

### Title:

Ermita-Malate Hotel and Motel Operators Association, Inc. vs. The Honorable City Mayor of Manila

### Facts:

The Ermita-Malate Hotel and Motel Operators Association, Inc., Hotel Del Mar, Inc., and Go Chiu (petitioners) filed a petition for prohibition against Ordinance No. 4760 on July 5, 1963. The respondent in the case was the City Mayor of Manila. The petitioners claimed to represent legitimate businesses with substantial investment and employment. They argued that the ordinance enacted on June 13, 1963 and approved on June 14, 1963 by then acting Mayor Herminio Astorga was beyond the power of the Municipal Board, unreasonable, oppressive, and violative of due process. The ordinance sought to impose a fee for motels, require detailed registration of guests, and impose room rental regulations among others, aimed at curbing immorality.

Subsequently, the lower court issued a writ of preliminary injunction ordering the Mayor to refrain from enforcing the ordinance, beginning July 8, 1963. The Mayor defended the ordinance's validity in his answer, asserting it as a police power measure to curb immorality.

The parties submitted a stipulation of facts, stating their capacities and reinforcing the legal background and purpose of the ordinance, including the increase in city income through license fees. Instead of presenting evidence, the parties decided to file memoranda and submit the case for court decision based on stipulated facts and the pleadings. The lower court ruled in favor of the petitioners, declaring Ordinance No. 4760 unconstitutional. Consequently, the respondent Mayor lodged an appeal to the Supreme Court.

### Issues:

1. Did Ordinance No. 4760 of the City of Manila violate the due process clause and therefore be deemed as unconstitutional?
2. Was the lower court's reliance solely on the pleadings and stipulation of facts sufficient grounds to overturn the presumption of validity of a municipal ordinance?
3. Did the imposition of the prescribed fees and regulatory measures in the ordinance constitute an arbitrary and unreasonable use of police power?
4. Were the provisions detailed in the ordinance vague or uncertain, thereby rendering it unconstitutional?

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

The Supreme Court reversed the lower court's judgment. The Supreme Court held that the petitioners failed to overcome the presumption of validity that attaches to a challenged ordinance because there was no factual record produced to demonstrate its unconstitutionality. The Court emphasized the broad scope of police power to promote public morals and general welfare. It found no arbitrariness or unfairness in the ordinance's intent to discourage immorality, increase city income, and impose necessary regulations on motel operations. The Court rejected claims of vagueness, highlighting that common sense dictates that the ordinance was clear in its intent and application. As there were no substantial grounds provided to invalidate the ordinance, the injunction was lifted.

**### Doctrine:**

The exercise of police power by the government is subject to judicial inquiry only where it is considered capricious, whimsical, unjust, or unreasonable, thus constituting a denial of due process. Moreover, ordinances enacted under the police power to promote public safety, health, morals, peace, order, and general welfare are presumed valid unless proven otherwise.

**### Class Notes:**

- Police power is the power to prescribe regulations to promote health, morals, peace, good order, safety, and general welfare.
- Due process implies that laws and regulations must not be unreasonable, must not arbitrarily encroach on individual rights, and must be applied fairly without favoritism or discrimination.
- The concept of vagueness implies that a law or regulation must be sufficiently clear so that people of common intelligence do not have to guess at its meaning and differ on its application.

**### Historical Background:**

This case emerged against the backdrop of various social issues during the 1960s, including an increase in prostitution and immorality within certain districts of Manila. The City Government, through its legislative body, the Municipal Board, endeavored to address these issues via regulatory mechanisms that became contested in this legal challenge. The case exemplifies the balancing act between individual rights and the exercise of police power for the public good—a recurrent theme in Philippine jurisprudence and a reflection of societal values and priorities during the period.