

Title: WILFREDO MOSQUEDA, ET AL. vs. PILIPINO BANANA GROWERS & EXPORTERS ASSOCIATION, INC., ET AL.

Facts:

After legislative deliberation, the Sangguniang Panlungsod of Davao City enacted Ordinance No. 0309, Series of 2007, which bans aerial spraying as an agricultural practice by all agricultural entities within its jurisdiction. The ordinance sought to eliminate the method on public health and environmental grounds.

The Pilipino Banana Growers and Exporters Association, Inc. (PBGEA), Davao Fruits Corporation, and Lapanday Agricultural and Development Corporation (collectively, PBGEA, et al.) filed a petition in the Regional Trial Court (RTC) of Davao City challenging the constitutionality of the ordinance and praying for injunctive reliefs through a Temporary Restraining Order (TRO) and/or writ of preliminary injunction. Several residents intervened against the issuance of a preliminary injunction.

The RTC granted the writ of preliminary injunction, but after trial, it declared Ordinance No. 0309-07 valid and constitutional. However, recognizing the impracticability of the 3-month transition period for shifting from aerial to other modes of pesticide application, the RTC recommended an extension.

Upon appeal, the Court of Appeals reversed the RTC's decision and declared Section 5 of the ordinance void for being unreasonable and oppressive. It also found that the ordinance violated the Equal Protection Clause due to lack of distinction in the substances being aerially applied, and ruled that the maintenance of a 30-meter buffer zone constituted taking of property without due process.

The City of Davao and the intervenors filed motions for reconsideration, which the CA denied, leading to the petitions for review on certiorari in the Supreme Court.

Issues:

The Supreme Court identified the following issues: whether Ordinance No. 0309-07 is unconstitutional on due process and equal protection grounds for being unreasonable and oppressive, being an invalid exercise of police power, and for its three-month transition period for shifting pesticide application modes; and whether the imposition of the 30-meter buffer zone was consistent with due process.

Court's Decision:

The Supreme Court denied the petitions for lacking merit and affirmed the CA's decision, declaring Ordinance No. 0309-07 unconstitutional. The Supreme Court found that the ordinance was arbitrary and not based on a substantial distinction, thereby violating the Equal Protection Clause. The ordinance also failed the Due Process Clause, given the impracticability of the transition period for shifting to different modes of application. Further, the ordinance was ultra vires, as its enactment exceeded the powers delegated to the City of Davao by Congress.

Doctrine:

The Court reiterated the two-tiered test for determining the validity of an ordinance, encompassing both substantive and procedural dimensions of legality. For the procedural aspect, an ordinance must be enacted in adherence to the requisite legal processes. On the substantive side, it must not contravene the Constitution or existing statutes, must be fair, not oppressive, must be impartial and not discriminatory, must not prohibit but may regulate trade, and must be general and consistent with public policy and public morals, pursuant to established jurisprudence.

Class Notes:

1. Substantive due process requires that an ordinance must serve a legitimate public purpose and employ means that are reasonably necessary without being unduly oppressive.
2. The Equal Protection Clause necessitates a legitimate and substantial distinction for different treatment among similarly situated individuals.
3. The exercise of police power by the local government must conform to the limitations prescribed by the Constitution and existing statutes.
4. The principle of local autonomy empowers LGUs to legislate on matters relevant to their jurisdictions, provided such legislation falls within the scope of their delegated powers and does not contravene national laws and policies.

Historical Background:

The case provides an illustration of the dynamic between local autonomy and national laws in the Philippines, highlighting the tension between local government initiatives to promote health and environmental protection and the rights and business interests of entities within their jurisdictions. It exemplifies the challenges faced in implementing local welfare measures and the scrutiny these measures must endure to be deemed constitutional. The

context underscores the critical role of scientific evidence in shaping policy and determining the legality of local government actions.