THE RIGHT TO TRAVEL AND THE PLAN TO BAN MIGRATION TO METROPOLITAN MANILA

FRANCISCO L. DAGÑALAN
MANUEL T. GANALON
JOSUE L. JORVINA, JR.

I. INTRODUCTION

The government in its effort to build a "City of Man" in the Philippines has considered various ways and means to upgrade the quality of life of the Filipinos. It has passed social legislations to improve the Filipino way of life, especially those living in Metro Manila. The latest of said social laws was Letter of Instruction No. 712 which *suggested* a prohibition on migration to Metro Manila unless facilities for residence have been clearly provided for. Though the migration-ban is simply in the form of a suggestion, nevertheless, it has raised some questions regarding the wisdom of such plan.

There are different reasons given for the suggestion/proposal to ban migration to Metro Manila but the most pressing one which has taken the attention of the government, especially the Metro Manila Commission is the uncurbed flow of migrants from different provinces tracing them as far as Aparri and Jolo. Such influx of people has resulted in the sprouting of slums and squatter areas where living conditions are below par; urban sprawl immediately took place; congestion is everywhere; and blighted areas are well-known scenes nowadays. These alarming situation cannot be overemphasized. Hence, preventive and remedial measures are conceived, the latest of which is the suggestion to ban migration to Metro Manila.

This research endeavors to study migration to Metro Manila and its possible effects on the constitutional right to abode and travel. It does not undertake to study the sociology of migration and travel. Rather, the research is simply concerned with legality of the plan to ban migration to Metro Manila. Viewed in this sense, one must always bear in mind that the study of migration should always be related to the study on the right to travel.[1] Stated otherwise, one may put a question something like this:

[1] CONST., art. IV, sec. 5.

Would the plan to ban migration to Metro Manila affect the constitutional provision on the right to travel?

Finally, a discussion of the basis, scope, nature and extent of the right to travel as contrasted to migration, both here and in other countries will be made in a later chapter, along with the permissible restrictions and limitations on such rights.

A. *Definition, Nature and Scope of Migration and Travel*

Migration, taken in its modern sense is a new social phenomenon.[2] It is a phenomenon which is not only present here in the Philippines but more so in highly developed countries, like the United States, Great Britain, France, Russia, and Japan. Although it may happen everywhere, it is found in industrialized countries where better opportunities are generally expected. The movement of people from farms to towns, into cities to another cities, and countries to another countries, when viewed in relation to labor mobility and economic productivity was partly an effect of industrialization. As such, it is virtually a new worldwide affair dating is early as the 20th century.

However, in order to have a clear understanding on migration and its possible effect on the right to travel, it is better that terms commonly used in this paper be first defined.

To begin with, "migration" as defined "is a movement from one place to another, especially to move from one country to another, with a view of residence; to change one's place of residence."[3] Migration may be intended for residence or simply to seek and engage in seasonal temporary employment without necessarily becoming residents of the areas in which they work. It is mostly characterized by a movement either individually or by groups from one locality which is called the place of origin or home base, to another locality, called the place of destination.

"Travel", on the other hand, unlike migration has often been said to have no precise or technical meaning when used without limitation. Sometimes it is construed in the strictest sense and sometimes it is given a wider interpretation.[4]

Generally, "travel" when used as a noun is not given a restricted interpretation,[5] inasmuch as it may include all methods commonly used by people

---

[2] JANSEN, READING IN THE SOCIOLOGY OF MIGRATION 3 (1970)
[3] Di Guilio v. Rice, 70 P. 2d 717 (1937).
[4] Richmond v. Town of Bethlehem, 104 A 775 (1918)
[5] Logan v. Empire District Electirc Co., 99 Kan 381 161 P 659 (1916)

in traversing public streets of a state.[6] It may also embrace such a legitimate use of the road as maybe made by person having occasion to pass over them while engaged in any of the duties of life in that section or community.[7]

On the other hand, when travel is used as a verb, it means to go from one place to another at a distance,[8] or to make a journey,[9] or to pass from one place to another, whether for pleasure, instruction, business or health.[10] In the *Ex Parte Archy* case, the Supreme Court of California held that "travelling is a passing from place to place, the act of performing a journey."[11] Also, it means "the act of making a journey; change of place; passage."[12] In the same manner, the, phrase "right to travel" is a right to pass into any other state for the purpose of engaging in lawful business, without molestation,[13] or without being subjected, in property or person, to taxes more onerous than citizens of the latter are subjected to.[14] The right to travel is also said to be a right of national citizenship.[15]

Unlike in migration, the usual intent of the migrants to reside in one place may not be existing in travel, but travel includes all the incidents of travel;[16] it includes the right to start, to go forward, and to stop in the event the traveller's destination has been reacehd.[17]

B. *An Overview Migration*

1. History of Migration

Migration taken in its loose sense, whether *en masse* or individually has been part of the history of mankind. Although one may say that the term "migration" is only applicable to lower animals in view of the cyclic or periodic patterns of the seasons, this is not necessarily so.[18] The very

---

[6] Public Service Ry. Co. v. Frazer, 89 N.J. Eq. 679, 105 A. 387 (1916).
[7] *Supra*, note 5 at p. 661.
[8] State ex rel. Leis v. Ferguson, 149 Ohio St. 555, 80 N.E. 2d 118 (1948).
[9] *Supra*, note 4 at p. 774.
[10] Price v. City of Atlanta, 105 Ga. 358, 31 S.E. 619 (1858).
[11] 9 Cal. 147 (1858).
[12] Hendry v. Town of North Hampton, 72 N.H. 351, 56 A. 922 (1903).
[13] Ward v. Maryland, 12 Wall, 418, 20 L.Ed. 449 (1871).
[14] Shaffer v. Carter, 252 U.S. 37, 40 S.Ct. 221, 64 L.Ed. 445 (1919).
[15] Concurring Opinions of Douglas, Black, Murphy, Jackson, J. in Edwards v. California, 314 U.S. 160, 177, 181, 62 S.Ct 164 (1941).
[16] Jacobson v. Liverpool, 135 Ill. App. 20 (1907).
[17] Teche Lines v. Danforth, 12 S. 2d 784 (1954).
[18] Organization for Economic Co-operation and Development, Proceedings of the Seminar organized by the OECD at the Invitation of the Austrian Government in Cooperation with the Vienna Institute of Development and Cooperation, Vienna 13-15 May 1974 15 (1974). (Hereinafter cited as the Proceedings)

flight of the Israelites from the Pharaoh's rule may be considered as one of the earliest stories of migration.

World history is also replete with similar recorded acts of man. Discoveries such as that of Columbus or of Magellan are simply attributable to man's desire to move from one place to another.

