

ROMEO F. EDU, IN HIS CAPACITY AS LAND TRANSPORTATION COMMISSIONER, PETITIONER VS. HON. VICENTE G. ERICTA, IN HIS CAPACITY AS JUDGE OF THE COURT OF FIRST INSTANCE OF RIZAL BR. XV...*G.R. No. L-32096. October 24, 1970*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/66b922ef4874/>**FERNANDO, J.:**

Petitioner Romeo F. Edu, the Land Transportation Commissioner, would have us rule squarely on the constitutionality of the Reflector Law[1] in this proceeding for certiorari and prohibition against respondent Judge, the Honorable Vicente G. Ericta of the Court of First Instance of Rizal, Quezon City Branch, to annul and set aside his order for the issuance of a writ of preliminary injunction directed against Administrative Order No. 2 of petitioner for the enforcement of the aforesaid statute, in a pending suit in his court for certiorari and prohibition, filed by the other respondent Teddy C. Galo assailing the validity of such enactment as well as such administrative order. Respondent Judge, in his answer, would join such a plea asking that the constitutional and legal questions raised be decided "once and for all." Respondent Teddy C. Galo, who was quite categorical in his assertion that both the challenged legislation and the administrative order transgress the constitutional requirements of due process and nondelegation, is not averse either to such a definitive ruling. Considering the great public interest involved and the reliance by respondent Galo on the allegation that the repugnancy to the fundamental law could be discerned on the face of the statute as enacted and the executive order as promulgated, this Court sees no obstacle to the determination in this proceeding of the constitutional questions raised. For reasons to be hereafter stated, we sustain the validity of the Reflector Law and Administrative Order No. 2 issued in the implementation thereof, the imputation of constitutional infirmity being at best flimsy and insubstantial.

As noted in the answer of respondent Judge, respondent Galo on his behalf and that of other motorists filed on May 20, 1970 a suit for certiorari and prohibition with preliminary injunction assailing the validity of the challenged Act as an invalid exercise of the police power, for being violative of the due process clause. This he followed on May 28, 1970 with a manifestation wherein he sought as an alternative remedy that, in the event that respondent Judge would hold said statute constitutional, Administrative Order No. 2 of the Land Transportation Commissioner, now petitioner, implementing such legislation be nullified as an undue exercise of legislative power. There was a hearing on the plea for the issuance of a writ of preliminary injunction held on May 27, 1970 where both parties were duly represented, but no evidence was presented. The next day, on May 28, 1970, respondent Judge ordered the issuance of a preliminary injunction directed against the enforcement of such administrative order. There was, the day after, a motion for its reconsideration filed by the Solicitor-General representing petitioner. In the meanwhile, the clerk of court of respondent Judge issued on June 1, 1970 the writ of preliminary injunction upon the filing of the required bond. The answer before the lower court was filed by petitioner Edu on June 4, 1970. Thereafter, on June 9, 1970, respondent Judge denied the motion for reconsideration of the order of injunction. Hence this petition for certiorari and prohibition filed with this Court on

June 18,1970.

In a resolution of June 22,1970, (Ms Court required respondents to file an answer to the petition for certiorari and prohibition. Respondent Judge, the Honorable Vicente G. Ericta, did file his answer on June 30, 1970 explaining why he restrained the enforcement of Administrative Order No. 2 and, as noted at the outset, joining the Solicitor General in seeking that the legal questions raised, namely the constitutionality of the Reflector Law and secondly the validity of Administrative Order No. 2 alleged to be in excess of the authority conferred on petitioner and therefore violative of the principle of nondelegation of legislative power, be definitely decided. It was not until July 6, 1970 that respondent Galo filed his answer seeking the dismissal of this petition concentrating on what he considered to be the patent invalidity of Administrative Order No. 2 as it went beyond the authority granted by the Reflector Law, even assuming that it is constitutional. In the meanwhile, on July 2,1970, the petition was called for hearing with Solicitor Vicente Torres appearing for petitioner and respondent Galo for himself. It was made clear during the course of such argumentation that the matter of the constitutionality of the Reflector Law was likewise under consideration by this Court. The case is thus ripe for decision.

We repeat that we find for petitioner and sustain the constitutionality of the Reflector Law as well as the validity of Administrative Order No. 2.

