
MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 213

EXONERATING SECRETARY OF EDUCATION CECILIO PUTONG, DIRECTOR OF PUBLIC SCHOOLS BENITO PANGILINAN AND ASSISTANT DIRECTOR OF PUBLIC SCHOOLS VENANCIO TRINIDAD.

This is an administrative case against Secretary of Education Cecilio Putong, Director of Public Schools

Benito Pangilinan and Assistant Director of Public Schools Venancio Trinidad who are charged with obstructing, defeating, sabotaging and undermining the constitutional and statutory provisions on optional religious instruction in the public schools, under the following counts:

(1) That the respondents were members of a special committee of the Grand Lodge of Free and Accepted Masons of the Philippine Islands for the elimination of religious instruction in the public schools;

(2) That their membership in said special committee was in violation of their sacred oath of office to uphold the Constitution and the laws of the Philippines without mental reservation or purpose of evasion;

(3) That (a) the Grand Lodge of Free and Accepted Masons is opposed to any religious instruction in the public schools and (b) respondents have neglected and obstructed the implementation of the Constitution and the laws regarding optional religious instruction in the public schools; and

(4) That the neglect of, and obstruction to, optional religious instruction in the public schools have greatly contributed to the moral decadence in our country.

Upon my request, the case was investigated by the Honorable Domingo Imperial, Chairman of the Commission on Elections, who, after due notice and hearing, found the respondents innocent of the charge of obstructing, defeating, sabotaging and undermining the constitutional and statutory provisions on optional religious instruction in the public schools.

COUNT I

It appears that pursuant to the recommendation in the annual report of the outgoing Grand Master, Emilio P. Virata, to the Most Worshipful Grand Lodge of Free and Accepted Masons of the Philippine Islands in 1948, which contained the following portion:

"RELIGIOUS INSTRUCTION IN PUBLIC SCHOOLS

"At present we have a law permitting religious instruction in the public schools. There is a strong movement to make this instruction compulsory. This I take as a violation of our Constitution and I urge everyone of you to use all your power and influence, not only to frustrate the movement, but also to have the religious instruction law repealed."

the respondents were appointed members of a special committee headed by Dr. Mauro Baradi to study and deliberate on said portion of Mr. Virata's report. The committee was referred to as "Special Committee for the Elimination of Religious Instruction in Public Schools." Thereafter its chairman, Doctor Baradi, submitted a report, which was approved by the Grand Lodge, wherein the following recommendations were made:

"(1) That we adhere to the provisions of the Constitution of the Philippines that 'optional religious instruction in the public schools shall be maintained as now authorized by law' (Art. XIV, Sec. 5);

"(2) That we be over vigilant and fight any and all schemes to circumvent the Constitution of the Philippines on the question of religious instruction in the public schools; and

"(3) That on proper occasions and if and when circumstances warrant, we must show the dangers and adverse effects of religious instruction in the public schools."

Respondents denied having seen or received their appointments, averring that if at all the same had been sent they must have gotten lost among their papers. The fact, however, that such appointments were never returned to the sender and that Doctor Baradi sounded out their views on the question of religious instruction in the public schools before drafting and submitting the report and they expressed themselves for strict adherence to the constitutional precept on the matter, or for optional religious instruction in the public schools, would seem to indicate that they must have known of their membership in said committee. Respondent Trinidad was out of the country at the time and Doctor Baradi was not able to get in touch with him.

It has been established, however, that the report of the special committee was drafted and signed exclusively by Doctor Baradi, its chairman, and the wording and language used therein were entirely his. From the evidence presented, I am convinced that respondents had not read the contents of said report before it was submitted by Doctor Baradi.

In connection with this count, two points bear clarification: (a) how the committee was named "Special Committee for the Elimination of Religious Instruction in Public Schools" and (b) the intention and scope of the third recommendation of the Baradi report.

When the outgoing Grand Master recommended the appointment of a special committee to work for the total elimination of religious instruction in the public schools, he said the committee might be called "what you may." And when the Committee on Reports of Grand Officers recommended that the numerous recommendations be assigned to different committees, said committee limited itself by stating that "That portion headed 'Religious Instruction in Public Schools' be assigned to a 'Special Committee appointed by the incoming Grand Master.'" It did not call said special committee specifically as "Special Committee for the Elimination of Religious Instruction in Public Schools." In fact, the Grand Secretary of the Lodge in the record of the proceedings for the year 1949 (Exhibit A) used the preposition "on" instead of "for" in the title of the special committee, thus naming it "Committee on Elimination of Religious Instruction in the

Public Schools," explaining that, in his opinion, the preposition "on" conveyed better the purpose and aim of said committee, which was not precisely to eliminate religious instruction in the public schools. Under the circumstances, I am inclined to believe that the title "Special Committee for the Elimination of Religious Instruction in Public Schools" was intended merely to assign a name to said committee.