It is sad to note, however, that no in-depth study of the history of migration which one could really refer to exists except that of a treatise made by Ravenstein in the 1880's. But such study was not really a study of migration but rather a commentary on the demographic trends of the English people to the South of London.[19] Before Ravenstein, one only finds recorded events of movements of people from one place to another just like the way our Malay ancestors moved to what we call now, the Philippines. Aside from those movements, there was nothing more.

There is much to say, however, in migration when taken in its modern sense. Its history is as old as the agricultural and socio-economic factors of one country and as young as the latest technology brought about by industrialization. When migration is backgrounded to this industrialization, then, there is really something to say. For it is worth observing that there were significant movements of people from rural communities to urban or industrialized centers. Viewed in this sense, migration is said to be relatively older in Europe than in the Third World. In fact, it is common knowledge that except for Japan, almost all Asian countries are considered developing. Hence, to put down in writing the history of migration is in reality to write stories on one particular country where industrialization may be said to have penetrated its economy. In the case of the Philippines, there is no doubt that Metro Manila is the mostly affected one since it is concededly the primary location of industries. Aside from this factor, migration as a product of labor mobility may no longer be present in our country.

2. Motivations

Although migration is always related with industrialization and labor mobility, nevertheless the relationship between causes and effects on migration is very difficult to pinpoint because there are different economic, social and cultural factors which have to be considered. To contend that migration should be analyzed purely in terms of employment, income, savings and social change is both difficult and essentially inadequate.[20] The wages, working conditions and standards of life in Metro Manila are de-

[19] JANSEN, *supra*, note 2 at p. 10.
[20] Proceedings, *supra*, note 18 at p 8.

finitely similar essentially in all aspects. But though this may be the case, most social scientists believe that migrants move primarily for their own welfare rather than the welfare of the society. [21]

In the Philippines, it is known that every year an estimated fifty (50,000) thousand people flock to Metro Manila. The number is big but it is getting even bigger and bigger annually. There are different reasons given in each migration ranging from purely low agricultural activity to mere adventurism but it is widely accepted that the main cause of migration is always a product of either the "pull" theory or the "push" theory doctrine. This push-pull polarity, sociologists theorize, has led people to migrate to urban centers like Metro Manila. [22]

The "push" theory happens when one correlates it with the work motive. A person who is for some period of time working on a farm day may find himself so desperate that he might migrate to another area. The very pressure in the rural level may be sufficient enough to push the poor farmer off his farm holding. This may be caused by low agricultural productivity either because of technical displacements, radical changes in sharecropping systems, drought and crop failures, etc. or because of lack of education, industrial accidents or ill health.

On the other hand, a person may already have a good job and still transfer (migrate) from his place to another perhaps because he realizes that in his new place/locality, the job offers are better, or the opportunities for professional advancement are very fast, or because the surroundings of the place are healthier and better, or perhaps because the new job would particularly require his acquired knowledge or skills. In such a case, one cannot just say that he was "pushed" from his present position but that the opportunities are sufficient enough to "pull" him to migrate to a new place.

This "pull" theory is best exemplified in Metro Manila. People flock here not so much because of the pressures in the rural level but rather because of the better opportunities found therein.

There are instances also that urban migration may not be the cause of the push-pull doctrine but rather because of some external factors. In the example given above, a person may also be appointed by the firm to head a new branch office in a different place. Reasons such as "I came here because I was appointed to be the new branch office manager or

---

[21] HERRIC, URBAN MIGRATION AND ECONOMIC DEVELOPMENT IN CHILE 10 (1965).
[22] *Ibid.*

because no other person is qualified to take this job" are also possible. Rarely, do persons say "Well, because I was unhappy with my family" or "Because my parents were dead" although they may be given by a few persons. Hence, the new appointment would require a new change of residence.

Seasonal changes may also cause migration. Those service jobs associated with the summer holidays might migrate to the seaside and other resorts for the whole of the holiday period to cater for the thousands of holiday makers and tourists. [23]

In one study conducted by the Cariños, a husband-wife team of sociologists, it is stated that it is not the streets of Metro Manila that is said to have been paved with gold that drew migrants to the city but that it was a product of different circumstances, situation and beliefs. In most cases, the migrants to Metro Manila were simply drifting. Reasons such as low agricultural productivity, high tennancy rates, high levels of employment and underemployment, low levels of industrial activity, low incomes as well as frequent calamities add to this urban migration. Other socio-psychological factors such as prestige in education and job and other related instances are also given. [24]

II. The Plan to Ban Migration to Metro Manila: LOI No. 712

On 21 June 1978, the President of the Philippines desirous to have a "decent and healthy living" for people living in Metro Manila, stated, that the "large factor which contributes to pressure on the resources of the Greater Manila Area is the continuing migration to the area, especially Metro Manila itself." [25] To reverse such continuing migration, he suggested that movement for purposes of residence to Metro Manila area is to be prohibited *unless* there is proof of availability of facilities (Italics ours). The prohibition is predicated on the fact that there must be ample provision/facilities first for residing in Metro Manila before a prospective resident is allowed to stay. In the same manner, the President directed the National Housing Authority, Metropolitan Waterworks and Sewerage System and the Ministry of Human Settlements to take measure that will see to it that the facilities for better residential houses are clearly enforced.

The suggestion to ban migration to Metro Manila has been patterned after other countries, such as Peking and Moscow, where regulatory measures

---

[23] Jansen, *supra*, note 2 at pp. 21-22.
[24] Cited in B T Lara's Series on Migration, *The Bulletin Today*, July 17 1978
[25] Letter of Instruction No. 712 (1978).

in the form of migration-ban have been the policy of the government. Such policy is designed to curb urban migration and eventually decongest the urban centers.

This new social phenomenon has also been the growing concern of Jakarta, Indonesia, as well as the City of Tokyo, Japan. Said countries have also formulated some guidelines on how to stop migration to their urban centers.

As said earlier, the plan to ban migration has raised different reactions both from the public as well as the private sector. It has drawn the attention of every type of citizen, most especially those living outside Metro Manila.

Although there are no specific rules and regulations yet, or at least guidelines regarding this migration-ban, it is worthwhile to note at this stage its particular implications especially its clear inconsistency with the constitutional provisions on the right of abode and travel. It is sad to note that, except for two cases, there is an utter dearth of Philippine jurisprudence dealing with this constitutional, both under the old and new constitution. American jurisprudence, however, was not found wanting in this case. Hence, in the study of the plan to ban migration American cases are of great help in having a clear understanding of this new social phenomenon.

III. The Right to Travel and its Limitations

As we have seen, travel and migration are part of the habitual, customary and integral characteristics of human nature, and that these activities have been influential in the development of man's communities. As has also been discussed, travel and migration, have been, and still are caused by a variety of factors, and that they are of several types and categories. These variable and changing phenomenon, particularly the forced migration, restriction, regulation or prohibition of travel and migration in several communities and states, had led to some question and controversy concerning the existence, the nature, scope and extent of a legal right and individual freedom to travel and to migrate.