- The threshold question is whether on the basis of the petition, the answers, and the oral argument, it would be proper for this Court to resolve the issue of the constitutionality of the Reflector Law. Our answer, as indicated, is in the affirmative. It is to be noted that the main thrust of the petition before us is to demonstrate in a rather convincing fashion that the challenged legislation does not suffer from the alleged constitutional infirmity imputed to it by the respondent Galo. Since the special civil action for certiorari and prohibition filed by him before respondent Judge would seek a declaration of nullity of such enactment by the attribution of the violation on the face thereof of the due process guarantee in the deprivation of property rights, it would follow that there is sufficient basis for us to determine which view should prevail. Moreover, any further hearing by respondent Judge would likewise be limited to a discussion of the constitutional issues raised, no allegations of facts having been made. This is one case then where the question of validity is ripe for determination. If we do so, further effort need not be wasted and time is saved. Moreover, the officials concerned as well as the public, both vitally concerned with a final resolution of this question of validity, could know the definitive answer and could act accordingly. There is a great public interest, as was mentioned, to be served by the final disposition of such crucial issue, petitioner praying that respondent Galo be declared as having no cause of action with respondent Judge being accordingly directed to dismiss his suit.

There is another reinforcement to this avenue of approach. We have done so before in a suit, *Climaco v. Macadaeg*,^[2] involving the legality of a presidential directive. That was a petition for the review and reversal of a writ of preliminary injunction issued by the then Judge Macadaeg. We there announced that we "have decided to pass upon the question of the validity of the presidential directive ourselves, believing that by doing so we would be putting an end to a dispute, a delay in the disposition of which has caused considerable damage and injury to the Government and to the tobacco planters themselves."

There is no principle of constitutional adjudication that bars this Court from similarly passing upon the question of the validity of a legislative enactment in a proceeding before it to test the propriety of the issuance of a preliminary injunction. The same felt need for resolving once and for all the vexing question as to the constitutionality of a challenged enactment and thus serve public interest exists. What we have done in the case of an order proceeding from one of the coordinate branches, the executive, we can very well do in the matter before us involving the alleged nullity of a legislative act. Accordingly, there is nothing to preclude the grant of the writs prayed for, the burden of showing the unconstitutionality of the act having proved to be, as will now be shown,

too much for respondent Galo.

- The Reflector Law reads in full: "(g) Lights and reflector when parked or disabled.- Appropriate parking lights or flares visible one hundred meters away shall be displayed at a corner of the vehicle whenever such vehicle is parked on highways or in places that are not well-lighted or is placed in such manner as to endanger passing traffic. Furthermore, every motor vehicle shall be provided at all times with built-in reflectors or other similar warning devices either pasted, painted or attached at its front and back which shall likewise be visible at night at least one hundred meters away. No vehicle not provided with any of the requirements mentioned in this subsection shall be registered." [3] It is thus obvious that the challenged statute is a legislation enacted under the police power to promote public safety.

Justice Laurel, in the first leading decision after the Constitution came into force, *Calalang v. Williams*,⁴ identified police power with state authority to enact legislation that may interfere with personal liberty or property in order to promote the general welfare. Persons and property could thus "be subjected to all kinds of restraints and burdens in order to secure the general comfort, health and prosperity of the state." Shortly after independence in 1948, *Primicias v. Fugoso*,^[5] reiterated the doctrine, such a competence being referred to as "the power to prescribe regulations to promote the health, morals, peace, education good order or safety, and general welfare of the people." The concept was set forth in negative terms by Justice Malcolm in a pre-Commonwealth decision as "that inherent and plenary power in the State which enables it to prohibit all things hurtful to the comfort, safety and welfare of society." [6] In that sense it could be hardly distinguishable as noted by this Court in *Morfe v. Mutuc* [7] with the totality of legislative power.

It is in the above sense the greatest and most powerful attribute of government. It is to quote Justice Malcolm anew "the most essential, insistent, and at least illimitable of powers," [8] extending as Justice Holmes aptly pointed out "to all the great public needs." [9] Its scope, ever-expanding to meet the exigencies of the times, even to anticipate the future where it could be done, provides enough room for an efficient and flexible response to conditions and circumstances thus assuring the greatest benefits. In the language of Justice Cardozo: "Needs that were narrow or parochial in the past may be interwoven in the present with the well-being of the nation. What is critical or urgent changes with the times." [10] The police power is thus a dynamic agency, suitably vague and far from precisely defined, rooted in the conception that men in organizing the state and imposing upon its government limitations to safeguard constitutional rights did not intend thereby to enable an individual citizen or a group of citizens to obstruct unreasonably the enactment of such salutary measures calculated to insure communal peace, safety, good order, and welfare.

