



Republic of the Philippines
Supreme Court
Manila

EN BANC

G.R. No. 216930

COUNCIL OF TEACHERS AND
STAFF OF COLLEGES AND
UNIVERSITIES OF THE
PHILIPPINES (CoTeSCUP),
SENTRO NG MGA
NAGKAKAISANG
PROGRESIBONG MGA
MANGGAGAWA (SENTRO),
FEDERATION OF FREE
WORKERS (FFW), NATIONAL
CONFEDERATION OF LABOR
(NCL), PUBLIC SERVICES
LABOR INDEPENDENT
CONFEDERATION (PSLINK),
PARTIDO MANGGAGAWA (PM),
ADAMSON UNIVERSITY
FACULTY AND EMPLOYEES
ASSOCIATION, FACULTY
ALLIED AND WORKER UNION
OF CENTRO ESCOLAR
UNIVERSITY, FACULTY
ASSOCIATION MAPUA
INSTITUTE OF TECHNOLOGY,
FAR EASTERN UNIVERSITY
FACULTY ASSOCIATION, HOLY
ANGEL UNIVERSITY
TEACHERS AND EMPLOYEES
UNION, LYCEUM FACULTY
ASSOCIATION, SAN BEDA
COLLEGE ALABANG
EMPLOYEES ASSOCIATION,
SILIMAN UNIVERSITY
FACULTY ASSOCIATION,
UNIVERSITY OF THE EAST
RAMON MAGSAYSAY
EMPLOYEES ASSOCIATION-
FFW (UERMEA-FFW), UNION OF
FACULTY AND EMPLOYEES OF
ST. LOUIS UNIVERSITY,

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**UNIVERSITY OF SANTO TOMAS
FACULTY UNION, PROF.
FLORDELIZ ABANTO (in her
capacity as Vice President of St.
Scholastica's College Faculty
Association), PROF. REBECCA T.
AÑONUEVO (in her capacity as
President of Miriam College Faculty
Association), PROF. MARIA RITA
REYES CUCIO (in her capacity as
faculty of San Beda College), and
MR. JOMEL B. GENERAL (in his
capacity as employee of Philippine
School of Business Administration
and Officer of the FFW),**

Petitioners,

- versus -

**SECRETARY OF EDUCATION,
SECRETARY OF LABOR AND
EMPLOYMENT, CHAIRPERSON
OF THE COMMISSION ON
HIGHER EDUCATION,
SECRETARY OF THE
TECHNICAL EDUCATION AND
SKILLS DEVELOPMENT
AUTHORITY, SECRETARY
GENERAL OF THE HOUSE OF
REPRESENTATIVES, and
MIRIAM COLLEGE,**

Respondents.

X-----X

**DR. BIENVENIDO LUMBERA
(Pambansang Alagad ng Sining at
Professor Emeritus, University of the
Philippines/UP); CONG. ANTONIO
TINIO (ACT Teachers' Partylist);
CONG. FERNANDO "KA
PANDO" HICAP (Anakpawis
Partylist at tagapangulo ng
PAMALAKAYA); CONG. JAMES
MARK TERRY RIDON (Kabataan
Partylist); DR. RHODERICK
NUNCIO (Vice-Dean, ng Kolehiyo
ng Malalayang Sining, De La Salle**

G.R. No. 217451

University/DLSU); PROP. AURA ABIERA (Tagapangulo ng Departamento ng Filipino at Panitikan ng Pilipinas sa University of the Philippines-Diliman); DR. ERNESTO CARANDANG II (Tagapangulo ng Departamento ng Filipino, De La Salle University-Manila); DR. ROBERTO AMPIL (Tagapangulo ng Departamento ng Filipino ng University of Santo Tomas); PROP. MARVIN LAI (Tagapangulo ng Departamento ng Filipinolohiya ng Polytechnic University of the Philippines/PUP); PROP. NELSON RAMIREZ (Tagapangulo ng Departamento ng Filipino, University of the East/UE-Manila); DR. ESTER RADA (Tagapangulo ng Kagawaran ng Filipino, San Beda College-Manila); PROP. JORGE PACIFICO CUIBILLAS (Tagapangulo ng Departamento ng Filipino, Far Eastern University-Manila); PROP. ANDREW PADERNAL (Tagapangulo ng Kagawaran ng Filipino, Pamantasan ng Lungsod ng Pasig/PLP); PROP. MICHAEL DOMINGO PANTE (Faculty Member sa History Department, Ateneo de Manila University); BENJAMIN VALBUENA (Tagapangulo ng Alliance of Concerned Teachers/ACT-Philippines); DR. PRISCILLA AMPUAN (Pangulo ng Quezon City Public School Teachers' Association/QCPSTA); PROP. CARL MARC RAMOTA (Pangulo ng Alliance of Concerned Teachers-State Universities and Colleges/ACT-SUC); DR. ROWELL MADULA (Pangulo ng Alliance of Concerned Teachers-Private Schools/ACT-Private); DR. AURORA BATNAG (Pangulo ng Pambansang Samahan



sa Linggwistika at Literaturang Filipino/PSLLF); DR. JUDY TAGUIWALO (Full Professor sa College of Social Work and Community Development, UP Diliman); DR. DANILO ARAO (Associate Professor sa Department of Journalism, College of Mass Communication, UP Diliman); DR. DAVID MICHAEL SAN JUAN (Executive Council Member ng National Commission for Culture and the Arts-National Committee on Language and Translation/NCCA-NCLT); RONNEL B. AGONCILLO JR., (Pangulo ng Philippine Normal University/PNU-Student Government); DR. REUEL MOLINA AGUILA (Palanca Hall of Famer at Tagapayo ng KATAGA-Samahan ng mga Manunulat sa Pilipinas); ERICSON ACOSTA (manunulat at dating bilanggong politikal, at kasapi ng Anakpawis Partylist); PROP. ADRIAN BALAGOT (Direktor ng Center for Continuing Education, Pamantasan ng Lungsod ng Marikina/PLMar); PROP. PENAFRANCIA RANIELA BARBAZA (Associate Professor, Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman); PROP. HERMAN MANALO BOGNOT (Faculty Member sa Department of European Languages, University of the Philippines); PROP. LAURENCE MARVIN CASTILLO (Instructor sa Department of Humanities, University of the Philippines-Los Baños); DR. ANTONIO CONTRERAS (Full Professor sa Political Science Department, De La Salle University/DLSU); PROP. RAMILITO CORREA (Pangulo ng Sanggunian sa Filipino/SANGFIL);



GEROME NICOLAS DE LA PEÑA (Pangulo ng Samahan ng mga Mag-aaral sa Asignaturang Filipino, SamFil-Pamantasan ng Lungsod ng Pasig/PLP); **PROP. WENNIELYN FAJILAN** (Faculty Member ng Departamento ng Filipino, University of Santo Tomas); **FLODY FERNANDEZ** (Pangulo ng Ramon Magsaysay High School (Cubao) Faculty Club); **PROP. SANTIAGO FLORA** (Vice-President for Operations ng Quezon City Polytechnic University); **PROP. MELANIA FLORES** (National PRO ng All UP Academic Employees' Union, University of the Philippines/UP); **DR. LAKANDUPIL GARCIA** (Full Professor ng Departamento ng Filipino, De La Salle University-Dasmariñas); **DR. FANNY GARCIA** (Palanca Awardee at Faculty Member ng Departamento ng Filipino, De La Salle University/DLSU); **PROP. JONATHAN GERONIMO** (Coordinator ng KATAGA-Manila at Faculty Member ng Departamento ng Filipino ng University of Santo Tomas/UST); **PROP. VLADIMEIR GONZALES** (Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas-University of the Philippines-Diliman); **PROP. FERDINAND PISIGAN JARIN** (Palanca Awardee at Pangulo ng KATAGA-Samahan ng mga Manunulat sa Pilipinas); **JOHN ROBERT MAGSOMBOL** (Pangulo ng University of Santo Tomas-Panulat); **PROP. JOEL MALABANAN** (Tagapayo ng Kapisanang Diwa at Panitik/KADIPAN sa Philippine Normal University/PNU); **PROP.**



DENNIS MANGUBAT (Faculty Member ng Departamento ng Filipino ng San Beda College-Manila); **PROP. JOANNE MANZANO** (Faculty Member ng Departamento ng Filipino at Panitikan ng Pilipinas-University of the Philippines-Diliman); **PROP. BERNADETTE NERI** (Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman); **RAYMOND PALATINO** (Tagapangulo ng Bagong Alyansang Makabayan/BAYAN-National Capital Region); **PROP. APRIL PEREZ** (Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman); **PROP. JAYSON PETRAS** (Deputy Director ng Institute of Creative Writing, University of the Philippines-Diliman); **PROP. CRIZEL SICAT-DE LAZA** (Katuwang ng Kalihim ng Sanggunian ng Filipino/SANGFIL at Faculty Member sa Departamento ng Filipino ng University of Santo Tomas/UST); **PROP. DENNIS JOSEPH RAYMUNDO** (Faculty Member ng Kalayaan College); **DR. BEVERLY SARZA** (Faculty Member ng Philosophy Department, De La Salle University-Manila); **DR. RAQUEL SISON-BUBAN** (Associate Professor sa Departamento ng Filipino ng De La Salle University-Manila); **PROP. VIVENCIO M. TALEGON, JR.** (Full-Time Faculty sa University of Asia and the Pacific, Ortigas Center, Pasig); **ISAAC ALI TAPAR** (Pangulo ng Manila Science High School Faculty Association); **DR. DOLORES TAYLAN** (Associate Professor sa Departamento ng Filipino, De La Salle University-



Manila); DR. ALITA TEPACE (Propesor sa Philippine Normal University-Manila); PROP. OM NARAYAN VELASCO (Instructor sa University of the Philippines-Los Baños); ANDREA JEAN YASONA (Pangulo ng Kapisanang Diwa at Panitik-PNU); PROP. REYNELE BREN ZAFRA (Faculty Member ng Departamento ng Filipino ng University of Santo Tomas); DR. RUBY ALUNEN (Faculty Member ng Departamento ng Filipino ng De La Salle University-Manila); PROP. BAYANI SANTOS, JR. (Faculty Member ng Departamento ng Filipino ng Manuel Luis Quezon University/MLQU); PROP. CHRISTO REY ALBASON (Guro sa Sining ng Bayan/GUSI); PROP. LILIBETH OBLENA-QUIORE (Faculty Member ng Departamento ng Filipino ng De La Salle University-Manila); PROP. DANIM MAJERANO (Direktor ng Pananaliksik at Edukasyon, Samahang Saliksik Pasig, Inc.); RUSTUM CASIA (KM 64 Poetry Collective); CHARISSE BERNADINE BAÑEZ (Tagapagsalita ng League of Filipino Students/LFS); DR. JENNIFOR AGUILAR (Chairperson ng Department of Elementary and Secondary Education ng Polytechnic University of the Philippines/PUP); PROP. MOREAL NAGARIT CAMBA (Tagapangulo ng Departamento ng Filipino, University of Asia and the Pacific – Pasig); PROP. CLEVE ARGUELLES (Chairperson ng Political Science Program, Department of Social Sciences, University of the Philippines-Manila); DR. MARIA LUCILLE ROXAS (Faculty Member sa



Departamento ng Filipino ng De La Salle University-Manila); PROP. VOLTAIRE VILLANUEVA (Faculty Member sa Philippine Normal University); DR. JOSEFINA MANGAHIS (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); PROP. EMMA SISON (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); AYLEEN ORTIZ (manunulat); PROP. EFREN DOMINGO (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); PROP. LESLIE ANNE LIWANAG (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); DR. LAKANGITING GARCIA (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); PROP. MIRYLLE CALINDRO (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); DR. LAKANDUPIL GARCIA (Faculty Member sa Departamento ng Filipino ng De La Salle University-Dasmariñas); DR. DEXTER CAYANES (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); DR. TERESITA FORTUNATO (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); DR. MA. RITA ARANDA (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila); DR. EMMA BASCO (Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila),

Petitioners,

- versus -

**PANGULONG BENIGNO
SIMEON "NOYNOY" C. AQUINO
III, at PUNONG KOMISYUNER
NG KOMISYON SA LALONG
MATAAS NA EDUKASYON/
COMMISSION ON HIGHER
EDUCATION (CHED) DR.
PATRICIA LICUANAN,**
Respondents.

X-----X

**ANTONIO "SONNY" F.
TRILLANES IV, GARY C.
ALEJANO and FRANCISCO
ASHLEY L. ACEDILLO,**
Petitioners,

G.R. No. 217752

- versus -

**HON. PAQUITO N. OCHOA,
JR., in his capacity as Executive
Secretary, HON. ARMIN A.
LUISTRO, in his capacity as
Secretary of Education and the
DEPARTMENT OF
EDUCATION,**
Respondents.

X-----X

**EDUARDO R. ALICIAS, JR. and
AURELIO P. RAMOS, JR.,**
Petitioners,

G.R. No. 218045

- versus -

**DEPARTMENT OF EDUCATION
(DepEd) and The SECRETARY
OF THE DepEd,**
Respondents.

X-----X

**RICHARD TROY A
COLMENARES, RENE LUIS M.
TADLE, ERLINDA C.
PALAGANAS, RUTH THELMA P.
TINGDA, RONALD TAGGAOA,**

G.R. No. 218098

**JOSEPH PORFIRIO ANDAYA,
FLORANTE DULACA, FROILAN
A. ALIPAO; KATHLEA
FRANCYNN GAWANI D.
YAÑGOT, MIEL ALEXANDRE A.
TAGGAOA, AGATHA ZITA
DISTOR, ISABELLE C. UMINGA,
ALDWIN GABRIEL M. PINAS,
ATREENA MARIE DULAY, ZION
GABRIEL SANTOS, SIBLINGS
BRENNAN KEANE, BREN KIMI,
AND BASLEY KICH, ALL
SURNAMED DELA CRUZ,
JASSEL ANGELO ENRIQUEZ,
SIBLINGS GYRO MATTHEW
AND MARGA RAUXIELLE
AGLAIA, BOTH SURNAMED
GUEVARRA, SIBLINGS ALTHEA,
ALEXA, AND AMANDA, ALL
SURNAMED ABEJO, AND
ELEANNE JERECE S. CAWIS,
REPRESENTED BY THEIR
PARENTS LEANDRO B.
YAÑGOT, JR., JENNIFER A.
TAGGAOA, MILO DISTOR, JOSE
MARI UMINGA, GABRIEL PAUL
PINAS, SOFRONIO DULAY, LUZ
A. SANTOS, BARBY M. DELA
CRUZ, RUBY G. ENRIQUEZ,
ROWENA C. GUEVARRA,
MARISEL P. ABEJO, AND
VITTORIO JERICO L. CAWIS,
RESPECTIVELY, FOR
THEMSELVES AND THE CLASS
THEY REPRESENT;
REVENENDO R. VARGAS,
ANNIELA R. YU-SOLIVEN,
VILMA C. BENIGNO, MARIA
CRISTINA F. DUNGCA, LIZA
DAOANIS, ROMMEL M.
FRANCISCO, FELIZA G.
AGUSTIN, EMELITA C. VIDAL,
ROMMEL D. RAMISCAL,
JOCELYN ELEAZAR DE
GUZMAN, ANDREA P.
VILLALON, AND JOYCE FE T.
ALMENARIO, FOR**



**THEMSELVES AND THE CLASS
THEY REPRESENT,**

Petitioners,

- versus -

**DEPARTMENT OF EDUCATION
SECRETARY ARMIN A.
LUISTRO, COMMISSION ON
HIGHER EDUCATION
CHAIRPERSON PATRICIA B.
LICUANAN, TECHNICAL SKILLS
AND DEVELOPMENT
AUTHORITY DIRECTOR-
GENERAL JOEL J.
VILLANUEVA, DEPARTMENT
OF LABOR AND EMPLOYMENT
SECRETARY ROSALINDA D.
BALDOZ, DEPARTMENT OF
FINANCE SECRETARY CESAR V.
PURISIMA, SENATE PRESIDENT
FRANKLIN M. DRILON, AND
HOUSE OF REPRESENTATIVES
SPEAKER FELICIANO R.
BELMONTE,**

Respondents.

x-----x

**CONG. ANTONIO TINIO
(Representative, ACT Teachers
Party-List); CONG. NERI
COLMENARES (Representative,
Bayan Muna Party-List); DR.
BIENVENIDO LUMBERA
(National Artist for Literature and
Professor Emeritus, UP); CONG.
CARLOS ZARATE
(Representative, Bayan Muna
Party-List); CONG. FERNANDO
"KA PANDO" HICAP
(Representative, Anakpawis Party-
List; Chairperson,
PAMALAKAYA); CONG.
LUZVIMINDA ILAGAN
(Representative, Gabriela Women's
Party); CONG. EMMI DE JESUS
(Representative, Gabriela Party-**

G.R. No. 218123

List); CONG. TERRY RIDON (Representative, Kabataan Party-List); RENATO REYES, JR. (Secretary-General, Bagong Alyansang Makabayan/ BAYAN and parent of an elementary student); BENJAMIN VALBUENA (Chairperson, Alliance of Concerned Teachers-Philippines); MARTIN DIÑO (Chairperson of the Volunteers Against Crime and Corruption); JOVITA MONTES (Spokesperson, Parents' Movement Against K to 12); KHARLO FELIPE MANANO (Secretary-General, Salinlahi Alliance for Children's Concerns); GERTRUDES LIBANG (National Vice-Chairperson, Gabriela); RONEL AGONCILLO (Student Regent, PNU); VENCER MARIE CRISOSTOMO (National Chairperson, Anakbayan); CHARISSE BERNADINE BAÑEZ (National Spokesperson, League of Filipino Students/LFS); EINSTEIN RECEDES (National Chairperson Student Christian Movement of the Philippines); MICHAEL BELTRAN (National Spokesperson, Kabataang Artista para sa Tunay na Kalayaan); SARAH JANE ELAGO (National President, National Union of Students of the Philippines); MARC LINO ABILA (National President, College Editors Guild of the Philippines); VANESSA FAYE BOLIBOL (Convenor, STOP K to 12); DR. ROLANDO TOLENTINO (Dean, College of Mass Communication, UP); DR. FEDELIZ TUY (Associate Vice Dean, College of Arts and Sciences, SBC Manila); DR. ERNESTO CARANDANG II (Chairperson, Filipino Department, DLSU Manila); PROF. MARIA