The right to travel has long been legally recognized in the Philippines by virtue of various enactments and court decisions. Among them is the 1935 Constitutional which was framed during the period of United States sovereignty within the framework and spirit of the United States constitutional system. The constitution affirmed the principle enunciated in the Jones Law of 1916, and provided that "the liberty of abode and of

changing the same within the limits prescribed by law shall not be impaired." [26] This provision is reaffirmed in the 1973 Constitution as follows: "The liberty of abode and of travel shall not be impaired except upon lawful order of the Court, or when necessary in the interest of national security, public safety or public health." [27] The right of travel (and not only of abode) is emphasized under the latter provision, whereas under the old Constitution this right is qualified merely by the phrase "within the limits prescribed by law." Under the new Constitution, the right shall not be impaired except upon lawful order of the Court, or when necessary in the interest of national security, public interest or public health.

A leading case on the right to freedom of movement is that of *Villavicencio v. Lukban,* [28] wherein the defendant, who was then the incumbent mayor of the city of Manila, under the declared policy of eliminating the evils and vices of the city ordered the segregation of women of ill-repute and had them confined to their quarters.

Subsequently, after secret negotiations made by the City government, the women were shipped to Davao without being informed about their impending change of residence or being asked for their consent thereto. The Court held such forced deportation to be violative of their fundamental rights, in a proceding for habeas corpus brought in their behalf by their friends and relatives. The Court further said that "these women, despite their being in a sense lepers of society, are nevertheless not chattels of such society but are Philippine citizens protected by the same constitutional guarantees as other citizens, to change their domicile from Manila to another locality. On the contrary, (our) penal laws specifically penalizes any public officer who, not being expressly authorized by law or regulation, compels any person to change (or remove) his residence. In other countries, such as Spain and Japan, the privilege of domicile is deemed so important as to be found in the Constitution. Under the American constitutional system, liberty of abode is a principle so deeply imbedded in jurisprudence and considered so elementary in nature as not to require Constitutional sanction. Even the Governor-General of these Islands, even the President of the United States who has often been said to exercise more power than any king or potentate has no such arbitrary prerogative to curtail it either inherent or express." The Court also cited several Angle-Saxon precedents which are discussed somewhere in this paper.

---

[26] CONST., art. III, sec. 5.
[27] CONST., art. IV, sec. 5.
[28] 39 Phil. 778 (1919).

In upholding the existence of the right to migrate, the Court also allowed for its limitation by law. However, it did not discuss the scope and extent of such limitation. It was only in a subsequent case [29] where such issue was considered. In the said case, the restriction of activities of the Mangyan minorities and their confinement in settlement reservations was held to be a reasonable restriction of the freedom of abode and travel under the police power of the state. It was also stated therein that the restriction did not deprive them of due process and equal protection of the law on the contrary, was intended for their protection. The Court reasoned that the classification was substantial, as the minorities were a disadvantaged group socially, economically and culturally, and that such classification was beneficial as it prevented them from being abused or exploited by the majority and as it helped them preserve their way of life.

Both the cases upholding the existence of the freedom of abode and and the right to travel as well as those invoking the police power as permissible restrictions of these freedom draw heavily on Anglo-Saxon common law precedents, thus, a consideration of such precedents is essential for the understanding of the nature, extent, scope and implication of these freedoms. Furthermore, they would provide persuasive authority in the resolution of the Constitutional implications of the proposed ban on migration to Metro Manila. Hence, the basis and evolution of this right to travel and to migrate and the freedom of abode, as well as the restrictions thereon as embodied in leading court decisions and other authoritative materials will now be considered.

IV. Bases and Evolution of the Legal Right to Travel and of Migration

The origin of the recognition and assertion of the existence of the popular right to travel and migrate as a legal concept, appears to be quite obscure and belongs to ancient history which would not be practical for the purpose of this paper to be included here. However, it appears to have gained prominence during the period of intellectual and cultural ferment, particularly in the clamor of Europe for popular participatory civil rights. The most significant and illustrative assertion of this right can be found in the Magna Carta of England which provided that "any man shall have the right to leave England, except during wars." [30] This was subsequently adopted in the American colonies. The original Articles of Confederation of the pioneering thirteen states of the Union also recognized this right in Article

[29] Rubi v. Provincial Bd. of Mindoro, 39 Phil. 660 (1919).
[30] Chapter 42, Magna Carta of England (1642).

IV which provided that "the people of each state shall have free ingress and egress to and from any other state." [31] This provision was not incorporated in the Constitution, but there have been several early court decisions which affirmed this right. Such decisions, which will be discussed shortly, recognized the existence of such right, and have suggested that the right to travel and migrate is within the ambit of, and thus protected by, the Constitutional provision on the interstate commerce clause, [32] the privileges and immunities clause, [33] the due process and equal protection of the law clause, [34] and the general unwritten reserved power of the state which is embodied in the underlying philosophy of the Constitution. [35] The reason, it has been suggested is that a right so elementary was conceived from the beginning to be a necessary concomittant of the stronger union and the constitution created. In any event, the freedom to travel has long been recognized as a basic right under the Constitution. [36]

In one of the earliest cases concerning this right decided by the U.S. Supreme Court, it was recognized that the nature of the federal union and constitutional concepts of personal liberty require that all citizens be free to travel the length and breadth of the land uninhibited by rules or regulations which unduly burden or restrict this movement. The Court further said that "for all the great purposes for which our government was formed, we are one common country. We are citizens of the United States, and as members of the same community, must have the right to pass and repass through every part of it without interruption, as fully in our own states." [37] Hence, statutes imposing taxes on the master of the vessel for every passenger loaded at State ports were invalidated since they unduly restrict the citizen's right to travel. This decision has been cited as the basis for the theory that the right to travel is protected by the interstate commerce clause of the Constitution. [38]

The right to travel significantly gained prominence and has been clearly discussed as a right pioneered by the interstate commerce clause in the case

---

[31] The Articles of Confederation was formulated in 1778 but its draft was revised by the Constitutional Convention which did not include Article IV.

[32] Crandall v. Nevada, 37 U.S. 35, 18 L.Ed. 744 (1867); Edwards v. California, 314 U.S. 160, 86 L.Ed. 119 (1941).

[33] *Ex parte* Endo, 323 U.S. 383 (1944); Twining v. New Jersey, 211 U.S. 78, 53 L.Ed. 97 (1908); Gayle v. Governor of Guam, D.C. Guam, 414 F. Supp. 636 (1976).

[34] Shapiro v. Thompson, 393 U.S 618, 89 S Ct 1322, 19 L.Ed. 2d 820 (1969); Aptheker v. Secretary of State, 378 U.S. 519 (1964).

[35] U.S. v. Guest, 383 U.S. 745, 86 S.Ct. 1170, 16 L.Ed. 2d (1966).