As regards the third recommendation of the committee which reads:

"(3) That on proper occasions and if and when circumstances warrant, we must show the dangers and adverse effects of religious instruction in the public schools."

it is not clear whether it refers to the dangers and adverse effects of religious instruction in the public schools as an integral part of the latter's official program of studies, that is, as one of the subjects to be officially taught. However, it seems unduly stretching the point to interpret the paragraph as conveying an intention to have religious instruction in the public schools, including optional religious instruction, completely eliminated, because of the first recommendation in the same report averring adherence "to the provisions of the Constitution of the Philippines that 'optional religious instruction in public schools shall be maintained as now authorized by law'" and the second recommendation exhorting the member masons to be "ever vigilant and fight any and all schemes to circumvent the Constitution of the Philippines on the question of religious instruction in the public schools."

COUNT II

The second count against respondents seems to rest on the claim that they were committed to the policy of their association to work for the total elimination of religious instruction in the public schools and to have the present religious instruction law repealed—a policy opposed to the mandate of the Constitution, guaranteeing the right to optional religious instruction, which they solemnly swore to support and defend without any mental reservation or purpose of evasion in their oath of office. This count assumes that the Grand Lodge of Free and Accepted Masons was for the elimination of religious instruction in the public schools, which was not the case. The approval by the Lodge of the special committee's report which practically endorsed the prevailing school of thought among the masons which was for adherence to the constitutional provision on optional religious instruction in the public schools, and not for the complete elimination of religious instruction in said schools as advocated by the other school of thought headed by the then outgoing Grand

Master, would indicate that the Lodge was for optional religious instruction in the public schools.

As has been shown elsewhere, the title "Special Committee for the Elimination of Religious Instruction in Public Schools" was rather a loose name and did not reflect the true aim and purpose of the committee. Judged by its recommendations, the committee was not really what it was supposed to be. At any rate, there is no showing that the respondents were committed to work for the total elimination of religious instruction in the public schools and to have the present religious instruction law repealed.

COUNT III

(a) In the light of the preceding discussion, the claim that the Grand Lodge of Free and Accepted Masons of the Philippine Islands is opposed to any religious instruction in the public schools is without any basis in fact.

(b) As to the claim that the respondents have neglected and obstructed the implementation of the Constitution and the laws regarding optional religious instruction in the public schools, the most that can be said of them is that they were just as conservative as their predecessors whose policy they merely followed, but assuredly they were not obstructionists. It is noteworthy that when in 1938 the then Secretary of Public Instruction (Hon. Sergio Osmeña, Sr.) refused to promulgate new rules governing religious instruction in public schools and denied positions to that effect addressed to him by several assemblymen, not a voice was raised accusing him of obstructing the implementation of the Constitution and the laws regarding optional religious instruction. On the contrary, his action was impliedly sanctioned by the late President Quezon when the latter vetoed the religious instruction bill of 1938. It would not seem fair to treat respondents with severity, especially considering that no formal petitions appear to have been made to them, unlike in the case of former Secretary of Public Instruction Osmeña.

Neither should the respondents be taken to task for not changing the existing policy, adopted in consonance with section 928 of the Revised Administrative Code, on religious instruction in the public schools with the promulgation of the new Civil Code inasmuch as, according to the Secretary of Justice (Opinion No. 208, s. 1950), Article 359(1) of said Code "must be taken to be merely a reiteration of sections 927 and 928 of the Administrative Code which still prevail in their totality."

The fact that enrolment in religious instruction in the public schools shows a consistent upward trend from 4.798 per cent in 1947 to 12.527 per cent in 1952, during the incumbency of the respondents, would seem to belie

the charge that they were obstructing the teaching of religion in the public schools.

Regarding the specific acts of obstruction supposedly committed by the respondents, I am satisfied that either they had nothing to do therewith or that, as in the case of the Igaras Regional High School, respondent Trinidad was merely adhering to the old regulation followed by his predecessors and was simply being guided by the opinion of the Secretary of Justice already referred to. It is to be remembered that under section 928 of the Administrative Code, the division superintendents of schools possess full discretion in fixing the hours for religious instruction in the exercise of which their superiors may not interfere unless there is grave abuse.

In this connection, let it be stated that under Administrative Order No. 209 issued by me on April 17, 1953 (when the investigation of this case was going on), the policy laid down in section 55 of the Bureau of Education Revised Manual followed all along by the respondents has been changed and liberalized. Further discussion of said section and of the old practice and policy in consonance therewith, which were vigorously impugned by counsel for the complainants as prescribing an inconvenient or unholy hour for the teaching of religion in the public schools, is therefore no longer necessary, the matter having become purely academic.

COUNT IV

This count would impute to the respondents the responsibility to a large extent for the moral decadence in this country for allegedly neglecting and obstructing optional religious instruction in the public schools. Considering that this imputation is a mere consequence of the preceding counts already discussed above, it is unnecessary to take it up any further.

In view of all the foregoing, I agree with the investigator that the respondents are innocent of the charge, and, accordingly, they are exonerated therefrom.

Done in the City of Manila, this 22nd day of September, in the year of Our Lord, nineteen hundred and fifty-three, and of the Independence of the Philippines, the eighth.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Executive Secretary