LOURDES AGUSTIN (Chairperson, Institute of Teaching and Learning, PNU); **PROF. ROWENA RIVERO** (Chair, English, Foreign Languages and Literature Department, SBC Manila); **PROF. CLEVE ARGUELLES** (Chairperson, Political Science Program, DLSU Manila); **DR. ANNABEL QUILON** (Chair, Psychology Department, SBC Manila); **DR. BAYANI MATITU** (Chair, Human Kinetics Department, SBC Manila); **PROF. MARVIN LAI** (Chairperson, Departamento ng Filipinolohiya, PUP Manila); **PROF. MERDEKA C. MORALES** (Chief, PUP Center for Creative Writing); **DR. ROBERTO AMPIL** (Chairperson, Filipino Department, UST); **PROF. NELSON RAMIREZ** (Chairperson, Filipino Department, University of the East Manila); **DR. JENNIFOR AGUILAR** (Chairperson, MA Filipino Program, Graduate School, PUP); **DR. LIWAYWAY ACERO** (Chairperson, Human Biology and Sciences Department, SBC Manila); **DR. ESTER RADA** (Chairperson, Filipino Department, SBC Manila); **DR. MARVIN REYES** (Prefect of Student Activities, College of Arts and Sciences, SBC Manila); **PROF. NEILIA BALANON-RAMIREZ** (Assistant Prefect of Student Discipline, College of Arts and Sciences, SBC Manila); **PROF. LUISITO MACAPAGAL** (Chairperson, Mathematics Department, SBC Manila); **DR. NOEL SANTANDER** (Chairperson, Theology Department, SBC Manila); **PROF. GERARD SANTOS** (Assistant Prefect of Student Discipline, College of Arts and Sciences, SBC



Manila); PROF. ALBERT OASAN (Assistant Prefect of Student Discipline, College of Arts and Sciences, SBC Manila); PROF. JULIUS TUTOR (Assistant Prefect of Student Activities, College of Arts and Sciences, SBC Manila); PROF. SYBIL AGREDA (Assistant Prefect of Student Activities, College of Arts and Sciences, SBC Manila); PROF. LEOMAR REQUEJO (Chief, Music Section, PUP); DR. AURORA BATNAG (Pangulo, Pambansang Samahan sa Linggwistika at Literaturang Filipino); PROF. RAMILITO CORREA (President, Sanggunian sa Filipino/SANGFIL); PROF. CHRISTO RAY ALBAZON (PRO, Guro sa Sining ng Bayan, PUP); DR. RAMON GUILLERMO (President, All UP Academic Employees' Union); PROF. MELANIA FLORES (National PRO, All UP Academic Employees' Union); PROF. ORESTES DE LOS REYES (President, Adamson University Faculty and Employees); PROF. JAMES PLATON (Vice President for Labor Education, UST Faculty Union); MR. FELIX PARINAS, JR., (Public Relations Officer, All UP Workers' Union); PROF. MICHAEL PANTE (Faculty, History Department, Ateneo de Manila University); PROF. VLADIMEIR B. GONZALES (Faculty, UP-Diliman); PROF. LAURENCE MARVIN S. CASTILLO (Faculty, UP-Los Baños); DR. ROMMEL RODRIGUEZ (Associate Professor, UP-Diliman); DR. DOLORES TAYLAN (Faculty Member, Filipino Department, DLSU Manila); DR. TERESITA FORTUNATO (Faculty Member,



Filipino Department, DLSU Manila); DR. RAQUEL SISON-BUBAN (Faculty Member, Filipino Department, DLSU Manila); PROF. LILIBETH QUIORE (Faculty Member, Filipino Department, DLSU Manila); DR. MA. RITA ARANDA (Faculty Member, Filipino Department, DLSU Manila); PROF. PORTIA PLACINO (Faculty Member, UP Diliman); PROF. JOEL MALABANAN (Faculty Member, College of Language and Literature, PNU); DR. LUCIA B. DELA CRUZ (Registered Guidance Counselor; Professor, University of Makati); PROF. GERARDO LANUZA (Professor, Department of Sociology, UP Diliman); PROF. SARAH JANE S. RAYMUNDO (Assistant Professor, Center for International Studies, UP Diliman); PROF. FERDINAND JARIN (Faculty Member, Philippine Normal University); PROF. EMELITO SARMAGO (Faculty Member, UST); PROF. MARY ANNE MALLARI (Faculty Member, UST); PROF. WENNIELYN FAJILAN (Faculty Member, UST); PROF. REYNELE BREN ZAFRA (Faculty Member, UST); PROF. JOHN KELVIN BRIONES (Faculty Member, English Department, College of Arts and Letters, Bulacan State University); PROF. DENNIS MANGUBAT (Faculty Member, Filipino Department, SBC Manila); PROF. MINERVA SERRANO (Faculty Member, Mathematics Department, SBC Manila); PROF. MARIE JOCELYN BENGCO (Faculty Member, Psychology Department, SBC Manila); PROF. CLYDE CORPUZ (Faculty



Member, Social Sciences Department, SBC Manila); DR. LIZA CRUZ (Faculty Member, Human Biology and Sciences Department, SBC Manila); DR. SOCORRO DE JESUS (Faculty Member, English, Foreign Languages, and Literature Department); PROF. TERESITA DULAY (Faculty Member, Mathematics Department, SBC Manila); PROF. JULIO CASTILLO, JR. (Faculty Member, Department of Management, SBC Manila); PROF. ESTHER CUARESMA (Faculty Member, Information and Communication Technology Department, SBC Manila); PROF. ARNOLD DONOZO (Faculty Member, Math Department, SBC Manila); PROF. ROAN DINO (Faculty Member, Kagawaran ng Filipinohiya, PUP); DR. MARIA ELIZA CRUZ (Faculty Member, Natural Sciences Department, SBC Manila); PROF. JOSEPHINE DANGO (Faculty, Theology Department, SBC Manila); PROF. HIPOLITO RUZOL (Faculty, Kagawaran ng Filipino, SBC Manila); PROF. KERWIN MARK MARTINEZ (Faculty, Social Sciences and Humanities Department, SBC Manila); DR. VIOLETA REYES (Faculty, Social Sciences and Humanities Department, SBC Manila); PROF. LUISITO DE LA CRUZ (Faculty, Social Sciences and Humanities Department, SBC Manila); ATTY. ALDEN REUBEN LUNA (Faculty, Social Sciences and Humanities Department, SBC Manila); PROF. DON SANTANA (Faculty, Mathematics Department, SBC Manila); PROF. CHARLES BROÑASA (Faculty, Mathematics



Department, SBC Manila); PROF. JESSTER FONSECA (Faculty, Theology Department, SBC Manila); DR. NERISSA REVILLA (Faculty, English, Foreign Languages and Literature Department, SBC Manila); PROF. ROMANA ALIPIO (Faculty, English, Foreign Languages and Literature Department, SBC Manila); PROF. JOSEPHINE PAZ ANDAL (Faculty, English, Foreign Languages and Literature Department SBC Manila); PROF. MIGUELA MIGUEL (Faculty, English, Foreign Languages and Literature Department, SBC Manila); PROF. ARJAN ESPIRITU (Faculty, English, Foreign Languages and Literature Department, SBC Manila); PROF. PILIPINO RAMOS (Faculty, Accountancy Department, SBC Manila); PROF. KIM GUIA (Faculty, Psychology Department, SBC Manila); PROF. JONA IRIS TRAMBULO (Faculty, Technological University of the Philippines/TUP); ELIZABETH ANTHONY (University of Santo Tomas); EMELITO SARMAGO (University of Santo Tomas); RONALD P. TAGGAOA (Associate Professor, Philosophy Department, Saint Louis University); TERESITA MENNA K. DE GUZMAN (Faculty, Physical Education Department, Saint Louis University); SAMUEL D. BARTOLOME (Professor, Religion Department, Saint Louis University); REYNALDO O. DUMPAYAN (Professor, Religion Department, Saint Louis University); JEROME P. ARO (Faculty, CAD-SCIS Department, Saint Louis University); SAMUEL



D. SILOG (Faculty, Religion Department, Saint Louis University); **ROSALINDA P. SEGUNDO**; (Professor, Social Sciences Department, Saint Louis University); **BRIGITTE P. AWISAN** (Faculty, Religion Department, Saint Louis University); **RAUL LEANDRO R. VILLANUEVA** (Assistant Professor, Philosophy Department, Saint Louis University); **LAWRENCE DEXTER D. LADIA** (Professor, Religion Department, Saint Louis University); **GEORGE M. TAWAO** (Special Services Department, Saint Louis University); **DONNIE D. EVARISTO** (Special Services Department, Saint Louis University); **CHERRY M. RAFANAN** (Nursing Aide, Hospital of the Sacred Heart SLU); **JULIO U. BERSAMIRA, JR.** (Printing Press Assistant, Printing Press Office SLU); **JONES Q. CALINGAYAN** (Faculty, Physical Education Department, Saint Louis University); **BRIAN LORENZO A. SALVALEON** (Kitchen Helper, SLU Ladies' Residence Halls); **ROLLY L. MARANES** (Laboratory Technician, School of Engineering, SLU); **CAROL ANN F. BAL AUS** (Accounting Clerk, UFESLU SLU Employees Union); **MICHELLE B. BRAGAS** (Accounting Clerk, UFESLU SLU Employees Union); **ERNESTO JOEY F. CHOMAWIN** (Special Services Department, Saint Louis University); **GIAN CARLO C. GEGUIERA** (Faculty, Religion Department, Saint Louis University); **MON KARLO MANGARAN** (Barangay Councilor, Caniogan, Malolos,



Bulacan); MARY ANGELICA H. REGINALDO (Student, M.A. Malikhaing Pagsulat, DFPP-KAL, UP Diliman); RUSTUM CASIA (KM64 Poetry Collective); ELIZABETH ANTHONY (President, UST Panulat); ARIES GUPIT (League of Filipino Students); BRIX JUSTINE PAGTALUNAN (Partido-Pagkakaisa ng Demokratikong Mag-aaral/PDM-Bulacan State University); FRANCIS JAMES PAGDANGANAN (Partido-Pagkakaisa ng Demokratikong Mag-aaral-BulSU); ANGELO SUALIBIO (Students for the Advancement of Democratic Rights in Bulacan State University/STAND BulSU); MARK JOSEPH DOMASIG (Students for the Advancement of Democratic Rights in BulSU); JOHN RAVEN BALDOVINO (Students for the Advancement of Democratic Rights in STAND BulSU); CEDRIQ CLEMENTE (Students for the Advancement of Democratic Rights in STAND BulSU); MARIE ANTONETTE VALENCIA (Students for the Advancement of Democratic Rights in STAND BulSU); REINARD SANCHEZ (STAND BulSU); RICHARD PATRIARCA (Students for the Advancement of Democratic Rights in Bulacan State University/STAND BulSU); JOEL A. CAPULONG (Tontongan ti Umili, Baguio City); JEANETTE R. CAWIDING (Tontongan ti Umili); MILAGROS K. AO-WAT (Tontongan ti Umili); HILDRINE L. ALVAREZ (Tontongan ti Umili); VICENTE R. TOCA III (Tontongan ti Umili); TRACY ANNE D. DUMALO (Tontongan ti Umili); KING CRIS



P. PULMANO (Tontongan ti Umili); MARBEN M. PANLASIGUI (Tontongan ti Umili); LUKE T. BAGANGAN (Tontongan ti Umili); NINO JOSEPH Q. OCONER (Tontongan ti Umili); DR. PRISCILLA AMPUAN (President, Quezon City Public School Teachers' Association/ QCPSTA); JACKSON BACABAC (Treasurer, QCPSTA); RAYMOND PALATINO (Chairperson, BAYAN-National Capital Region); LOUIE ZABALA (President, Manila Public School Teachers' Association); PROF. CARL MARC RAMOTA (President, ACT SUC); DR. ROWELL MADULA (President, ACT Private); PROF. JONATHAN GERONIMO (Secretary General, ACT Private Schools); MICHAEL ESPOSO (Auditor, ACT Private Schools); DR. DAVID MICHAEL SAN JUAN (Public Information Officer, ACT Private Schools); MR. ISAAC ALI TAPAR (President, Manila Science High School Faculty Association); PROF. RAMIR M. CRUZ (President, Faculty Association, College of Engineering, PUP),

Petitioners,

- versus -

PRESIDENT BENIGNO SIMEON "NOYNOY" C. AQUINO, COMMISSION ON HIGHER EDUCATION (CHED) CHAIRPERSON DR. PATRICIA LICUANAN, DEPARTMENT OF EDUCATION (DEPED) SECRETARY BR. ARMIN LUISTRO, TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY

**(TESDA) DIRECTOR JOEL
VILLANUEVA,**

Respondents.

X-----X

**MA. DOLORES M. BRILLANTES,
SEVERO L. BRILLANTES,
EMELITA C. VIDAL, FELIZA G.
AGUSTIN, EVELYN G. ASTILLA,
BRENDA P. BASCOS, ENRICO C.
PUNO, MERIAM N.
CHAMACKALAYIL, MA LINDA T.
FERNANDO, MARIBEL R.
LORENZO, CARMELO A. YAMBAO,
JOSEPHINE M. DE GUZMAN,
ELENA B. CABARLES, GIRLIE M.
TALISIC, JACQUELYN N.
MARQUEZ, VIVIAN G. SADAC,
FELIZA G. AGUSTIN, MARIBEL R.
LORENZO, GRACE G. ORALLO,
ROSARIO ANTES, GERALDINE G.
LUI, WALLY Y. CAMACHO,
STANLEY FRANCIS M. LIBERATO,
MARJORIE M. SUN, BELEN
PANTALEON, IRENE N. ROCHA,
CRISTINA T. SANTOS, MARIFE P.
OROLFO, CRISTINA L. GANALON,
MARITES R. LAZARO, JUANITO
SALAZAR, CHRISTINA G. CRUZ,
RAMONETTE P. SONCUYA, PAUL
ROMMEL C. CAPISTRANO,
EDGARDO B. ALVINEZ, JENNIFER
C. RODELAS, MARIA VILMA M.
ANOS, TERESITA F. ESPEJO, CHRIS
C. KATAPANG, FERDINAND
BADULIS, MELODY M. RAMIREZ,
MINERVA DV. CRUZ, MARIA
BERNADETTE A. CALORACAN,
MA. CINDERELLA B. ESPIQUE,
EVANGELINE A. OBNIAL, ANALYN
B. REYES, MARY E. BALLELOS,
ANALEA A. RIVERA, HELEN T.
TABIOS, VALENTINE B.
CUSTODIO, ROSE ANDRADE,
CHERYL JOY MIRANDA, JOCELYN**

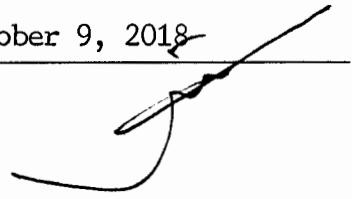
G.R. No. 218465

Present:

**LEONARDO-DE CASTRO, C.J.,
CARPIO,
PERALTA,
BERSAMIN,*
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
TIJAM,
A. REYES, JR.,
GESMUNDO,* and
J. REYES, JR.,** JJ.**

Promulgated:

October 9, 2018



* On official business.
** On wellness leave.



MARIANO, REBECCA C.
CUARTERO, MARIA MARIETES B.
LAURETA, SPS. GIL L. ANISTA &
MARLYN P. ANISTA, MARLOUE
ABAINZA, FLORDELIZA C. DE
VERA, MA. MARGIE G. MIRALLES,
MILAGROS M. ESTABILLO,
ANGELICA D. BINGCO, ROSFELIZ
GEMINI CATIPAY, CHERRYL C.
MIRHAN, ROGER S. BERNAL,
SAMUEL C. EGUIA, LIZA C.
SALVADOR, SLENDA CAGAS, MA.
FRANCISCA ANTONIO, EVELYN R.
SUMAYLO, LESLEY V.
ARGUELLES, for themselves and on
behalf of their minor children,

MATTHEW M. BRILLANTES,
PATRICIA GINGER C. VIDAL,
JELIZA G. AGUSTIN, ANGELO
JOSE G. ASTILLA, BRYAN
CHRISTOPHER P. BASCOS, RENEE
LOUISE L. PUNO, RUBEENA N.
CHAMACKALAYIL, KIMBERLY T.
FERNANDO, SHANAYAH R.
LORENZO, MICHAEL ADRIAND G.
YAMBAO, JOHANSSON EDWARD
DE GUZMAN, RANIER B.
CABARLES, JAELA MARIE
TALISIC, JANUS ROMELL N.
MARQUEZ, RYAN DAVID G.
SADAC, SHANAYAH R. LORENZO,
PAUL ORALLO, EMILSON RYAN
ANTES, GRACE ANN ERICKA LUI,
SOFIA MARIYA KYSHA
CAMACHO, BEATRICE COLLEEN
LIBERATO, CHLOE SOFIA SUN,
GELAH PANTALEON, JUSTINE
ELIZA N. ROCHA, EDRIN CLYDE T.
SANTOS, CONSTANCIO P. OROLFO
III, RONIN RIC GANALON, SOFIA
KAYLE LAZARO, DJ SALAZAR,
DAN PRECIOSO G. CRUZ, JULIE
ANNE LOI P. SONCUYA, RICCI
PAULINE CATHERINE J.
CAPISTRANO, PAUL ED JEREMY
M. ALVINEZ, JOSEPH C. RODELAS,



RONALD M. ANOS, JASON F. ESPEJO, LAURA CHRISTINE C. KATAPANG, KEITH GABRIEL BADULIS, RON EDRICH RAMIREZ, TOMMIE DANIEL DV. CRUZ, DENISE ANN A. CALORACAN, ELLA MAE B. ESPIQUE, ROSEMARY KEITHLEY A. OBNIAL, RONALDO B. REYES, JR. & ANNA LETICIA B. REYES, CARYLLE ALEX E. BALLELOS, JACKLORENZ A. RIVERA, KARL ADRIAN TABIOS, BREN CHRISTIAN B. CUSTODIO, SHANIA CHIER ANDRADE, CARL JUSTINE MIRANDA, ERIN MARIANO, DENISE NICOLE CUARTERO, GRANT PAUL LAURETA, MA. PATRICIA ANN P. ANISTA, MARDI LOUISE ABAINZA, JAYLORD MOSES C. DE VERA, HANNAH MARIE MIRALLES, SANREE M. ESTABILLO, GIO ANN TRINIDAD BINGCO, ARFEL DOMINICK B. CATIPAY, KITH CEAZAR MIRHAN, JEAN RYAN A. BERNAL, SAMANTHA NICOLE EGUIA;

OFFICERS OF THE MANILA SCIENCE HIGH SCHOOL FACULTY AND EMPLOYEES CLUB, represented by: ISAAC ALI TAPAR, RUTH DAYRIT, RAYMOND APOSTOL, GINAROSE HABAL, CYNTHIA LYNNE CAUZON, ANABELLE BAYSIC, CRISTINA RICO, KRISTIN MACARANAS, ROMEO BINAMIRA,

And THE CLASS HEREIN REPRESENTED,

Petitioners,

- versus -

PRESIDENT BENIGNO SIMEON C.



