, 2006 from the Office of the City Mayor URGENTLY requesting for the passage of an ordinance/resolution designating the Ormoc City Central School Plaza as freedom park in compliance to the provision of BP 880 (Public Assembly Act of 1985) per DILG Memorandum Circular dated 04 May 2006. The basis of the urgent request is the deadline set not later than June 28, 2006 by the DILG Regional Office.

SECTION 15 of BATAS PAMBANSA BLG. 880, otherwise known as the "The Public Act Assembly Act of 1986", provides:

"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 jurisdiction 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. X X X"

In the decision of the Supreme Court in the case of BAYAN, ET AL vs. EDUARDO ERMITA, ET AL, (G.R. NO. 169838), promulgated on April 25, 2006, in part states:

"In this Decision, the Court goes even one step further in safeguarding liberty by giving local governments a deadline of 30 days within which to designate specific freedom parks as provided under B.P. No. 880. If, after that period, no such parks are so identified in accordance with Section 15 of the law, all public parks and plazas of the municipality or city concerned shall in



effect be deemed freedom parks; no prior permit of whatever kind shall be required to hold an assembly therein. The only requirement will be written notices to the police and the mayor's office to allow proper coordination and orderly activities."

"X X X, the Court is constrained to rule that after thirty (30) days from the finality of this Decision, no prior permit may be required for the exercise of such right in any public park or plaza of a city or municipality until that city or municipality shall have complied with Section 15 of the law. X X X"

SECTION 3. par. (b) of BP No. 880 defines a public place as follows:

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

The aforementioned DILG Memorandum Circular dated 04 May 2006 was referred to City Prosecutor and Acting City Legal Officer, Atty. James Clinton C. Nuevo, for comment on the legality of designating the Ormoc City Central School Plaza or Playground as freedom park for the purpose of compliance to the provision of BP No. 880 (Public Assembly Act of 1986), and whether in doing so an ordinance from the Sangguniang Panlungsod is required.

Aforenamed, City Prosecutor and Acting City Legal Officer, Atty. Nuevo in his letter dated June 23, 2006 addressed to the Hon. Eric C. Codilla, City Mayor, has opined that "x x x that it is within the authority and competence of the LGU such as Ormoc City to designate the Ormoc City Central Plaza or playground as freedom park for the purpose of compliance to BP No. 880. x x x", it is suggested that the LGU shall enter into a Memorandum of Agreement with respect to the proper use of its playground for public rallies and similar activities.

"With respect to the second query of whether an ordinance is required to officially declare a particular site in the LGU as freedom park or plaza for the purpose of BP No. 880, it is the considered opinion of the undersigned that still an ordinance is needed for the purpose." (Attached is a machine copy of the opinion dated June 23, 2006, for ready reference.)

SECTION 4 of BP 880, reads:

"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 a 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 or 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.

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, duly seconded by City Councilor Fe S. Lladoc; be it



RESOLVED, AS IT IS HEREBY RESOLVED, to enact:

ORDINANCE NO. 129

AN ORDINANCE DESIGNATING THE ORMOC CITY CENTRAL SCHOOL PLAZA AS FREEDOM PARK IN COMPLIANCE TO THE PROVISION OF BATAS PAMBANSA NO. 880 (PUBLIC ASSEMBLY ACT OF 1985), AND TO THE DIRECTIVE OF THE SUPREME COURT IN BAYAN, ET AL VS. EDUARDO ERMITA, ET AL (G.R. NO. 169838) PROMULGATED ON APRIL 25, 2006.

BE IT ORDAINED, BY THE TENTH SANGGUNIANG PANLUNGSOD NG ORMOC, in Session assembled, that:

SECTION 1. This Ordinance shall be known and cited as the "FREEDOM PARK ORDINANCE OF ORMOC CITY."

SECTION 2. That in compliance to Section 15 of Batas Pambansa Blg. No. 880, and to the Directive of the Supreme Court in BAYAN, ET AL vs. EDUARDO ERMITA, ET AL (G.R. NO. 169838) promulgated on April 25, 2006, to established or designate at least one suitable FREEDOM PARK, the ORMOC CITY CENTRAL SCHOOL PLAZA is hereby established or designated as the FREEDOM PARK of the City of Ormoc.

SECTION 3. The City Mayor of Ormoc is hereby respectfully enjoined to immediately enter into a Memorandum of Agreement subject to the approval of this Sanggunian, with the school authorities of the City Central School of Ormoc City with respect to the proper uses of its plaza or playground for PUBLIC ASSEMBLIES as defined in Section 3, par. (a) of BATAS PAMBANSA BLG. 880, which reads: '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 grievance.

"The procession, rallies, parades, demonstrations, public meetings and assemblages for religious purpose 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 the Batas Pambansa Blg. 227."

SECTION 4. The pertinent provisions of Batas Pambansa Blg. 880 are hereby adopted and incorporated as part of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its approval; however this shall be posted at public and conspicuous places in Ormoc City for at least three consecutive weeks, and published once in a newspaper of general circulation in Ormoc City.




SECTION 6. If any provision or part thereof, is held invalid or unconstitutional, the remainder not otherwise affected thereby shall remain valid and subsisting.

ENACTED, July 06, 2006.


RESOLVED, FURTHER, to furnish copies of this Ordinance, to His Honor, the City Mayor of Ormoc, the City Administrator, the City Director, DILG, the City Prosecutor and Acting City Legal Officer, the Regional Director, DILG, the Honorable Secretary, the Department of the Interior and Local Government, the City Police Director, PNP, Ormoc City, the Schools Division Superintendent, DepEd, Ormoc City, and all others concerned;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing ordinance.

  
JOEL S. DUERO  
OIC - Secretary to the SP  
(Loc. Leg. Staff Officer V)

ATTESTED:

  
NEPOMUCENO P. APARIS I  
Vice Mayor & Presiding Officer

APPROVED:

  
ERIC C. CODILLA  
City Mayor

JUL 10 2006

(Date)