



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

A. Francisco Gold Condominium II Building
EDSA corner Mapagmahal St., Diliman, Quezon City

May 04, 2006

MEMORANDUM CIRCULAR

NO. 2006-42

TO : ALL CITY MAYORS, MUNICIPAL MAYORS, SANGGUNIANG PANGLUNSOD MEMBERS, SANGGUNIANG BAYAN MEMBERS, DILG REGIONAL DIRECTORS AND OTHERS CONCERNED

SUBJECT : ESTABLISHMENT OR DESIGNATION OF FREEDOM PARKS IN ACCORDANCE WITH SECTION 15 OF BATAS PAMBANSA BLG. 880, OTHERWISE KNOWN AS, *THE PUBLIC ASSEMBLY ACT OF 1985*

1.0 -PURPOSE

This Department Circular is issued to provide guidelines to ensure the establishment or designation of freedom parks in accordance with Section 15 of Batas Pambansa Blg. 880 and in compliance with the directive of the Supreme Court En Banc in its Decision in G.R. Nos. 169838 (Bayan, et al. vs Eduardo Ermita, et al.); 169848 (Jess del Prado, et al. vs. Eduardo Ermita, et al.); and 169881 (Kilusang Mayo Uno, et al. vs. The Honorable Executive Secretary, et al.) promulgated on April 25, 2006, sustaining the constitutionality of Batas Pambansa Blg. 880.

2.0 COVERAGE

This issuance shall cover all cities and municipalities nationwide.

3.0 GUIDELINES

3.1 All cities and municipalities, including those in Metro Manila, are hereby enjoined to immediately comply with the said Supreme Court's Decision and the mandate of Section 15 of BP Blg. 880, by establishing, through an ordinance, their respective freedom parks or plazas, within thirty (30) days from issuance hereof.

3.2 Public assemblies, as defined in BP Blg. 880, conducted in freedom parks or plazas shall be exempted from the requirement of a prior permit for their use from the Office of the Mayor. However, as per Supreme Court pronouncement, organizers of assemblies shall send written notices to the City Mayor or Municipal Mayor and to the Chief of Police to allow proper coordination and ensure orderly activities.



- 3.3 All public parks and plazas in a local government unit shall be deemed freedom parks or plazas, in case of a failure to establish or designate freedom parks or plazas, as provided herein.
- 3.4 A Mayor's permit shall be duly secured pursuant to BP Blg. 880 for all public assemblies, such as rally, demonstration, march, parade, procession or any other form of mass or concerted action where public streets are to be utilized.
- 3.5 Pursuant to the power of operational control conferred unto City and Municipal Mayors over local police stations, all City and Municipal mayors are further enjoined to advise their respective chiefs of police that, as part of maximum tolerance, rallyists may show to the Philippine National Police an application duly filed on a given date and can, after two (2) days from said date, rally in accordance with the application without the need to show a permit, the grant of the permit being then presumed under the law, and it shall be the burden of the local authorities to show, that there has been a denial of the application, in which case, the rally may be peacefully dispersed following the procedure of maximum tolerance prescribed by the law.

4.0 RESPONSIBILITY OF DILG REGIONAL DIRECTORS

All DILG Regional Directors are hereby directed to implement and disseminate this Memorandum Circular within their jurisdictions, and to provide assistance to local authorities, as appropriate and upon request.

5.0 EFFECTIVITY

This DILG Circular shall take effect immediately.


RONALDO V PUNO
Secretary 



Republic of the Philippines
DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT
IN REPLYING, PLR CITE

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