It would then be to overturn a host of decisions impressive for their number and unanimity were this Court to sustain respondent Galo. [11] That we are not disposed to do, especially so as the attack on the challenged statute ostensibly for disregarding the due process safeguard is singularly unpersuasive. It would be to close one's eyes to the hazards of traffic in the evening to condemn a statute of this character. Such an attitude betrays lack of concern for public safety. How can it be plausibly alleged then that there was no observance of due process equated as it has always been with what is reasonable? The statute assailed is not infected with arbitrariness. It is not the product of whim or caprice. It is far from oppressive. It is a legitimate response to a felt public need. It can stand the test of the most unsympathetic appraisal.

Respondent Galo is of a different mind, having been unable to resist the teaching of many American State Court decisions referred to in the secondary source, *American Jurisprudence*, principally relied upon by him. He ought to have been cautioned against an indiscriminate acceptance of such doctrines predicated on what was once a fundamental postulate in American public law, *vlaisssez-faire*.

It is to be admitted that there was a period when such a concept did influence American court decisions on constitutional law. As was explicitly stated by Justice Cardozo, speaking of that era: "Laissez-faire was not only a counsel of caution which would do well to heed. It was a categorical imperative which statesmen as well as judges, must obey." [12] For a long time, legislation tending to reduce economic inequality foundered on the rock that was the due process clause, enshrining as it did the liberty of contract, based on such a basic assumption.

The New Deal administration of President Roosevelt more responsive to the social and economic forces at work changed matters greatly. By 1937, there was a greater receptivity by the American Supreme Court to an approach not too reverential of property rights. Even earlier, in 1935, Professor Coker of Yale, speaking as a historian, could already discern a contrary drift. He did note the expending range of governmental activity in the United States. [13] What is Undeniable is that by 1943, *vlaisssez-faire* was no longer the dominant theory. In the language of Justice Jackson in the leading case of *West Virginia State Board of Education v. Barnette*: [14] "We must transplant these rights to a soil in which the *vlaisssez-faire* concept or non-interference has withered at least as to economic affairs, and social advancements are increasingly sought through closer integration of society and through expanded and strengthened governmental controls."

While authoritative precedents from the United States federal and state jurisdictions were deferred to when the Philippines was still under American rule, it cannot be said that the *vlaisssez-faire* principle was invariably adhered to by us even then. As early as 1919, in the leading case of *Rubi v. Provincial Board of Mindoro*, [15] Justice Malcolm already had occasion to affirm: "The doctrines of *vlaisssez-faire* and of unrestricted freedom of the individual, as axioms of economic and political theory, are of the past. The modern period has shown a widespread belief in the amplest possible demonstration of government activity. The Courts unfortunately have sometimes seemed to trail after the other two branches of the Government in this progressive march." *People v. Pomar*, [16] a 1924 decision, which held invalid under the due process clause a provision providing for maternity leave with pay thirty days before and thirty days after confinement could be cited to show that such a principle did have its day. It is to be remembered though that our Supreme Court had no other choice as the Philippines was then under the United States, and only recently the year before, the American Supreme Court in *Adkins v. Children's Hospital*, [17] in line with the *vlaisssez-faire* theory, did hold that a statute providing for minimum wages was constitutionally infirm.

What is more, to erase any doubts, the Constitutional Convention saw to it that the concept of *vlaisssez-faire* was rejected. It entrusted to our government the responsibility of coping with social and economic problems with the commensurate power of control over economic affairs. Thereby it could live up to its commitment to promote the general welfare through state action. No constitutional objection to regulatory measures adversely affecting property rights, especially so when public safety is the aim, is likely to be heeded, unless of course on the clearest and most satisfactory proof of invasion of rights guaranteed by the Constitution. On such a showing, there may be a declaration of nullity, but not because, the *vlaisssez-faire* principle was disregarded but because the due process, equal protection, or non-impairment guarantees would call for vindication.

