

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
LEON VILLANUEVA, DEFENDANT AND APPELLANT.***G.R. No. 48648. November 28, 1942*

Ponente: PARAS, J.

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The question involved in this appeal is whether or not the appellant, Leon Villanueva, in placing gold crowns on the teeth of Fausta Arroyo, Teodora Arroyo and Lucrecia Arroyo, after trimming the teeth of the first two, practiced dentistry within the meaning of section 794 of the Revised Administrative Code, which provides that any person shall be regarded as practicing dentistry' who shall for a fee, salary or other reward, perform "any operation or part of an operation upon the human teeth or jaws, or who shall treat diseases or lesions, or correct malpositions of the teeth." The appellant contends that section 794 contemplates actual medical or dental treatment or operation upon the teeth for the purpose of curing, any defect or any other ailment originating from the teeth extracted or operated upon, and that there being no dispute that the teeth upon which he placed gold crowns were "healthy and not otherwise defective;" he cannot be considered to have practiced dentistry. We do not agree. The law speaks of any operation upon the human teeth and, as thus used, the term "operation" must be given an ordinary meaning so as to cover any "action," "specific act or activity," or the "course of action or series of acts by which some result is accomplished." What the appellant did, is certainly an action or specific act or activity. It is not necessary that the action or work done on the teeth should always be for curative purposes, since the treatment of the teeth for the purpose of curing or correcting any defect falls under the clause "or who shall treat diseases or lesions or correct malpositions of the teeth." Our conclusion finds support in the fact that section 794 excludes "artisans engaged in the mechanical construction of artificial dentures or other oral devices," and although the mechanical construction by the appellant of the gold crowns placed by him did not constitute dental practice, his further act of placing them on the teeth of his patients does not come within the saving clause of the law.

It appearing that the appellant had no license for the practice of dentistry, that he collected fees for the acts complained of, and that he already has a previous conviction for illegal practice of dentistry, the judgment of the Court of First Instance of Laguna finding him guilty of illegal practice of dentistry with the aggravating circumstance of recidivism, and sentencing him to pay a fine of P100, with subsidiary imprisonment in case of insolvency, and with costs, is in accordance with law, and is accordingly hereby affirmed with costs against the appellant.

Yulo, C. J., Moran, Bocobo, and Imperial, JJ., concur.

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