[36] *Ibid.*

[37] Passenger Cases: Smith v. Turner; Jones v. City of Boston, 7 How. 283, 12 L.Ed. 702 (1847).

[38] U.S. CONST., art. I, sec. XIV.

of *Crandall v. Nevada*[39] wherein the Supreme Court of the United States held, in addition to affirming the doctrine enunciated in the Passenger Cases,[40] that a "tax imposed by a state for entering its territories or harbors, is inconsistent with the rights which belong to citizens of other states as members of the Union, and which that Union may intend to attain. But even if the government has these rights on its own account, the citizen also has a correlative right. He has the right to come to the seat of government to assert any claim which he may have against that government or to transact any business he may have with it, to seel its protection, to share its offices, to engage in administering its functions. He has the right to free access to its seaports, through which all operations of foreign trade and commerce are conducted, to the sub-treasuries, the revenue offices, land offices and the courts of justice in the several states. This right in its nature independent of the will of any state whose soil he must pass in the exercise of it."

The right to domestic travel and of migration was further expounded upon as a right protected also by the interstate commerce clause in a case where the Supreme Court invalidated a California Statute, penalizing the transportation into the State of California indigent non-residents and prescribing a durational residence (waiting period) requirement before indigents are entitled to welfare aid as a barrier to state commerce.[41] Although there was recognition of Congressional authority to regulate interstate commerce and exercise police power, and there was consideration of the grave and perplexing social and economic dislocation which the huge influx of migrants (particularly those indigents who would like to some solely for the purpose of obtaining the liberal benefits therein) the Court held that this does not mean that there are no boundaries to the permissible area of legislative activity. It further stated that the attempt by one State to isolate difficulties which are not peculiar to it but common to all by the restraining of transportation of persons and properties across the borders, while affording the possibility of momentary respite from the pressures of events by the simple expediency of shutting its gates to the outside world, is contrary to the basic political philosophy of the Constitution which is that "the people of the several States must sink or swim together, and that in the long run prosperity and salvation are in union and not in division." Finally, it said that the commerce clause established the immunity of interstate commerce from the control of the states respecting all those subjects, such as the right to travel which are of such nature to

[39] 73 U.S. 35, 18 L.Ed. 744 (1867).
[40] Passenger cases, *supra*, note 37.
[41] Edwards v. California, *supra*, note 32.

demand that, if regulated at all must be regulated by the single authority.[42] Although the majority opinion invalidated the statute on the ground that it violate the interstate commerce clause, in the concurring opinions of Justices Douglas, Murphy, Jackson and Black it was held that it was violative of the privileges and immunities clause of the Constitution.[43]

This view was subsequently affirmed in several cases.[44] In one case, it was held that the privileges and immunities of the citizens of the U.S. are only such as arising out of the nature and essential characteristics of the national government and/or are specifically granted or secured to persons by the U.S. Constitution. One of the right of national citizenship is to pass freely from State to state.[45]

This privilege and immunities clause was again invoked in the case of *Ex Parte Endo*[46] where the Enemy Relocation Act and the Rules and regulations promulgated pursuant thereto by the War Relocation Authority restricting the movement of Japanese nationals during the second World War from travelling public highways within certain hours, and imposing a fine as penalty for violation thereof, it was held that such a rule is as unreasonable as they deprived the affected individuals of the immunities and privileges guaranteed under the Constitution, namely the right to travel. A more recent decision invoking the 14th Amendment is that concerning curfew regulations where a curfew imposed to prevent the people from using or travelling along public highways from 7:00 p.m. to 6:00 a.m. after a typhoon has struck the area on ground of public safety, particularly the danger posed by the absence of street and traffic lights, the difficulty of traffic control, the rash of burglaries, and the inconvenience of repair and relief work, was also nullified by the District Court. The Court there held that while the Government Code authorized the Governor to regulate traffic and travel during prior or immediately after an attack, invasion, riot, rebellion, or other such disorders, such authority did not include the right to impose curfew in the wake of natural calamities, and even if it had been included, it would not be reasonable where other alternative measures which do not so broadly encompass or curtail the privileges and immunities of the people guaranteed by the Constitution, are available.[47]

As the basis and authoritative source of information regarding the legal status of the right to travel, the newest prevailing and revolutionary

---

[42] *Ibid.*
[43] Edwards v. California, *supra*, note 15.
[44] *Supra*, note 32.
[45] 14th Amendment to the U.S. Constitution.
[46] 323 U.S. 283 (1944).
[47] Gayle v. Governor of Guam, *supra*, note 33 at p. 641.

concepts are those which predicate this right on the constitutional guarantees of equal protection of the laws and due process of law, which was initially conceived in a case where the provision of a statute authorizing the denial of passports to Communists members because of their membership was held as violative of due process of law guaranteed by the Fifth Amendment and also the freedom of speech guaranteed by the First Amendment. The violation of the latter civil liberty was held to consist of the fact that individuals were denied passports because of their political belief and association. As travel was held to be a right which is included in the Constitution and as an activity which is essential, natural and often necessary to the well-being of the citizens, travel regulations restricting or diluting it were required to be narrowly construed. [47a]

In a case involving the refusal to validate passports held by members of an organization which is registered under the Subversive Activities Control Act or which has been ordered by the Subversive Activities Control Board, it was held that the statute authorizing the refusal was violative of the due process clause guaranteed by the Fifth Amendment, in that the right to travel is an important aspect of a citizen's liberty, that freedom of movement across and wide frontiers in either direction is part of the nation's heritage and it must be as close to heart of an individual as what he eats or wears or reads, and thus, it may not be denied or regulated without due process of law. Finding that the authority of refusal of validation was a severe restriction on the right to travel in that it served to deter travel abroad the Court held that while the government has the power to protect national security and guard against dangers that may be posed by the Communists with avowed purposes and intentions of furthering Communists ends if they are allowed to travel abroad, it may not achieve such purpose by means such as those that have been adopted in this case where there is no distinction between knowing and unknowing members, and the travel to be restricted is not qualified regardless of this purpose. [48]

In another leading case, the due process of law and equal protection of the laws clause was invoked. [49] It was held that the right of individual to travel, particularly the freedom to migrate is a fundamental right which cannot be curtailed or restricted in the absence of a compelling state interest. The U.S. Supreme Court characterized the statutes of three states which required indigents to observe a waiting period and have a residence dura-

---

[47a] Kent v. Dulles, 357 U.S. 116, 78 S.Ct. 1113 (1958).
[48] Aptheker v. Secretary of State, *supra*, note 34
[49] Shapiro v. Thompson, *supra*, note 34.

tion in the state at least one year before they may be entitled to free welfare aid, as creating an invidious classification of citizens were the sole criterion of the distinction is merely the length of residence of the indigents, and that the denial of such assistance to the group which does not meet the residence requirement, at the time when they may need it most (usually during the first year of residence) denies them equal protection of the laws. The Court opined that both new and old indigents were entitled to the same aid from the State. It also held that such strict requirement effectively deters, if not prohibits the free exercise of a citizen's fundamental right to travel, and that the justification advanced by the States that such restriction is being undertaken so as to protect the state's welfare aid program and to prevent indigents from being public charges cannot be considered as a compelling state interest.

