

### Title:

Churchill and Tait v. Rafferty: The Restriction of Billboard Advertising in the Philippines and the Exercise of Police Power

### Facts:

This case involves plaintiffs Francis A. Churchill and Stewart Tait, engaged in the business of advertising, particularly through billboards. They challenged the lawfulness of certain government actions under Act No. 2339, specifically subsection (6) of section 100, which authorized the Collector of Internal Revenue, James J. Rafferty, to regulate and even remove billboards deemed offensive to sight.

The plaintiffs initiated legal action to restrain the government from collecting taxes on their advertising signs and from enforcing the clause that allowed the destruction or removal of such signs based on aesthetic considerations. They argued that these provisions deprived them of their property without due process and diminished the jurisdiction of the courts, contrary to the constitution.

Proceeding through the judicial system, the case moved from the lower courts, with the plaintiffs initially securing a preliminary injunction to halt the enforcement actions against them, to the Supreme Court of the Philippines. Here, the dispute centered around the constitutionality of the specific provisions of Act No. 2339 and the broader implications on police power, due process, and judicial review.

### Issues:

1. Whether the court can use an injunction to prevent the collection of tax as stipulated in subsection (6) of section 100 of Act No. 2339.
2. The validity of the provisions allowing the Collector of Internal Revenue to remove billboards deemed offensive to sight based on aesthetics, and whether this constitutes an exercise of police power that infringes on property rights without due process.

### Court's Decision:

1. On the first issue, the Court upheld the law, stating that the remedy by injunction against tax collection is not permissible except under special circumstances that did not apply in this case. The law's provisions making tax disputes resolvable only through payment under protest followed by litigation were deemed not unconstitutional.

2. Regarding the removal of billboards based on aesthetics, the Supreme Court considered this a valid exercise of the government's police power. It ruled that the state could regulate

or prohibit uses of property offensive to the sight as they affect the public welfare, marking a stance that expanded the traditionally accepted applications of police power beyond health, morals, and safety to include aesthetic considerations.

**### Doctrine:**

This case reinforced the principle that the exercise of police power by the state extends to regulating property uses for the public welfare, including aesthetic considerations, as long as there is a clear public interest served by such regulation. It also established that injunctions cannot be used to restrain the collection of taxes, reinforcing the government's authority to secure tax revenues efficiently.

**### Class Notes:**

- **\*\*Police Power\*\***: Empowers the state to regulate for public welfare, including health, safety, morals, and aesthetics.
- **\*\*Taxation and Injunction\*\***: Tax collection cannot be restrained by injunction; disputes over tax legality must proceed through payment under protest and subsequent litigation.
- **\*\*Due Process\*\***: Does not always equate to judicial proceedings in tax collection; the law can authorize direct action by government officers for tax delinquency.

**### Historical Background:**

Act No. 2339, effective July 1, 1914, involved taxation and regulatory measures reflecting the Philippine government's attempt to manage public spaces and revenues efficiently. The contestation of its provisions by Churchill and Tait against Rafferty captured a significant confrontation over the scope of police power and judicial oversight in early 20th-century Philippine jurisprudence, especially regarding aesthetic regulation and tax dispute resolution.