



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF GLORIA

OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building- Rizal Street, Maligaya, Gloria Oriental Mindoro 5209/ sangguniangloria@gmail.com, 09171396167, 09178790062

MINUTES OF THE 127th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF GLORIA HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON MONDAY, DATED MARCH 04, 2019 AT 9:00 IN THE MORNING.

PRESENT:

- | | | |
|------------------------------|---|-------------------|
| HON. RAMON G. SOLAS | - | Presiding Officer |
| HON. CRISPIN J. BAWASANTA | - | SB Member |
| HON. NICK ORLANDO M. JAMILLA | - | SB Member |
| HON. NORMA R. PAZ | - | SB Member |
| HON. ROMEO EDWARD P. ALVAREZ | - | SB Member |
| HON. NICANDRO F. FABON, JR. | - | SB Member |
| HON. ROMEO S. SADIWA | - | SB Member |
| HON. LAURO L. DE BELEN | - | SB Member |
| HON. FELIX V. JARABE III | - | SB Member |
| HON. HENRY S. SOBERANO | - | Liga President |
| HON. BONJOVE S. DE MESA | - | SKMF President |

MUNICIPAL ORDINANCE NO. 06
Series of 2019

Sponsored by: Hon. Nicandro F. Fabon, Jr.
Hon. Nick Orlando M. Jamilla,
Co- Sponsor: Hon. Crispin J. Bawasanta

ORDINANCE IDENTIFYING A PARCEL OF LAND (BLOCK 9) WITH AN AREA OF 4,500 SQM EMBRACED BY TCT. NO. T-59247 SITUATED AT POBLACION, MUNICIPALITY OF GLORIA, PROVINCE OF ORIENTAL MINDORO AS THE MUNICIPAL PLAZA AND FREEDOM PARK IN ACCORDANCE WITH SECTION 15 OF BATAS PAMBANSA BLG. 880 OTHERWISE KNOWN AS THE PUBLIC ASSEMBLY ACT OF 1984

WHEREAS, Section 4, Article III of the 1987 Philippine Constitution explicitly provides that; *“No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people to peaceably assemble and petition the government for redress of grievances”*;

WHEREAS, a leading authority in Philippine Constitutional Law succinctly states that the basis for constitutional guarantee of the right to free expression is that *“ours is a democratic society and the only way to rule ultimately is by means of public opinion which is possible only when everyone can speak their minds and compete in the free market of ideas”*;

WHEREAS, the Supreme Court in a case ruled that, *“the right to assemble is not subject to prior restraint. It may not be conditioned upon the prior issuance of a permit or authorization from government authorities. However, the right must be exercised in such a way that it will not prejudice the public welfare”*;

WHEREAS, this representation is of the utmost belief that the twin basic constitutional right to free expression and assembly should be promoted, protected and enhanced at the local level by relevant legislative measures;

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Secretary to the Sangguniang Bayan

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Vice Mayor/Presiding Officer

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WHEREAS, it is the noble intention of this representation not only to urge the unhampered exercise of these basic constitutional rights but to call for its responsible use in line with the Civil Code provision obliging all persons to, "act with justice, give everyone his due, and observe honesty and good faith";

WHEREAS, the High Court however enunciated that, "if the assembly is to be held in a public place, a permit for the use of such place, and not for the assembly itself, may be validly required. But the power of local officials in this regards is merely one of regulation and not prohibition";

WHEREAS, the clear intention and spirit of Batas Pambansa 880 or the Public Assembly Act of 1985 requires in the interest of regulations, that assemblies in public places throughout the country must secure prior permits from the Mayors of the localities concerned;

WHEREAS, the aforementioned law clearly exempts from the permit requirement, specific venues of public assemblies such as freedom parks, private properties and campuses of state colleges and universities;

WHEREFORE, on joint motion of Hon. Nicandro F. Fabon, Jr. and Hon. Nick Orlando M. Jamilla duly seconded by Hon. Romeo Edward P. Alvarez and Hon. Felix V. Jarabe III;

BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Bayan of Gloria, that:

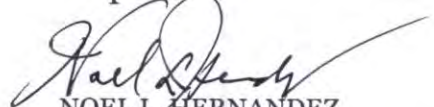
SECTION 1. Policy – It is the declared policy of the Municipal Government of Gloria to respect the freedom of speech, of expression, or of the press, or the right of the people to peaceably assemble and petition the government for redress of grievances.


SECTION 2. Municipal Plaza and Freedom Park – For the people to freely exercise such rights, a parcel of land (block 9) with an area of 4,500 sqm embraced by TCT. No. T-59247 situated at Poblacion, Municipality of Gloria, Province of Oriental Mindoro is hereby **DECLARED** as Municipal Plaza and Freedom Park.


SECTION 3. Conduct of Assembly – Any organization or group for that matter, could conduct assembly at the afforested declared Freedom Parks, without prior issuance of a permit or authorization from the Municipal Government authorities, *Provided*, such gathering must be exercised in such a way that it will not prejudice the public welfare and public order.