To repeat, our Constitution which took effect in 1935 erased whatever doubts there might be on that score. Its philosophy is a repudiation of *vlaisssez-faire*. One of the leading members of the Constitutional Convention, Manuel A. Roxas, later the first President of the Republic, made it clear when he disposed of the objection of Delegate Jose Reyes of Sorsogon, who noted the "vast extensions in the sphere of governmental functions" and the "almost unlimited power to interfere in the affairs of industry and agriculture as well as to compete with existing business" as "reflections of the fascination exerted by [the then] current tendencies" in other jurisdictions. [18] He spoke thus: "My answer is that this constitution has a definite and well defined philosophy, not only political but social and economic. * * * If in this Constitution the gentleman will find declarations of

economic policy they are there because they are necessary to safeguard the interests and welfare of the Filipino people because we believe that the days have come when in self-defense, a nation may provide in its constitution those safeguards, the patrimony, the freedom to grow, the freedom to develop national aspirations and national interests, not to be hampered by the artificial boundaries which »a constitutional provision automatically imposes.[19]

It was not unexpected then that in a concurring opinion, later quoted with approval in the leading case of *Antamok Goldfields Mining Co. v. Court of Industrial Relations*.^[20] Justice Laurel, who likewise sat in the Constitutional Convention and was one of its leading lights, explicitly affirmed that the Constitution did away with the *vlaisssez-faire* doctrine. In the course of such concurring opinion and after noting the changes that have taken place calling for a more affirmative role by the government and its undeniable power to curtail property rights, he categorically declared the doctrine in *People v. Pomar* no longer retains "its virtuality as a living principle."^[21]

It is in the light of such rejection of the *vlaisssez-faire* principle that during the Commonwealth era, no constitutional infirmity was found to have attached to legislation covering such subjects as collective bargaining,^[22] security of tenure,^[23] minimum wages,^[24] compulsory arbitration,^[25] the regulation of tenancy^[26] as well as the issuance of securities,^[27] and control of public services.^[28] So it is likewise under the Republic this Court having given the seal of approval to more favorable tenancy laws,^[29] nationalization of the retail trade,^[30] limitation of the hours of labor,^[31] imposition of price control,^[32] requirement of separation pay for one month,^[33] and a social security scheme.^[34]

Respondent Galo thus could have profited by a little more diligence in the scrutiny of Philippine decisions rendered with not unexpected regularity, during all the while our Constitution has been in force, attesting to the demise of such a shibboleth as *vlaisssez-faire*. It was one of those fighting faiths that time and circumstances had upset, to paraphrase Holmes. Yet respondent Galo would seek to vivify and resurrect it. That, it would appear, is a vain quest, a futile undertaking. The Reflector Law is thus immune from the attack so recklessly hurled against it. It can survive, and quite easily too, the constitutional test.

- The same lack of success marks the effort of respondent Galo to impugn the validity of Administrative Order No. 2 issued by petitioner in his official capacity, duly approved by the Secretary of Public Works and Communications, for being contrary to the principle of nondelegation of legislative power. Such administrative order, which took effect on April 17, 1970, has a provision on reflectors in effect reproducing what was set forth in the Act. Thus: "No motor vehicles of whatever style, kind, make, class or denomination shall be registered if not equipped with reflectors. Such reflectors shall either be factory built-in-reflector, commercial glass reflectors, reflectionized tape or luminous paint. The luminosity shall have an intensity to be maintained visible and clean at all times such that if struck by a beam of light shall be visible 100 meters away at night."^[35] Then came a section on dimensions, placement and color. As to dimensions, the following is provided for: "Glass reflectors - Not less than 3 inches in diameter or not less than 3 inches square; Reflectorized Tape - At least 3 inches wide and 12 inches long; Reflectorized Paint - At least 3 inches wide and 12 inches long. The painted or taped area may be bigger at the discretion of the vehicle owner."^[36] Provision is then made as to how such reflectors are to be "placed, installed, pasted or painted."^[37] There is the further requirement that in addition to such reflectors there shall be installed, pasted or painted four reflectors on each side of the motor vehicle parallel to those installed, pasted or painted in front and those in the rear end of the body thereof.^[38] The color required of such reflectors, whether built-in, commercial glass, reflectorized tape or reflectorized paint placed in the front part of any motor vehicle shall be amber or yellow and those placed on the sides and in the rear shall all be red.^[39]