**AQUINO III, DEPT. OF EDUCATION
SECRETARY BR. ARMIN LUISTRO,
NCR REGIONAL DIRECTOR LUZ S.
ALMEDA, MANILA SCHOOLS
DIVISION SUPERINTENDENT
PRISCILA C. DE SAGUN, MANILA
SCIENCE HIGH SCHOOL
PRINCIPAL MARIA EVA S.
NACION, SENATE PRESIDENT
FRANKLIN M. DRILON and HOUSE
OF REPRESENTATIVES SPEAKER
FELICIANO R. BELMONTE,**

Respondents.

X-----X

DECISION

CAGUIOA, J.:

Doon sa ang trono'y ginawa ng dunong, bagong kabataa'y sadyang umuusbong, mga kamalia'y kanyang natutunton, at dangal ng diwa ang pinayayabong; ang liig ng bisyo'y kanyang napuputol; sala'y namumutla kung nasasalubong: sinusupil niya ang bansang ulupong, at hangal mang tao'y kanyang inaampon.

- Jose Rizal¹

Before the Court are consolidated petitions under Rule 65, assailing the constitutionality of Republic Act (RA) No. 10533² (*K to 12 Law*), RA No. 10157³ (*Kindergarten Education Act*), and related issuances of the Department of Education (DepEd), Commission on Higher Education (CHED), Department of Labor and Employment (DOLE) and Technical Education and Skills Development Authority (TESDA) implementing the K to 12 Basic Education Program.

History of the Philippines' Basic Education System

On January 21, 1901, the Philippine Commission created the

¹ Translation from Spanish into Filipino of Jose Rizal's poem *Por la Educacion Recibe Lustre la Patria (Dahil sa Karunungan'y Nagkakaroon ng Kinang ang Bayan)* written in April 1876 originally published by the Jose Rizal Centennial Commission in 1961 (Rizal's Centennial) and reprinted by the National Historical Commission of the Philippines in 1995 and 2008 respectively.

² AN ACT ENHANCING THE PHILIPPINE BASIC EDUCATION SYSTEM BY STRENGTHENING ITS CURRICULUM AND INCREASING THE NUMBER OF YEARS FOR BASIC EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES, May 15, 2013.

³ AN ACT INSTITUTIONALIZING THE KINDERGARTEN EDUCATION INTO THE BASIC EDUCATION SYSTEM AND APPROPRIATING FUNDS THEREFOR, January 20, 2012.

Department of Public Instruction⁴ through Act No. 74⁵. All schools established under the auspices of the Military Government were made under the control of the officers of the Department of Public Instruction⁶ and as early as this law, the primary education established through it was considered free.⁷ Act No. 74 also made English language as the basis of all public school instruction⁸ and allowed optional religious instruction in all schools.⁹

On March 10, 1917, Act No. 2706¹⁰ was passed mandating the recognition and inspection of private schools and colleges by the Secretary of Public Instruction in order to maintain a general standard of efficiency in all private schools and colleges.¹¹ The authority of the Secretary over private schools and colleges was later on expanded under Commonwealth Act (CA) No. 180¹². The Secretary was vested with the power “to supervise, inspect and regulate said schools and colleges in order to determine the efficiency of instruction given in the same.”¹³

The concept of free public primary instruction was also enshrined in the 1935 Philippine Constitution. Specifically, the State’s interest in a complete and adequate system of public education was stated in Section 5, Article XIV:

SEC. 5. All educational institutions shall be under the supervision of and subject to regulation by the State. **The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens.** All schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships in arts, science, and letters for specially gifted citizens. (Emphasis supplied)

On August 7, 1940, CA No. 586,¹⁴ otherwise known as the *Educational Act of 1940*, was enacted to comply with the constitutional mandate on free

⁴ Act No. 74, Sec. 1.

⁵ AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC INSTRUCTION IN THE PHILIPPINE ISLANDS AND APPROPRIATING FORTY THOUSAND DOLLARS FOR THE ORGANIZATION AND MAINTENANCE OF A NORMAL AND A TRADE SCHOOL IN MANILA, AND FIFTEEN THOUSAND DOLLARS FOR THE ORGANIZATION AND MAINTENANCE OF AN AGRICULTURAL SCHOOL IN THE ISLAND OF NEGROS FOR THE YEAR NINETEEN HUNDRED AND ONE, January 21, 1901.

⁶ Act No. 74, Sec. 2.

⁷ Id.

⁸ Id., Sec. 14.

⁹ Id., Sec. 16.

¹⁰ AN ACT MAKING THE INSPECTION AND RECOGNITION OF PRIVATE SCHOOLS AND COLLEGES OBLIGATORY FOR THE SECRETARY OF PUBLIC INSTRUCTION, AND FOR OTHER PURPOSES, March 10, 1917.

¹¹ Act No. 2706, Sec. 1.

¹² AN ACT TO AMEND SECTIONS 1, 2, 3, 5, 6 AND 12 OF ACT NO. 2706, AS AMENDED BY ACT NO. 3075, November 13, 1936.

¹³ CA NO. 180, Sec. 1.

¹⁴ AN ACT TO PROVIDE FOR THE REVISION OF THE SYSTEM OF PUBLIC ELEMENTARY EDUCATION IN THE PHILIPPINES INCLUDING THE FINANCING THEREOF, August 7, 1940.

public primary education. This resulted in the revision of the public elementary system,¹⁵ which had the following objectives:

x x x (a) to simplify, shorten, and render more practical and economical both the primary and intermediate courses of instruction so as to place the same within the reach of the largest possible number of school children; (b) to afford every child of school age adequate facilities to commence and complete at least the primary course of instruction; (c) to give every child completing the primary course an adequate working knowledge of reading and writing, the fundamentals of arithmetic, geography, Philippine history and government, and character and civic training; and (d) to insure that all children attending the elementary schools shall remain literate and become useful, upright and patriotic citizens.¹⁶

To give effect to the foregoing objectives, the Department of Public Instructions was authorized to revise the elementary school curriculum, to be approved by the President, and adjust the academic school calendar to coincide with the working season in the Philippines.¹⁷ In addition, Section 4 set standards for the age of admission to public elementary schools and the minimum length of time for the completion of primary and intermediate courses, to wit:

SEC. 4. With the approval of the President of the Philippines, the required age for admission to the public elementary schools may be raised to not more than nine years and the length of time required for the completion of the elementary instruction comprising both the primary and intermediate courses reduced to not less than five years. Any increase that may be approved in accordance with this section regarding the minimum age of school children shall not affect those already enrolled before the school year 1940-1941.

The law also made compulsory the attendance and completion of elementary education, except when the child was mentally or physically incapable of attending school or when it was inconvenient to do so considering the means of transportation available or on account of economic condition of the parents the child could not afford to continue in school.¹⁸ The parents or guardians or those having control of children therein required to attend school without justification were liable to a fine of not less than twenty nor more than fifty pesos.¹⁹

In 1947, Executive Order (EO) No. 94²⁰ was issued renaming the Department of Instructions to the Department of Education.

¹⁵ COM. ACT NO. 586, Sec. 2.

¹⁶ Id.

¹⁷ Id., Section 3.

¹⁸ Id., Sec. 5.

¹⁹ Id.

²⁰ REORGANIZING THE DIFFERENT EXECUTIVE DEPARTMENTS, BUREAUS, OFFICES, AND AGENCIES OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, MAKING CERTAIN READJUSTMENTS OF PERSONNEL AND REALLOTMENTS OF FUNDS IN CONNECTION THEREWITH, AND FOR OTHER PURPOSES, October 4, 1947.

In 1953, RA No. 896²¹ or the *Elementary Education Act of 1953* was passed, again revising the elementary school system and instituting a primary course composed of Grades I to IV, and an intermediate course composed of Grades V to VII, thus:

SEC. 3. To put into effect the educational policy established by this Act, the Department of Education is hereby authorized to revise the elementary-school system on the following basis: The primary course shall be composed of four grades (Grades I to IV) and the intermediate course of three grades (Grade V to VII). Pupils who are in the sixth grade of the time this Act goes into effect will not be required to complete the seventh grade before being eligible to enroll in the first year of the secondary school: *Provided*, That they shall be allowed to elect to enroll in Grade VII if they so desire.

This law also made the enrollment and completion of elementary education mandatory.²² Every parent or guardian or other person having custody of any child was required to enroll such child in a public school upon attaining seven years of age except when: (1) the child enrolled in or transferred in a private school, (2) the distance from the home of the child to the nearest public school exceeded three kilometers or the said public school was not safely or conveniently accessible, (3) on account of indigence, the child could not afford to be in school, (4) child could not be accommodated because of excess enrollment, and (5) child was being homeschooled, under the conditions prescribed by the Secretary of Education.²³

The revision of the elementary school system was guided by the policy stated in Section 5, Article XIV of the 1935 Philippine Constitution and with the consideration that it was “the main function of the elementary school to develop healthy citizens of good moral character, equipped with the knowledge, habits, and ideals needed for a happy and useful home and community life.”²⁴

In 1972, the Department of Education was again renamed to Department of Education and Culture, through Proclamation No. 1081;²⁵ and was later on converted to Ministry of Education and Culture in 1978.²⁶

The 1973 Philippine Constitution maintained the State’s interest in a free public elementary education. This concept of free education was, however, expanded to the secondary level, if the finances of the State permitted it, thus:

Article XV

²¹ AN ACT TO DECLARE THE POLICY ON ELEMENTARY EDUCATION IN THE PHILIPPINES, June 20, 1953.

²² RA No. 896, Sec. 5.

²³ Id.

²⁴ RA No. 896, Sec. 2.

²⁵ Historical Perspective of the Philippine Educational System, <<http://www.deped.gov.ph/history>> (last accessed on September 28, 2018).

²⁶ CONVERSION OF DEPARTMENTS INTO MINISTRIES, Presidential Decree No. 1397, June 2, 1978.

SEC. 8. (1) All educational institutions shall be under the supervision of, and subject to regulation by, the State. **The State shall establish and maintain a complete, adequate, and integrated system of education relevant to the goals of national development.**

X X X X

(5) The State shall maintain a system of free public elementary education and, in areas where finances permit, establish and maintain a system of free public education at least up to the secondary level.
(Emphasis supplied)

Legislations under the 1973 Philippine Constitution implemented the foregoing policies. In Batas Pambansa (BP) Blg. 232,²⁷ or the *Education Act of 1982*, it was declared as a policy of the State “to establish and maintain a complete, adequate and integrated system of education relevant to the goals of national development.”²⁸ And under BP Blg. 232, “Formal Education” was defined as the hierarchically structured and chronologically graded learnings organized and provided by the formal school system and for which certification was required in order for the learner to progress through the grades or move to higher levels.”²⁹ It corresponded to (1) elementary education, which was primarily concerned with providing basic education and usually corresponds to six or seven years, including the preschool programs;³⁰ and (2) secondary education as “the state of formal education following the elementary level **concerned primarily with continuing basic education** and expanding it to include the learning of employable gainful skills, usually corresponding to four years of high school.”³¹ This law also created the Ministry of Education, Culture and Sports,³² which later on became the Department of Education Culture and Sports by virtue of EO No. 117.³³

As shown above, both the 1935 and 1973 Philippine Constitution did not state that education at any level was compulsory. This changed in the 1987 Philippine Constitution, which made elementary education mandatory, thus:

Article XIV

SEC. 1. The State shall protect and promote the right of all citizens to **quality education at all levels and shall take appropriate steps to make such education accessible to all.**

SEC. 2. The State shall:

X X X X

(2) Establish and maintain a system of free public education in

²⁷ AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF AN INTEGRATED SYSTEM OF EDUCATION, September 11, 1982.

²⁸ B.P. 232, Section 3.

²⁹ Id., Sec. 20.

³⁰ Id., Sec. 20(1).

³¹ Id., Sec. 20(2). Emphasis supplied.

³² Title IV, Chapter 1, Section 54, B.P. 232.

³³ REORGANIZATION ACT OF THE MINISTRY OF EDUCATION, CULTURE AND SPORTS, January 30, 1987.

the elementary and high school levels. Without limiting the natural right of parents to rear their children, **elementary education is compulsory for all children of school age[.]** (Emphasis supplied)

Subsequent legislations implemented the policies stated in the 1987 Philippine Constitution. Thus, secondary education was provided for free in RA No. 6655,³⁴ otherwise known as the *Free Public Secondary Education Act of 1988*. Under RA No. 6655, students in public high schools were free from payment of tuition and other school fees.³⁵ And in response to the mandate of the Constitution to promote and make quality education accessible to all Filipino citizens, RA No. 6728,³⁶ otherwise known as *Government Assistance To Students and Teachers In Private Education Act*, was enacted in 1989 where the voucher system under the Private Education Student Financial Assistance Program (PESFA)³⁷ was implemented as follows:

SEC. 5. *Tuition Fee Supplement for Student in Private High School.*

— (1) Financial assistance for tuition for students in private high schools shall be provided by the government through a voucher system in the following manner:

- (a) For students enrolled in schools charging less than one thousand five hundred pesos (P1,500) per year in tuition and other fees during school year 1988-1989 or such amount in subsequent years as may be determined from time to time by the State Assistance Council: The Government shall provide them with a voucher equal to two hundred ninety pesos (P290.00): *Provided*, That the student pays in the 1989-1990 school year, tuition and other fees equal to the tuition and other fees paid during the preceding academic year: *Provided, further*, That the Government shall reimburse the vouchers from the schools concerned within sixty (60) days from the close of the registration period: *Provided, furthermore*, That the student's family resides in the same city or province in which the high school is located unless the student has been enrolled in that school during the previous academic year.
- (b) For students enrolled in schools charging above one thousand five hundred pesos (P1,500) per year in tuition and other fees during the school year 1988-1989 or such amount in subsequent years as may be determined from time to time by the State Assistance Council, no assistance for tuition fees shall be granted by the Government: *Provided, however*, That the schools concerned may raise their tuition fees subject to Section 10 hereof.

(2) Assistance under paragraph (1), subparagraphs (a) and (b) shall be granted and tuition fees under subparagraph (c) may be increased, on the condition that seventy percent (70%) of the amount subsidized allotted for

³⁴ AN ACT ESTABLISHING AND PROVIDING FOR A FREE PUBLIC SECONDARY EDUCATION AND FOR OTHER PURPOSES, May 26, 1988.

³⁵ RA No. 6655, Sec. 4.

³⁶ AN ACT PROVIDING GOVERNMENT ASSISTANCE TO STUDENTS AND TEACHERS IN PRIVATE EDUCATION, AND APPROPRIATING FUNDS THEREFOR, June 10, 1989.

³⁷ RA No. 6728, Sec. 4(4).

tuition fee or of the tuition fee increases shall go to the payment of salaries, wages, allowances and other benefits of teaching and non-teaching personnel except administrators who are principal stockholders of the school, and may be used to cover increases as provided for in the collective bargaining agreements existing or in force at the time when this Act is approved and made effective: *Provided*, That government subsidies are not used directly for salaries of teachers of non-secular subjects. At least twenty percent (20%) shall go to the improvement or modernization of buildings, equipment, libraries, laboratories, gymnasias and similar facilities and to the payment of other costs of operation. For this purpose, school shall maintain a separate record of accounts for all assistance received from the government, any tuition fee increase, and the detailed disposition and use thereof, which record shall be made available for periodic inspection as may be determined by the State Assistance Council, during business hours, by the faculty, the non-teaching personnel, students of the school concerned, the Department of Education, Culture and Sports and other concerned government agencies.

The voucher system was expanded in RA No. 8545,³⁸ or the *Expanded Government Assistance to Students and Teachers in Private Education Act*, as follows:

SEC. 5. *Tuition Fee Supplements for Students in Private High Schools.* — (1) Financial Assistance for tuition for students in private high schools shall be provided by the government through a voucher system in the following manner:

(a) For students enrolled in schools charging an amount as may be determined by the State Assistance Council, the government shall provide them with a voucher in such an amount as may be determined by the council: *Provided*, That the government shall reimburse the vouchers from the schools concerned within one hundred twenty (120) days from the close of the registration period.

(2) Assistance under paragraph (1), subparagraph (a) shall be guaranteed to all private high schools participating in the program for a number of slots as of the effectivity of this Act as the total number of students who availed of tuition fee supplements for school year 1997-1998: *Provided*, That the State Assistance Council may in subsequent years determine additional slots and/or additional participating high schools as may be deemed necessary.

In the same law, elementary and secondary education were redefined. Elementary education was the first six (6) years of basic education, excluding pre-school and grade seven;³⁹ while secondary education was the next four (4) years after completion of basic education.⁴⁰

³⁸ AN ACT AMENDING REPUBLIC ACT NO. 6728, OTHERWISE KNOWN AS "AN ACT PROVIDING GOVERNMENT ASSISTANCE TO STUDENTS AND TEACHERS IN PRIVATE EDUCATION AND APPROPRIATING FUNDS THEREFOR," ESTABLISHING A FUND FOR THE PURPOSE OF SUBSIDIZING SALARIES OF PRIVATE SCHOOL TEACHERS, AND APPROPRIATING FUNDS THEREFOR, February 24, 1998.

³⁹ RA No. 8545, Sec. 2.

⁴⁰ Id.



In 2001, RA No. 8980⁴¹ or the *Early Childhood Care and Development (ECCD) Act* was implemented. This law established a national ECCD system which “refers to the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of young children from birth to age six (6), to promote their optimum growth and development.”⁴² These programs include, among others, optional center-based and home-based early childhood education.⁴³

In the same year, RA No. 9155⁴⁴ or the *Governance of Basic Education Act of 2001* was enacted. Section 2 thereof declared it as a State policy “to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children a free and compulsory education in the elementary level and free education in the high school level.”⁴⁵ Basic education was defined in this law as “the education intended to meet basic learning needs which lays the foundation on which subsequent learning can be based. It encompasses early childhood, elementary and high school education as well as alternative learning systems for out-of-school youth and adult learners and includes education for those with special needs.”⁴⁶ It was also in this law where the then Department of Education Culture and Sports was renamed the DepEd.⁴⁷

Education for All 2015 and the Kindergarten Education Act

In 2000, at the World Education Forum in Dakar, Senegal, one hundred sixty four (164) governments, including the Philippines, pledged to achieve, by 2015, the following six (6) Education for All (EFA) goals: (1) expansion and improvement of early childhood care and education; (2) universal access to complete free and compulsory primary education of good quality; (3) equitable access to appropriate learning and life skills program for youth and adult; (4) improvement of levels of adult literacy, especially for women; (5) gender parity and equality in education; and (6) improvement of all aspects of the quality of education and ensuring their excellence.⁴⁸

In consonance with the country’s agreement to achieve these goals, the DepEd, in 2002, undertook the preparation of the Philippine EFA 2015 Plan of Action, in collaboration with various stakeholders at the national and field

⁴¹ AN ACT PROMULGATING A COMPREHENSIVE POLICY AND A NATIONAL SYSTEM FOR EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD), PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES, December 5, 2000.