V. Restriction on the Right to Travel and the Ban on Migration

Just as there have been very strong arguments in favor of the existence and protection of an individual's freedom to travel, there has also been some persuasive support for the regulation and the restriction of the right to travel. Even in England, where this right was initially formulated, some early laws have authorized the restriction of movement of indigents when they are liable to become public charges. Some laws have also expressed concern over the influx of indigents to states and localities where there are liberal welfare aid policies.[50] In the United States, the early U.S. Colonies also adopted the policy of warding off, or passing on indigents who were liable to become moral or social pestilence to other settlements. Leading writers and jurists have also considered the right to travel, especially travel abroad, as subject to regulation by law. Of course, travel to foreign countries, as it involves transit between two independent and co-equal states with differing and possibly contradicting legal and political systems, and possibly socio-economic condition, is subject to mutual regulation by each state. In the case of domestic or internal travel, there has been some controversy regarding the legality and permissible extent of restriction of the right to migrate and to travel, with one line of thought that it may be regulated whenever the state considers it as vital for its interests, another stating that it may not be curtailed except in cases where there is a compelling state interests that has been clearly established.[51] However, there has been wide agreement that this

---

[50] As cited in Doll, "Perspectives in Public Welfare", The English Heritage, 4 Welfare in Review No 3 p. 1, (1966)

[51] *Ibid.*

right, like any other, is subject to the police power of the state and pursuant to this view, there has been consistently recognized as permissible restriction on the right to travel, regulations designed to counteract or prevent hazards or dangers to public health and safety, such as those which restrict travel and migration to areas which have been ravaged by fire, typhoon or other calamities or afflicted by infectious diseases or other disorders.[52] The danger posed by the travel abroad of communists with avowed intentions of furthering communists goals has also been held (at one time) as sufficient justification for the denial of passports communists.[53]

In the Philippines, restriction on the right to travel have been recognized in some cases as in the establishment of reservations for the settlement of Mangyans, which has been held as a valid and desirable restriction of the right to travel of the less-educated cultural minorities on the ground that the segragation of Mangyans into settlements and the restriction of their travel was for the protection and promotion of their interests, as it preserved their cultural heritage, tradition and identity, and it prevented the more advanced and sophisticated majority from interfering with or disrupting their indigenous way of life and from taking advantage of their less fortunate situation.[54]

VI. Analysis of the Plan to Ban Migration

The plan to ban migration to Metro Manila is suggested in Letter of Instructions No. 712 which expresses the concern that "a large factor which contributes to the pressure on the resources of the Greater Manila Area is the continuing migration of the area, especially Manila itself", and expresses the policy that "it should now be the concern of government not only to stop this exodus from the provinces but to reverse it instead." Such policy has been considered to be the offshoot of an increasing population in the Metropolitan area of about 50,000 per year caused primarily by migration,[55] causing severe shortage in housing facilities (about 800-1,000 units per year,[56] and in employment opportunities (about 20 percent of the population are unemployed).[57]

---

[52] Zemel v. Rusk, 381 U.S. 1, 85 S.Ct. 1271 (1961).

[53] Kent v. Dulles, *supra*, note 47a. (This holding however, is no longer controlling in view of the ruling in Aptheker v. Secretary, *supra*, note 34).

[54] Rubi v. Provincial Board, *supra*, note 29.

[55] National Census and Statistics Office. 1975 Census on Establishments, Services and Facilities.

[56] *Ibid.*

[57] *Ibid.*

The presidential mandate does not specify the guidelines, procedures, system, or the manner by which this policy is to be carried out. It merely directs the Metropolitan Waterworks and Sewerage System, the National Housing Authority and the National Pollution Control Commission to undertake a study of this problem and possible solutions, particularly how the reversal of the migration to Manila may be effected. It further suggests the prohibition of any movement for the purpose of residence into the Metropolitan Manila Area unless there is proof of availability of facilities. Although the LOI does not give legal force to the suggestion, there is a possibility of its adoption and implementation, and thus it bears significant legal implications. Thus, for the purpose of this paper, the legality of the plan to ban migration shall be considered on a conceptual and theoretical basis with an assumption of the fulfillment of the possibility of its adoption. The legality of the plan deserves serious attention because it acts as a restraint on the citizen's freedom of abode and migration which is protected by the Constitution. Such freedom can not be restricted by any public officer without authority of law.[58]

In considering the question whether the legality of the plan to ban migration is founded on some Constitutional provisions or statutes, it is worthwhile to note that the significant issue that has to be resolved is whether such plan may be considered as being among the permissible restrictions on the Constitutional right to travel and freedom of abode. The resolution of such issue would be made much easier through the discussion of the following interrelated sub issues, namely: a) whether the proposed ban is a valid exercise of police power, that is, whether it promotes the public interest or general welfare sufficient to justify the regulation of a constitutional freedom of abode and travel,[59] or whether the ban is reasonably necessary for the achievement of the purpose envisioned by the legislator (the President in this case)[60]; b) whether the ban as a regulation of the right to travel, in the context of the due process clause, penalizes the public's exercise of such right;[61] and c) whether the ban in the light of equal protection clause creates a valid classification of citizens,[62] and if

---

[58] Rubi v. Provincial Board, *supra*, note 29 at 679; Villavicencio v. Lukban, *supra*, note 28 at p. 799.

[59] The promotion of public interest or general welfare is considered as a requirement for the valid exercise of police power. See N.A.A.C.P v Button, 371 U.S. 415, 83 S.Ct. 328 for general discussion on police power

[60] See Shapiro v. Thompson, *supra* note 34; also Sea Cost Products v. Douglas, D.C. Virginia, 432 F Supp. 1 (1977); N.A.A.C.P. v. Alabama, 377 U.S. 288 (1963).

[61] U.S. v. Jackson, 390 U.S. 570, 88 S.Ct 1209 (1968)

[62] Like most other restrictions on the right to travel, the proposed ban creates a classification of citizens. Such classification must conform with the requirements of the equal protection clause of the Constitution *i.e.*, it must be reasonable and germane to the purpose of the law See cases cited in note 61

not, whether the interest sought to be promoted in the ban is of such substantial and compelling nature as to justify the curtailment of the right to travel and migrate, and to justify the suspect classification of a certain class of citizens that may have been established.[63]

In the discussion of the legality of the plan, it may perhaps also be helpful to discuss some possible mechanisms that would implement the plan and the legality of such mechanisms.