Penalties resulting from a violation thereof could be imposed. Thus: "Non-compliance with the requirements contained in this Order shall be sufficient cause to refuse registration of the motor vehicle affected and if already

registered, its registration may be suspended in pursuance of the provisions of Section 16 of RA-4136; [Provided], However, that in the case of the violation of Section 1 (a) and (b) and paragraph (8) of Section 3 hereof, a fine of not less than ten nor more than fifty pesos shall be imposed." [40] It is not to be lost sight of that under Republic Act No. 4136, of which the Reflector Law is an amendment, petitioner, as the Land Transportation Commissioner, may, with the approval of the Secretary of Public Works and Communications, issue rules and regulations for its implementation as long as they do not conflict with its provisions. [41] It is likewise an express provision of the above statute that for a violation of any of its provisions or regulations promulgated pursuant thereto, a fine of not less than P10 nor more than P50 could be imposed. [42]

It is a fundamental principle flowing from the doctrine of separation of powers that Congress may not delegate its legislative power to the two other branches of the government, subject to the exception that local governments may over local affairs participate in its exercise. What cannot be delegated is the authority under the Constitution to make laws and to alter and repeal them; the test is the completeness of the statute in all its term and provisions when it leaves the hands of the legislature. To determine whether or not there is an undue delegation of legislative power, the inquiry must be directed to the scope and definiteness of the measure enacted. The legislature does not abdicate its functions when it describes what job must be done, who is to do it, and what is the scope of his authority. For a complex economy, that may indeed be the only way in which the legislative process can go forward. A distinction has rightfully been made between delegation of power to make the laws which necessarily involves a discretion as to what it shall be, which constitutionally may not be done, and delegation of authority or discretion as to its execution to be exercised under and in pursuance of the law, to which no valid objection can be made. The Constitution is thus not to be regarded as denying to the legislature the necessary resources of flexibility and practicability.

To avoid the taint of unlawful delegation, there must be a standard, which implies at the very least that the legislature itself determines matters of principle and lays down fundamental policy. Otherwise, the charge of complete abdication may be hard to repel. A standard thus defines legislative policy, marks its limits, maps out its boundaries and specifies the public agency to apply it. It indicates the circumstances under which the legislative command is to be effected. It is the criterion by which legislative purpose may be carried out. Thereafter, the executive or administrative office designated may in pursuance of the above guidelines promulgate supplemental rules and regulations.

The standard may be either express or implied. If the former, the nondelegation objection is easily met. The standard though does not have to be spelled out specifically. It could be implied from the policy and purpose of the act considered as a whole. In the Reflector Law, clearly the legislative objective is public safety. What is sought to be attained as in *Calalang v. Williams* is "safe transit upon the roads." [43]

This is to adhere to the recognition given expression by Justice Laurel in a decision announced not-too-long after the Constitution came into force and effect that the principle of non-delegation "has been made to adapt itself to the complexities of modern governments, giving rise to the adoption, within certain limits, of the principle of 'subordinate legislation' not only in the United States and England but in practically all modern governments." [44] He continued: "Accordingly, with the growing complexity of modern life, the multiplication of the subjects of governmental regulation, and the increased difficulty of administering the laws, there is a constantly growing tendency toward the delegation of greater powers by the legislature and toward the approval of the practice by the courts." [45] Consistency with the conceptual approach requires the reminder that what is delegated is authority non-legislative in character, the completeness of the statute when it leaves the hands of Congress being assumed.

Our later decisions speak to the same effect. Thus from Justice J.B.L. Reyes in *People v. Exconde*: [46] "It is well established in this jurisdiction that, while the making of laws is a non-delegable activity that corresponds

exclusively to Congress, nevertheless, the latter may constitutionally delegate authority to promulgate rules and regulations to implement a given legislation and effectuate its policies, for the reason that the legislature often finds it impracticable (if not impossible) to anticipate and provide for the multifarious and complex situations that may be met in carrying the law into effect. All that is required is that the regulation should be germane to the objects and purposes of the law; that the regulation be not in contradiction with it; but conform to the standards that the law prescribes * * * "[47]