⁴² RA No. 8980, Sec. 4(a).

⁴³ Id., Sec. 4(a)(1) and (2).

⁴⁴ AN ACT INSTITUTING A FRAMEWORK OF GOVERNANCE FOR BASIC EDUCATION, ESTABLISHING AUTHORITY AND ACCOUNTABILITY, RENAMING THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS AS THE DEPARTMENT OF EDUCATION, AND FOR OTHER PURPOSES, August 11, 2001.

⁴⁵ RA No. 9155, Sec. 2.

⁴⁶ Id., Sec. 4(b).

⁴⁷ Id., Sec. 6.

⁴⁸ Education for All 2000-2015: Achievements and Challenges, UNESCO (2015), pp. xii-xiv, <<http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>> (last accessed on September 28, 2018).

levels, including relevant government agencies and civil society groups.⁴⁹ The primary goal of the Philippine EFA 2015 Plan of Action, which the government officially adopted in 2006,⁵⁰ is to provide “basic competencies for all that will bring about functional literacy.”⁵¹ The Philippine EFA 2015 Plan of Action translated the six (6) Dakar goals into four (4) objectives and nine (9) critical tasks, to wit:

Universal Goals and Objectives of Philippine EFA 2015

1. Universal Coverage of out of school youth and adults in providing learning needs;
2. Universal school participation and total elimination of dropouts and repeaters in grades 1-3;
3. Universal completion of the full basic education cycle with satisfactory annual achievement levels; and
4. Total community commitment to attain basic education competencies for all.

Nine Urgent and Critical Tasks

1. Make every school continuously improve its performance.
2. Expand early childhood care and development coverage to yield more EFA benefits.
3. Transform existing non-formal and informal learning options into a truly viable alternative learning system yielding more EFA benefits;
4. Get all teachers to continuously improve their teaching practices.
5. Increase the cycle of schooling to reach 12 years of formal basic education.
6. Continue enrichment of curriculum development in the context of pillars of new functional literacy;
7. Provide adequate and stable public funding for country-wide attainment of EFA goals;
8. Create network of community-based groups for local attainment of EFA goals; Monitor progress in effort towards attainment of EFA goals.⁵²

On January 20, 2012, the Philippine Congress took a pivotal step towards the realization of the country’s EFA goals with the enactment of the *Kindergarten Education Act*. Section 2 thereof declared it the policy of the State “to provide equal opportunities for all children to avail of accessible mandatory and compulsory kindergarten education that effectively promotes physical, social, intellectual, emotional and skills stimulation and values formation to sufficiently prepare them for formal elementary schooling” and “to make education learner-oriented and responsive to the needs, cognitive and cultural capacity, the circumstances and diversity of learners, schools and

⁴⁹ See DepEd Order No. 36, s. 2002, Education for All (EFA) 2015 Plan Preparation.

⁵⁰ Rodriguez, Carolyn, *Towards Achieving EFA Goals by 2015: The Philippine Scenario*, available at <<http://home.hiroshima-u.ac.jp/cice/wp-content/uploads/2014/07/JEF-E7-12.pdf>> (last accessed on September 28, 2018).

⁵¹ Id.

⁵² Education for All, Coalition for Better Education, available at <<http://www.cbephils.net/efa.html>> (last accessed on September 28, 2018).

communities through the appropriate languages of teaching and learning.”

The *Kindergarten Education Act* institutionalized kindergarten education, which is one (1) year of preparatory education for children at least five years old,⁵³ as part of basic education, and is made mandatory and compulsory for entrance to Grade 1.⁵⁴ It also mandated the use of the learner’s mother tongue, or the language first learned by a child,⁵⁵ as the primary medium of instruction in the kindergarten level in public schools, except for the following cases wherein the primary medium of instruction would be determined by the DepEd:

- a. When the pupils in the kindergarten classroom have different mother tongues or when some of them speak another mother tongue;
- b. When the teacher does not speak the mother tongue of the learners;
- c. When resources, in line with the use of the mother tongue, are not yet available; and
- d. When teachers are not yet trained how to use the Mother Tongue-Based Multilingual Education (MTB-MLE) program.⁵⁶

On April 17, 2012, DepEd, in consultation with the Department of Budget and Management, issued DepEd Order (DO) No. 32,⁵⁷ the Kindergarten Education Act’s implementing rules and regulations. DO No. 32 provides that the Kindergarten Education General Curriculum (KEGC) shall focus on the child’s total development according to his/her individual needs and socio-cultural background. The KEGC shall be executed in a play-based manner and shall address the unique needs of diverse learners, including gifted children, children with disabilities, and children belonging to indigenous groups.⁵⁸

The K to 12 Law and related issuances.

Before the enactment of the *K to 12 Law*, the Philippines was the only country in Asia and among the three remaining countries in the world that had a 10-year basic education program.⁵⁹ The expansion of the basic education program, however, is an old proposal dating to 1925. The studies are as follows: (a) the Monroe Survey (1925) stated that secondary education did not prepare for life and recommended training in agriculture, commerce, and

⁵³ RA No. 10157, Sec. 3(c).

⁵⁴ Id., Sec. 4.

⁵⁵ Id., Sec. 3(d).

⁵⁶ Id., Sec. 5.

⁵⁷ IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT (RA) NO. 10157 OTHERWISE KNOWN AS “THE KINDERGARTEN EDUCATION ACT”, April 17, 2012.

⁵⁸ DO No. 32, Sec. 8.

⁵⁹ Discussion Paper on the Enhanced K+12 Basic Education Program (DepEd discussion paper), October 5, 2010, p. 4.



industry; (b) the Prosser Survey (1930) recommended to improve phases of vocational education such as 7th grade shopwork, provincial schools, practical arts training in the regular high schools, home economics, placement work, gardening, and agricultural education; (c) the UNESCO Mission Survey (1949) recommended the restoration of Grade 7; (d) the *Education Act of 1953* mandated that the primary course be composed of four grades (Grades I to IV) and the intermediate course of three grades (Grade V to VII); (e) the Swanson Survey (1960) recommended the restoration of Grade 7; (f) Presidential Commission to Survey Philippine Education (PCSPE) (1970) gave high priority to the implementation of an 11-year program, consisting of six years of compulsory elementary education and five years of secondary education; (g) Congressional Commission on Education (EDCOM) Report (1991), recommended that if one year was to be added, it might either be seven years of elementary education or five years of secondary education; (h) Presidential Commission on Educational Reforms (2000) proposed to include the establishment of a one-year pre-baccalaureate system that would also bring the Philippines at par with other countries; and (i) Presidential Task Force on Education (2008) emphasized that in a 12-year pre-university program, it was important “to specify the content of the 11th and the 12th years and benchmark these with programs abroad.”⁶⁰

Despite these proposals, the 10-year basic education cycle remained in force. Thus, prior to the enactment of the *K to 12 Law*, the Philippines, joined only by Djibouti and Angola, were the only countries in the world with a 10-year basic education system.⁶¹

To be at par with international standards and in line with the country’s commitment in EFA 2015, the Philippine Congress, on May 15, 2013, passed the *K to 12 Law*, which took effect on June 8, 2013. The *K to 12 Law* seeks to achieve, among others, the following objectives: (1) decongest the curriculum; (2) prepare the students for higher education; (3) prepare the students for the labor market; and (4) comply with global standards.⁶²

One of the salient features of the *K to 12 Law* is the expansion of basic education from ten (10) years to thirteen (13) years, encompassing “at least one (1) year of kindergarten education, six (6) years of elementary education, and six (6) years of secondary education x x x. Secondary education includes four (4) years of junior high school and two (2) years of senior high school education.”⁶³

The *K to 12 Law* also adopts the following key changes in the Basic Education Curriculum (BEC): (1) Mother Tongue (MT) will be used as a

⁶⁰ Id. at 5-6.

⁶¹ Senate Economic Planning Office, *K to 12: The Key to Quality Education (A Policy Brief)*, p. 1, <<https://www.senate.gov.ph/publications/PB%202011-02%20%20K%20to%2012%20The%20Key%20to%20Quality.pdf>> (last accessed on September 28, 2018).

⁶² Id. at 4.

⁶³ RA No. 10533, Sec. 4.



primary medium of instruction from Kindergarten to Grade 3 and an additional learning area in Grades 1 to 3;⁶⁴ (2) the time allotted per learning area in elementary will generally be reduced to allow off-school learning experiences at home or in the community; while the time allotment in secondary level will generally increase in view of the additional two (2) years in Senior High School;⁶⁵ (3) the spiral progression approach will be used in Science, Mathematics, Araling Panlipunan, MAPEH and Edukasyon sa Pagpapakatao, wherein the learning process is built upon previously learned knowledge for students to master their desired competencies by revisiting the subject several times and relating new knowledge or skills with the previous one;⁶⁶ and (4) specialization courses will be offered to prepare students for employment or engage in profitable enterprise after high school.⁶⁷

Apart from mastering core subjects, the additional two (2) years of Senior High School will allow students to choose among academic, technical-vocational, or sports and arts, as specialization, based on aptitude, interest and school capacity.⁶⁸ Hence, graduates of Senior High School under the K to 12 BEC are envisioned to already be prepared for employment, entrepreneurship, or middle-level skills development should they opt not to pursue college education.⁶⁹

Furthermore, the *K to 12 Law* extends the benefits provided under RA No. 8545 to qualified students.⁷⁰ DepEd is mandated to engage the services of private education institutions and non-DepEd schools offering Senior High School through the programs under RA No. 8545 and other financial arrangements based on the principle of public-private partnership.

The *K to 12 Law* also imposes upon the DepEd, CHED, and TESDA, the task to promulgate the implementing rules and regulations, which shall provide, among others, appropriate strategies and mechanisms to ensure the smooth transition from the existing 10-year basic education cycle to the K to 12 cycle addressing issues such as multi-year low enrollment and displacement of faculty of Higher Education Institutions (HEIs) and Technical Vocational Institutions (TVIs).⁷¹

DepEd is likewise mandated to coordinate with TESDA and CHED in designing the enhanced BEC to ensure college readiness and avoid remedial

⁶⁴ K to 12 Toolkit: Reference Guide for Teacher Educators, School Administrators and Teachers (K to 12 Toolkit), 2012, pp. 20-21, <http://www.seameo-innotech.org/eNews/Kto12Toolkit_a017july2012.pdf> (last accessed on September 28, 2018).

⁶⁵ Id. at 23 and 33.

⁶⁶ Id. at 26.

⁶⁷ Id. at 47.

⁶⁸ See id. at 27-32.

⁶⁹ Senate Economic Planning Office, *K to 12: The Key to Quality Education (A Policy Brief)*, p. 5 <<https://www.senate.gov.ph/publications/PB%202011-02%20-%20K%20to%2012%20The%20Key%20to%20Quality.pdf>> (last accessed on September 28, 2018).

⁷⁰ RA No. 10533, Sec. 10.

⁷¹ Id., Sec. 12 and 16.

and duplication of basic education subjects;⁷² and to consult other national government agencies and other stakeholders in developing the K to 12 BEC, which shall adhere to the following standards:

- (a) The curriculum shall be learner-centered, inclusive and developmentally appropriate;
- (b) The curriculum shall be relevant, responsive and research-based;
- (c) The curriculum shall be culture-sensitive;
- (d) The curriculum shall be contextualized and global;
- (e) The curriculum shall use pedagogical approaches that are constructivist, inquiry-based, reflective, collaborative and integrative;
- (f) The curriculum shall adhere to the principles and framework of Mother Tongue-Based Multilingual Education (MTB-MLE) which starts from where the learners are and from what they already knew proceeding from the known to the unknown; instructional materials and capable teachers to implement the MTB-MLE curriculum shall be available;
- (g) The curriculum shall use the spiral progression approach to ensure mastery of knowledge and skills after each level; and
- (h) The curriculum shall be flexible enough to enable and allow schools to localize, indigenize and enhance the same based on their respective educational and social contexts. The production and development of locally produced teaching materials shall be encouraged and approval of these materials shall devolve to the regional and division education units.⁷³

On September 4, 2013, the K to 12 implementing rules and regulation (*K to 12 IRR*) were issued.⁷⁴ Rule VI of the *K to 12 IRR* covers the implementation of RA No. 8545 for qualified students enrolled in senior high school. The programs of assistance are available primarily to students who complete junior high school in public schools and taking into consideration other factors such as income background and financial needs of the students.⁷⁵ The forms of assistance that the DepEd may provide include a voucher system, “where government issues a coupon directly to students to enable them to enroll in eligible private education institutions or non-DepEd public schools of their choice under a full or partial tuition or schooling subsidy”.⁷⁶

Further, Section 31 of the *K to 12 IRR* confers upon the DepEd, in collaboration with the DOLE, CHED and TESDA, the duty to promulgate the appropriate joint administrative issuance to ensure the sustainability of the private and public educational institutions, and the promotion and protection of the rights, interests and welfare of teaching and non-teaching personnel.

⁷² Id., Sec. 5.

⁷³ Id.

⁷⁴ DO No. 43, s. 2013.

⁷⁵ K to 12 IRR, Sec. 22.

⁷⁶ Id., Sec. 23.



For this purpose, the DOLE was tasked to convene a technical panel with representatives from the DepEd, CHED, TESDA and representatives from both teaching and non-teaching personnel organizations, and administrators of educational institutions.⁷⁷

In compliance with the foregoing mandate, DOLE organized three area-wide tripartite education fora on K to 12 in Luzon, Visayas and Mindanao. DOLE also conducted regional consultations with HEIs, teaching and non-teaching personnel.⁷⁸

As a result of the tripartite consultations, DOLE, DepEd, TESDA and CHED issued on May 30, 2014 the *Joint Guidelines on the Implementation of the Labor and Management Component of Republic Act No. 10533 (Joint Guidelines)*. The Joint Guidelines was issued to (a) ensure the sustainability of private and public educational institutions; (b) protect the rights, interests, and welfare of teaching and non-teaching personnel; and (c) optimize employment retention or prevent, to the extent possible, displacement of faculty and non-academic personnel in private and public HEIs during the transition from the existing 10 years basic education cycle to the enhanced K to 12 basic education.⁷⁹

To achieve these goals, the Joint Guidelines provides that the following, in the exercise of management prerogative, shall be observed:

- a. ensure the participation of workers in decision and policy-making processes affecting their rights, duties, and welfare;
- b. the DepEd and private educational institutions may hire, as may be relevant to the particular subject, graduates of science, mathematics, statistics, engineering, music and other degree courses needed to teach in their specialized subjects in elementary and secondary education, provided they passed the Licensure Examination for Teachers;
- c. graduates of technical-vocational courses may teach in their specialized subjects in secondary education, provided that they possess the necessary certification from TESDA and undergo in-service training;
- d. the DepEd and private educational institutions may hire practitioners, with expertise in the specialized learning areas, to teach in the secondary level, provided that they teach on part-time basis only;
- e. faculty of HEIs offering secondary education shall be given

⁷⁷ Id., Sec. 31.

⁷⁸ See *rollo* (G.R. No. 216930), Vol. 2, pp. 1185-1225.

⁷⁹ Joint Guidelines, Sec. 3.



priority in hiring, provided said faculty is a holder of a relevant Bachelor's degree and must have satisfactorily served as a full time HEI faculty;

- f. if it is impossible for the affected HEI faculty members and academic support personnel to be placed within the institution, they shall be prioritized in hiring in other private and public senior high schools (SHS);
- g. faculty of HEIs may be allowed to teach in their general education or subject specialties in secondary education, provided said faculty is a holder of a relevant Bachelor's degree and must have satisfactorily served as a full time HEI faculty;
- h. without prejudice to existing collective bargaining agreements or institutional policies, HEI faculty and non-teaching personnel who may not be considered may avail of the retrenchment program pursuant to the provisions of the Labor Code; and
- i. in educational institutions where there is no collective agreement or organized labor union, management may adopt policies in consultation with faculty or non-academic clubs or associations in the school consistent and in accordance with the aforementioned criteria.⁸⁰

***K to 12 Program Implementation and
CHED Memorandum Order (CMO)
No. 20, Series of 2013***

The K to 12 basic education was implemented in parts. Universal kindergarten was offered starting School Year (SY) 2011-2012.⁸¹ In 2012, DepEd started unclogging the BEC to conform to the K to 12 Curriculum. Thus, DO No. 31 was issued setting forth policy guidelines in the implementation of the Grades 1 to 10 of the K to 12 Curriculum. DO No. 31 provides that effective SY 2012-2013, the new K to 12 BEC, which follows a spiral approach across subjects and uses the mother tongue as a medium of instruction from Grades 1 to 3, shall be first implemented in Grades 1 and 7 of all public elementary and secondary schools; and while private schools are enjoined to do the same, they may further enhance the curriculum to suit their school's vision/mission.⁸²

Five (5) school years from SY 2012-2013, the implementation of the K to 12 basic education was to be completed. In 2018, the first group of Grade

⁸⁰ Id.

⁸¹ K to 12 Toolkit, p. 14.

⁸² See DO No. 31.



6 and Grade 12 students under the K to 12 BEC are set to graduate.

Accordingly, to accommodate the changes brought about by the *K to 12 Law*, and after several public consultations with stakeholders were held,⁸³ CMO No. 20, entitled *General Education Curriculum: Holistic Understandings, Intellectual and Civic Competencies* was issued on June 28, 2013. CMO No. 20 provides the framework and rationale of the revised General Education (GE) curriculum. It sets the minimum standards for the GE component of all degree programs that applies to private and public HEIs in the country.⁸⁴

Previously, there were two General Education Curricula (GECs), GEC-A and GEC-B. CMO No. 59, Series of 1996 provided for GEC-A, which required 63 units divided into 24 units of language and literature, 15 units of mathematics and natural sciences, 6 units of humanities, 12 units of social sciences, and 6 units of mandated subjects. This was taken by students majoring in the humanities, social sciences, or communication. Meanwhile, CMO No. 4, series of 1997 implemented GEC-B, which was taken by all other students. GEC-B required 51 units divided into 21 units of language and humanities, 15 units of mathematics, natural sciences, and information technology, 12 units of social sciences, and 3 units of mandated subjects.

Under CMO No. 20, the GE curriculum became outcome-oriented and categorized into: (a) Intellectual Competencies; (b) Personal and Civic Competencies; and (c) Practical Responsibilities.⁸⁵ This GE curriculum requires the completion of 36 units as compared to the previous 63/51 units requirement. These 36 units are distributed as follows: 24 units of core courses; 9 units of elective courses; and 3 units on the life and works of Rizal.⁸⁶ The required GE core courses are: (1) Understanding the Self; (2) Readings in Philippine History; (3) The Contemporary World; (4) Mathematics in the Modern World; (5) Purposive Communication; (6) Art Appreciation; (7) Science, Technology and Society; and (8) Ethics.⁸⁷ Further, the GE curriculum provided an element of choice⁸⁸ through elective courses which include the following: (1) Mathematics, Science and Technology; (2) Social Sciences and Philosophy; and (3) Arts and Humanities.⁸⁹

The Petitions

Claiming that the K to 12 Basic Education Program violates various constitutional provisions, the following petitions were filed before the Court praying that the *Kindergarten Education Act*, *K to 12 Law*, *K to 12 IRR*, DO

⁸³ *Rollo* (G.R. No. 217451), Vol. 1, pp. 6-7.

