

Title: Tano vs. Socrates, et al.

Facts:

The case originated from the enactment of three measures by the local governments of Palawan and Puerto Princesa City aimed at conserving marine resources, particularly live fish and certain species of lobster. These measures were:

1. **Ordinance No. 15-92** enacted by the Sangguniang Panlungsod of Puerto Princesa City on December 15, 1992, which prohibited the shipment of all live fish and lobster outside Puerto Princesa City from January 1, 1993, to January 1, 1998. Exceptions were made for sea bass, catfish, mudfish, and milkfish fries. The ordinance aimed to protect the marine environment from destructive fishing practices.
2. **Office Order No. 23, Series of 1993**, issued by the Acting City Mayor of Puerto Princesa on January 22, 1993, which directed the execution or implementation of Ordinance No. 15-92.
3. **Resolution No. 33, Ordinance No. 2, Series of 1993**, enacted by the Sangguniang Panlalawigan of Palawan on February 19, 1993, further prohibited the catching, gathering, buying, selling, and shipment of live marine coral-dwelling organisms from Palawan waters for five years.

Several fishermen, together with the Airline Shippers Association of Palawan, sought relief from the Supreme Court, directly challenging the constitutionality of these local measures without first seeking redress from lower courts, alleging grave abuse of discretion and violation of constitutional rights.

Issues:

1. Were the local measures constitutional?
2. Did they infringe upon the petitioner's right to due process, livelihood, and equal protection of laws?
3. Were the actions of the local government units within their devolved powers and authority under the Local Government Code?

Court's Decision:

The Supreme Court dismissed the petition for lack of merit. It upheld the constitutionality and validity of the local measures, highlighting their purpose to protect the marine environment of Palawan and Puerto Princesa City from the destructive effects of certain

fishing methods, including the use of cyanide.

The Court found that the measures were lawful exercises of police power vested in local government units. It also emphasized the principle of local autonomy and the mandate to protect and conserve marine resources as provided under the Local Government Code of 1991 and supported by RA 7611 (Strategic Environmental Plan for Palawan Act).

Doctrine:

The decision reiterates the doctrine of local autonomy and the devolved powers of local government units under the Local Government Code of 1991. It also underscores the State's policy to ensure ecological balance and protect natural resources, as embodied in the Constitution and various laws.

Class Notes:

- Local government units have the authority to enact ordinances for the general welfare, including the protection of the environment within their jurisdiction.
- The appellate jurisdiction of the Supreme Court does not preclude direct petitions on matters of grave public interest or when warranted by special and compelling reasons.
- Police power of local government units extends to measures necessary to promote health, safety, peace, morality, and the general welfare of the community, including environmental protection.
- The principle of separation of powers requires that courts respect the presumption of validity of legislative actions, reversing them only for clear and unequivocal breaches of the Constitution.

Historical Background:

The case arose in the context of increasing environmental degradation and depletion of marine life in the Philippines, prompting local governments, especially in ecologically critical areas like Palawan, to take bold measures to protect and conserve the environment within their territories. The decision is notable for its affirmation of local government autonomy in enacting environmental protection measures and the application of the Local Government Code of 1991 and other environmental laws.