An even more explicit formulation of the controlling principle comes from the pen of the then Justice, now Chief Justice, Concepcion: "Lastly, the legality of Circular No. 21 is assailed upon the ground that the grant of authority to issue the same constitutes an undue delegation of legislative power. It is true that, under our system of government, said power may not be delegated except to local governments. However, one thing is to delegate the power to determine what the law shall be, and another thing to delegate the authority to fix the details in the execution of enforcement of a policy set out in the law itself. Briefly stated, the rule is that the delegated powers fall under the second category, if the law authorizing the delegation furnishes a reasonable standard which sufficiently marks the field within which the Administrator is to act so that it may be known whether he has kept within it in compliance with the legislative will.' (Yakus vs. United States, 88 L ed. 848) * * * It should be noted, furthermore, that these powers must be construed and exercised in relation to the objectives of the law creating the Central Bank, which are, among others, 'to maintain monetary stability in the Philippines,' and 'to promote a rising level of production, employment and real income in the Philippines.' (Section 2, Rep. Act No. 265). These standards are sufficiently concrete and definite to vest in the delegated authority the character of administrative details in the enforcement of the law and to place the grant of said authority beyond the category of a delegation of legislative powers * * * "[48]

It bears repeating that the Reflector Law construed together with the Land Transportation Code, Republic Act No. 4136, of which it is an amendment, leaves no doubt as to the stress and emphasis on public safety which is the prime consideration in statutes of this character. There is likewise a categorical affirmation of the power of petitioner as Land Transportation Commissioner to promulgate rules and regulations to give life to and translate into actuality such fundamental purpose. His power is clear. There has been no abuse. His Administrative Order No. 2 can easily survive the attack, far-from-formidable, launched against it by respondent Galo.

WHEREFORE, the writs of certiorari and prohibition prayed for are granted, the orders of May 28, 1970 of respondent Judge for the issuance of a writ of preliminary injunction, the writ of preliminary injunction of June 1, 1970 and his order of June 9, 1970 denying reconsideration are annulled and set aside. Respondent Judge is likewise directed to dismiss the petition for certiorari and prohibition filed by respondent Teddy C. Galo, there being no cause of action as the Reflector Law and Administrative Order No. 2 of petitioner have not been shown to be tainted by invalidity. Without pronouncement as to costs.

Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Ruiz Castro, Teehankee, Barredo and Makasiar, JJ., concur.

Concepcion, CJ., and Villatnor, J., took no part.

[1] Republic Act No. 5715 (1969).

[2] L-19440, April 18, 1962, 4 SCRA 930.

[3] Sec. 1 of Republic Act No. 5715 enacted on June 21, 1969 amends subsection (g) of Sec. 34 of Republic Act No. 4136 (1964).

[4] 70 Phil. 726 (1940).

[5] 80 Phil. 71. Cf. *Ichong v. Hernandez*, 101 Phil. 1155 (1957).

[6] *Rubi v. Provincial Board*, 39 Phil. 660, 708 (1919). Earlier Philippine cases during the same era referred to police power as the power to promote the general welfare and public interest, *U.S. v. Toribio*, 15 Phil. 85, 94 (1910); to enact such laws in relation to persons and property as may promote public health, public morals, public safety, and the general welfare of its inhabitants, *U.S. v. Gomez Jesus*, 31 Phil. 218, 225 (1915); to preserve public order and to prevent offenses against the state and to establish, for the intercourse of citizen with citizen, those rules of good manners and good neighborhood calculated to prevent conflict of rights, *U.S. v. Pompeya*, 31 Phil. 245, 254(1915). The term is of American origin, having been first referred to by Chief Justice Marshall in *Gibbons v. Ogden*, 9 Wheat 7, 208 (1824) and explicitly identified as such three years later in *Brown v. Maryland*, 12 Wheat, 419, 443.

[7] L-20387, January 31, 1968, 22 SCRA 424.

[8] *Smith Bell and Co. v. Natividad*, 40 Phil. 136 (1919).

[9] *Noble State Bank v. Haskell*, 219 US 112 (1911).

[10] *Helvering v. Davis*, 301 US 619 (1937).

