

Title:

Teodora Lopera vs. Severino E. Vicente: Legality of Zoning Ordinance for Cabarets in Puerto Princesa

Facts:

Teodora Lopera, the petitioner, was the operator of a cabaret in Puerto Princesa, Palawan. Pursuant to Ordinance No. 6, series of 1960, enacted by the Municipal Council of Puerto Princesa, the local Mayor ordered the closure of Lopera's cabaret on December 4, 1960. This ordinance required cabarets to be situated at least 500 meters away from any public building, market, or hospital. Lopera's cabaret was alleged to be only 476 meters from the Provincial Hospital, thus violating the ordinance.

Lopera filed a special civil action (No. 380) for mandamus with a preliminary injunction in the Court of First Instance of Palawan, contesting the legality of Ordinance No. 6. She argued that it conflicted with Republic Act No. 1224, which mandated a minimum distance of only 200 meters from the nearest public building for cabarets. The trial court ruled in favor of Lopera, declaring Ordinance No. 6 illegal and ordering the reopening of the cabaret. Severino Vicente (Mayor) and Cayetano Valones (Treasurer), respondents, appealed the decision to the Supreme Court.

Issues:

The central issue was whether Ordinance No. 6, which established a 500-meter distance requirement for cabarets from any public building, school, hospital, or church, contravened Section 1 of Republic Act No. 1224.

Court's Decision:

The Supreme Court reversed the trial court's ruling, holding that the Municipal Council of Puerto Princesa was within its rights to enact Ordinance No. 6. The Court clarified that Republic Act No. 1224 allowed local municipal councils to regulate or prohibit the establishment of cabarets, including setting distance requirements, provided these requirements were not less than 200 meters. Since Ordinance No. 6 specified a distance of 500 meters, it was deemed valid. The Court further noted that there was no sufficient evidence to prove that Lopera's cabaret had been in operation before the enactment of the ordinance, dismissing her claim to an exemption.

Doctrine:

The Court reiterated the principle that municipal councils possess the authority to enact

ordinances that regulate the establishment, maintenance, and operation of businesses within their jurisdiction for the public good, subject to statutory minimum standards. Municipal ordinances that extend beyond the minimum requirements set by national legislation do not contravene the law, provided they are enacted within the council's jurisdictional authority and in pursuit of the general welfare.

Class Notes:

- **Municipal Authority:** Municipal councils have the power to enact ordinances that regulate local businesses, including cabarets, to serve the municipality's general welfare.
- **Legal Standards:** An ordinance that imposes stricter standards than national legislation (e.g., distance requirements for businesses) is valid if it does not contradict minimal statutory requirements.
- **Evidence of Operation:** In legal disputes concerning the application of territorial ordinances to existing businesses, concrete evidence regarding the operation date is crucial.
- **Republic Act No. 1224** provides municipalities with the discretion to regulate the distance of cabarets and similar establishments from public buildings, schools, hospitals, and churches, provided it is not less than 200 lineal meters.

Historical Background:

This case highlights the evolving regulatory landscape in the Philippines concerning local governance and the operation of businesses that cater to entertainment and leisure. It underscores the tension between national legislation and local autonomy, illustrating the judiciary's role in balancing these interests.