

**KWONG SING, IN HIS OWN BEHALF AND IN BEHALF OF ALL OTHERS
HAVING A COMMON OR GENERAL INTEREST IN THE
SUBJECT-MATTER OF THIS ACTION, PLAINTIFF AND APPELLANT,
VS. THE CITY OF MANI...**

G. R. No. 15972. October 11, 1920

Ponente: MALCOLM, J.

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MALCOLM, J.:

The validity of Ordinance No. 532 of the city of Manila requiring receipts in duplicate in English and Spanish duly signed showing the kind and number of articles delivered by laundries and dyeing and cleaning establishments, must be decided on this appeal. The ordinance in question reads as follows:

"[ORDINANCE NO. 532.]

"AN ORDINANCE REGULATING THE DELIVERY AND RETURN OF CLOTHES OR CLOTHS
DELIVERED TO BE WASHED IN LAUNDRIES, DYEING AND CLEANING ESTABLISHMENTS.

"Be it ordained by the Municipal Board of the city of Manila, that:

"SECTION 1. Every person, firm or corporation in the city of Manila engaged in laundering, dyeing, or cleaning by any process, cloths, or clothes for compensation, shall issue to the person from whom cloths or clothes to be washed, dyed, or cleaned are received a receipt in duplicate, in English and Spanish, duly signed, showing the kind and number of articles delivered, and the duplicate copy of the receipt shall be kept by the owner of the establishment or person issuing same. This receipt shall be substantially of the following form:

"No.....

"NAME OF THE ESTABLISHMENT.

"PLACE OF SAME.

"Manila,....., 19.....

"Received of Mr.

(Name.)

.....the following articles delivered

(Residence.)

to me to be.....

(Washed, cleaned, or dyed.)

".....

"
 "
 ""

"These articles will have been and

(Cleaned, washed or dyed.)

may be taken at m. on the day of....., 19 upon payment of P the
 amount of compensation for the work done.

""

(Owner or person in charge.)

"Provided, however, That in case the articles to be delivered are so many that it will take much time to classify them, the owner of the establishment, through the consent of the person delivering them, may be excused from specifying in the receipt the kinds of such articles, but he shall state therein only the total number of the articles so received.

"SEC. 2. No person shall take away any cloths or clothes delivered to a person, firm, or corporation, mentioned in the preceding section, to be washed, dyed or cleaned, unless he returns the receipt issued by such person, firm, or corporation.

"SEC. 3. Violation of any of the provisions of this ordinance shall be punished by a fine of not exceeding twenty pesos.

"SEC. 4. This Ordinance shall take effect on its approval.

"Approved, February 25, 1919."

In the lower court, the prayer of the complaint was for a preliminary injunction, afterwards to be made permanent, prohibiting the city of Manila from enforcing Ordinance No. 532, and for a declaration by the court that the said ordinance was null and void. The preliminary injunction was granted. But the permanent injunction was not granted for, after trial, the judgment was, that the petitioner take nothing by his action, without special finding as to costs. From this judgment plaintiff has appealed, assigning two errors as having been committed by the trial court, both intended to demonstrate that Ordinance No. 532 is invalid.

The government of the city of Manila possesses the power to enact Ordinance No. 532. Section 2444, paragraphs (l) and (ee) of the Administrative Code, as amended by Act No. 2774, section 8, authorizes the municipal board of the city of Manila, with the approval of the mayor of the city:

"(l) To regulate and fix the amount of the license fees for the following: * * * laundries * * *"

"(ee) To enact all ordinances it may deem necessary and proper for the sanitation and safety, the furtherance of the prosperity, and the promotion of the morality, peace, good order, comfort, convenience, and general welfare of the city and its inhabitants, and such others as may be necessary to carry into effect and discharge the powers and duties conferred by this chapter. * * *"

The word "regulate," as used in subsection (l), section 2444 of the Administrative Code, means and includes the power to control, to govern, and to restrain; but "regulate" should not be construed as synonymous with "suppress" or "prohibit." Consequently, under the power to regulate laundries, the municipal authorities could make proper police regulations as to the mode in which the employment or business shall be exercised. And, under the general welfare clause (subsection [ee], section 2444 of the Manila Charter), the business of laundries

and dyeing and cleaning establishments could be regulated, as this term is above construed, by an ordinance in the interest of the public health, safety, morals, peace, good order, comfort, convenience, prosperity, and the general welfare.

The purpose of the municipal authorities in adopting the ordinance is fairly evident. Ordinance No. 532 was enacted, it is said, to avoid disputes between laundrymen and their patrons and to protect customers of laundries who are not able to decipher Chinese characters from being defrauded. The object of the ordinance was, accordingly, the promotion of peace and good order and the prevention of fraud, deceit, cheating, and imposition. The convenience of the public would also presumably be served in a community where there is a Babel of tongues by having receipts made out in the two official languages. Reasonable restraints of a lawful business for such purposes are permissible under the police power. The legislative body is the best judge of whether or not the means adopted are adequate to accomplish the ends in view.

Chinese laundrymen are here the protestants. Their rights, however, are not less because they may be Chinese aliens. The life, liberty, or property of these persons cannot be taken without due process of law; they are entitled to the equal protection of the laws without regard to their race; and treaty rights, as effectuated between the United States and China, must be accorded them.

