

Title

****The Physical Therapy Organization of the Philippines, Inc. vs. The Municipal Board of the City of Manila and Mayor Arsenio H. Lacson****

Facts

The Physical Therapy Organization of the Philippines, Inc., an association of registered masseurs and licensed operators of massage clinics in the City of Manila and beyond, contested the validity of Municipal Ordinance No. 3659, enacted by the City's Municipal Board and approved by Mayor Arsenio H. Lacson. This ordinance was aimed at regulating the operation of massage clinics in Manila. Upon filing a petition for declaratory judgment against the ordinance, the petitioner also obtained an injunction to halt its enforcement, supplemented by a P1,000.00 bond. The case was settled in the Court of First Instance of Manila without testimonial evidence, relying solely on pleadings and written memoranda. Ultimately, the trial court ruled against the petitioner, dismissing the petition and dissolving the injunction. This spurred an appeal directly to the Supreme Court on several grounds, the most notable being the challenge to the city's authority to regulate massagists and massage clinic operations.

Issues

1. Whether the City of Manila, under its New Charter (Republic Act 409), holds the authority to regulate the practice and operation of massage and massage clinics.
2. Whether Municipal Ordinance No. 3659 unlawfully restricts the practice of massage to hygienic and aesthetic purposes, excluding therapeutic massage.
3. Whether the permit fee imposed by the Ordinance is reasonable.

Court's Decision

The Supreme Court affirmed the trial court's dismissal, holding that:

1. The purpose of Ordinance No. 3659 was to prevent immorality and prostitution under the guise of massage clinics, not to regulate the massage profession itself, thereby not infringing on the jurisdiction of the national Director of Health.
2. The City of Manila has the authority to enact such an ordinance under the General Welfare Clause provided by Section 18 of the New Charter (Republic Act 409), as it aims to promote the morality, peace, good order, and welfare of the city.
3. The permit fee of P100.00, applicable to operators and not individual masseurs, is within

the discretion of the Municipal Board and not deemed excessive considering the ordinance's regulatory, rather than revenue-generating, intent.

Doctrine

This case elucidates the scope of the local government's regulatory authority under the General Welfare Clause. It distinguishes between the regulation of business operations for public welfare purposes and the professional regulation, which remains under national jurisdiction, emphasizing that local ordinances aimed at promoting morality and public order within the community are valid exercises of local government powers.

Class Notes

- **General Welfare Clause**: Local governments may enact ordinances for the promotion of morality, peace, good order, convenience, and general welfare of the community.
- **Regulatory vs. Revenue-Generating Fees**: Permit fees imposed by local governments within their regulatory capacity are not equivalent to taxes intended for revenue. The reasonability of such fees is subject to judicial discretion, provided they serve a regulatory purpose.
- **Local vs. National Regulation**: The regulation of professions falls under national jurisdiction, while local governments may regulate business operations affecting community welfare.

Historical Background

The case presents a critical analysis of the boundaries of local government powers in the context of the City of Manila's New Charter (Republic Act 409). It highlights the evolving role of municipal authorities in addressing social issues, such as immorality and public order, through local legislation while respecting the centralized regulation of professions. The decision underscores the importance of balancing local autonomy with national interests in the governance framework of the Philippines.