A. Testing the Ban as an Exercise of Police Power

1.) *As to the promotion of public interest or general welfare.* —

One of the questions that have to be answered in order to determined whether the proposal to ban migration to Metro Manila is legal is whether it may be considered as a valid exercise of the police power of the State for if it may be so considered, it may be allowable as a restriction on the Constitutional right to travel and abode as long as the requirements of the due process clause and equal protection clause are complied with.[64] In order to determine whether the measure is a valid exercise of the police power, the test that must be applied is whether the purpose it seeks to achieve is for the public interest and the general welfare. In addition, the interest involved must justify state regulation of the constitutional freedom involved, and the regulatory measure must be reasonable or germane to its purpose.[65] Applying this test to the proposed ban, it may be seen that the presidential policy embodied in LOI 712 is based on a concern over the pressures exerted on the facilities and services of Metro Manila by the continuing migration to the said area. The policy sought to be achieved is the prevention of the further depletion of such resources. Although the shortage of such facilities and services is not exclusively caused by migration, there are some indication that it has contributed to the depletion or shortage of such facilities and services, particularly in the area of housing, employment and education.[66] The continuing migration of residents into Metro Manila has been responsible for aggravating the problems of urban congestion and urban light. These problems have adverse effects on the public interest and general welfare, particularly on public safety and public health. Although there is no applicable specific ruling on this point yet, the authors of this paper respectfully submit the view that the nature, scope and magnitude of the problems involved constitute

---

[63] *Ibid.*
[64] See comments and cases cited in note 59.
[65] *Ibid.*
[66] *Supra*, notes 55 to 57

a danger to the public order in much the same manner as do wars, disease, pestilence, and other natural calamities, which have been considered as sufficient to justify the regulation of the constitutional right to travel under the police power of the State.[67] However, although the interest sought to be promoted by the proposed ban may constitute an interest which is within the ambit of public interest which may be advanced through the regulation of certain constitutional freedoms under the exercise of police power, in order that the regulation may be considered as a valid exercise of the police power, it must be reasonable and germane to the purpose sought to be achieved and must observe the requirements as of due process and equal protection clauses.[68] The validity of the ban as a means of promoting the interest discussed herein will be discussed shortly.

2) *As to reasonability of the means to achieve the legislature purposes.* —

The validity of the plan to ban migration to Metro Manila as an exercise of the State's police power depends to a large extent on whether it is reasonable and germane to the purpose sought to be achieved by the law.[69] A regulatory measure is said to be reasonable and germane to the legislative purpose if it is not unduly restrictive and does not unnecessarily burden constitutionally protected interests. It has also been held that a governmental purpose to control or prevent activities subject to state regulation may not be achieved by means which unnecessarily broadly invade the area of protected freedoms, such as the imposition of a penalty on membership on a subversive organization, without distinction between knowing and active membership from a passive one which transgresses the basic freedom of association.[70]

In the suggested ban, the purpose sought to be achieved is the relaxation of the pressure on the housing facilities of Metro Manila. This is sought to be achieved by the halting of migration and the possible reversal of the exodus from the provinces, which in turn is to be achieved, among others, through the prohibition of migration for purposes of residence unless there is proof of availability of facilities. It is the view of the writers of this paper that as an implementing measure, the suggested prohibition is not the most appropriate and reasonable means of achieving the desired objectives. Such a measure is restrictive of constitutionally protected free-

---

[67] Zemel v. Rusk, *supra*, note 52.
[68] *Supra*, note 59.
[69] *Supra*, note 60.
[70] *Ibid.*

doms and should thus, be allowed only in the event of serious emergencies or gravest imminence thereof. [71]

Further, other less restrictive measures are available, such as the acceleration of countryside development, industrial and trade dispersal, expropriation of idle urban estates, among many others. These can achieve the desired goals without any direct interference on the constitutional right to travel and free migration.

From the foregoing discussion, the inevitable conclusion is that the ban on migration to Metro Manila is not a reasonable means of promoting the public interest or general welfare.

B. The Plan in the Context of the Due Process Clause: Ascertaining the Existence of Imposition of Penalty on the Right to Travel

As a further point that may be looked into for a more comprehensive discussion of the legality of the plan, it may be pointed out that a restriction on a constitutional right must conform with the requirements of the due process clause of the Constitution. [72] In the cases dealing with certain restrictions on the right to travel and freedom of abode, due process has been held to be maintained as long as the restriction does not penalize the public's exercise of such rights. [73] Applying such standard to the proposed ban, it could be readily seen that it does not expressly imposed penal sanctions. However, the prohibition seeks to restrain the exercise of this right through the suggested requirement that proof of availability of facilities should be presented by persons desiring to migrate before they may be allowed to enter the Metropolitan Area. If such requirement were adopted, it would in effect act as a deterrent or discouragement to travel to the Metropolitan Area. Whatever may be the purpose of such travel, whether for temporary or permanent residence, inasmuch as such requirement imposes a burden on the prospective traveller before he is allowed to enter Metro Manila to show the nature of the purpose of his travel and to prove the availability of facilities in case his purpose is to move into the area to establish his residence therein. A regulation which acts as a deterrent to all kinds of travel has been considered as imposing on the right to travel. [74]

---

[71] *Ibid.*
[72] *Supra*, note 61
[73] *Ibid.*
[74] Aptheker v. Secretary, *supra*, note 34.

In connection with the proposed ban, it may also be noted that in the event a prospective migrant is unable to show the required availability of facilities, it is probable that the government would invoke a claim that it has a right to deny him entry, and to impose penal sanctions in case a violation of such requirement is committed.

In summary, as a result of its penal effects on the constitutional right to travel in the absence of notice and sufficient opportunity for hearing and defense on the part of the citizenry, the ban fails to satisfy the requirements of due process.

C. The Ban's Classification in the Light of the Equal Protection Clause: Ascertaining Whether the Classification is Reasonable or Invidious

It may be noted that the requirement of availability of facilities suggested by LOI No. 701, as an exception to the proposed ban on migration created two classes of citizens, namely, those who are able to prove availability of such facilities and services, and those who are not able to do so, with the effect that the former may be allowed to migrate while the latter are not. Is such a classification a valid one? As stated in the test for validity and reasonability of classifications adopted in several cases, a valid classification is one that must be consistent with the requirements of the equal protection clause of the constitution, that is the distinction between the classes must be based on substantial difference between them, and the classification must be reasonably necessary for the achievement of the purpose sought by the legislator.[75] It has also been held that a classification which does not meet such requirement, such as that based on sex, race, creed or belief is a suspect or invidious classification, which is invalid unless the interest sought to be protected thereby is of such a substantial and compelling nature as to allow or justify such a classification. In addition such a classification must be reasonably germane to and necessary for the promotion of such interest.[76]

Applying the test to the classification under the proposed ban, it may be seen that the plan's classification creates a property distinction between citizens, that is, between those that have the capacity to prove the availability of facilities and thus, acquire, utilize and avail of essential facilities, and those who cannot do so. Property distribution, such as the present case, has been held invalid in a case where the imposition of a durational

---

[75] N.A.A.C.P v. Alabama, *supra*, note 60; Kent v. Dulles, *supra*, note 47; Aptheker v Secretary, *supra*, note 34

[76] *Ibid.*

residence requirement as a deterrent to the migration of unemployed individuals and that imposition of the penalty on the transportation of unemployed persons was invalidated as an improper and unreasonable distinction. In addition to being violative of the interstate commerce clause, economic advantages and privileges have been looked upon with disfavor as the basis of classification for the enjoyment of political and civil rights.

