

Title: Hon. Leoncio Evasco, Jr. vs. Alex P. Montañez

****Facts:****

Davao City enacted Ordinance No. 092-2000 on August 8, 2000, which sought to regulate the construction, repair, renovation, erection, installation, and maintenance of outdoor advertising materials. Specifically, Sections 7, 8, 37, and 45 of the ordinance imposed restrictions on billboard placements, designated regulated areas for aesthetic purposes, stipulated fees for sign permits, and authorized the removal of illegal materials, respectively.

Despite this ordinance, certain outdoor advertising businesses were found to have constructed billboards without securing necessary permits. The City Engineer of Davao began sending notices of illegal construction in 2003, and in 2006, issued orders of demolition against non-compliant businesses, including APM, owned by Respondent Alex P. Montañez.

Montañez filed a petition before the RTC, Branch 14, in Davao City, challenging the constitutionality of Ordinance No. 092-2000 and seeking to enjoin the demolition of his billboards. The RTC initially issued an injunction against the enforcement of the ordinance. Following the issuance of Administrative Orders No. 160 and No. 160-A by President Arroyo, and subsequent directives from the DPWH to local government units, the city government issued additional demolition orders against other advertisers, prompting DABASA to intervene in the case.

The RTC ultimately rendered a decision declaring Sections 7, 8, and 41 of the ordinance void for being contrary to the National Building Code (P.D. 1096). Upon motion for reconsideration by the parties, the RTC modified the decision, declaring Section 37 void instead of Section 41.

The City Engineer appealed to the Court of Appeals, which affirmed the RTC's decision with modifications. It reinstated Section 41 of the ordinance but declared Sections 7, 8, and 37, and later Section 45, null and void.

****Issues:****

The Supreme Court was tasked to resolve:

1. Whether Section 7 of the ordinance, copied from the National Building Code's implementing rules, is contrary to the Code itself.
2. Whether Section 8 of the ordinance is valid.

3. Whether Section 37's fees are null and void.
4. Whether Section 45 is null and void for wrongly expanding the City Engineer's authority.

****Court's Decision:****

The Supreme Court granted the petition, overturning the rulings of the Court of Appeals. The Court held that Ordinance No. 092-2000 is constitutional and a valid exercise of police power delegated to the Davao City government by its charter and not by the National Building Code. The Court found no inconsistency with the National Building Code because the power to regulate billboards was directly granted by Congress to the city government, allowing for stricter limitations. It held that the Court of Appeals erred in invalidating the ordinance's provisions, emphasizing local legislative wisdom and discretion in matters concerning the welfare of their constituents. The Supreme Court noted that although the City Engineer issued orders of demolition that did not comply with Section 45 of the ordinance, it nonetheless upheld the ordinance's validity in its entirety.

****Doctrine:****

An ordinance is presumed constitutional and will be upheld if it does not violate any express provision of law, and it represents a valid exercise of police power conferred to the local government unit.

****Class Notes:****

- The presumption of validity applies to local ordinances, which are considered constitutional unless an unequivocal breach of the Constitution is demonstrated.
- Legislative powers can be delegated to local government units, allowing them to regulate matters on local affairs.
- For an ordinance to be valid, it must have a lawful subject and employ lawful methods.
- The measure of the constitutionality of an ordinance is whether the means employed are reasonably necessary for the accomplishment of the purpose and not unduly oppressive.
- A local government may impose stricter restrictions governed by its charter, which takes precedence over general laws.

****Historical Background:****

The historical context of the case is the intersection between the autonomously passed local government ordinance in Davao City concerning the regulation of outdoor advertising structures and the broader national policies embodied in the National Building Code and presidential administrative orders pertaining to the safety and regulation of billboards. The case illustrates the balance between local government regulatory authority and the

principles of national law, ultimately favoring the former when supported by specific legislative grants of power.