

DRAFT ORDINANCE NO. 1907-003

AN ORDINANCE ENSURING AND STRENGTHENING THE RIGHT OF THE PEOPLE TO PEACABLY ASSEMBLE AND PETITION THE GOVERNMENT AND ENSURING THEIR SAFETY IN THE EXERCISE THEREOF AND DESIGNATING FREEDOM PARKS FOR THIS PURPOSE.

AUTHORED & SPONSORED BY: HON. KYLE GEORIC Y. GACULA.

WHEREAS, Article III Section 4 of the 1987 Constitution recognizes the right of the people to exercise their freedom of speech and expression;

WHEREAS, BP No. 880 recognizes that freedom of expression and assembly is vital to the stability of the State;

WHEREAS, there is a need to ensure the safety of participants in concerted mass actions and gatherings in order for them to fully realize their Constitutionally protected rights.

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF MUNICIPALITY OF TAYTAY IN REGULAR SESSION ASSEMBLED:

SECTION 1. DEFINITION OF TERMS

- 1. PUBLIC ASSEMBLY-** Are constitutionally protected and peaceful gathering of people to petition for redress of grievances against the government or otherwise. This shall include rallying, parading, picketing, or any mass concerted action for the purposes of redress of grievances against the national or local government, or otherwise or the expression of opinion. For purposes of this ordinance, public assembly shall be synonymous with political and social movements and public gathering or demonstration, it shall also likewise involve any non-political gathering of people which includes, but is not limited to pageants, social events, cultural events, parades, contests, and the like
- 2. PUBLIC PLACE-**Any thoroughfare and/or open space/property owned and accessible by the public;
- 3. FREEDOM PARKS-** Any open space or property of public ownership designated by law or ordinance as such, wherein public demonstrations may be held at any time of the day;
- 4. PERMIT TO RALLY-** A permit issued by the Municipal Government
- 5. IMMINENT DANGER TO PUBLIC SAFETY-** Any danger or threat to the life, health, or safety of the people either manmade or natural; or any clear and present danger to public order, public safety, public convenience, morals, or health.

SECTION 2. COVERAGE- A permit to rally shall be required in all cases, except in the following:

1. Public demonstrations in designated Freedom Parks
2. When the Municipal Mayor fails to act on the application
3. Election campaigns governed by the Omnibus Election Code, and other laws and COMELEC resolutions.

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SECTION 3. APPLICATION FOR PERMIT TO RALLY

1. Applicants for a permit to rally shall submit their application in writing to the Office of the Municipal Administrator at least five (5) days before the intended date of the rally. The written application shall contain the name of the organizers of the public demonstration, the purpose of the demonstration, the place of the demonstration, and the date and time as well as the duration of the demonstration;
2. Upon receipt of the application, the Office of the Municipal Administrator shall immediately issue an acknowledgement of the receipt and immediate posting of the application in a public place in the municipal building;
3. The Office of the Municipal Administrator within one (1) day shall submit his recommendation on the application to the Office of the Municipal Mayor for his signature;
4. The Municipal Mayor has a ministerial duty to approve the permit to rally unless he has probable cause to believe that there is an imminent danger to the public as defined in this ordinance. In this case, the Municipal Mayor shall relay his approval or disapproval within one (1) day from receipt

SECTION 4. SECURITY- During public demonstrations, the following agents of the Municipal Government shall be present to ensure the safety of the participants

- a) The Municipal Police -The municipal police, consistent with BP No. 880 are to be stationed within one hundred meters from the area designated in the permit to rally. They may not approach the rallyists unless there is a threat to safety or security.
- b) Municipal Fire District
- c) Medical and Emergency Personnel from the Municipal Health Office

SECTION 5. PROHIBITED ACTS- Subject to existing legislation, the following acts shall be prohibited during the conduct of public demonstration

- a) Acts of violence
- b) Incitement to acts of violence
- c) Assaulting agents of the municipality
- d) Use of firearms or deadly weapons either by the agents of the municipality or of the realists themselves.

SECTION 6. DISPERSAL OF RALLIES- Under no circumstances shall rallies be dispersed except in the following cases:

- a) Public demonstrations without permit to rally;
- b) Public demonstrations going beyond the terms of the application in the permit to rally;
- c) Violence or incitement to violence committed by the leaders or participants of the rally, however, isolated acts of violence shall not be a grounds for dispersal. It shall however, authorize the municipal police to use appropriate force to prevent any further violence;
- d) Notwithstanding the grant of the permit to rally, when there is reasonable grounds to believe that there is an imminent threat to safety and security of the people.

SECTION 7. PENALTIES- Any agent of the municipal government found to have violated the provisions of this act shall be administratively punished by one (1) month suspension from office, without pay, in addition to any civil or criminal liabilities that may be imposed against him or her.

SECTION 8. REPEALING CLAUSE- All ordinances and resolutions, or parts thereof inconsistent with the provisions hereof shall be repealed or modified accordingly.

SECTION 9. SEPARABILITY CLAUSE- If for any reason any provision/s of this ordinance shall be found unconstitutional by competent authority, the other provision/s not so declared to be unconstitutional shall remain valid.

SECTION 10. EFFECTIVITY- This ordinance shall take effect (10) days after its publication in a local newspaper of general circulation and postings in conspicuous places in the Municipality.