

Title:

The United States vs. Ang Tang Ho (1919)

Facts:

1. In 1919, the Philippine Legislature enacted Act No. 2868, aimed at regulating and controlling the distribution, sale, and pricing of palay, rice, and corn during extraordinary circumstances.
2. Section 1 of the Act allowed the Governor-General, with the Council of State's consent, to issue temporary rules and emergency measures, including fixing the maximum prices for these commodities.
3. Section 4 of the Act prescribed penalties for violations, including fines and imprisonment.
4. On August 1, 1919, the Governor-General issued a proclamation (Executive Order No. 53), fixing the maximum price for rice.
5. On August 8, 1919, Ang Tang Ho was charged with selling rice at 80 centavos per ganta, above the fixed price of 63 centavos per ganta.
6. Ang Tang Ho was found guilty and sentenced to five months' imprisonment and a fine of P500.
7. Ang Tang Ho appealed, arguing that the Executive Order and the court's application of Act No. 2868 were invalid.

Issues:

1. **Delegation of Legislative Power**:
 - Did Act No. 2868 improperly delegate legislative power to the Governor-General by allowing him to fix the prices of rice without specific guidelines?
2. **Uniformity and Discrimination**:
 - Did the Act authorize discriminatory pricing across different regions?
3. **Publication and Notice**:
 - Was the Executive Order constitutionally valid given that it was not published before Ang Tang Ho's alleged offense?

Court's Decision:

- Delegation of Legislative Power**:
- The Court held that the Act improperly delegated legislative power to the Governor-General. The Act left too much discretion to the Governor-General on determining causes and conditions for implementing the Act and fixing prices, without clear guidelines or standards.
 - The Court stated that legislative power cannot be delegated to the Executive, and here the

Act gave legislative power to the Governor-General, making it unconstitutional.

****Uniformity and Discrimination**:**

- The Court found that the Act, requiring a single price for rice across the entire Philippines, was a general law, but the Governor-General's proclamation, which set different prices in different regions, constituted an invalid sub-delegation of legislative power. The Act did not provide for such regional variations.

****Publication and Notice**:**

- As a concurring opinion pointed out, the Act and subsequent proclamation were not published before Ang Tang Ho's alleged infraction, thus invalidating the conviction. No one can be held liable for violating a law or order of which they had no notice.

Doctrine:

- ****Non-Delegation Doctrine**:** Legislative power, particularly the authority to create laws defining crimes and penalties, cannot be delegated to the Executive.
- ****Uniformity and Non-Discrimination**:** Economic regulations concerning fundamental commodities like rice must be uniform and non-discriminatory across regions unless specific legislative provisions justify regional variations.

Class Notes:

1. ****Non-Delegation Doctrine**:**

- "The Legislature cannot delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes its own action depend." (Locke's Appeal)

2. ****Uniformity Principle**:**

- Economic laws must maintain general application and uniformity unless explicitly stated otherwise in the law.

3. ****Need for Publication**:**

- Proper notice through publication is a constitutional requirement for laws and executive orders to be enforceable.

Historical Background:

- During post-World War I, there were severe economic conditions globally, leading to acts like Act No. 2868 to control prices of essential commodities. The case exemplifies the tension between legislative measures to control economic crises and constitutional limits on legislative delegation.