Under such circumstances, it may be seen that the plan's classification is an invidious one, and would be admissible under the standards of the equal protection clause only if substantial and compelling nature of the interest and the reasonable necessity of the classification are established. Such nature and necessity will be discussed shortly.

a) *Substantiality of the Interest*

As has been pointed out, the plan seeks to preserve and prevent further depletion of the facilities and services of the Metropolitan Area. It has also been pointed out that such interest partakes of the nature of a public interest and affects the general welfare, such that any activity which threatens, derogates or runs counter to such interest, including migration, may be subject to state regulation. Such interest may be promoted through the exercise of the police power of the State. The question arises, however, as to whether such interest is of such a substantial and compelling nature as to justify the establishment of an invidious classification of citizens based on property distinctions, wherein the constitutional right to travel is curtailed from one class but tolerated in another.

Although there is no express specific ruling on this matter, the authors respectfully submit the view that it does not have a substantial or compelling nature that would justify such a classification, in the light of the cases cited herein. The interest of preservation of facilities may be considered to be included as part of the "public fist" and similar to the integrity of the State's welfare program which have been held as insufficient basis for the curtailment of the right to travel and migrate through invidious classifications.[77] While the LOI presents an interest which may properly be promoted through State regulation of the right to travel, there is no clear showing therein that there is a grave and probable danger to such interest. There is a mere expression of common concern over the effects of migration, a declaration of policy on the course of action that should be taken, an instruction to undertake a study of possible solutions, and a suggestion to ban migration. Since its promulgation about four months

[77] Shapiro v Thompson, *supra*, note 34.

ago, there has been no further prompting from the President. Though such a situation may not necessarily mean to be conclusive, it is nevertheless, an indication that the danger is not immediate, and the interest is not considered a priority concern of the government.

b) *Reasonableness of the Classification*

As has also been noted, a classification of citizens may still be allowed under the equal protection clause even if it may appear invidious, if such classification is reasonably necessary and germane to the purpose of the legislation.[78] Thus, it may be asked whether the proposed classification under the ban is reasonably necessary and incident to the purpose of the Letter of Instruction No. 712? In connection with such query, it would be appropriate to bear in mind the fact that, as discussed earlier, the ban itself is neither reasonable nor necessary for the achievement of such purpose.[79] Therefore, it may be argued that the classification would no longer be necessary. However, assuming without conceding, that the ban is reasonable under the premises, such a query becomes significant. In such a case, the classification would perhaps be reasonable, as long as the interest is substantial and compelling. Even in such a case, however, the classification may still be invaildated on the ground that no standards are provided for the determination of what constitutes sufficient availability of facilities, and thus it violates the equal protection clause as it is overbroad and vague.[80]

VII. Some Considerations on the Possible Implementing Conditions of the Proposed Ban

Before leaving the discussion as to the legality of the ban, it is advisable to consider the possible mechanisms that would be utilized to implement the plan, as well as the legal effects of such mechanisms. Among the possible measures to prevent or deter migration are those previously discussed in the chapter on the Bases and Evolution of the Legal Right to Travel and of Migration,[81] such as the imposition of taxes on new migrants,[82] the imposition of fines on violators,[83] or the imposition of durational residence requirements as a condtion for entitlement to certain

---

[78] *Supre*, note 75.

[79] See subdivision No. 2, *As to Reasonability of the Means to Achieve the Legislative Purpose* of Sec. A, Testing the Ban as An Exercise of Police Power, of the Chapter on the Analysis of the Plan on Migration.

[80] N.A.A.C.P. v. Alabama, *supra*, note 60; Memorial Hospital v Mariscopa County, 415 U.S. 250, 39 L.Ed 2d 306, 94 S.Ct 1076 (1974)

[81] *Supra*, notes 32 et seq.

[82] Passenger cases, *supra*, note 37

[83] Edwards v California, *supra*, note 32

services.[84] As has already been state, such measures have in majority of cases been invalidated. Other possible measure are the imposition of compulsory registration and headcount reporting of reisdents and the institution of identification systems and road checkpoints. The latter mechanisms are more restrictive and are clearly inconsistent with a constitutional and democratic system. Thus, even with a consideration of various possible alternative implementing mechanisms, it appears that the implementation of the ban would hardly be free from legal obstacles.

VIII. CONCLUSION

At the outset, this paper was intended as an analysis of the legality of the proposed ban on migration to Metro Manila embodied in LOI No. 712. The authors have sought to undertake an examination of this question in the light of its significant implications on the constitutional rights to travel and abode, through an examination of the nature, scope and effect of travel and migration, the evolution of the legal right to travel and change of residence, the development of permissible restriction on these rights and an analysis of the propose ban in the light of the Constitutional safeguards on the exercise of the police power, the due process clause and the equal protection of the laws clause. Although the ban is merely in the form of a proposal, the authors have considered it appropriate to view it as a legislative enactment in view of the possibility of its adoption, especially as it has been suggested by planning experts.[85]

In the analysis of the ban, the inevitable legal conclusion is that it cannot be adopted as a valid exercise of the police power of the state. As previously stated, the ban is not reasonably necessary for the achievement of the purpose envisioned by the legislator (the President) which is the decongestion of Metro Manila so that the pressures on the facilities and services of the area may be lessened. Furthermore, although the preservation of such facilities and services is essential for the public interest and general welfare as to justify the regulation of threats thereto, still such interest is merely comparable with "public fisc" or the "integrity of the State's welfare program", and is not compelling and substantial in nature as to justify a restriction of a constitutional freedom.[86] It has also been borne out by the analysis of the plan that it penalizes public's exercise of the right to travel by its acting as a deterrent to any form of travel to the area and thru the possible imposition of penalties on violation thereof,

---

[84] *Ibid.*
[85] Lara, *supra*, note 24
[86] *Ibid.*

and in effect runs counter to the requirements of the due process clause of the Constitution. It has also been observed that the plan created an invidious classification of the citizens based on property distinctions (capacity to prove availability of facilities) which does not provide for sufficient standards, and thus fails to comply with the requirements of the equal protection clause. Finally, it has been noted that although in the case of a grave and imminent danger to the facilities and services of Metro Manila, such ban may be permissible, nevertheless under the present circumstances, there are still other less restrictive measures which would just as sufficiently achieve the purpose sought by the plan.[57]

---

[57] *Supra*, note 59.