SECTION 4. Users to Consult Municipal Government – That before any person or group of persons may use any public plaza under the right granted as a Freedom Park, said person or group of persons may consult first the Municipal Government concerned, for that purpose of regulating and controlling the use of the public plaza, in order to find out if there is no other person or group of persons who has already been given the permission to use the same, and thus avoid any confusion or conflict of schedule.

SECTION 5. Priority in the Use of the Municipal Plaza and Freedom Park – The use of the Freedom Park shall be for the First-Come-First-Serve Basis, limited in duration to one day only, and in accordance with the rules and regulations set forth by the General Services Office, *Provided*, that the regular activities conducted by the Municipal Government and the private sector for annual celebrations like Kawayanan Festival, Foundation Day, Labor Day and the like shall be given priority in the use of the said Municipal Plaza and Freedom Park over all other activities falling on the same


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day; *Provided further* that the business and product promotion activities shall be absolutely prohibited in the Municipal Plaza and Freedom Park; *Provided furthermore*, that the organizers and their members shall be responsible to maintain cleanliness in the aforesaid park and any libelous words that may be spoken or uttered during the expression of their freedom.

SECTION 6. Park Police – There must be a park police designated at the Municipal Plaza and Freedom Park whose sole duty is to maintain peace and order in the aforesaid Municipal Plaza and Freedom Park, and shall not in any mode interfere in any activity held at the Freedom Park, which are conducted in the manner not contrary to law, public policy, public order, public welfare and good customs.

SECTION 7. Control of Prostitutes and Juvenile Delinquents – The use of Municipal Plaza and Freedom Park must be made with respect and dignity; hence, presence of vendors, prostitutes and juvenile delinquents shall be controlled by the Park Police designated at the Freedom Park.

SECTION 8. Use of the Municipal Plaza and Freedom Park – Any part of the Municipal Plaza and Freedom Park can be used by any individual or group to express their opinion on an issue already exposed by other person or group also using the park so long as the former does not disturb the latter, *Provided*, in cases where two or more groups are using the park at the same time, it is the responsibility of the police to maintain peace and order in the aforesaid park.

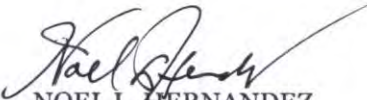
SECTION 9. Freedom Bulletin Board and Freedom Wall – The General Services Office shall endeavor to build a Freedom Bulletin Board where the list of the groups or organizations that are scheduled to use the Freedom Park in a day, and all other information pertinent to the use of the same and the schedule of government activities shall be posted, and a Freedom Wall where the people may display placards and other symbols of expressions; Moreover, the Freedom Bulletin Board shall be built within the key and strategic place within the Municipal Plaza and Freedom Park premises.


SECTION 10. Management of the Municipal Plaza and Freedom Park – The management of the Municipal Plaza and Freedom Park with respect to the booking and listing of participants or users of the same and the permission for the use of the Municipal Government facilities in relation to any activity thereof, shall be the sole function of the General Services Office.

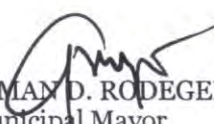
SECTION 11. Prohibitive Hours – Prohibitive hours for unaccompanied minor, which shall commence at 10:00 o' clock in the evening to 4:00 o' clock in the morning, shall be imposed within the Municipal Plaza and Freedom Park as regulatory measure to avert the commission of crimes.

SECTION 12. Separability Clause – If, for any reason or reasons, any part or provision of this ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and in effect.

Section 13. Effectivity Clause. This ordinance shall take effect immediately upon its approval and after posting in at least three (3) conspicuous places in the territorial jurisdiction of this Local Government Unit such as but not limited to Barangay Hall, Public Market, Central Terminal and Municipal Hall and publication in a local newspaper for a period of two (2) consecutive weeks.


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SB Member

HON. NICK ORLANDO M. JAMILLA
SB Member

HON. NORMA R. PAZ
SB Member

HON. ROMBO EDWARD P. ALVAREZ
SB Member

ATTESTED BY:

HON. RAMON G. SOLAS
Presiding Officer/Municipal Vice Mayor

CERTIFIED CORRECT:

NOEL L. HERNANDEZ
Secretary to the Sangguniang Bayan

APPROVED:

HON. GERMAN D. RODEGERIO
Municipal Mayor

Date: 3/12/19

HON. NICANOR R. FABON, JR.
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SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE JOURNAL OF THE 151ST REGULAR SESSION OF THE 9TH SANGGUNIANG PANLALAWIGAN OF ORIENTAL MINDORO HELD AT THE SP LOUNGE, BATASANG PANLALAWIGAN (BENIGNO S. AQUINO, JR. LEGISLATIVE BLDG.), GOV. IGNACIO ST., BRGY. CAMILMIL, CALAPAN CITY, ORIENTAL MINDORO, ON MONDAY, JUNE 10, 2019

PRESENT:

Hon. Antonio S. Perez, Jr.	Member/Acting Presiding Officer
Hon. Ramil O. Dimapilis	Member
Hon. Ryan Z. Arago	Member
Hon. Rafael L. Infantado	Member
Hon. Jean Paulo R. Umali	Member
Hon. Mae Arlene M. Talens	Member
Hon. Martin S. Buenaventura	Member
Hon. Juan Paolo G. Luna	Member
Hon. Edilberto C. Ilano, Jr.	Member
Hon. Dennis V. Brondial	Member/ABC President
Hon. Marion Francis D. Marcos	Member/PCL President
Hon. Joeniña R. Aguilon	Member/SK President

ON OFFICIAL BUSINESS:

Hon. Humerlito A. Dolor, MPA, Ph.D.	Vice Governor
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ABSENT:

Hon. Flor D. Atienza	Member
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RESOLUTION NO. 4718-2019

RESOLUTION APPROVING MUNICIPAL ORDINANCE NO. 06, SERIES OF 2019 OF THE MUNICIPALITY OF GLORIA, ENTITLED "AN ORDINANCE IDENTIFYING A PARCEL OF LAND (BLOCK 9) WITH AN AREA OF 4,500 SQ. M. EMBRACED BY TCT NO. T-59247 SITUATED AT POBLACION, MUNICIPALITY OF GLORIA, PROVINCE OF ORIENTAL MINDORO AS THE MUNICIPAL PLAZA AND FREEDOM PARK IN ACCORDANCE WITH SECTION 15 OF BATAS PAMBANSA BLG. 880 OTHERWISE KNOWN AS THE PUBLIC ASSEMBLY ACT OF 1984"

On motion of Hon. Rafael L. Infantado, together with Hon. Mae Arlene M. Talens, duly seconded by Hon. Ramil O. Dimapilis, be it;

RESOLVED to approve, as it is hereby approving Municipal Ordinance No. 06, Series of 2019 of the Municipality of Gloria, entitled "An ordinance identifying a parcel of land (Block 9) with an area of 4,500 sq.m. embraced by TCT No. T-59247 situated at Poblacion, Municipality of Gloria, Province of Oriental Mindoroas the Muicipal Plaza and Freedom Park in accordance with Section 15 of Batas Pambansa Blg. 880 otherwise known as the Public Assembly Act 1984", subject to the following conditions:

1. That, the enactment of the subject ordinance shall be based on the fundamental and highest law of the land, the 1987 Philippine Constitution particularly Article III, Section 4 thereof; and
2. That, compliance with all existing laws, rules and regulations shall be the responsibility of the local government unit concerned in the implementation of said ordinance.

RESOLVED FURTHER, that copies of this resolution be furnished the Municipal Mayor; and the Members of the Sangguniang Bayan, thru the Secretary to the Sanggunian, both of the Municipality of Gloria, for their information and guidance.

UNANIMOUSLY APPROVED.

Certified Correct:


DIWATA H. FETIZANAN
Secretary to the
Sangguniang Panlalawigan

Attested:


ANTONIO S. PEREZ, JR.
Member/Acting Presiding Officer

Republic of the Philippines
Province of Oriental Mindoro
Municipality of Gloria

TRANSMITTAL

DATE : **19 September 2019**

DOCUMENT/S: **COPY OF THE FOLLOWING MUNICIPAL ORDINANCES, TO WIT:**

- MUNICIPAL ORDINANCE NO. 01 – DRUG FREE ORDINANCE
- MUNICIPAL ORDINANCE NO. 02 – CHILDREN'S CODE
- MUNICIPAL ORDINANCE NO. 03 – CULTURE & ARTS COUNCIL
- MUNICIPAL ORDINANCE NO. 04 – CULTURAL HERITAGE ORDINANCE
- MUNICIPAL ORDINANCE NO. 05 – KAWAYANAN VILLAGE ORDINANCE
- MUNICIPAL ORDINANCE NO. 06 – FREEDOM PARK ORDINANCE
- MUNICIPAL ORDINANCE NO. 09 – COCKFIGHTING ORDINANCE

OFFICE	NAME	DESIGNATION	DATE/TIME	SIGNATURE
1. MO	ARIANE MALIGNAK	M.O. STAFF	9/19/19-11 PM	
2. MPDO	Jocanne Sapul	MPDO staff	10/14/19	
3. MCRO				
4. MASSO				
5. MBO	Gracelyn Berto	RAAO Clerk	10/11/19	
6. HRMO				
7. GSO				
8. BPLO	Rhea Bell Odo	BPLO staff	11/21/19	
9. MTO	E. SIGME	CLERK II	11/21/19	
10. MSWDO				
11. MEO	NITA, CJ	CE/IDE II	11/21/19	
12. MENRO				
13. MACO	Benji V. Pelon	Computer Operator	11-21-19	
14. MLGOO	Rodilyn C. Musico	AA/III	10-11-19	
15. MHO				
16. MAGO				
17. MDRRMO				
18. BFP				
19. PNP	Charon P. Pedras	NVP	10/21/19 10:15	
20. GIST				
21. Deptd				
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