

Title: JMM Promotion and Management, Inc., and Kary International, Inc. vs. Hon. Court of Appeals, et al.

Facts:

The case arose in response to the series of deaths and abuses experienced by Filipino entertainers abroad, particularly Maricris Sioson in Japan in 1991. This prompted President Corazon Aquino to impose a total ban on the deployment of performing artists to Japan and other foreign destinations, which was later lifted, being replaced by a new program to rectify the deployment system.

The Department of Labor and Employment (DOLE) issued various orders to improve the situation, including Department Order No. 28, creating an advisory council (EIAC), followed by Department Order No. 3, which established procedures for the training, testing, and certification of performing artists. Successful artists were issued an Artist Record Book (ARB), a prerequisite for contract processing by the Philippine Overseas Employment Administration (POEA).

Subsequent orders such as Department Order No. 3-A to 3-F fine-tuned and implemented the new system. These included further guidelines, salary scales, and registration of returning performers.

Federation of Entertainment Talent Managers of the Philippines (FETMOP) filed a lawsuit challenging these orders, claiming constitutional rights violations, including the right to travel and due process. JMM Promotion and Kary International intervened in this case, but the trial court denied the injunction and dismissed the complaint.

On appeal, the Court of Appeals upheld the trial court's decision, which led to the current petition before the Supreme Court.

Issues:

1. Whether the ARB requirement constitutes a violation of the right to travel, abridgment of contracts, and deprivation of license without due process.
2. Whether the requirement of an ARB is discriminatory and a violation of the right to life, liberty, and property.
3. Whether the police power exercised by the government is valid concerning the ARB requirements.

Court's Decision:

The Supreme Court upheld the ARB requirement and related orders, affirming that the government acted within its police power in promoting the general welfare. It explained that these measures were necessary to protect Filipino entertainers from exploitation and abuse and that the policy did not violate the due process clause as it was not arbitrary or unreasonable.

The Court argued that the right to overseas employment is not absolute and that the proper regulation of professions is a legitimate exercise of state power. It also countered the non-impairment clause argument by stating that public welfare could override contract freedom.

Lastly, the Court rejected the equal protection clause violation claim by asserting that the orders apply to all performing artists and are intended to protect a vulnerable sector.

Doctrine:

The case reiterated the doctrine that the government may lawfully regulate a profession or calling under its police power, especially when such regulation promotes the general welfare or protects public health and safety.

Class Notes:

- Police Power: The inherent power of the State to regulate for public welfare.
- Property Right to Work: While the right to work is considered a property right, it is subject to regulation for public welfare.
- Due Process: Regulatory measures on employment must be reasonable and non-arbitrary.
- Equal Protection: Laws or measures must apply to all members within a class and be based on substantial differences germane to the purpose of legislation.
- Non-Impairment Clause: Contractual freedom can be overridden by the need to promote public welfare.
- Overseas Workers' Protection: The State has a constitutional duty to protect its workforce, especially those prone to abuse.

Historical Background:

This case occurred against a backdrop of many Filipinos seeking employment abroad, often under risky and exploitative conditions. The government's response to incidents of abuse and exploitation, particularly of female entertainers, was to create protection mechanisms such as the ARB requirement. These efforts were a part of the Philippines' attempts to safeguard the welfare of its citizens working overseas while balancing the need for continued overseas employment opportunities.