U.P. LAW CENTER PUBLICATIONS

ADMINISTRATION OF JUSTICE BY THE MILITARY — 1974 (open forum) ...	P 5.00
ASPECTS OF COMMERCIAL LAW — 1971	15.00
ASPECTS OF PHILIPPINE LABOR RELATIONS LAW — 1973	17.00
ASPECTS OF PHILIPPINE LABOR RELATIONS LAW — 1972	18.00
ASPECTS OF PHILIPPINE LABOR RELATIONS LAW — 1970	12.00
ASPECTS OF PHILIPPINE LABOR RELATIONS LAW — 1969	16.50
BAR REVIEW GUIDE IN POLITICAL LAW	5.00
THE CHAIR & FLOOR PROCEEDINGS	5.00
THE CONSTITUTIONAL FOUNDATION OF PRIVACY	10.00
CONSTITUTIONAL REVISION PROJECT	40.00
CORPORATION LAW (PHILIPPINE JURIES SERIES I) — 1978	30.00
1975 COURT OF APPEALS SYLLABI OF DECISIONS	10.00
CUSTOM LAW IN PRE-CONQUEST PHILIPPINES	17.00
DIMENSIONS OF LAW PRACTICE (ORIENTATION SEMINAR FOR NEW LAWYERS — 1974-1975)	5.00
THE FATHER OF THE FIRST BROWN RACE CIVIL CODE	25.00
THE GOVERNMENT UNDER THE NEW CONSTITUTION — 1975	18.00
GUIDE TO PRESIDENTIAL DECREES — 1975	20.00
GUIDE TO PRESIDENTIAL DECREES — 1973	5.00
HUMAN RIGHTS IN THE PHILIPPINES: AN UNASSEMBLED SYMPOSIA ..	35.00
IMPLEMENTATION ON INTERNATIONALLY PROTECTED HUMAN RIGHTS WITH NATIONS	7.50
INTERNATIONAL ASPECTS OF TAXATION — 1975	12.00
AN INTRODUCTION TO THE NEW INSURANCE CODE — 1975	23.00
INVESTMENT INCENTIVE LAWS OF ASEAN COUNTRIES	32.00
LABOR LAW IN SOUTHEAST ASIA	5.00
LABOR RELATIONS LAW — 1976	15.00
LABOR RELATIONS LAW UNDER THE LABOR CODE — 1975	25.00
LAW AND POPULATION IN THE PHILIPPINES: A COUNTRY MONOGRAPH	25.00
LAW AND SMALL SCALE INDUSTRIES — 1975	10.00
LAWS AFFECTING GOVERNMENT OWNED OR CONTROLLED CORPORATIONS — 1975	10.00
LAW ON INTELLECTUAL AND INDUSTRIAL PROPERTY — 1975	25.00
LEGAL ASPECTS OF THE INSURANCE INDUSTRY — 1977	12.00
THE LEGAL SYSTEM AND LITERATURE IN THE PHILIPPINES	3.00
LEGAL TRENDS FOR GOVERNMENT PROSECUTORS — 1975	17.00
THE LIVING CONSTITUTION	25.00
NEW DIRECTIONS IN PHILIPPINE FOREIGN POLICY	3.00
PARLIAMENTARY GOVERNMENT — VOL. I	28.00
PERSPECTIVES ON THE NEW CONSTITUTION — 1973	20.00
PHILIPPINE LAW REPORT (Subscription payable in advance, one year)	10.00
PHILIPPINE MANUAL OF LEGAL CITATIONS	10.00
PHILIPPINE PERMANENT & GENERAL STATUTES — VOL. IV	60.00
PHILIPPINE PERMANENT AND GENERAL STATUTES — SUPPLEMENT	40.00
PHILIPPINE PERSPECTIVES ON LEGAL EDUCATION	10.00
PHILIPPINE PERSPECTIVES ON MULTINATIONAL CORPORATIONS	20.00
PHILIPPINE TREATY SERIES (in four volumes) per set	195.00
PHILIPPINE YEARBOOK ON INTERNATIONAL LAW — VOL IV-VOL VI	25.00
PHILIPPINE YEARBOOK ON LEGAL EDUCATION — VOL I	10.00
POLITICAL OFFENCES IN INTERNATIONAL LAW	25.00
PROBLEM AREAS UNDER THE LABOR CODE — 1977	18.00
RECENT DEVELOPMENT ON TAX LAW — 1976	17.00
THE REVISED PENAL CODE	20.00
SUBJECT GUIDE TO PRESIDENTIAL DECREES AND OTHER PRESIDENTIAL ISSUANCES — 1977 (2nd supplement)	10.00
1976 (1st supplement)	10.00
SUBJECT INDEX TO 1973 SUPREME COURT DECISION	3.00

1977 SUPREME COURT DECISIONS: SUBJECT INDEX & DIGESTS (1st-4th Quarter) per set	30.00
1975 SUPREME COURT DECISIONS: SUBJECT INDEX & DIGESTS	20.00
THE SUPREME COURT UNDER THE NEW CONSTITUTION — 1976	15.00
1977 SURVEY & ANALYSIS	20.00
1976 SURVEY & ANALYSIS	20.00
SURVEY OF PHILIPPINE LAW & JURISPRUDENCE — 1975	20.00
SURVEY OF PHILIPPINE LAW & JURISPRUDENCE — 1973	30.00
SURVEY OF PHILIPPINE LAW & JURISPRUDENCE — 1972	30.00
TRENDS IN REMEDIAL LAW	15.00
TRIAL PROBLEMS IN CITY & MUNICIPAL COURTS — 1973	25.00
VOLUNTARY ARBITRATION IN THE PHILIPPINES	25.00

Place your order with the Director, U.P Law Center, Diliman, Quezon City, enclosing your check or postal money order, payable to the U.P Law Center.

If payment is by checks, please use checks drawn on Manila, Quezon City or Rizal banks. We do not accept COD.

PHILIPPINE LAW JOURNAL

Published by the College of Law, University of the Philippines
Diliman, Quezon City, Philippines

VOL. 53 SEPTEMBER, 1978 THIRD QUARTER

The Editorial Staff and the College of Law publish contributions of interest and value to law students and the legal profession, but the views of the contributors to the PHILIPPINE LAW JOURNAL do not necessarily reflect those of the College of Law and the Journal.

Communications of either an editorial or business nature should be addressed to the PHILIPPINE LAW JOURNAL, Malcolm Hall, University of the Philippines, Diliman, Quezon City, Philippines.

It will be assumed that a renewal of subscription is desired, unless a notice of discontinuance is received by the Journal on or before the expiration date.