

### Title:

Celestino Tatel vs. Municipality of Virac, et al.: A Case on Public Nuisance and Municipal Ordinance Compliance

### Facts:

Celestino Tatel, engaged in the import and export of abaca, contested Resolution No. 29 passed by the Municipal Council of Virac, Catanduanes, which declared his warehouse in Barrio Sta. Elena a public nuisance under Article 694 of the Civil Code. The resolution was based on residents' complaints about the disturbance from his abaca baling machine, citing smoke, odor, and fire hazards from the stored inflammable materials. After a municipal investigation and Tatel's unsuccessful motion for reconsideration, he filed a petition for prohibition with preliminary injunction with the Court of First Instance (CFI) of Catanduanes.

The respondents argued that the warehouse breached Ordinance No. 13, series of 1952, which mandates a 200-meter distance between warehouses and residential houses to prevent fire hazards. Tatel countered, alleging the ordinance's unconstitutionality.

The CFI upheld the ordinance's validity, rejected Tatel's argument on constitutional grounds, and directed him to comply with storage regulations under threat of abatement for nuisance, leading to his appeal to the Supreme Court.

### Issues:

1. Whether Tatel's warehouse constitutes a public nuisance under Article 694 of the Civil Code.
2. Whether Ordinance No. 13, series of 1952, is constitutional and valid.

### Court's Decision:

The Philippine Supreme Court dismissed Tatel's petition, finding no merit in his arguments. It ruled that:

1. The warehouse, by storing inflammable materials and causing disturbances, qualifies as a public nuisance as per Article 694 of the Civil Code.
2. Ordinance No. 13 is a legitimate exercise of the municipal council's police power, upheld by the general welfare clause. The ordinance did not contravene the Constitution or any statute, was not unfair or oppressive, and served a public safety purpose, thus constitutional and valid.
3. The validity of an ordinance is distinct from its enforcement, dismissing Tatel's claim of

discriminatory implementation.

This affirmed the CFI's decision directing Tatel to comply with the ordinance and remove prohibited materials from his warehouse.

### ### Doctrine:

This case reaffirms the principles governing police power and its use by local government units to enact ordinances for public welfare, including safety regulation. It also illustrates the criteria for assessing an ordinance's validity and confirms that a warehouse operating in violation of safety ordinances can be deemed a public nuisance.

### ### Class Notes:

- **Public Nuisance:** Defined under Article 694 of the Civil Code, applicable when an establishment poses a danger to public safety.
- **Police Power:** The authority of a municipality to enact ordinances and regulations for the common good, as highlighted by Section 2238 of the Administrative Code (1917) and related to the general welfare clause in the Local Government Code of 1991.
- **Ordinance Validity Criteria:** For an ordinance to be valid, it must align with the Constitution and statutes, not be unfair or oppressive, not be discriminatory, regulate but not prohibit trade, be general and in public policy interest, and reasonable.
- **Municipal Ordinance No. 13, series of 1952:** Stipulates the distancing of warehouses from residential areas to prevent fire hazards, showcasing the local government's exercise of police power for public safety.

### ### Historical Background:

This case captures a period in Philippine legal history where local governance and the exercise of police power were pivotal in regulating businesses for the community's safety and welfare. It reflects the judicial system's role in mediating conflicts between individual rights and public interest, especially in community safety and nuisance law areas.