

### Title:

Velasco vs. Villegas: A Case on the Constitutionality of Manila City Ordinance No. 4964

### Facts:

This case involves a group of petitioners, all owners of barbershops in the city of Manila, who challenged the constitutionality of Ordinance No. 4964. The ordinance prohibited the operation of massage services within the same premises as a barbershop if both were owned by the same person. The petitioners, represented by Tomas Velasco, Lourdes Ramirez, Sy Pin, Edmundo Unson, Apolonia Ramirez, and Lourdes Lomibao, sought declaratory relief, arguing that the ordinance deprived them of their means of livelihood without due process of law. Their case was initially dismissed by the lower court on the grounds that criminal cases regarding the violation of this ordinance had already been filed and decided, thus precluding the availability of a petition for declaratory relief. The petitioners appealed this decision to the Supreme Court.

### Issues:

1. Whether a petition for declaratory relief is proper in this case.
2. Whether Ordinance No. 4964 constitutes a deprivation of property without due process of law.
3. Whether the ordinance is justified under the police power of the state.

### Court's Decision:

The Supreme Court affirmed the order of the lower court, holding that:

1. A petition for declaratory relief was not proper since cases involving the issue had already been filed, making the remedy unavailable.
2. The court found no violation of due process rights. It noted that the ordinance was enacted as a police power measure with clear objectives, including the regulation of businesses and the prevention of immorality.
3. The Court upheld the ordinance as a valid exercise of police power, referencing its past decisions that had given broad application and liberal interpretation to the general welfare clause, which allows for the regulation of businesses for the public good.

### Doctrines:

- The general welfare clause is a statutory form of the police power delegated to municipalities. It is given wide application and liberal interpretation by the courts, supporting the regulation of businesses for the general welfare.

### Class Notes:

- Declaratory Relief: A legal determination of the court that resolves legal uncertainty. It is not available if cases involving the issue have already been filed.
- Police Power: The inherent authority of the state to regulate use of private property and enforce laws for the public health, safety, morals, and general welfare.
- General Welfare Clause: Provides the legal basis for municipalities to enact ordinances under the police power for the purpose of promoting the general welfare of the community.
- Due Process: A constitutional principle that the government must respect all legal rights owed to a person according to the law. In this case, the court found no violation of due process rights in the enactment and application of Ordinance No. 4964.

### Historical Background:

In the context of Philippine jurisprudence, the case reiterates the expansive interpretation of the general welfare clause and underscores the broad discretion granted to local governments in regulating businesses within their jurisdiction for the public good. It follows a series of decisions where the Supreme Court has upheld the significant room municipal governments have in using their police power to address local concerns and promote the general welfare, consistent with the progressive evolution of legal principles governing local governance and public policy in the Philippines.