

Republic of the Philippines

SUPREME COURT

Manila

EN BANC

G.R. No. L-14864 November 23, 1960

PEOPLE OF THE PHILIPPINES, plaintiffs-appellee,

vs.

JUANITO SOLON, defendant-appellant.

Antonio T. Uy for appellant.

Assistant Solicitor General Esmeraldo Umali and Solicitor Frine C. Zaballero for appellee.

BARRERA, J.:

Juanito Solon, a rig driver in the City of Cebu, was prosecuted and convicted, First in the Municipal Court and on appeal, in the Court of First Instance of Cebu, and sentenced to pay a fine of one Peso (P1.00), with subsidiary imprisonment in case of insolvency, for violation of a city ordinance¹ requiring drivers of animal-drawn vehicles to pick up, gather and deposit in receptacles the manure emitted or discharged by their vehicle-drawing animals in any public highways, streets, plazas, parks or alleys of the City.

In this appeal, as well in the lower court, the accused-appellant assails the legality of the ordinance under which he was convicted, as violative of the equal protection clause of the Constitution, the same being discriminatory, partial and oppressive in the sense that it does not equally apply to all owners and possessors of animals, but its application is limited to owners and drivers of vehicle-drawing animals.

The principle is well-organized that the limited application of a statute, either in the objects to which it is directed or by the territory within which it is operate, does not necessarily violate the guaranty of "equal protection of the laws."² It is sufficient, for purposes of complying with this constitutional mandate, that the classification be reasonable, not arbitrary or capricious. And, for the classification to be considered reasonable, the same must be based on substantial distinction which make real differences; must be germane for the purposes of the law; must not be limited to existing conditions only, and must apply equally to each member of the class, under similar conditions.³

In the case at bar, there is no doubt that the ordinance in question, seeking to eliminate animal wastes in the city streets and other public places, is a measure designed to promote the health and well-being of the residents. It is so stated in the ordinance.

Admittedly, the same is directed only against vehicle-drawing animals passing through said places and thoroughfares. But it cannot be said that the classification is without reasonable basis.

The danger to the health of the inhabitants, posed by the animal discharges littering the city streets and other public places, cannot be minimized. Confronted with this unhealthy and unsightly situation, the Municipal Board of the City of Cebu passed the questioned legislation. As stated in the resolution of the Board, this condition was principally brought about by the presence of about 5,000 horses rigs for hire, that ply the city streets day and night which, in the course of their occupation, naturally make the objectional discharges. Their stay in these public places must be more or less regular that the Board estimated the wastes discharged by these animals and deposited therein to be around 5,000 kilos a day. Appellant's objection, however, is against the application of the prohibition only to these vehicle-drawing and in not extending its operation to those animals that, although not utilized, similarly pass through the same streets. It is possible that there may be non-vehicle-drawing animals that also traverse these roads, but their number must be negligible and their appearance therein merely occasional, compared to the rig-drawing ones, as not to constitute a menace to the health of the community. There is, likewise, no proof that in its application, the ordinance grants favors and imposes restrictions on certain owners of vehicle-drawing animals which are not accorded or enforced on others. In the light of the above considerations, we are convinced that the questioned ordinance does not violate the constitutional prohibition against class legislation.

Appellant, likewise, contests the validity of the provision of the Section 4 of the ordinance insofar as it imposes as penalty, the suspension of the rig owner's license, it being alleged that the violation having been committed by the driver, the inclusion of the rig owner in the penalty constitutes deprivation of his property without due process of law. The allegation is untenable.

In the first place, there is no basis for raising this question in the instant case. It was never shown that appellant was not the owner of the rig he was driving at the time the violation was committed. On the other hand, if he is not the owner, then there is no point in his raising the issue, because he is not affected. The question, therefore, of whether the penalty of suspension maybe imposed upon the driver without including the owner of the rig as party defendant, if the driver is not the owner of the rig, is of no moment in this case. In the second place, the decision appealed from, rendered by the Court of First Instance, does not impose the suspension of the drivers and the rig owner's licenses, although the Municipal Court included the same. This issue is therefore academic.

Wherefore, the decision appealed from is hereby affirmed, with cost against the appellant. So ordered.

Paras, C.J., Bengzon, Padilla, Bautista Angelo, Labrador, Reyes, J.B.L., Gutierrez David, Paredes and Dizon, JJ., concur.

Footnotes

¹ Ordinance No. 241 of the Municipal Board of Cebu City, dated March 6, 1958.

² II Cooley's Constitutional Limitations, pp. 824-825.

³ People vs. Vera, 65 Phil. 56; Laurel vs. Misa, 76 Phil. 372; 42 Off. Gaz., 2847; see also Tolentino vs. Board of Accountancy, 90 Phil., 83.