

Republic of the Philippines

SUPREME COURT

Manila

EN BANC

G.R. No. 27484 September 1, 1927

ANGEL LORENZO, petitioner-appellant,

vs.

THE DIRECTOR OF HEALTH, respondent-appellee.

Gregorio for appellant.
Attorney-General Jaranilla for appellee.

MALCOLM, J.:

The purpose of this appeal is to induce the court to set aside the judgment of the Court of First Instance of Manila sustaining the law authorizing the segregation of lepers, and denying the petition for habeas corpus, by requiring the trial court to receive evidence to determine if leprosy is or is not a contagious disease.

The petition for the writ of habeas corpus was in the usual form. Therein it was admitted that the applicant was a leper. It was, however, alleged that his confinement in the San Lazaro Hospital in the City of Manila was in violation of his constitutional rights. The further allegation was made that leprosy is not an infectious disease. The return of the writ stated that the leper was confined in the San Lazaro Hospital in conformity with the provisions of section 1058 of the Administrative Code. But to this was appended, for some unknown reason, the averment that each and every fact of the petition not otherwise admitted by the return was denied. Although counsel for the appellant makes mention of the form which the return of the writ of habeas corpus took, so as not to complicate matters unnecessarily, we prefer to give attention only to so much of the return as is contemplated by law and to disregard the rest as surplusage. The petitioner not having traversed the return, the only issue is whether the facts stated in the return as a matter of law authorized the restraint (Code of Civil Procedure, chap. XXVI; Code of Criminal Procedure, secs. 77 et seq.).

The Philippine law pertaining to the segregation of lepers is found in article XV of chapter 37 of the Administrative Code. Codal section 1058 empowers the Director of Health and his authorized agents "to cause to be apprehended, and detained, isolated, or confined, all leprous persons in the Philippine Islands. "In amplification of this portion of the law are found provisions relating to arrest of suspected lepers, medical inspection and

diagnostic procedure, confirmation of diagnosis by bacteriological methods, establishment of hospitals, detention camps, and a leper colony, etc.

In its simplest aspects, therefore, we have this situation presented: A leper confined in the San Lazaro Hospital by the health authorities in conformity with law, but with counsel for the leper contending that the said law is unconstitutional, and advancing as the basis for that contention the theory to be substantiated by proof that human beings are not incurable with leprosy, and that the disease may not be communicated by contact.

Section 1058 of the Administrative Code was enacted by the legislative body in the legitimate exercise of the police power which extends to the preservation of the public health. It was placed on the statute books in recognition of leprosy as a grave health problem. The methods provided for the control of leprosy plainly constitute due process of law. The assumption must be that if evidence was required to establish the necessity for the law, that it was before the legislature when the act was passed. In the case of a statute purporting to have been enacted in the interest of the public health, all questions relating to the determination of matters of fact are for the legislature. If there is probable basis for sustaining the conclusion reached, its findings are not subject to judicial review. Debatable questions are for the Legislature to decide. The courts do not sit to resolve the merits of conflicting theories. (1 Cooley's Constitutional Limitations, 8th ed., pp. 379, 380; R. C. L., pp. 111 et seq.; Jacobson vs. Massachusetts [1904], 197 U. S., 11 Segregation of Lepers [1884], V Hawaiian, 162; People vs. Durston [N. Y.] [1890], 7 L. R. A., 715; Blue vs. Beach [Ind.] [1900], 50 L. R. A., 64; Nelson vs. Minneapolis [Minn.] [1910], 29 L. R. A., N. S., 260.)

Judicial notice will be taken of the fact that leprosy is commonly believed to be an infectious disease tending to cause one afflicted with it to be shunned and excluded from society, and that compulsory segregation of lepers as a means of preventing the spread of the disease is supported by high scientific authority (See Osler and McCrea, The Principles and Practice of Medicine, 9th ed., p. 153.) Upon this view, laws for the segregation of lepers have been provided the world over. Similarly, the local legislature has regarded leprosy as a contagious disease and has authorized measures to control the dread scourge. To that forum must the petitioner go to reopen the question. We are frank to say that it would require a much stronger case than the one at bar for us to sanction admitting the testimony of expert or other witnesses to show that a law of this character may possibly violate some constitutional provision.

For more reasons than one, we think that Judge Concepcion took exactly the correct stand in deciding this test case, and that consequently his decision should be upheld.

Judgment affirmed, with costs.

Avanceña, C. J., Johnson, Street, Villamor, Johns and Romualdez, JJ., concur.