



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, Quezon City

April 22, 2019

MEMORANDUM CIRCULAR  
NO. 2019-61

TO : ALL CITY MAYORS, MUNICIPAL MAYORS AND ALL OTHERS  
CONCERNED

SUBJECT : CONDUCT OF POLITICAL RALLIES DURING THE CAMPAIGN  
PERIOD FOR THE 2019 NATIONAL AND LOCAL ELECTIONS

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The right of the people to peaceably assemble is guaranteed by no less than our Constitution<sup>1</sup> and Batas Pambansa Bilang 880, otherwise known as the Public Assembly Act of 1985 which laid down the guidelines in the exercise of such right.

Section 5 (c) of the latter law provides that the application for permit to conduct the same shall be filed with the Office of the City/Municipal Mayor. Accordingly, it shall be the duty of the mayor to 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.

While BP Blg. 880 is still considered as the legal precept which regulates the conduct of public assemblies, it should be noted that said law has expressly provided that it is not applicable to political meetings or rallies held during any election campaign period.<sup>2</sup>

In view of this, Section 87 of Batas Pambansa Bilang 881 or the Omnibus Election Code of the Philippines has provided for the conduct of the same during the campaign period, to wit:

***"Sec. 87. Rallies, meetings and other political activities.*** - Subject to the requirements of local ordinances on the issuance of permits, any political party supporting official candidates or any candidate individually or jointly with other aspirants may hold peaceful political rallies, meetings, and other similar activities during the campaign period: Provided, That all applications for permits to hold meetings, rallies and other similar political activities, receipt of which must be acknowledged in writing and which application shall be immediately posted in a conspicuous place in the city or municipal building, shall be acted upon in writing by local authorities concerned within three days after the filing thereof and any

<sup>1</sup> See Section 4, Article III, 1987 Philippine Constitution

<sup>2</sup> See Section 4, BP Blg. 880

*application not acted upon within said period shall be deemed approved: and Provided, further, That denial of any application for said permit shall be appealable to the provincial election supervisor or to the Commission whose decision shall be made within forty-eight hours and which shall be final and executory: Provided, finally, **That one only justifiable ground for denial is a prior written application by any candidate or political party for the same purpose has been approved.**"*

Consistent with the aforesaid provision, the Commission of Elections (COMELEC) on its Resolution No. 10488 dated January 30, 2019, reiterated the same with the inclusion of relevant provisions, as follows:

***"SECTION 32. Action on Application for Permit – Within three (3) days after the filing of an application for permit to hold public meetings, rallies or other political activities, the local authority concerned shall act in writing on said application. Any application not acted upon within three (3) days from the date of its filing shall be deemed approved.***

*In acting on the application, **the approving official shall give all candidates and parties equal and fair opportunity as to date, time and place, to hold public political meetings or rallies.** In the last week of the campaign period, all independent candidates and parties shall be entitled to hold at least one public meeting or rally, in the public plaza or place where public political meetings or rallies are usually held.*

***An application for permit shall be denied only on the ground that a prior written application by another candidate or party has been approved.** Denial of any application may be appealed to the Provincial Election Supervisor or to the Regional Election Director, for cases in the National Capital Region, who shall decide the same within forty eight (48) hours after the filing of the appeal, and shall give notice of the decision to the parties. The decision shall be final and executory.*

***SECTION 33. Prohibited Acts During Public Meetings – It is unlawful for any candidate, party or any person to give or accept, free of charge, directly or indirectly, transportation, food and drinks, or anything of value during and within the five (5) hours before and after a public meeting, or to give or contribute, directly or indirectly, money or things of value for such purpose."***

Gleaned from the foregoing, the issuance of permits by City and Municipal Mayors shall only be denied if a prior written application by any candidate or political party for the same purpose has been approved.

In line with the recent pronouncement of President Rodrigo Roa Duterte that certain local officials are refusing to issue permits against candidates who belong to rival parties, all City Mayors and Municipal Mayors are hereby directed to observe utmost neutrality in the performance of their duties and functions, and to refrain from engaging in unlawful acts against candidates particularly in the issuance of permits, as the same

constitute a clear violation of their fundamental rights enshrined in our constitution and other pertinent laws.

Finally, all local officials are hereby reminded that as public officers, it is our duty to uphold free, orderly, honest, peaceful and credible elections. Hence, compliance with existing election laws shall take precedence over personal interests.

For strict compliance.