With these premises conceded, appellant's claim is, that Ordinance No. 532 savors of class legislation; that it unjustly discriminates between persons in similar circumstances; and that it constitutes an arbitrary infringement of property rights. To an extent, the evidence for the plaintiffs substantiated their claims. There are, in the city of Manila, more than forty Chinese laundries (fifty-two, according to the Collector of Internal Revenue). The laundrymen and employees in Chinese laundries do not, as a rule, speak, read, and write English or Spanish. Some of them are, however, able to write and read numbers.

Plaintiff's contention is also that the ordinance is invalid, because it is arbitrary, unreasonable, and not justified under the police power of the city. It is, of course, a familiar legal principle that an ordinance must be reasonable. Not only must it appear that the interest of the public generally require an interference with private rights, but the means adopted must be reasonably necessary for the accomplishment of the purpose and not unduly oppressive upon individuals. If the ordinance appears to the judicial mind to be partial or oppressive, it must be declared invalid. The presumption is, however, that the municipal authorities, in enacting the ordinance, did so with a rational and conscientious regard for the rights of the individual and of the community.

Up to this point, propositions and facts have been stated which are hardly debatable. The trouble comes in the application of well-known legal rules to individual cases. Our view, after most thoughtful consideration, is, that the ordinance invades no fundamental right, and impairs no personal privilege. Under the guise of police regulation, an attempt is not made to violate personal or property rights. The ordinance is neither discriminatory nor unreasonable in its operation. It applies to all public laundries without distinction, whether they belong to Americans, Filipinos, Chinese, or any other nationality. All, without exception, and each and everyone of them without distinction, must comply with the ordinance. There is no privilege, no discrimination, no distinction. Equally and uniformly the ordinance applies to all engaged in the laundry business, and, as nearly as may be, the same burdens are cast upon them.

The oppressiveness of the ordinance may have been somewhat exaggerated. The printing of the laundry receipts need not be expensive. The names of the several kinds of clothing may be printed in English and Spanish with the equivalent in Chinese below. With such knowledge of English and Spanish as laundrymen and their employees now possess, and, certainly, at least one person in every Chinese laundry must have a vocabulary of a few words, and with ability to read and write arabic numbers, no great difficulty should be experienced, especially after some

practice, in preparing the receipts required by Ordinance No. 532. It may be conceded that an additional burden will be imposed on the business and occupation affected by the ordinance. Yet, even if private rights of person or property are subjected to restraint, and even if loss will result to individuals from the enforcement of the ordinance, this is not sufficient ground for failing to uphold the hands of the legislative body. The very foundation of the police power is the control of private interests for the public welfare.

Numerous authorities are brought to our attention. Many of these cases concern laundries and find their origin in the State of California. We have examined them all and find none which impel us to hold Ordinance No. 532 invalid. Not here, as in the leading decision of the United States Supreme Court, which had the effect of nullifying an ordinance of the City and County of San Francisco, California, can there be any expectation that the ordinance will be administered by public authority "with an evil eye and an unequal hand." (*Yick Wo vs. Hopkins* [1886], 118 U. S., 356, which compare with *Barbier vs. Connolly* [1884], 113 U. S., 27.)

There is no analogy between the instant case and the former one of *Young vs. Rafferty* ([1916], 33 Phil., 556). The holding there was that the Internal Revenue Law did not empower the Collector of Internal Revenue to designate the language in which the entries in books shall be made by merchants subject to the percentage tax. In the course of the decision, the following remark was interpolated: "In reaching this conclusion, we have carefully avoided using any language which would indicate our views upon the plaintiffs' second proposition to the effect that if the regulation were an Act of the Legislature itself, it would be invalid as being in conflict with the paramount law of the land and treaties regulating certain relations with foreigners." There, the action was taken by means of administrative regulation; here, by legislative enactment. There, authority was rested on specific delegated powers; here, on both specific power and the all-pervading police power. There, governmental convenience was the aim; here, the public welfare. We are convinced that the same justices who participated in the decision in *Young vs. Rafferty* [supra] would now agree with the conclusion toward which we are tending.

Our holding is, that the government of the city of Manila had the power to enact Ordinance No. 532 and that as said ordinance is found not to be oppressive, nor unequal, nor "unjust, it is valid. This statement disposes of both assignments of error, for the impropriety of the question answered by a witness for the defense over the objection of plaintiff's attorney can be conceded without affecting the result.

After the case was submitted to this court, counsel for appellants asked that a preliminary injunction issue, restraining the defendant or any of its officers from enforcing Ordinance No. 532, pending decision. It was perfectly proper for the trial and appellate courts to determine the validity of the municipal ordinance on a complaint for an injunction, since it was very apparent that irreparable injury was impending, that a multiplicity of suits was threatened, and that complainants had no other plain, speedy, and adequate remedy. But finding that the ordinance is valid, the general rule to the effect that an injunction will not be granted to restrain a criminal prosecution should be followed.

Judgment is affirmed, and the petition for a preliminary injunction is denied, with costs against the appellants. So ordered.

Mapa, C. J., Johnson, Araullo, Avanceña and Villamor, JJ., concur.

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