

Title: Adlawan vs. The Hon. Intermediate Appellate Court: The Minglanilla Cockpit Controversy

Facts:

The case revolves around two cockpits in Minglanilla, Cebu: the Minglanilla Junior Coliseum (Coliseum) and the Gallera Bagong Lipunan (Gallera). The Coliseum, established in July 1955 and later purchased by the private respondents, was located in the poblacion center. Gallera, founded in 1967 by Catalino Villaflor and later transferred to the petitioners, was situated in Barrio Calajo-an. The conflict emerged with Presidential Decree No. 449's enactment, enforcing the "one cockpit per municipality" rule, prompting debates over which cockpit was considered the municipal cockpit under this decree.

Upon receiving guidance from the Cebu Provincial command, the Minglanilla Municipal Council referred the determination matter to the Philippine Constabulary. The latter supported the Coliseum's privilege, spurring an unsuccessful appeal by Gallera's operator to the municipal council. The council, siding with Gallera based on Republic Act No. 1224 and a provincial circular emphasizing distance limitations from public structures for cockpits, requested the mayor to endorse Gallera officially. Discontent with the council's decision, the Coliseum's shareholders filed for declaratory relief with injunction against the council's decision in the Court of First Instance of Cebu. The court ruled in favor of the Coliseum, prompting an appeal to the Intermediate Appellate Court by Gallera's then-owner, which was later withdrawn, leading to a legal battle to nullify the appellate court's decision and maintain Gallera's operational status.

Issues:

1. Which cockpit legitimately qualifies as the municipal cockpit for Minglanilla under existing laws and ordinances?
2. The validity and applicability of local ordinances concerning cockpit operations and location in relation to Pres. Decree No. 449 and Rep. Act No. 1224.
3. The authority of the municipal council versus the mayor in cockpit licensure.
4. Retroactive application of municipal ordinances to existing cockpits.

Court's Decision:

The Supreme Court affirmed the lower courts' decisions supporting the Coliseum as the municipal cockpit. It underscored that the local council's authority is confined to recommendation rather than licensure, which rests solely with the municipal mayor. The resolutions favoring Gallera were deemed without binding effect due to their ultra vires

nature and the improper procedure followed by the council. Furthermore, the decision highlighted the discretionary power provided to local officials under Rep. Act No. 1224 regarding cockpit location and reiterated that existing cockpits at the time of a new ordinance's enactment can't be retroactively affected. Additionally, it was emphasized that specific distance regulations prescribed by local ordinances are controlling unless no such ordinance exists, in which case broader regulations apply.

Doctrine:

- Local government units have the discretion to determine the location and regulation of cockpits within their jurisdiction, as per Rep. Act No. 1224 and Pres. Decree No. 449.
- Municipal ordinances regulating cockpits cannot retroactively affect already established and operating cockpits.
- The mayor, not the municipal council, holds the primary authority for issuing cockpit licensure, subject to the council's ratification.

Class Notes:

- ****Discretion of Local Government Units****: Local councils have the discretion to regulate cockpits' locations and operations through ordinances, provided these do not retroactively affect existing ones.
- ****Role of the Mayor****: The mayor alone is vested with the authority to issue cockpit licenses, which is then subject to the municipal council's ratification.
- ****Non-retroactivity of Municipal Ordinances****: Existing cockpits at the time of an ordinance's enactment cannot be prejudiced by new distance limitations or other regulations introduced by the ordinance.
- ****Applicability of Existing Laws****: In the absence of a specific local ordinance, broader national laws and decrees provide the regulatory framework for cockpit operations.

Historical Background:

This case reflects the complexities arising from the transition and implementation of martial law-era policies into local governance. The "one cockpit per municipality" rule introduced under Pres. Decree No. 449 sparked significant legal disputes regarding local autonomy, the interplay between national and local legislation, and the rights of business operators within the cultural context of Philippine cockfighting traditions.