

### Title:

The United States vs. Gregorio Abendan: A Case Study on Compliance with Municipal Sanitation Ordinances

### Facts:

Gregorio Abendan was convicted for violating Municipal Ordinance No. 105 of Cebu City, specifically for failing, upon a second order by the Department of Sanitation, to make necessary repairs and improvements to maintain the sanitary conditions of his property. The required improvements included installing ventilators and closets in parts of the house, as well as a bell-trap in the kitchen areas. Despite partial compliance, Abendan did not complete all mandated modifications. The failure to comply was admitted by Abendan.

Chief Sanitary Inspector William Pauly's inspection and subsequent orders aimed to address the unsanitary conditions of Abendan's property. Despite these orders, necessary sanitation infrastructure remained unimplemented, leading to potential health risks not only for the residents within Abendan's property but also for the neighboring community.

Abendan's appeal to the Supreme Court focused on challenging the reasonableness and oppressive nature of the Municipal Ordinance No. 105. The procedural posture saw the case elevate from initial conviction under the municipal ordinance to the Supreme Court due to the significant legal contention surrounding the ordinance's validity and application.

### Issues:

1. Whether Municipal Ordinance No. 105 of Cebu City is valid and does not contravene any fundamental laws, acts of the legislature, public policy, or is not in any way unreasonable, oppressive, partial, or discriminatory.
2. Whether the application of Municipal Ordinance No. 105 to Abendan was reasonable and not oppressive or discriminatory in the specific circumstances of the case.

### Court's Decision:

The Supreme Court affirmed the judgment of the lower court, holding that Municipal Ordinance No. 105 is within the authority granted to the municipality by the legislature and contains no provisions that are inherently unreasonable, oppressive, or discriminatory. The Court found that the ordinance was a legitimate exercise of the municipality's power to legislate for public health and sanitation purposes. Furthermore, the Court determined that the application of the ordinance to Abendan was not oppressive or unreasonable, noting his admitted non-compliance with certain sanitary improvements.

### Doctrine:

The Supreme Court reiterated the doctrine that municipalities have the authority to enact ordinances relating to sanitation and public health, provided these ordinances do not contravene the constitution or statutory law, are within the scope of granted powers, and are neither unreasonable nor oppressive. Additionally, the case underscores the principle that the validity of an ordinance is judged based on its inherent provisions and not on its potential for unreasonable application by municipal authorities.

### Class Notes:

- **Municipal Authority:** Recognizes the power of municipalities to enact ordinances for public health and sanitation, within legislative grants of authority.
- **Ordinance Validity:** An ordinance must not contravene constitutional or statutory provisions, should fall within the scope of granted municipal powers, and must be reasonable and not oppressive.
- **Compliance Enforcement:** Emphasizes the duty of property owners to comply with municipal health and sanitation orders under penalty of law.

**\*\*Relevant Legal Statute\*\*:** “It shall be the duty of the owner, agent, or other person-in-possession and control of any lot, building, or place, declared to be in bad sanitary condition by the chief sanitary officer, to comply with any order duly issued... requiring necessary construction... within the time specified...” (Art. 6, Municipal Ordinance No. 105, Cebu City).

### Historical Background:

This case illustrates the early 20th-century Philippine legal landscape regarding public health and sanitation, highlighting the municipal efforts to combat unsanitary living conditions and the judicial system’s role in enforcing and interpreting relevant laws and ordinances. The decision reflects the broader context of American colonial efforts to implement public health improvements in the Philippines.