⁸⁴ Background and Rationale, CHED MO No. 20, s. of 2013.

⁸⁵ CMO No. 20, Sec. 2.

⁸⁶ *Id.*, Sec. 3.

⁸⁷ *Id.*

⁸⁸ *Id.*, Appendix E.

⁸⁹ *Id.*, Sec. 4.

No. 31, *Joint Guidelines*, and CMO No. 20, be declared unconstitutional:

1. Petition for *Certiorari*⁹⁰ filed by Council for Teachers and Staff of Colleges and Universities of the Philippines and several other organizations duly organized under Philippine laws, representing faculty and staff of colleges and universities in the Philippines, docketed as G.R. No. 216930;
2. Petition to Declare Republic Act No. 10533, otherwise known as the “*Enhanced Basic Education Act of 2013*,” as Unconstitutional and/or Illegal⁹¹ filed by petitioners Antonio “Sonny” Trillanes, Gary C. Alejano, and Francisco Ashley L. Acedillo, in their capacities as citizens, taxpayers, and members of Congress, docketed as G.R. No. 217752;
3. Petition to Declare Unconstitutional, Null, Void, and Invalid Certain Provisions of R.A. No. 10533 And Related Department of Education (DepEd) Implementing Rules and Regulations, Guidelines or Orders⁹² filed by petitioners Eduardo R. Alicias, Jr. and Aurelio P. Ramos, Jr., in their capacities as citizen, taxpayer, parent and educator, docketed as G.R. No. 218045;
4. Petition for *Certiorari*, *Prohibition* and *Mandamus*⁹³ filed by petitioner Richard Troy A. Colmenares in his capacity as citizen invoking strong public interest and transcendental importance, petitioners Kathlea Francynn Gawani D. Yañgot and several others, as a class, and on behalf of others who stand to suffer direct injury as a result of the implementation of the K to 12 Basic Education Program, and petitioners Rene Luis Tadle and several others, in their capacities as taxpayers concerned that public funds are being illegally and improperly disbursed through the enforcement of the invalid or unconstitutional laws and issuances, docketed as G.R. No. 218098;
5. Petition for *Certiorari* and *Prohibition*,⁹⁴ docketed as G.R. No. 218123, filed by Antonio Tinio, *et al.*, suing in their capacities as taxpayers and concerned citizens;
6. Petition for *Certiorari*, *Prohibition* and *Mandamus*⁹⁵ filed by petitioners Spouses Ma. Dolores M. Brillantes and Severo L. Brillantes and several others, as students, parents and teachers, who

⁹⁰ *Rollo* (G.R. No. 216930), Vol. 1, pp. 7-389, including Annexes.

⁹¹ *Rollo* (G.R. No. 217752), Vol. 1, pp. 3-113, including Annexes.

⁹² *Rollo* (G.R. No. 218045), Vol. 1, pp. 3-168, including Annexes.

⁹³ *Rollo* (G.R. No. 218098) Vol. 1, pp. 3 -194, including Annexes.

⁹⁴ *Rollo* (G.R. No. 218123) Vol. 1, pp. 3-477, including Annexes.

⁹⁵ *Rollo* (G.R. No. 218465) Vol. 1, pp. 3-125, including Annexes.



stand to suffer direct injury from the *K to 12 BEC* and implementation of the two (2) additional years of high school, docketed as G.R. No. 218465; and

7. Petition for *Certiorari* and *Prohibition* filed by Dr. Bienvenido Lumbera and several others who are faculty and staff of colleges and universities in the Philippines who stand to suffer direct injury in the implementation of CMO No. 20 and Congressman Antonio Tinio and other party-list representatives in their capacities as members of the Congress, who are also collectively suing in their capacities as taxpayers and concerned citizens, docketed as G.R. No. 217451.⁹⁶

The present consolidated petitions pray for the issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction against the implementation of the *K to 12 Law* and other administrative issuances in relation thereto.

The Solicitor General, on behalf of the public respondents, opposed these petitions.⁹⁷ Private respondent Miriam College in G.R. No. 216930 also filed its Comment/Opposition.⁹⁸

On April 21, 2015, the Court issued a TRO in G.R. No. 217451, enjoining the implementation of CMO No. 20 insofar only as it excluded from the curriculum for college the course Filipino and Panitikan as core courses.⁹⁹

However, in G.R. Nos. 216930, 217752, 218045, 218098, 218923 and 218465, the Court denied petitioners' prayer for issuance of TRO and/or Writ of Preliminary Injunction on the implementation of the *K to 12 Law*, its implementing rules, the *Kindergarten Education Act*, and other administrative issuances in relation thereto, for lack of merit.¹⁰⁰

In the Resolutions dated April 5, 2016¹⁰¹ and April 12, 2016,¹⁰² the Court directed the parties to submit their respective memoranda.

The Issues

Culled from the submissions of petitioners, public respondents, through the Office of the Solicitor General (OSG), and respondent Miriam College, the following are the issues for the Court's resolution:

⁹⁶ *Rollo* (G.R. No. 217451) Vol. 1, pp. 3-343.

⁹⁷ *Rollo* (G.R. No. 216930), Vol. 1, pp. 511-607; Vol. 2, pp. 820-1272; Vol. 3, pp. 1273-1656.

⁹⁸ *Rollo* (G.R. No. 216903), Vol. 2, pp. 459-491.

⁹⁹ *Rollo* (G.R. No. 217451), Vol. 1, pp. 350-356.

¹⁰⁰ See Resolution dated March 15, 2016, *rollo* (G.R. No. 216930), Vol. 3, pp. 1782-G to 1782-I.

¹⁰¹ Resolution dated April 5, 2016, *id.* at 1803-A to 1803-C.

¹⁰² Resolution dated April 12, 2016, *rollo* (G.R. No. 217451), Vol. 2, pp. 1252-1253.

A. Procedural:

1. Whether the Court may exercise its power of judicial review over the controversy;
2. Whether *certiorari*, prohibition and mandamus are proper remedies to assail the laws and issuances.

B. Substantive:

1. Whether the *K to 12 Law* was duly enacted;
2. Whether the *K to 12 Law* constitutes an undue delegation of legislative power;
3. Whether DO No. 31 is valid and enforceable;
4. Whether the *K to 12 Law*, *K to 12 IRR*, DO No. 31 and/or the Joint Guidelines contravene provisions of the Philippine Constitution on:
 - a. establishing and maintaining a system of free elementary and high school education and making elementary education compulsory for all children of school age (Section 2[2], Article XIV);
 - b. the right to accessible and quality education at all levels and duty of the State to make such education accessible to all (Section 1, Article XIV);
 - c. the primary duty of parents to rear and prepare their children (Section 2[2], Article XIV);
 - d. the right of every citizen to select a profession or course of study (Section 5[3], Article XIV);
 - e. patriotism and nationalism (Sections 13 and 17, Article II, Section 3[1] and [2], Article XIV);
 - f. the use of Filipino as medium of official communication and as language of instruction in the educational system (Section 6, Article XIV); and regional languages as auxiliary media of instruction (Section 7, Article XIV);
 - g. academic freedom (Section 5[2], Article XIV); and
 - h. the right of labor to full protection (Section 18, Article II, Section 3, Article XIII and Section 5[4], Article XIV);



5. Whether CMO No. 20 contravenes provisions of the Philippine Constitution on:
 - a. the use of Filipino as medium of official communication and as language of instruction in the educational system (Section 6, Article XIV);
 - b. preservation, enrichment, and dynamic evolution of a Filipino national culture (Sections 14, 15, and 16, Article XIV);
 - c. inclusion of the study of the Philippine Constitution as part of the curriculum of all educational institutions (Section 3[1], Article XIV);
 - d. giving priority to education to foster patriotism and nationalism (Section 17, Article II and Sections 2 and 3, Article XIV); and
 - e. the protection of the rights of workers and promotion of their welfare (Section 18, Article II and Section 3, Article XIII).

6. Whether CMO No. 20 violates the following laws:
 - a. RA No. 7104 or the *Commission on the Filipino Language Act*;
 - b. BP Blg. 232 or the *Education Act of 1982*; and
 - c. RA No. 7356 or the *Act Creating the National Commission for Culture and the Arts, Establishing National Endowment Fund for Culture and the Arts and For Other Purposes*.

7. Whether the *K to 12 Law* violates petitioners' right to substantive due process and equal protection of the laws.

THE COURT'S RULING

Procedural Issues

Power of Judicial Review and the Remedies of Certiorari, Prohibition and Mandamus

The OSG submits that the cases filed by petitioners involve the resolution of purely political questions which go into the wisdom of the law: they raise questions that are clearly political and non-justiciable and outside



the power of judicial review.¹⁰³ The OSG further asserts that the remedies of certiorari and prohibition sought by petitioners are unwarranted because Congress, DepEd and CHED did not exercise judicial, quasi-judicial or ministerial function, nor did they unlawfully neglect the performance of an act which the law specifically enjoins as a duty, with regard to the assailed issuances.¹⁰⁴

The Court disagrees.

The political question doctrine is “no longer the insurmountable obstacle to the exercise of judicial power or the impenetrable shield that protects executive and legislative actions from judicial inquiry or review”¹⁰⁵ under the expanded definition of judicial power of the 1987 Philippine Constitution. Section 1, Article VIII thereof authorizes courts of justice not only “to settle actual case controversies involving rights which are legally demandable and enforceable” but also “to determine whether there has been grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.”

In determining whether grave abuse of discretion amounting to excess or lack of jurisdiction has been committed by any branch or instrumentality of the government, the Court is guided primarily, by the Constitution, and secondarily, by existing domestic and international law, which set limits or conditions to the powers and functions conferred upon these political bodies.¹⁰⁶ Thus, when a case is brought before the Court with serious allegations that a law or executive issuance infringes upon the Constitution, as in these consolidated cases, it becomes not only the right but in fact the duty of the Court to settle the dispute.¹⁰⁷ In doing so, the Court is “not judging the wisdom of an act of a coequal department, but is merely ensuring that the Constitution is upheld.”¹⁰⁸ And, if after said review, the Court does not find any constitutional infringement, then, it has no more authority to proscribe the actions under review.¹⁰⁹

Moreover, that the assailed laws and executive issuances did not involve the exercise of judicial or quasi-judicial function is of no moment. Contrary to the Solicitor General’s assertion, it has long been judicially settled that under the Court’s expanded jurisdiction, the writs of *certiorari* and

¹⁰³ *Rollo* (G.R. No. 216930), Vol. 4, pp. 1953-1962.

¹⁰⁴ *Id.* at 1943-1952.

¹⁰⁵ *Saguisag v. Ochoa, Jr.*, 777 Phil. 280, 347-348 (2016), citing *Oposa v. Factoran*, 296 Phil. 694, 718 (1993).

¹⁰⁶ See *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 904 (2003).

¹⁰⁷ See *Pambansang Koalisyon ng mga Samahang Magsasaka at Manggagawa sa Niyugan v. Executive Secretary*, 685 Phil. 295, 307 (2012); *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, 589 Phil. 387, 486 (2008); *Tañada v. Angara*, 338 Phil. 546, 574 (1997).

¹⁰⁸ See *J. Panganiban*, Separate Concurring Opinion in *Francisco, Jr. v. House of Representatives*, *supra* note 106, at 975.

¹⁰⁹ *Sps. Imbong v. Ochoa, Jr.*, 732 Phil. 1, 121 (2014).



prohibition are appropriate remedies to raise constitutional issues and to review and/or prohibit or nullify, on the ground of grave abuse of discretion, any act of any branch or instrumentality of the government, even if the latter does not exercise judicial, quasi-judicial or ministerial functions.¹¹⁰

That said, the Court's power is not unbridled authority to review just any claim of constitutional violation or grave abuse of discretion. The following requisites must first be complied with before the Court may exercise its power of judicial review, namely: (1) there is an actual case or controversy calling for the exercise of judicial power; (2) the petitioner has standing to question the validity of the subject act or issuance, *i.e.*, he has a personal and substantial interest in the case that he has sustained, or will sustain, direct injury as a result of the enforcement of the act or issuance; (3) the question of constitutionality is raised at the earliest opportunity; and (4) the constitutional question is the very *lis mota* of the case.¹¹¹ Of these four, the most important are the first two requisites, and thus will be the focus of the following discussion.

Actual case or controversy

An actual case or controversy is one which involves a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute since the courts will decline to pass upon constitutional issues through advisory opinions, bereft as they are of authority to resolve hypothetical or moot questions.¹¹² Related to the requirement of an actual case or controversy is the requirement of "ripeness," and a question is ripe when the act being challenged has a direct effect on the individual challenging it.¹¹³ For a case to be considered ripe for adjudication, it is a prerequisite that an act had been accomplished or performed by either branch of government before a court may interfere, and the petitioner must allege the existence of an immediate or threatened injury to himself as a result of the challenged action.¹¹⁴

Relevantly, in *Sps. Imbong v. Ochoa, Jr.*,¹¹⁵ (*Imbong*) where the constitutionality of the Reproductive Health Law was challenged, the Court found that an actual case or controversy existed and that the same was ripe for judicial determination considering that the RH Law and its implementing rules had already taken effect and that budgetary measures to carry out the law had already been passed. Moreover, the petitioners therein had sufficiently shown that they were in danger of sustaining some direct injury

¹¹⁰ *Jardeleza v. Sereno*, 741 Phil. 460, 491 (2014), citing *Araullo v. Aquino*, 737 Phil. 457, 531 (2014); *Villanueva v. Judicial and Bar Council*, 757 Phil. 534, 544 (2015).

¹¹¹ *Roy III v. Herbosa*, G.R. No. 207246, November 22, 2016, 810 SCRA 1, 31.

¹¹² *Roy III v. Herbosa*, *id.* at 32, citing *Belgica v. Ochoa, Jr.*, 721 Phil. 416, 519-520 (2013).

¹¹³ *Belgica v. Ochoa, Jr.*, *id.* at 519; *Philippine Constitution Association v. Philippine Government*, G.R. Nos. 218406, 218761, 204355, 218407 & 204354, November 29, 2016, 811 SCRA 284, 297.

¹¹⁴ *Belgica v. Ochoa, Jr.*, *id.* at 519-520; *Philippine Constitution Association v. Philippine Government*, *id.*

¹¹⁵ *Supra* note 109.

as a result of the act complained of.¹¹⁶

Similar to *Imbong*, these consolidated cases present an actual case or controversy that is ripe for adjudication. The assailed laws and executive issuances have already taken effect and petitioners herein, who are faculty members, students and parents, are individuals directly and considerably affected by their implementation.

Legal Standing

Legal standing refers to a personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the challenged governmental act.¹¹⁷ In constitutional cases, which are often brought through public actions and the relief prayed for is likely to affect other persons,¹¹⁸ non-traditional plaintiffs have been given standing by this Court provided specific requirements have been met.¹¹⁹

When suing as a concerned citizen, the person complaining must allege that he has been or is about to be denied some right or privilege to which he is lawfully entitled or that he is about to be subjected to some burdens or penalties by reason of the statute or act complained of.¹²⁰

In the case of taxpayers, they are allowed to sue where there is a claim that public funds are illegally disbursed or that public money is being deflected to any improper purpose, or that public funds are wasted through the enforcement of an invalid or unconstitutional law.¹²¹

On the other hand, legislators have standing to maintain inviolate the prerogatives, powers, and privileges vested by the Constitution in their office and are allowed to sue to question the validity of any official action which infringe upon their legislative prerogatives.¹²²

An organization, asserting the rights of its members, may also be granted standing by the Court.¹²³

Petitioners in G.R. Nos. 216930 and 218465 include

¹¹⁶ Id. at 124-125.

¹¹⁷ *Galicto v. Aquino III*, 683 Phil. 141, 170 (2012).

¹¹⁸ *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, supra note 107, at 486, citing Vicente V. Mendoza, JUDICIAL REVIEW OF CONSTITUTIONAL QUESTIONS 137 (2004); *Osmeña III v. Abaya*, 778 Phil. 395, 417 (2016).

¹¹⁹ See *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, id. at 486-489; see also *Osmeña III v. Abaya*, id. at 417-421.

¹²⁰ *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, id. at 486, citing *Francisco, Jr. v. House of Representatives*, supra note 106, at 895-896; *Osmeña III v. Abaya*, id. at 419.

¹²¹ *Chavez v. Judicial and Bar Council*, 691 Phil. 173, 196 (2012); *Osmeña III v. Abaya*, id.

¹²² *Osmena III v. Power Sector Assets and Liabilities Management Corp.*, 770 Phil. 409, 427 (2015).

¹²³ *Osmeña III v. Abaya*, supra note 118, at 419-420.

organizations/federations duly organized under the laws of the Philippines, representing the interest of the faculty and staff of their respective colleges and universities, who allegedly are threatened to be demoted or removed from employment with the implementation of the *K to 12 Law*. Petitioners in G.R. Nos. 217752 and 218045 are suing as citizens, taxpayers and in their personal capacities as parents whose children would be directly affected by the law in question. Petitioners in G.R. Nos. 218123 and 217451 are suing in their capacities as teachers who allegedly are or will be negatively affected by the implementation of the *K to 12 Law* and CMO No. 20, respectively, through job displacement and diminution of benefits; and as taxpayers who have the right to challenge the *K to 12 Law* and CMO No. 20 as public funds are spent and will be spent for its implementation.

Under the circumstances alleged in their respective petitions, the Court finds that petitioners have sufficient legal interest in the outcome of the controversy. And, considering that the instant cases involve issues on education, which under the Constitution the State is mandated to promote and protect, the stringent requirement of direct and substantial interest may be dispensed with, and the mere fact that petitioners are concerned citizens asserting a public right, sufficiently clothes them with legal standing to initiate the instant petition.¹²⁴

Substantive Issues

I.

K to 12 Law was duly enacted

Petitioners question the validity of the enactment of the *K to 12 Law* claiming that: (1) sectors which would be directly affected by the *K to 12 Basic Education Program* were deprived of their right, under Section 16, Article XIII of the 1987 Constitution, to be consulted or participate in matters which involved their interest prior to the passage of the law;¹²⁵ (2) the enrolled bill which the President signed into law varies significantly from the reconciled version of the bill as approved by Congress and reported in the Senate Journal on January 30, 2013,¹²⁶ and that the Court, pursuant to its ruling in *Astorga v. Villegas*,¹²⁷ (*Astorga*) should look into the entries in the Journal to determine whether the *K to 12 Law* was duly enacted;¹²⁸ and (3) the *K to 12 Law* was incomplete because it failed to provide sufficient standards by which the DepEd, CHED and TESDA, might be guided in addressing the possible impact of the implementation of the *K to 12 Law* on labor; thus, Section 31 of the *K to 12 IRR* and the Joint Guidelines, which

¹²⁴ See *Francisco, Jr. v. House of Representatives*, supra note 106, at 896.