[11] Cf. *United States v. Toribio*, 15 Phil. 85 (1910); *United States v. Villareal*, 28 Phil. 390 (1914); *United States v. Gomez Jesus*, 31 Phil. 218 (1915); *Churchill and Tait v. Rafferty*, 32 Phil. 580(1915); *Rubi v. Provincial Board*, 39 Phil. 660 (1919); *Smith Bell and Co. v. Natividad*, 40 Phil. 136 (1919); *Lorenzo v. Director of Health*, 50 Phil. 595 (1927); *People v. Abad Lopez*, 62 Phil. 835 (1936); *People v. Lagman*, 66 Phil. 13 (1938); *People v. Cayat*, 68 Phil. 12 (1939); *People v. Rosenthal*, 68 Phil. 328 (1939); *Pampanga Bus Co. v. Pambusco Employees Union*, 68 Phil. 541 (1939); *Manila Trading and Supply Co. v. Zulueta*, 69 Phil. 485(1940); *Pangasinan Trans. Co. v. Public Service Commission*, 70 Phil. 221 (1940); *Antamok Goldfields Mining Co. v. Court of Industrial Relations*, 70 Phil. 340 (1940); *International Hardwood and Veneer Co. v. Pangil Federation of Labor*, 70 Phil. 602(1940); *Calalang v. Williams*, 70 Phil. 726 (1940); *Tapang v. Court of Industrial Relations*, 72 Phil. 79 (1941); *Laurel v. Misa*, 76 Phil. 372 (1946); *People v. Carlos*, 78 Phil. 535 (1947); *Primicias v. Fugoso*, 80 Phil. 71 (1948); *Co Chiong v. Cuaderno*, 83 Phil. 242 (1949); *People v. Isnain*, 85 Phil. 648 (1950); *Ongsiako v. Gamboa*, 86 Phil. 50 (1950); *Tolentinov. Board of Accountancy*, 90 Phil. 83 (1951); *People v. De la Cruz*, 92 Phil. 906 (1953); *People v. Chu Chi*, 92 Phil. 977 (1953); *Rutter v. Esteban*, 93 Phil. 68 (1953); *Ichong v. Hernandez*, 101 Phil. 1155 (1957); *King v. Hernaez*, L-14859, March 31, 1962, 4 SCRA 792; *De Ramas v. Court of Agrarian Relations*, L-19555, May 29, 1964, 11 SCRA 171; *Vda. de Macasaetv. Court of Agrarian Relations*, L-19750, July 17,1964,11 SCRA 521; *Uichanco v. Gutierrez*, L-20275-79, May 31, 1965, 14 SCRA 231; *Gamboa v. Pallarca*, L-20407, March 31, 1966, 16 SCRA 490; *Husorio v. Court of Agrarian Relations*, L-20344, May 16, 1966, 17 SCRA 25; *Rafael v. Embroidery and Apparel Control and Inspection Board*, L-19978, Sept. 29, 1967, 21 SCRA 336; *Phil. American Life Ins. Co. v. Auditor General*, L-19255, Jan. 18, 1968, 22 SCRA 135; *Morfe v. Mutuc*, L-20387, Jan. 31,1968,22 SCRA 424; *Alalayan v. National Power Corp.*, L-24396, July 29, 1968, 24 SCRA 172.

[12] *Cardozo, The Nature of Judicial Process*, p. 77 (1921).

[13] *2 Selected Essays on Constitutional Law*, p. 27 (1938).

[14] 319 US 624.

[15] 39 Phil. 660, 717-718.

[16] 46 Phil. 440.

[17] 261 US 525. (1923). The Adkins case was itself overruled in 1937 in *West Coast Hotel v. Parrish*, 300 US 379 (1937).

[18] III Proceedings of the Philippine Constitutional Convention, Laurel ed., pp. 173-174 (1966).

[19] *Ibid.*, pp. 177-178. p

[20] 70 Phil. 340 (1940).

[21] *Ibid.*, p. 360. Cf. *Leyte Land Trans. Co. v. Leyte Farmers and Laborers' Union*, 80 Phil. 842 (1948).

[22] *Pampanga Bus Co. v. Pambusco's Employees' Union*, 68 Phil. 541 (1939).

[23] *Manila Trading and Supply Co. v. Zulueta*, 69 Phil. 485 (1940).

[24] *International Hardwood and Veneer Company v. The Pangil Federation of Labor*, 70 Phil. 602 (1940).

[25] *Antamok Goldfields Mining Company v. Court of Industrial Relations*, 70 Phil. 340 (1940).

[26] *Tapang v. Court of Industrial Relations*, 72 Phil. 79 (1941).

[27] *People v. Rosenthal*, 68 Phil. 328 (1939).

[28] *Pangasinan Trans. Co., Inc. v. Public Service Com.*, 70 Phil. 221 (1940).

