



Republic of the Philippines

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City  
<http://www.dilg.gov.ph>



## MEMORANDUM CIRCULAR

No. 2019-35

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, DILG REGIONAL/PROVINCIAL/CITY DIRECTORS AND OFFICES, ALL PHILIPPINE NATIONAL POLICE (PNP) OFFICES, AND ALL OTHERS CONCERNED

SUBJECT : GUIDELINES IN THE ISSUANCE OF PERMITS FOR PUBLIC ASSEMBLIES/RALLIES IN PUBLIC PLACES AND OTHER RELATED ACTIONS

DATE: March 4, 2019

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While Batas Pambansa (BP) 880 or The Public Assembly Act of 1985 ensures the free exercise of the people's right to hold a public assembly and to petition the government, it is also the duty of the State to uphold the interest and guarantee the safety and security of the greater majority of the people.

The Supreme Court in *Primicias v. Fugoso*<sup>1</sup> held that "*The right to peaceably assemble, while sacrosanct, is not absolute,*" stressing that "*...it may be so regulated that it shall not be injurious to the equal enjoyment of others having equal rights, nor injurious to the rights of the community or society.*"

Section 6 (a) of BP 880 provides that "*It shall be the duty of the mayor or any official acting in his behalf to issue or grant a permit unless there is clear and convincing evidence that the public assembly will create a clear and present danger to public order, public safety, public convenience, public morals or public health.*"

Therefore, in order to ensure public order and safety and as part of the supervisory authority of this Department over local government units (LGUs) and the Philippine National Police, all concerned are hereto mandated to abide by the guidelines stated in DILG Memorandum Circular 2015-127<sup>2</sup> issued on November 2, 2015 and to ensure that the following prohibited acts, among others, which are punishable under BP 880 and other related laws, are not committed:

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<sup>1</sup>G.R. No. L-1800 January 27, 1948

<sup>2</sup>Guidelines on the conduct of public assemblies/rallies in public places during the 2015 APEC Summit

(a) The holding of any public assembly without having first secured a written permit where a permit is required from the office concerned;

(b) The use of such permit for such purposes in any place other than those set out in said permit;

(c) The following acts committed within 100 meters from the area of activity of the public assembly or on the occasion thereof:

- i. carrying of a deadly or offensive weapon or device such as firearms, pillbox, bomb, and the like;
- ii. carrying of a bladed weapon and the like;
- iii. malicious burning of any object in the streets or thoroughfares;
- iv. carrying of firearms by members of the law enforcement unit;
- v. interfering with or intentionally disturbing the holding of a public assembly by the use of a motor vehicle, its horns, and loud sound systems.

### **Issuance of Permit**

Pursuant to Section 6 of BP 880, it shall be the duty of the mayor or any official acting in his behalf to issue or grant a permit unless there is clear and convincing evidence that the public assembly will create a clear and present danger to public order, public safety, public convenience, public morals or public health.

To assist the local chief executive in determining whether or not there exists a clear and present danger to public order, public safety, public convenience, public morals or public health, s/he shall seek the written assessment and recommendation of the local police unit which has jurisdiction over the place where the public assembly is requested to be held. The Local Chief Executive concerned shall base his decision on the assessment of the said police unit.

All DILG Regional, City and Field Officers are hereby directed to cause the widest dissemination of this Memorandum Circular to all LGUs and Police units.

This Memorandum Circular shall take effect immediately.

  
**EDUARDO M. AÑO**  
Secretary 

   
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