¹²⁵ *Rollo* (G.R. No. 217752), Vol. 2, p. 1082.

¹²⁶ *Rollo* (G.R. No. 218098), Vol. 2, pp. 1115-1137.

¹²⁷ 155 Phil. 656 (1974).

¹²⁸ *Rollo* (G.R. No. 218098), Vol. 2, pp. 1131-1137.

spring forth from such undue delegation of legislative power, are invalid and unconstitutional.¹²⁹

For its part, the OSG contends that the *K to 12 Law* was enacted in accordance with the procedure prescribed in the Constitution and that contrary to petitioners' assertion, the text of the enrolled bill which was eventually signed into law is not different from the consolidated bill drafted by the Bicameral Conference Committee and approved by the Senate and House of Representatives.¹³⁰ Further, the OSG argues that there is no undue delegation of legislative power because the *K to 12 Law* provides a sufficient standard on the impact on labor due to its implementation.¹³¹

Private respondent Miriam College shares the same view that the *K to 12 Law* sufficiently provided standards to guide the relevant administrative agencies and the private educational institutions in the implementation of the *K to 12 Law* and address all issues on labor.¹³²

The Court holds that, contrary to petitioners' contention, the *K to 12 Law* was validly enacted.

First, petitioners' claim of lack of prior consultations is belied by the nationwide regional consultations conducted by DepEd pursuant DepEd Memorandum Nos. 38¹³³ and 98,¹³⁴ series of 2011. The regional consultations, which aimed "to inform the public [and] to elicit their opinions, thoughts, and suggestions about the K to 12 program,"¹³⁵ ran from February to March 2011 and were participated in by students, parents, teachers and administrators, government representatives, and representatives from private schools and private sectors.¹³⁶

The Philippine Congress, in the course of drafting the *K to 12 Law*, also conducted regional public hearings between March 2011 to February 2012, wherein representatives from parents-teachers' organizations, business, public/private school heads, civil society groups/non-government organizations/private organizations and local government officials and staffs were among the participants.¹³⁷ And even assuming that no consultations had been made prior to the adoption of the K to 12, it has been held that the "[p]enalty for failure on the part of the government to consult could only be reflected in the ballot box and would not nullify government action."¹³⁸

¹²⁹ *Rollo* (G.R. No. 217752), Vol. 2, pp. 1083-1088; *rollo* (G.R. No. 216930), Vol. 3, pp. 1866-1882.

¹³⁰ *Rollo* (G.R. No. 216930), Vol. 4, pp. 1963-1973.

¹³¹ *Rollo* (G.R. No. 216930), Vol. 1, pp. 533-535.

¹³² *Rollo* (G.R. No. 216930), Vol. 4, pp. 2107-2114.

¹³³ Regional Consultations on the Enhanced K+12 Basic Education Program, February 4, 2011; *rollo* (G.R. No. 216930), Vol. 2, pp. 957-969.

¹³⁴ Consultation Workshops on the K to 12 Curriculum Mapping Outputs, April 25, 2011; *id.* at 970-977.

¹³⁵ K to 12 Consultations Report Executive Summary; *id.* at 978.

¹³⁶ *Id.*

¹³⁷ See *id.* at 997-1040.

¹³⁸ *Anak Mindanao Party-List Group v. Ermita*, 558 Phil. 338, 363 (2007).

Second, the enrolled bill doctrine applies in this case. Under the “enrolled bill doctrine,” the signing of a bill by the Speaker of the House and the Senate President and the certification of the Secretaries of both Houses of Congress that it was passed is conclusive not only as to its provisions but also as to its due enactment.¹³⁹ The rationale behind the enrolled bill doctrine rests on the consideration that “[t]he respect due to coequal and independent departments requires the [Judiciary] to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated; leaving the court to determine, when the question properly arises, [as in the instant consolidated cases], whether the Act, so authenticated, is in conformity with the Constitution.”¹⁴⁰

Jurisprudence will show that the Court has consistently adhered to the enrolled bill doctrine. Claims that the required three-fourths vote for constitutional amendment has not been obtained,¹⁴¹ that irregularities attended the passage of the law,¹⁴² that the tenor of the bill approved in Congress was different from that signed by the President,¹⁴³ that an amendment was made upon the last reading of the bill,¹⁴⁴ and even claims that the enrolled copy of the bill sent to the President contained provisions which had been “surreptitiously” inserted by the conference committee,¹⁴⁵ had all failed to convince the Court to look beyond the four corners of the enrolled copy of the bill.

As correctly pointed out by private respondent Miriam College, petitioners’ reliance on *Astorga* is quite misplaced. They overlooked that in *Astorga*, the Senate President himself, who authenticated the bill, admitted a mistake and withdrew his signature, so that in effect there was no longer an enrolled bill to consider.¹⁴⁶ Without such attestation, and consequently there being no enrolled bill to speak of, the Court was constrained to consult the entries in the journal to determine whether the text of the bill signed by the Chief Executive was the same text passed by both Houses of Congress.¹⁴⁷

In stark contrast to *Astorga*, this case presents no exceptional circumstance to justify the departure from the salutary rule. The *K to 12 Law* was passed by the Senate and House of Representatives on January 20, 2013, approved by the President on May 15, 2013, and, after publication, took effect on June 8, 2013. Thus, there is no doubt as to the formal validity of the *K to 12 Law*.

¹³⁹ *Arroyo v. De Venecia*, 343 Phil. 42, 71 (1997); see *Tolentino v. Secretary of Finance*, 305 Phil. 686, 752 (1994).

¹⁴⁰ *Arroyo v. De Venecia*, *id.* at 72-73.

¹⁴¹ *Mabanag v. Vito*, 78 Phil. 1 (1947).

¹⁴² *Arroyo v. De Venecia*, *supra* note 139, at 72; *Abakada Guro Party List v. Ermita*, 506 Phil. 1, 88-89 (2005).

¹⁴³ *Casco Phil. Chemical Co., Inc. v. Gimenez*, 117 Phil. 363 (1963).

¹⁴⁴ *The Philippine Judges Association v. Prado*, 298 Phil. 502, 511 (1993).

¹⁴⁵ *Tolentino v. Secretary of Finance*, *supra* note 139, at 753.

¹⁴⁶ *Tolentino v. Secretary of Finance*, *id.*

¹⁴⁷ *Astorga v. Villegas*, *supra* note 127, at 666-667.



Third, there is no undue delegation of legislative power in the enactment of the *K to 12 Law*.

In determining whether or not a statute constitutes an undue delegation of legislative power, the Court has adopted two tests: the completeness test and the sufficient standard test. Under the first test, the law must be complete in all its terms and conditions when it leaves the legislature such that when it reaches the delegate, the only thing he will have to do is to enforce it.¹⁴⁸ The policy to be executed, carried out or implemented by the delegate must be set forth therein.¹⁴⁹ The sufficient standard test, on the other hand, mandates adequate guidelines or limitations in the law to determine the boundaries of the delegate's authority and prevent the delegation from running riot. To be sufficient, the standard must specify the limits of the delegate's authority, announce the legislative policy and identify the conditions under which it is to be implemented.¹⁵⁰

The *K to 12 Law* adequately provides the legislative policy that it seeks to implement. Section 2 of the *K to 12 Law* provides:

SEC. 2. *Declaration of Policy.* – The State shall establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people, the country and society-at-large.

Likewise, it is hereby declared the policy of the State that every graduate of basic education shall be an empowered individual who has learned, through a program that is rooted on sound educational principles and geared towards excellence, the foundations for learning throughout life, the competence to engage in work and be productive, the ability to coexist in fruitful harmony with local and global communities, the capability to engage in autonomous, creative, and critical thinking, and the capacity and willingness to transform others and one's self.

For this purpose, the State shall create a functional basic education system that will develop productive and responsible citizens equipped with the essential competencies, skills and values for both life-long learning and employment. In order to achieve this, the State shall:

(a) Give every student an opportunity to receive quality education that is globally competitive based on a pedagogically sound curriculum; that is at par with international standards;

(b) Broaden the goals of high school education for college preparation, vocational and technical career opportunities as well as creative arts, sports and entrepreneurial employment in a rapidly changing and increasingly globalized environment; and

(c) Make education learner-oriented and responsive to the needs, cognitive and cultural capacity, the circumstances and diversity of learners,

¹⁴⁸ *Disini, Jr. v. The Secretary of Justice*, 727 Phil. 28, 144 (2014), citing *Gerochi v. Department of Energy*, 554 Phil. 563, 585 (2007).

¹⁴⁹ *Abakada Guro Party List v. Purisima*, 584 Phil. 246, 272 (2008).

¹⁵⁰ *Id.*



schools and communities through the appropriate languages of teaching and learning, including mother tongue as a learning resource.

Moreover, scattered throughout the *K to 12 Law* are the standards to guide the DepEd, CHED and TESDA in carrying out the provisions of the law, from the development of the K to 12 BEC, to the hiring and training of teaching personnel and to the formulation of appropriate strategies in order to address the changes during the transition period.

SEC. 5. Curriculum Development. — The DepEd shall formulate the design and details of the enhanced basic education curriculum. It shall work with the Commission on Higher Education (CHED) to craft harmonized basic and tertiary curricula for the global competitiveness of Filipino graduates. To ensure college readiness and to avoid remedial and duplication of basic education subjects, the DepEd shall coordinate with the CHED and the Technical Education and Skills Development Authority (TESDA).

To achieve an effective enhanced basic education curriculum, the DepEd shall undertake consultations with other national government agencies and other stakeholders including, but not limited to, the Department of Labor and Employment (DOLE), the Professional Regulation Commission (PRC), the private and public schools associations, the national student organizations, the national teacher organizations, the parents-teachers associations and the chambers of commerce on matters affecting the concerned stakeholders.

The DepEd shall adhere to the following standards and principles in developing the enhanced basic education curriculum:

(a) The curriculum shall be learner-centered, inclusive and developmentally appropriate;

(b) The curriculum shall be relevant, responsive and research-based;

(c) The curriculum shall be culture-sensitive;

(d) The curriculum shall be contextualized and global;

(e) The curriculum shall use pedagogical approaches that are constructivist, inquiry-based, reflective, collaborative and integrative;

(f) The curriculum shall adhere to the principles and framework of Mother Tongue-Based Multilingual Education (MTB-MLE) which starts from where the learners are and from what they already knew proceeding from the known to the unknown; instructional materials and capable teachers to implement the MTB-MLE curriculum shall be available;

(g) The curriculum shall use the spiral progression approach to ensure mastery of knowledge and skills after each level; and

(h) The curriculum shall be flexible enough to enable and allow schools to localize, indigenize and enhance the same based on their respective educational and social contexts. The production and development of locally produced teaching materials shall be encouraged and approval of these materials shall devolve to the regional and division



education units.

x x x x

SEC. 7. *Teacher Education and Training.* — To ensure that the enhanced basic education program meets the demand for quality teachers and school leaders, the DepED and the CHED, in collaboration with relevant partners in government, academe, industry, and nongovernmental organizations, shall conduct teacher education and training programs, as specified:

(a) *In-service Training on Content and Pedagogy.* — Current DepED teachers shall be retrained to meet the content and performance standards of the new K to 12 curriculum.

The DepED shall ensure that private education institutions shall be given the opportunity to avail of such training.

(b) *Training of New Teachers.* — New graduates of the current Teacher Education curriculum shall undergo additional training, upon hiring, to upgrade their skills to the content standards of the new curriculum. Furthermore, the CHED, in coordination with the DepED and relevant stakeholders, shall ensure that the Teacher Education curriculum offered in these Teacher Education Institutes (TEIs) will meet the necessary quality standards for new teachers. Duly recognized organizations acting as TEIs, in coordination with the DepED, the CHED, and other relevant stakeholders, shall ensure that the curriculum of these organizations meet the necessary quality standards for trained teachers.

(c) *Training of School Leadership.* — Superintendents, principals, subject area coordinators and other instructional school leaders shall likewise undergo workshops and training to enhance their skills on their role as academic, administrative and community leaders.

Henceforth, such professional development programs as those stated above shall be initiated and conducted regularly throughout the school year to ensure constant upgrading of teacher skills.

SEC. 8. *Hiring of Graduates of Science, Mathematics, Statistics, Engineering and Other Specialists in Subjects with a Shortage of Qualified Applicants, Technical-Vocational Courses and Higher Education Institution Faculty.* — Notwithstanding the provisions of Sections 26, 27 and 28 of Republic Act No. 7836, otherwise known as the “Philippine Teachers Professionalization Act of 1994”, the DepED and private education institutions shall hire, as may be relevant to the particular subject:

(a) Graduates of science, mathematics, statistics, engineering, music and other degree courses with shortages in qualified Licensure Examination for Teachers (LET) applicants to teach in their specialized subjects in the elementary and secondary education. Qualified LET applicants shall also include graduates admitted by foundations duly recognized for their expertise in the education sector and who satisfactorily complete the requirements set by these organizations: *Provided*, That they pass the LET within five (5) years after their date of hiring: *Provided, further*, That if such graduates are willing to teach on part-time basis, the provisions of LET shall no longer be required;



(b) Graduates of technical-vocational courses to teach in their specialized subjects in the secondary education: *Provided*, That these graduates possess the necessary certification issued by the TESDA: *Provided, further*, That they undergo appropriate in-service training to be administered by the DepED or higher education institutions (HEIs) at the expense of the DepED;

(c) Faculty of HEIs be allowed to teach in their general education or subject specialties in the secondary education: *Provided*, That the faculty must be a holder of a relevant Bachelor's degree, and must have satisfactorily served as a full-time HEI faculty;

(d) The DepED and private education institutions may hire practitioners, with expertise in the specialized learning areas offered by the Basic Education Curriculum, to teach in the secondary level: *Provided*, That they teach on part-time basis only. For this purpose, the DepED, in coordination with the appropriate government agencies, shall determine the necessary qualification standards in hiring these experts.

x x x x

SEC. 12. *Transitory Provisions.* — The DepED, the CHED and the TESDA shall formulate the appropriate strategies and mechanisms needed to ensure smooth transition from the existing ten (10) years basic education cycle to the enhanced basic education (K to 12) cycle. The strategies may cover changes in physical infrastructure, manpower, organizational and structural concerns, bridging models linking grade 10 competencies and the entry requirements of new tertiary curricula, and partnerships between the government and other entities. Modeling for senior high school may be implemented in selected schools to simulate the transition process and provide concrete data for the transition plan.

To manage the initial implementation of the enhanced basic education program and mitigate the expected multi-year low enrolment turnout for HEIs and Technical Vocational Institutions (TVIs) starting School Year 2016-2017, the DepED shall engage in partnerships with HEIs and TVIs for the utilization of the latter's human and physical resources. Moreover, the DepED, the CHED, the TESDA, the TVIs and the HEIs shall coordinate closely with one another to implement strategies that ensure the academic, physical, financial, and human resource capabilities of HEIs and TVIs to provide educational and training services for graduates of the enhanced basic education program to ensure that they are not adversely affected. The faculty of HEIs and TVIs allowed to teach students of secondary education under Section 8 hereof, shall be given priority in hiring for the duration of the transition period. For this purpose, the transition period shall be provided for in the implementing rules and regulations (IRR).¹⁵¹

Clearly, under the two tests, the *K to 12 Law*, read and appreciated in its entirety, is complete in all essential terms and conditions and contains sufficient parameters on the power delegated to the DepEd, CHED and TESDA. The fact that the *K to 12 Law* did not have any provision on labor does not make said law incomplete. The purpose of permissible delegation to

¹⁵¹ K to 12 Law.



administrative agencies is for the latter to “implement the broad policies laid down in a statute by ‘filling in’ the details which the Congress may not have the opportunity or competence to provide.”¹⁵² With the proliferation of specialized activities and their attendant peculiar problems, the legislature has found it necessary to entrust to administrative agencies, who are supposed to be experts in the particular fields assigned to them, the authority to provide direct and efficacious solutions to these problems.¹⁵³ This is effected by the promulgation of supplementary regulations, such as the *K to 12 IRR* jointly issued by the DepEd, CHED and TESDA and the Joint Guidelines issued in coordination with DOLE, to address in detail labor and management rights relevant to implementation of the *K to 12 Law*.

DO No. 31 is valid and enforceable

Petitioners also claim that DO No. 31 is a usurpation of legislative authority as it creates a law without delegation of power.¹⁵⁴ According to petitioners, DO No. 31, which changed the curriculum and added two (2) more years to basic education, has no statutory basis. It also violates the constitutional right of parents to participate in planning programs that affect them and the right to information on matters of public concern.¹⁵⁵ Petitioners further contend that since DO No. 31 imposes additional obligations to parents and children, public consultations should have been conducted prior to its adoption and that the assailed DO should have been published and registered first with the Office of the National Administrative Register before it can take effect.¹⁵⁶

Again, petitioners’ arguments lack factual and legal bases. DO No. 31 did not add two (2) years to basic education nor did it impose additional obligations to parents and children. DO No. 31 is an administrative regulation addressed to DepEd personnel providing for general guidelines on the implementation of a new curriculum for Grades 1 to 10 in preparation for the K to 12 basic education. DO No. 31 was issued in accordance with the DepEd’s mandate to establish and maintain a complete, adequate and integrated system of education relevant to the goals of national development,¹⁵⁷ formulate, plan, implement, and coordinate and ensure access to, promote equity in, and improve the quality of basic education;¹⁵⁸ and pursuant to the Secretary’s authority to formulate and promulgate national educational policies,¹⁵⁹ under existing laws.

¹⁵² *Quezon City PTCA Federation, Inc. v. Department of Education*, 781 Phil. 399, 423 (2016), citing *Eastern Shipping Lines, Inc. v. Philippine Overseas Employment Administration*, 248 Phil. 762, 773 (1988).

¹⁵³ See *id.* at 422-423.

¹⁵⁴ *Rollo* (G.R. No. 218098), Vol. 2, pp. 1137-1144.

¹⁵⁵ *Id.* at 1141-1143.

¹⁵⁶ *Id.* at 1140-1145.

¹⁵⁷ ADMINISTRATIVE CODE OF 1987, Executive Order No. 292, Title VI, Chapter I, Sec. 2.

¹⁵⁸ RA No. 9155, Sec. 6.

¹⁵⁹ *Id.*, Sec. 7.