[29] *Camacho v. Court of Industrial Relations*, 80 Phil. 848 (1948); *Ongsiaco v. Gamboa*, 86 Phil. 50 (1950); *De Ramas v. Court of Agrarian Relations*, L-19555, May 29, 1964, 11 SCRA 171; *Del Rosario v. De los Santos*, L-20589, March 21, 1968, 22 SCRA 1196.

[30] *Ichong v. Hernandez*, 101 Phil. 1155 (1957).

[31] *Phil. Air Lines Employees' Asso. v. Phil. Air Lines, Inc.*, L-18559, June 30, 1964, 11 SCRA 387.

[32] *People v. Chu Chi*, 92 Phil. 977 (1953).

[33] *Abe v. Foster Wheeler Corp.*, L-14785, Nov. 29, 1960.

[34] *Roman Catholic Archbishop of Manila v. Social Security Com.*, L-15045, Jan. 20, 1961, 1 SCRA 10. Cf. *Director of Forestry v. Muñoz*, L-24796, June 28, 1968, 23 SCRA 1183.

[35] Sec. 2, Administrative Order No. 2.

[36] Sec. 3, par. (a), *Ibid.*

[37] Sec. 3, par. (b) of the order specifies the matter thus: "(1) For two wheeled motorcycles - One in front and another at the rear which shall be installed, pasted or painted on the lowest tip of both fenders. (2) For three-wheeled motorcycles - One in front to be installed, pasted or painted on the lowest tip of the fender and, two at the rear to be installed, pasted or painted at the outer-most side of the rear end of the body of the vehicle. (3) For trailers with platform body irrespective of size, two at the rear to be installed, pasted or painted on the outer-most side of the rear end of the body. (4) For Trailers with Stake or Van Body irrespective of size - Two in front to be installed pasted or painted 5 inches below the two upper comers of the body; and four at the rear end of

the trailer, two of which shall be installed, pasted or painted 5 inches below the upper two corners of the rear end of the body and the other two to be installed, pasted or painted 5 inches above the two lower corners of the rear end of the body. (5) For Four-wheeled motor vehicles 2-1/2 meter high or lower irrespective of weight - Two in front to be installed at the outer-most side of the vehicle preferably at the outer-tip of the front bumper or at the lower tip of the front fender; and two at the rear to be installed, pasted or painted on the outer-most side of the rear end of the body of the vehicle preferably at the outer tip of the rear fender or bumper. (6) For four-wheeled motor vehicles 4 meters high but not lower than 2-1/2 meters irrespective of weight: - Four in front, two of which to be installed, pasted or painted at the outer-most front end of the vehicle preferably on the outer tip of the front bumper or fender and another two to be installed, pasted or painted, 5 inches below the upper two corners of the front end of the body of the motor vehicles; and four in the rear, two of which to be installed, pasted or painted 5 inches below the upper two corner of the rear end of the body and the other two to be installed, pasted or painted 5 inches above the outer-most rear end of the body of the motor vehicle."

[38] Sec. 3, par. (a), clause 7, Ibid. The next clause reads as follows: "Furthermore, whenever the load of any vehicle is indivisible such that a portion thereof extends beyond the projected width or length of the vehicle, the owner or driver of such vehicle is hereby required to place reflectors described in Section 3(a) hereof nailed securely on the outer-most tip of such load extending beyond both sides of the vehicle and/or two such reflectors likewise nailed securely on the outer-most rear end of such load."

[39] Sec. 3, par. (c), Ibid.

[40] Sec. 4, Ibid.

[41] Sec. 4, par. 1, Republic Act No. 4136 (1964).

[42] Sec. 56, par. 1. Ibid.

[43] 70 Phil. 726(1940). This Court has considered as sufficient standards, "public welfare," *Mun. of Cardona v. Binangonan*, 36 Phil. 547 (1917); "necessary in the interest of law and order," *Rubi v. Prov. Board*, 39 Phil. 660 (1919); "public interest," *People v. Rosenthal*, 68 Phil. 328 (1939); and "justice and equity and substantial merits of the case," *Int. Hardwood v. Pafigil Fed. of Labor*, 70 Phil. 602 (1940).

[44] *Pangasinan Transportation v. Public Service Commission*, 70 Phil. 221, 229 (1940);

[45] Ibid.

[46] 101 Phil. 1125 (1957)

[47] Ibid. p. 1129.

[48] *People v. Jolliffe*, 105 Phil. 677, 686-688 (1959).

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