

PHILIPPINE RESISTANCE AGAINST COVID TYRANNY (PRACT)
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DATE: 22 November 2021

Ms. Rowena T. Macatao,
Administrator
Quezon Memorial Circle
Quezon City

Engr. Zaldy A. Dela Rosa
QMC Action Officer
Quezon Memorial Circle
Quezon City

RE: Our Event on November 26, 2021 at QMC

Dear Ms. Macatao and Engr. Dela Rosa

The Quezon Memorial Circle is designated as one of the Freedom Parks of the Country.¹ As such, Filipino citizens have free use of the park for purposes granted by law, including peaceful assembly.

I thought you both knew this. However, it became clear during our rally last 17 November 2021 that the QMC Administration was not aware of this law.

Here are some quick facts.

The Batasang Pambansa passed as national law Batas Pambansa Bilang 880 (BP 880)² in 1985. As we shall see below, the Supreme Court affirmed and sustained the constitutionality of this law.

In Section 2, BP 880 made this “Declaration of Policy”.

“The constitutional right of the people **peaceably to assemble** and **petition the government for redress of grievances** is essential and **vital to the strength and stability of the State**. To this end, the State shall ensure the free exercise of such right

¹ https://dilg.gov.ph/PDF_File/issuances/memo_circulars/MC2006-042.pdf. With this signed Memo Circular of DILG, which implements the Supreme Court decision discussed in this letter, it is now the burden of proof of the Quezon City government to show that it has formally designated another public area as the Freedom Park of the Quezon City government. Failure to demonstrate this in writing means that, as per this DILG Memo Circular and the Supreme Court decision of April 25, 2006, the Quezon Memorial Circle is, by default, a Freedom Park.

² Download this law at this link: https://lawphil.net/statutes/bataspam/bp1985/bp_880_1985.html

without prejudice to the rights of others to life, liberty and equal protection of the law.” (Emphasis added.)

To translate this policy into reality, BP 880 mandated the creation of Freedom Parks throughout the country. BP 880 states:

“Section 15. 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 jurisdictions 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.**” (Emphasis added.)

BP 880 further emphasized that demonstrations, rallies, protests, meetings, among others, do not need any prior permit. In Section 4, it states:

“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 ...**” (Emphasis added.)

The 1987 Philippine Constitution strongly affirmed the citizens’ right to free assembly to petition government regarding policies that the protesting group deems harmful. Section 4 of the Bill of Rights (Chapter III of the Constitution) states as follows:

“**No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.**” (Emphasis added.)

The implications here are staggering. No law can amend this Section of the Constitution. None. This is a permanent right, which legislators cannot change. If Congress passes a law that goes against Section 4 in particular, that law is illegal! If the President issues an Executive Order or a Proclamation that contradicts this Section 4 of the Constitution, that executive issuance is illegal. If a governor or mayor issues an order violating Section 4, that order is illegal. If the Administrator of a public place issues prohibitions against specific activities in a Freedom Park, those prohibitions are illegal!

This is clearly spelled out in the legal doctrine of the “hierarchy of laws”.³ The highest law of the land is the Constitution. Next is Congressional law. The third rank in this hierarchy is the issuances from the Executive Branch especially the Office of the President and LGU chief executives. The lowest in this hierarchy will be those laws of administrators governing behavior especially in a Freedom Park.

³ https://covidcalltohumanity.org/aiovg_videos/know-your-rights-a-legal-explanation-by-atty-aaron-soguilon/

We will be rallying in a Freedom Park to express “grievances” against a State that has become unscientific, unreasonable, fraudulent, and, basically, totalitarian. We will not follow unscientific mandates (e.g. facemasks, face shields, social distancing, etc.).

Thus we are informing you ahead of time that none of us will be wearing facemasks and face shields. We will also not follow the unscientific fiction of social distancing. These “expressions” of resistance are guaranteed to us by our Constitution, the Supreme Law of our country. The Constitution allows us freedom of “expression” as stated in Section 4 quoted above.

We would like to inform you that, in 2006, the Supreme Court affirmed and sustained the constitutionality of BP 880.⁴ In addition, it made this extraordinary decision.

““If this is so [that hardly any Freedom Parks have been established], the degree of observance of B.P. No. 880's mandate that every city and municipality set aside a freedom park within six months from its effectivity in 1985, or 20 years ago, would be **pathetic and regrettable**. The matter appears to have been taken for granted amidst the swell of freedom that rose from the peaceful revolution of 1986.” [Emphasis added.]

Now comes the most amazing decision that powerfully supports Freedom Parks and even expands its application.

“Considering that the existence of such freedom parks is an essential part of the law's system of regulation of the people's exercise of their right to peacefully assemble and petition, 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. For without such alternative forum, to deny the permit would in effect be to deny the right.** Advance notices should, however, be given to the authorities to ensure proper coordination and orderly proceedings.”

In effect, the Supreme Court is saying that, by default, ALL public parks or plazas of LGUs, nationwide, are, by default, Freedom Parks, unless LGUs comply with BP 880 law and formally designate a Freedom Park in their city or town.

Since Engr. Dela Rosa told us that, to his knowledge, Quezon City has not designated a Freedom Park, then, by default, and in compliance with the Supreme Court ruling in 2006, plus the DILG Memorandum Circular cited above, Quezon Memorial Circle is a Freedom Park and our group, PRACT, can hold their rally there **WITHOUT NEEDING** to ask a permit from you or the Mayor of Quezon City.

⁴ ⁴ https://lawphil.net/judjuris/juri2006/apr2006/gr_169838_2006.html

I would like to end this letter with words of caution. During our rally last 17 November 2021, your security forces violated several provisions of BP 800, which provisions have been affirmed and sustained by the Supreme Court. These violations are as follows:

- “Obstructing, impeding, disrupting or otherwise denying the exercise of the right to peaceful assembly;”
- “the carrying of firearms by members of the law enforcement unit;”
- “the interfering with or intentionally disturbing the holding of a public assembly by the use of a motor vehicle, its horns and loud sound systems”; and
- failure to stay at least 100 meters from the protest area (Section 9, BP 880)

We did not file a lawsuit against these violations by your security forces. We immediately recognized their ignorance of the law. But this time, we are serving you notice that, if your security forces engage again in prohibited actions, such as the above, we will leave us no choice but to file a lawsuit against you and the government of Quezon City, whose security forces were also present.

Please note. If a court affirms the violations of your security force, they can be sentenced to jail for as long as 6 years depending on their violations. (See Section 14 of BP 880.)

Out of respect to your administrative responsibilities, and in compliance with the Supreme Court directive cited above, we are sending you this letter. It serves as an advance notice regarding our action for information and coordination.

Kindly acknowledge receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Perlas III', written in a cursive style.

Nicanor J. III Perlas
Lead Co-Convener, Philippine Resistance Against Covid Tyranny (PRACT)