Moreover, more than a year prior to adoption of DO No. 31, and contrary to petitioners' assertions, DepEd conducted regional consultations and focus group discussions, participated in by students, parents, teachers and administrators, government representatives, and representatives from private schools and private sector,¹⁶⁰ to elicit opinions, thoughts and suggestions about the K to 12 basic education.¹⁶¹

There is also no merit in petitioners' claim that publication is necessary for DO No. 31 to be effective. Interpretative regulations and those merely internal in nature, including the rules and guidelines to be followed by subordinates in the performance of their duties are not required to be published.¹⁶² At any rate, the Court notes that DO No. 31 was already forwarded to the University of the Philippines Law Center for filing in accordance with Sections 3 and 4 of the *Administrative Code of 1987* and took effect pursuant to said provisions.¹⁶³

Having established that the *K to 12 Law* and its related issuances were duly enacted and/or validly issued, the Court now discusses whether they contravene provisions of the Constitution.

II.

Police power of the State

Police power is defined broadly as the State's authority to enact legislation that may interfere with personal liberty or property in order to promote the general welfare. This all-comprehensive definition provides ample room for the State to meet the exigencies of the times depending on the conditions and circumstances. As the Court eruditely explained in *Basco v. Philippine Amusements and Gaming Corp.*¹⁶⁴ (*Basco*):

The concept of police power is well-established in this jurisdiction. It has been defined as the "state authority to enact legislation that may interfere with personal liberty or property in order to promote the general welfare." (*Edu v. Ericta*, 35 SCRA 481, 487) As defined, it consists of (1) an imposition or restraint upon liberty or property, (2) in order to foster the common good. It is not capable of an exact definition but has been, purposely, veiled in general terms to underscore its all-comprehensive embrace. (*Philippine Association of Service Exporters, Inc. v. Drilon*, 163 SCRA 386).

Its scope, ever-expanding to meet the exigencies of the times, even to anticipate the future where it could be done, provides enough room for an efficient and flexible response to conditions and circumstances thus

¹⁶⁰ *Rollo* (G.R. No. 216930), Vol. 2, pp. 955-996.

¹⁶¹ See id. at 978-996.

¹⁶² *Villanueva v. Judicial and Bar Council*, supra note 110, at 553, citing *Tañada v. Tuvera*, 230 Phil. 528, 535 (1986).

¹⁶³ *Rollo* (G.R. No. 216930), Vol. 4, p. 1967.

¹⁶⁴ 274 Phil. 323 (1991).

assuming the greatest benefits. (*Edu v. Ericta, supra*).

It finds no specific Constitutional grant for the plain reason that it does not owe its origin to the charter. Along with the taxing power and eminent domain, it is inborn in the very fact of statehood and sovereignty. It is a fundamental attribute of government that has enabled it to perform the most vital functions of governance. Marshall, to whom the expression has been credited, refers to it succinctly as the plenary power of the state “to govern its citizens”. (Tribe, *American Constitutional Law*, 323, 1978). The police power of the State is a power co-extensive with self-protection and is most aptly termed the “law of overwhelming necessity.” (*Rubi v. Provincial Board of Mindoro*, 39 Phil. 660, 708) It is “the most essential, insistent, and illimitable of powers.” (*Smith Bell & Co. v. National*, 40 Phil. 136) It is a dynamic force that enables the state to meet the exigencies of the winds of change.¹⁶⁵

From the legislative history of the Philippine education system as detailed above, one can easily discern that the enactment of education laws, including the *K to 12 Law* and the Kindergarten Education Act, their respective implementing rules and regulations and the issuances of the government agencies, are an exercise of the State’s police power. The State has an interest in prescribing regulations to promote the education and the general welfare of the people. In *Wisconsin v. Yoder*,¹⁶⁶ the U.S. Supreme Court ruled that “[t]here is no doubt as to the power of a State, having a high responsibility for education of its citizens, to impose reasonable regulations for the **control and duration** of basic education.”¹⁶⁷

Here, petitioners essentially assail the State’s exercise of police power to regulate education through the adoption of the K to 12 Basic Education Program, because the *K to 12 Law* and its related issuances purportedly violate the Constitutional provisions as enumerated in the outline of issues above.

Every law has in its favor the presumption of constitutionality.¹⁶⁸ For a law to be nullified, it must be shown that there is a clear and unequivocal breach of the Constitution.¹⁶⁹ The grounds for nullity must be clear beyond reasonable doubt.¹⁷⁰ Hence, for the Court to nullify the assailed laws, petitioners must clearly establish that the constitutional provisions they cite bestow upon them demandable and enforceable rights and that such rights clash against the State’s exercise of its police power under the *K to 12 Law*.

To be sure, the Court’s role is to balance the State’s exercise of its police power as against the rights of petitioners. The Court’s pronouncement in *Secretary of Justice v. Lantion*¹⁷¹ (*Lantion*) instructs:

¹⁶⁵ Id. at 336-337.

¹⁶⁶ 406 US 205 (1972).

¹⁶⁷ Id. at 213. Emphasis and underscoring supplied.

¹⁶⁸ *Basco v. Philippine Amusements and Gaming Corp.*, supra note 163, at 343.

¹⁶⁹ Id. at 343-344.

¹⁷⁰ Id. at 344.

¹⁷¹ 397 Phil. 423 (2000).

x x x The clash of rights demands a delicate balancing of interests approach which is a “fundamental postulate of constitutional law.” The approach requires that we “take conscious and detailed consideration of the interplay of interests observable in a given situation or type of situation.” These interests usually consist in the exercise by an individual of his basic freedoms on the one hand, and the government’s promotion of fundamental public interest or policy objectives on the other.¹⁷²

In fact, in *Wisconsin v. Yoder*,¹⁷³ where the question was the validity of a statute criminalizing the failure of parents to allow their children to attend compulsory high school education, the U.S. Supreme Court ruled that although the State’s interest in universal education is highly ranked in terms of State functions, this does not free this exercise of State function from the balancing process when it impinges on fundamental rights and interests, specifically the Free Exercise Clause, thus:

There is no doubt as to the power of a State, having a high responsibility for education of its citizens, to impose reasonable regulations for the control and duration of basic education. See, e.g., *Pierce v Society of Sisters*, 268 US 510, 534, 69 L Ed 1070, 1077, 45 S Ct 571, 39 ALR 468 (1925). Providing public schools ranks at the very apex of the function of a State. Yet even this paramount responsibility was, in *Pierce*, made to yield to the right of parents to provide an equivalent education in a privately operated system. There the Court held that Oregon’s statute compelling attendance in a public school from age eight to age 16 unreasonably interfered with the interest of parents in directing the rearing of their offspring, including their education in church-operated schools. As that case suggests, the values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society. See also *Ginsberg v New York*, 390 US 629, 639 20 L Ed 2d 195, 203, 88 S Ct 1274 (1968); *Meyer v Nebraska*, 262 US 390, 67 L Ed 1042, 43 S Ct 625, 29 ALR 1446 (1923); cf. *Rowan v Post Office Dept.*, 397 US 728, 25 L Ed 2d 736, 90 S Ct 1484 (1970). **Thus, a State’s interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment, and the traditional interest of parents with respect to the religious upbringing of their children so long as they, in the words of *Pierce*, “prepare [them] for additional obligations.”** 268 US at 535, 69 L Ed AT 1078.¹⁷⁴

As quoted above, this balancing of interest approach has been applied in this jurisdiction in *Lantion* in determining whether there was a violation of the private respondent’s right to due process when he was not furnished a copy of the request for his extradition. This right was balanced against the country’s commitment under the RP-US Extradition Treaty to extradite to the United States of America persons who were charged with the violation of some of its laws.¹⁷⁵

¹⁷² Id. at 437.

¹⁷³ Supra note 165.

¹⁷⁴ Id. at 213-214.

¹⁷⁵ See *Secretary of Justice v. Lantion*, supra note 171, at 437-438.

The Court held in *Lantion* that at the stage of the extradition, it was only at an evaluation stage; thus there was yet no requirement that he be given notice of the proceedings. At that stage, the balance was tilted in favor of the interest of the State in helping suppress crime by facilitating the extradition of persons covered by treaties entered into by the government.¹⁷⁶

It is with these standards and framework that the Court examines whether the enactments of the Kindergarten Education Act, the *K to 12 Law* and their implementing rules and regulations, were valid exercises of the State's police power to regulate education.

In this regard, and to digress, only self-executing provisions of the Constitution embody judicially enforceable rights and therefore give rise to causes of action in court.¹⁷⁷ Accordingly, it is necessary to determine first whether the constitutional provisions invoked by petitioners are self-executing; and if they are, is there a conflict between these rights and the State's police power to regulate education? If a conflict does exist, do the rights of petitioners yield to the police power of the State?

Non-self-executing constitutional provisions

As defined, "a constitutional provision is self-executing if the nature and extent of the right conferred and the liability imposed are fixed by the constitution itself, so that they can be determined by an examination and construction of its terms, and there is no language indicating that the subject is referred to the legislature for action."¹⁷⁸

In *Manila Prince Hotel v. Government Service Insurance System*,¹⁷⁹ it was ruled that all provisions of the Constitution are presumed self-executing,¹⁸⁰ because to treat them as requiring legislation would result in giving the legislature "the power to ignore and practically nullify the mandate of the fundamental law."¹⁸¹ And this could result in a cataclysm.¹⁸²

This pronouncement notwithstanding, however, the Court has, in several cases, had occasion to already declare several Constitutional provisions as not self-executory.

In *Tanada v. Angara*,¹⁸³ it was settled that the sections found under Article II of the 1987 Philippine Constitution are not self-executing

¹⁷⁶ Id. at 438-439.

¹⁷⁷ See *Kilosbayan, Inc. v. Morato*, 316 Phil. 652, 697-698 (1995).

¹⁷⁸ *Manila Prince Hotel v. Government Service Insurance System*, 335 Phil. 82, 102 (1997).

¹⁷⁹ Id.

¹⁸⁰ Id. at 102.

¹⁸¹ Id.

¹⁸² Id.

¹⁸³ *Supra* note 107.

provisions. In fact, in the cases of *Basco*,¹⁸⁴ *Kilosbayan, Inc. v. Morato*,¹⁸⁵ and *Tondo Medical Center Employees Association v. Court of Appeals*,¹⁸⁶ the Court categorically ruled that Sections 11, 12, 13, 17 and 18 of Article II, Section 13 of Article XIII, and Section 2 of Article XIV, of the 1987 Philippine Constitution, respectively, are non-self-executing. The very terms of these provisions show that they are not judicially enforceable constitutional rights but merely guidelines for legislation.¹⁸⁷ And the failure of the legislature to pursue the policies embodied therein does not give rise to a cause of action in the courts.¹⁸⁸

In specific application to the present petitions, in *Tolentino v. Secretary of Finance*,¹⁸⁹ the Court also ruled that Section 1, Article XIV on the right of all citizens to quality education is also not self-executory. The provision “for the promotion of the right to ‘quality education’ x x x [was] put in the Constitution as moral incentives to legislation, not as judicially enforceable rights.”¹⁹⁰

Further, Section 6, Article XIV on the use of the Filipino language as a medium of instruction is also not self-executory. The deliberations of the Constitutional Commission confirm this:

MR. DE CASTRO. Madam President.

THE PRESIDENT. Commissioner de Castro is recognized.

MR. DE CASTRO. Just a matter of clarification. On the first sentence, we use Filipino as an official medium of communication in all branches of government. Is that correct?

MR. VILLACORTA. Yes.

MR. DE CASTRO. And when we speak of Filipino, can it be a combination of Tagalog and the local dialect, and, therefore, can be “Taglish”? Is that right?

MR. VILLACORTA. Not really “Taglish,” Madam President.

MR. BENNAGEN. It can be standard.

MR. DE CASTRO. Or the combination of the local language and Tagalog?

MR. VILLACORTA. As it naturally evolves.

MR. DE CASTRO. Suppose I am a Muslim official from Sulu and I will use Filipino in my communication. So I will write: “Di makadiari ang

¹⁸⁴ Supra note 163.

¹⁸⁵ Supra note 176.

¹⁸⁶ 554 Phil. 609, 625-626 (2007).

¹⁸⁷ *Manila Prince Hotel v. Government Service Insurance System*, supra note 178, at 106-107.

¹⁸⁸ *Espina v. Zamora, Jr.*, 645 Phil. 269 (2010).

¹⁸⁹ Supra note 139.

¹⁹⁰ Id. at 766.

iniisip mo.” It is a combination of Tausog — “di makadiari” and Tagalog — “ang iniisip mo.” The one receiving in the main office may not understand the whole thing. I am just clarifying because when we use Filipino as a medium of official communication, there is a possibility that the message may not be understood when it reaches the central office or when it goes to another area.

MR. VILLACORTA. That is why the wording is, “The government shall take steps to initiate and sustain the use of Filipino.” And in Section 1, it says: “as it evolves, it shall be further developed and enriched,” the implication being that it will be standardized as a national language.

MR. DE CASTRO. Yes, but then in Section 2, we come out with Filipino as a medium of official communication. I am just giving an example that as an official communication, it may not be understood by the one at the receiving end, especially if one comes from the South and whose message is received in the North or in the center. As I said, “Di makadiari ang iniisip mo,” is half Tausog and half Tagalog.

MR. VILLACORTA. Commissioner Bennagen, who is an expert on culture and minorities, will answer the question of the Gentleman.

MR. BENNAGEN. I think what we envision to happen would be for government agencies, as well as other nongovernmental agencies involving this, to start immediately the work of standardization — expanding the vocabularies, standardizing the spelling and all appropriate measures that have to do with propagating Filipino.

MR. DE CASTRO. In short?

MR. BENNAGEN. The work will codify this national *lingua franca* as it is taking place and will be subjected to other developmental activities.

MR. OPLE. Madam President, may I say a word?

MR. DE CASTRO. **In short, does the committee want us to understand that Section 2, even if ratified, will not as yet be effective because it is still subject to the provisions of law and as Congress may deem appropriate? So the medium of official communication among branches of government cannot as yet be Filipino until subject to provisions of law and as Congress may deem appropriate. Is that correct?**

MR. OPLE. Madam President.

MR. DE CASTRO. No, I am asking the committee, please.

THE PRESIDENT. **What is the answer of the committee?**

MR. VILLACORTA. **That is correct, Madam President.**

MR. DE CASTRO. Thank you.

MR. OPLE. I just wanted to point out that when the words “official communication” is used, this must satisfy the standards of accuracy, precision and, perhaps, clarity or lack of ambiguity;



otherwise, it will not be communication. One can lose a war through imprecise communication in government and, therefore, I think the word "communication" should be understood in its correct light — that when one writes from Sulu, as in the example given by Commissioner de Castro, he has to consider the following: Is his communication clear? Is it unambiguous? Is it precise? I just want to point out that when we speak of official communication, these normal standards of good communication ought to be recognized as controlling, otherwise, the interest of public administration will be vitally affected.

Thank you, Madam President.

THE PRESIDENT. Shall we vote now on the first sentence?

MR. RODRIGO. I think it should be on the first two sentences.

THE PRESIDENT. There was a suggestion, and that was accepted by the committee, to vote on the first sentence.

MR. RODRIGO. Only on the first sentence? But there are two sentences.

THE PRESIDENT. No, that was already approved.

MR. VILLACORTA. Madam President, may I ask for a vote now because this has been extensively discussed.

THE PRESIDENT. Will the chairman read what is to be voted upon?

MR. VILLACORTA. Madam President, the first sentence reads: "SUBJECT TO PROVISIONS OF LAW AND AS CONGRESS MAY DEEM APPROPRIATE, THE GOVERNMENT SHALL TAKE STEPS TO INITIATE AND SUSTAIN THE USE OF FILIPINO AS A MEDIUM OF OFFICIAL COMMUNICATION AND AS LANGUAGE OF INSTRUCTION IN THE EDUCATIONAL SYSTEM."

VOTING

THE PRESIDENT. As many as are in favor of the first sentence, please raise their hand. (*Several Members raised their hand.*)

As many as are against, please raise their hand. (*No Member raised his hand.*)

The results show 37 votes in favor and none against; the first sentence is approved.¹⁹¹

Section 3, Article XIII, on the protection of labor and security of tenure, was also declared by the Court in *Agabon v. National Labor Relations Commission*,¹⁹² (*Agabon*) as not self-executory. Reiterating *Agabon*, the Court explained in *Serrano v. Gallant Maritime Services, Inc.*,¹⁹³ that Section 3,

¹⁹¹ IV RECORD OF THE CONSTITUTIONAL COMMISSION 498-499.

¹⁹² 485 Phil. 248 (2004).

¹⁹³ 601 Phil. 245 (2009).



Article XIII, does not automatically confer judicially demandable and enforceable rights and cannot, on its own, be a basis for a declaration of unconstitutionality, to wit:

While all the provisions of the 1987 Constitution are presumed self-executing, there are some which this Court has declared not **judicially enforceable**, Article XIII being one, particularly Section 3 thereof, the nature of which, this Court, in *Agabon v. National Labor Relations Commission*, has described to be not self-actuating:

Thus, the constitutional mandates of protection to labor and security of tenure may be deemed as self-executing in the sense that these are automatically acknowledged and observed without need for any enabling legislation. However, to declare that the constitutional provisions are enough to guarantee the full exercise of the rights embodied therein, and the realization of ideals therein expressed, would be impractical, if not unrealistic. The espousal of such view presents the dangerous tendency of being overbroad and exaggerated. The guarantees of “full protection to labor” and “security of tenure”, when examined in isolation, are facially unqualified, and the broadest interpretation possible suggests a blanket shield in favor of labor against any form of removal regardless of circumstance. This interpretation implies an unimpeachable right to continued employment — a utopian notion, doubtless — but still hardly within the contemplation of the framers. Subsequent legislation is still needed to define the parameters of these guaranteed rights to ensure the protection and promotion, not only the rights of the labor sector, but of the employers' as well. Without specific and pertinent legislation, judicial bodies will be at a loss, formulating their own conclusion to approximate at least the aims of the Constitution.

Ultimately, therefore, Section 3 of Article XIII cannot, on its own, be a source of a positive enforceable right to stave off the dismissal of an employee for just cause owing to the failure to serve proper notice or hearing. As manifested by several framers of the 1987 Constitution, the provisions on social justice require legislative enactments for their enforceability. (Emphasis added)

Thus, Section 3, Article XIII cannot be treated as a principal source of direct enforceable rights, for the violation of which the questioned clause may be declared unconstitutional. It may unwittingly risk opening the floodgates of litigation to every worker or union over every conceivable violation of so broad a concept as social justice for labor.

It must be stressed that Section 3, Article XIII does not directly bestow on the working class any actual enforceable right, but merely clothes it with the status of a sector for whom the Constitution urges protection through executive or legislative action and **judicial recognition**. Its utility is best limited to being an impetus not just for the executive and legislative departments, but for the judiciary as well, to protect the welfare of the working class. And it was in fact consistent with that constitutional agenda



that the Court in *Central Bank (now Bangko Sentral ng Pilipinas) Employee Association, Inc. v. Bangko Sentral ng Pilipinas*, penned by then Associate Justice now Chief Justice Reynato S. Puno, formulated the judicial precept that when the challenge to a statute is premised on the perpetuation of prejudice against persons favored by the Constitution with special protection — such as the working class or a section thereof — the Court may recognize the existence of a suspect classification and subject the same to strict judicial scrutiny.

