

Title: Hilarion C. Tolentino vs. The Board of Accountancy, et al.

Facts:

Hilarion C. Tolentino, a certified public accountant in the Philippines, challenged the constitutionality of Section 16-A of Commonwealth Act No. 3105, as amended by Commonwealth Act No. 342 (the Philippine Accountancy Law), which allows accountants to practice their profession under a trade name. Tolentino argued that this provision constitutes class legislation by exclusively allowing accountants to use trade names, thereby excluding other professions from similar privileges. The case was initially heard by the Court of First Instance of Manila, which, without the intervention of the Solicitor General or a response from the Board of Accountancy, dismissed Tolentino's complaint on the grounds that the law did not offend the constitution. Tolentino appealed the decision to the Supreme Court of the Philippines.

Issues:

1. Does Tolentino have sufficient cause of action to challenge the constitutionality of Commonwealth Act No. 342?
2. Is Commonwealth Act No. 342 constitutional, particularly in regard to the allegations of class legislation and violation of the equal protection clause?

Court's Decision:

The Supreme Court affirmed the lower court's decision, concluding that:

1. Tolentino lacked a sufficient cause of action for declaratory relief as he had not demonstrated an actual justiciable controversy or adverse legal interest requiring the court's intervention.
2. Commonwealth Act No. 342 does not constitute class legislation and does not violate the equal protection clause of the Constitution. The Court reasoned that the law applies uniformly to all accountants under the same conditions, without discrimination. Furthermore, the Court found that the Act does not preclude other professions from using a trade name, as similar privileges are extended to them under other laws. The Court also dismissed the claim that the Act was enacted to favor foreign accountants and that it infringes upon the principle of separation of powers.

Doctrine:

The Supreme Court reiterated that for an action for declaratory relief to be entertained, there must be a justiciable controversy, adverse interests, a legal interest on the part of the plaintiff, and an issue ripe for judicial determination. It also upheld the principle that a law

does not constitute class legislation if it applies uniformly to all members within a class, pursuant to the equal protection clause.

Class Notes:

- **Declaratory Relief**: Requires a justiciable controversy, adverse interests, legal interest by the claimant, and an issue ripe for decision.
- **Equal Protection Clause**: A law does not violate this clause if it applies uniformly to all persons within the same class under similar conditions, without unjust discrimination.
- **Class Legislation**: Legislation must affect all persons similarly situated within a class to avoid being considered as class legislation.
- **Key Statutory Provisions**: Commonwealth Act No. 3105 as amended by Commonwealth Act No. 342; concerning the professional practice of accountancy in the Philippines.
- **Separation of Powers**: Legislative measures that regulate a profession do not intrinsically violate the principle of separation of powers by encroaching on executive functions.

Historical Background:

The challenge against the constitutionality of allowing accountants to practice under a trade name reflects the broader struggle for equal application of law across professions. By upholding the law, the Supreme Court reinforced the legislative mandate allowing the use of trade names in professional practice for accountants, while emphasizing the principle of equal protection and the specific conditions under which declaratory relief may be sought. This case underscores the judiciary's role in interpreting the scope and application of legislative acts concerning professional regulation.