The view that the concepts of suspect classification and strict judicial scrutiny formulated in *Central Bank Employee Association* exaggerate the significance of Section 3, Article XIII is a groundless apprehension. *Central Bank* applied Article XIII in conjunction with the equal protection clause. Article XIII, by itself, without the application of the equal protection clause, has no life or force of its own as elucidated in *Agabon*.¹⁹⁴

Here, apart from bare allegations that the *K to 12 Law* does not provide mechanisms to protect labor, which, as discussed, have no legal bases, petitioners have not proffered other bases in claiming that the right to protect labor and/or security of tenure was violated with the implementation of the *K to 12 Law*. To be sure, the protection of labor from illegal dismissal has already been set in stone with the enactment of the Labor Code and the Civil Service Law.

Given the foregoing, petitioners cannot claim that the *K to 12 Law* and/or any of its related issuances contravene or violate any of their rights under the foregoing constitutional provisions because these provisions simply state a policy that may be “used by the judiciary as aids or as guides in the exercise of its power of judicial review, and by the legislature in its enactment of laws.”¹⁹⁵ They do not embody judicially enforceable constitutional rights.¹⁹⁶ In other words, the *Kindergarten Education Act*, the *K to 12 Law* and its related issuances cannot be nullified based solely on petitioners’ bare allegations that they violate general provisions of the Constitution which are mere directives addressed to the executive and legislative departments. If these directives are unheeded, the remedy does not lie with the courts, but with the power of the electorate in casting their votes.¹⁹⁷ As held in *Tañada v. Angara*:¹⁹⁸ “The reasons for denying a cause of action to an alleged infringement of broad constitutional principles are sourced from basic considerations of due process and the lack of judicial authority to wade ‘into the uncharted ocean of social and economic policy-making.’”¹⁹⁹

In view of the foregoing, the Court shall now proceed to discuss the remaining constitutional provisions, international treaties, and other special

¹⁹⁴ *Serrano v. Gallant Maritime Services, Inc.*, id. at 302-304.

¹⁹⁵ *Tañada v. Angara*, supra note 107, at 580-581.

¹⁹⁶ Id. at 581.

¹⁹⁷ Id.

¹⁹⁸ Supra note 107.

¹⁹⁹ Id. at 581.

laws invoked by petitioners, which have allegedly been violated by the implementation of the *K to 12 Law*. For the constitutional provisions, the Court shall determine whether these constitutional provisions are in conflict with the police power of the State in enacting and implementing the *K to 12 Law*, and if so, whether these constitutional provisions yield to the police power of the State.

Compulsory Elementary and High School Education

Petitioners argue that the legislature violated the Constitution when they made kindergarten and senior high school compulsory. For petitioners, compulsory kindergarten and senior high school expanded the constitutional definition of elementary education and that the Congress violated the rule of constitutional supremacy when it made kindergarten and senior high school compulsory.²⁰⁰

On the other hand, the OSG contends that while Section 2, Article XIV states that elementary education shall be compulsory, it did not preclude Congress from making kindergarten and secondary education mandatory (based on the clear wording of the law and deliberations of the Constitutional Commission).²⁰¹ Further, the laws advance the right of child to education, and they do not violate any international agreement (Universal Declaration of Human Rights [UDHR], the International Covenant of Economic, Social and Cultural Rights [ICESCR] and the Convention on the Rights of the Child [CRC]) to which the Philippines is a signatory.²⁰²

The State's policy in implementing the K to 12 Program is stated as follows:

x x x [I]t is hereby declared the policy of the State that every graduate of basic education shall be an empowered individual who has learned, through a program that is rooted on sound educational principles and geared towards excellence, the foundations for learning throughout life, the competence to engage in work and be productive, the ability to coexist in fruitful harmony with local and global communities, the capability to engage in autonomous, creative, and critical thinking, and the capacity and willingness to transform others and one's self.

For this purpose, the State shall create a functional basic education system that will develop productive and responsible citizens equipped with the essential competencies, skills and values for both life-long learning and employment. In order to achieve this, the State shall:

- (a) Give every student an opportunity to receive quality education that is globally competitive based on a pedagogically sound curriculum that is at par with

²⁰⁰ *Rollo* (G.R. No. 218098), Vol. 2, pp. 1145-1148.

²⁰¹ *Rollo* (G.R. No. 216930), Vol. 4, pp. 1991-2002.

²⁰² *Id.* at 2009-2011.

international standards;

(b) Broaden the goals of high school education for college preparation, vocational and technical career opportunities as well as creative arts, sports and entrepreneurial employment in a rapidly changing and increasingly globalized environment; and

(c) Make education learner-oriented and responsive to the needs, cognitive and cultural capacity, the circumstances and diversity of learners, schools and communities through the appropriate languages of teaching and learning, including mother tongue as a learning resource.²⁰³

There is no conflict between the *K to 12 Law* and related issuances and the Constitution when it made kindergarten and senior high school compulsory. The Constitution is clear in making elementary education compulsory; and the *K to 12 Law* and related issuances did not change this as, in fact, they affirmed it.

As may be gleaned from the outlined history of education laws in the Philippines, the definition of basic education was expanded by the legislature through the enactment of different laws, consistent with the State's exercise of police power. In BP Blg. 232, the elementary and secondary education were considered to be the stage where basic education is provided.²⁰⁴ Subsequently, in RA No. 9155, the inclusion of elementary and high school education as part of basic education was affirmed.²⁰⁵

The legislature, through the *Kindergarten Education Act*, further amended the definition of basic education to include kindergarten. Thereafter, the legislature expanded basic education to include an additional two (2) years of senior high school. Thus, by then, basic education comprised of thirteen (13) years, divided into one (1) year of kindergarten, six (6) years of elementary education, and six (6) years of secondary education — which was divided into four (4) years of junior high school and two (2) years of senior high school.

The Constitution did not curtail the legislature's power to determine the extent of basic education. It only provided a minimum standard: that elementary education be compulsory. By no means did the Constitution foreclose the possibility that the legislature provides beyond the minimum set by the Constitution.

Petitioners also contend that the expansion of compulsory education to include kindergarten and secondary education violates the UDHR, the

²⁰³ RA No. 10533, Sec. 2.

²⁰⁴ BP Blg. 232, Sec. 20.

²⁰⁵ RA No. 9155, Sec. 4(b).

ICESCR and the CRC.²⁰⁶

Petitioners' argument is misleading.

There is nothing in the UDHR, ICESCR and CRC which proscribes the expansion of compulsory education beyond elementary education.

Article 26 of the UDHR states:

1. Everyone has the right to education. **Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.** Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children. (Emphasis and underscoring supplied)

There is absolutely nothing in Article 26 that would show that the State is prohibited from making kindergarten and high school compulsory. The UDHR provided a minimum standard for States to follow. Congress complied with this minimum standard; as, in fact, it went beyond the minimum by making kindergarten and high school compulsory. This action of Congress is, in turn, consistent with Article 41 of the CRC which provides that “[n]othing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in: (a) [t]he law of a State party; or (b) [i]nternational law in force for that State.”

The enactment of the *K to 12 Law* was the manner by which the Congress sought to realize the right to education of its citizens. It is indeed laudable that Congress went beyond the minimum standards and provided mechanisms so that its citizens are able to obtain not just elementary education but also kindergarten and high school. Absent any showing of a violation of any Constitutional self-executing right or any international law, the Court cannot question the desirability, wisdom, or utility of the *K to 12 Law* as this is best addressed by the wisdom of Congress. As the Court held in *Tablarin v. Gutierrez*²⁰⁷:

x x x The petitioners also urge that the NMAT prescribed in MECS Order No. 52, s. 1985, is an “unfair, unreasonable and inequitable requirement,” which results in a denial of due process. Again, petitioners

²⁰⁶ *Rollo* (G.R. No. 218098), Vol. 2, pp. 1145-1146.

²⁰⁷ 236 Phil. 768 (1987).



have failed to specify just what factors or features of the NMAT render it “unfair” and “unreasonable” or “inequitable.” They appear to suggest that passing the NMAT is an unnecessary requirement when added on top of the admission requirements set out in Section 7 of the Medical Act of 1959, and other admission requirements established by internal regulations of the various medical schools, public or private. Petitioners’ arguments thus appear to relate to utility and wisdom or desirability of the NMAT requirement. But constitutionality is essentially a question of power or authority: this Court has neither commission nor competence to pass upon questions of the desirability or wisdom or utility of legislation or administrative regulation. Those questions must be addressed to the political departments of the government not to the courts.

There is another reason why the petitioners’ arguments must fail: the legislative and administrative provisions impugned by them constitute, to the mind of the Court, a valid exercise of the police power of the state. The police power, it is commonplace learning, is the pervasive and non-waivable power and authority of the sovereign to secure and promote all the important interests and needs — in a word, the public order — of the general community. An important component of that public order is the health and physical safety and well being of the population, the securing of which no one can deny is a legitimate objective of governmental effort and regulation.²⁰⁸

Petitioners also claim that the K to 12 basic education and the two (2) additional years in high school should not have been applied retroactively in violation of Article 4 of the Civil Code.²⁰⁹ Petitioners assert that students who had already began schooling prior to 2013 or upon the passage of the *K to 12 Law* already acquired a “vested right” to graduate after the completion of four (4) years of high school, pursuant to Sections 9(2) and 20 of BP Blg. 232; thus, the K to 12 BEC cannot be applied to them.²¹⁰

Again, petitioners’ contentions are without merit.

The K to 12 Basic Education Program is not being retroactively applied because only those currently enrolled at the time the *K to 12 Law* took effect and future students will be subject to the K to 12 BEC and the additional two (2) years of senior high school. Students who already graduated from high school under the old curriculum are not required by the *K to 12 Law* to complete the additional two (2) years of senior high school.

More importantly, BP Blg. 232 does not confer any vested right to four (4) years of high school education. Rights are vested when the right to enjoyment, present or prospective, has become the property of some particular person or persons as a present interest. The right must be absolute, complete, and unconditional, independent of a contingency, and a mere expectancy of future benefit, or a contingent interest in property founded on anticipated

²⁰⁸ Id. at 781-782.

²⁰⁹ *Rollo* (G.R. No. 218465), Vol. 3, pp. 1508-1509.

²¹⁰ Id. at 1508-1510.

continuance of existing laws, does not constitute a vested right.²¹¹ Contrary to petitioners' assertion, the rights of students under Section 9 of BP Blg. 232 are not absolute. These are subject to limitations prescribed by law and regulations. In fact, while Section 9(2) of BP Blg. 232 states that students have the right to continue their course up to graduation, Section 20 of the same law does not restrict elementary and high school education to only six (6) and four (4) years. Even RA No. 9155 or the *Governance of Basic Education Act of 2001*, which was enacted under the 1987 Philippine Constitution, does not specify the number of years in elementary and high school. In other words, BP Blg. 232 or RA No. 9155 does not preclude any amendment or repeal on the duration of elementary and high school education. In adding two (2) years of secondary education to students who have not yet graduated from high school, Congress was merely exercising its police power and legislative wisdom in imposing reasonable regulations for the control and duration of basic education, in compliance with its constitutional duty to promote quality education for all.

Right to select a profession or course
of study

Petitioners in G.R. No. 218123 insist that the implementation of the *K to 12 Law* is a limitation on the right of senior high school students to choose their professions.²¹² For petitioners, a number of prospective senior high school students will be unable to choose their profession or vocation because of the limit on what senior high schools can offer and the availability of the different strands. This lacks basis.

There is no conflict between the *K to 12 Law* and its IRR and the right of the senior high school students to choose their profession or course of study. The senior high school curriculum is designed in such a way that students have core subjects and thereafter, they may choose among four strands: 1) Accountancy, Business and Management (ABM) Strand; 2) Science, Technology, Engineering and Mathematics (STEM) Strand; 3) Humanities and Social Sciences (HUMSS) Strand; and 4) General Academic (GA) Strand.²¹³

Petitioners have failed to show that the State has imposed unfair and inequitable conditions for senior high schools to enroll in their chosen path. The *K to 12 Program* is precisely designed in such a way that students may choose to enroll in public or private senior high schools which offer the strands of their choice. For eligible students, the voucher program also allows indigent senior high school students to enroll in private institutions that offer the strands of their choice.

²¹¹ *Benguet Consolidated Mining Co. v. Pineda*, 98 Phil. 711, 722 (1956), citing 16 C.J.S. 214-215.

²¹² *Rollo* (G.R. No. 218123), Vol. 2, pp. 1267-1268.

²¹³ DO No. 11, series of 2015; *rollo* (G.R. No. 216930), Vol 3, p. 1416.



Mother Tongue as medium of instruction

Petitioners argue that the use of the MT or the regional or native language as primary medium of instruction for kindergarten and the first three (3) years of elementary education contravenes Section 7, Article XIV of the 1987 Philippine Constitution, which expressly limits and constrains regional languages simply as auxiliary media of instruction.²¹⁴ This is an argument of first blush. A closer look at the pertinent provisions of the Constitution and the deliberations of the Constitutional Commission reveal the contrary. In fine, there is no conflict between the use of the MT as a primary medium of instruction and Section 7, Article XIV of the 1987 Philippine Constitution.

Sections 6 and 7, Article XIV of the 1987 Philippine Constitution provides:

SEC. 6. The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.

Subject to provisions of law and as the Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

SEC. 7. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.

The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein.

The deliberations of the Constitutional Commission also confirm that MT or regional languages may be used as a medium of instruction:

MR. SUAREZ. Thank you, Madam President. When the Commissioner speaks of auxiliary official languages in their respective regions, what exactly does he have in mind?

MR. BENNAGEN. **In addition to Filipino and English, they can be accepted also as official languages, even in government and in education.**

MR. SUAREZ. **So that not only will they be a medium of instruction or communication but they can be considered also as official languages.**

MR. BENNAGEN. That is the intention of the committee. We should respect also the regional languages. x x x²¹⁵ (Emphasis and underscoring supplied)

²¹⁴ Rollo (G.R. No. 218045) Vol 1, pp. 563-571.

²¹⁵ IV RECORD OF THE CONSTITUTIONAL COMMISSION 160-161.



x x x x

MR. DAVIDE. May I be enlightened on some of the aspects of this proposed substitute amendment? The first is, does it follow from the wording that the regional languages shall serve as an auxiliary media of instruction and no law can prohibit their use as such? This means that subject to provisions of law and as Congress may deem appropriate, it would refer only to what are included in the first sentence. It will not apply to the second sentence relating to regional languages as auxiliary media of instruction.

MR. TREÑAS. That is correct. Precisely, there is a period after “educational system” and that is a new sentence.

MR. DAVIDE. **As an auxiliary medium of instruction, it can actually be the primary medium, until Congress shall provide otherwise.**

MR. TREÑAS. It shall be auxiliary.

MR. DAVIDE. But in the meantime that Congress shall not have deemed appropriate or that there is no provision of law relating to the use of Filipino as the medium of instruction, **it can itself be the primary medium of instruction in the regions.**

MR. TREÑAS. That is correct because of the provision of the first sentence.

MR. DAVIDE. On the supposition that there is already a law that Congress had deemed it appropriate, the regional language shall go hand in hand with Filipino as a medium of instruction. It cannot be supplanted in any way by Filipino as the only medium of instruction in the regional level.

x x x x

VOTING

x x x x

MR. VILLACORTA. Shall we vote now on the next sentence, Madam President?

THE PRESIDENT. Will the chairman please read the next sentence.

MR. VILLACORTA. The next sentence, Madam President, reads: “THE REGIONAL LANGUAGES SHALL SERVE AS AUXILIARY MEDIA OF INSTRUCTION IN THE RESPECTIVE REGIONS.”

THE PRESIDENT. Commissioner Padilla is recognized before we proceed to vote.

MR. PADILLA. Section 2 of the committee report states:

The official languages of the Philippines are Filipino and English, until otherwise provided by law. The regional languages are the auxiliary official languages in their respective regions.



That second sentence in Section 2 of the committee report may be amended by that second sentence which says: "THE REGIONAL LANGUAGES SHALL SERVE AS AUXILIARY MEDIA OF INSTRUCTION IN THE RESPECTIVE REGIONS." I believe we should consider the first sentence of Section 2 and then say: "THE REGIONAL LANGUAGES SHALL SERVE AS AUXILIARY MEDIA OF INSTRUCTION IN THE RESPECTIVE REGIONS." That is my proposal.

THE PRESIDENT. In other words, the Commissioner's point is that this particular second sentence here should be transposed to Section 2 of the other committee report.

MR. PADILLA. Yes, Madam President.

THE PRESIDENT. What does the committee say?

REV. RIGOS. Madam President, perhaps if we approve the second sentence, we can delete the second sentence in Section 2. Is that the idea?

MR. PADILLA. That is correct.

REV. RIGOS. Since we are talking about medium of instruction here, we would rather retain it in the first section.

MR. PADILLA. Madam President, but if no mention is made of English, it might be the impression contrary to what has already been agreed upon — that English may not be used as a medium of instruction. **And it shall be clear that the first preference is Filipino, the national language, without prejudice to the use of English and also the regional languages.**

REV. RIGOS. Madam President, do we understand the Commissioner correctly that he would rather delete that in the first section and amend the second sentence in Section 2?

MR. PADILLA. Yes, Madam President. That is the reason I suggested that the proposal be divided into two sentences. We approved the first sentence. The second sentence should be corrected to Section 2 of the committee report.

MR. VILLACORTA. Madam President, the committee is divided; therefore, we would like the floor to decide on this matter.

MR. PADILLA. **The only reason I am saying this is to make clear in the Constitution that the medium of communication and the language of instruction are not only Filipino as a national language, and that the medium of instruction is the regional languages, otherwise, there would be no mention of English. I believe that we are all agreed that the first preference is the national language, Filipino, but it does not prevent the use of English and also of the regional languages.**²¹⁶
(Emphasis and underscoring supplied)

It is thus clear from the deliberations that it was never the intent of the framers of the Constitution to use only Filipino and English as the exclusive media of instruction. It is evident that Congress has the power to enact a law

²¹⁶ IV RECORD OF THE CONSTITUTIONAL COMMISSION 495-496, 499-500.

that designates Filipino as the primary medium of instruction even in the regions but, in the absence of such law, the regional languages may be used as primary media of instruction. The Congress, however, opted not to enact such law. On the contrary, the Congress, in the exercise of its wisdom, provided that the regional languages shall be the primary media of instruction in the early stages of schooling. Verily, this act of Congress was not only Constitutionally permissible, but was likewise an exercise of an exclusive prerogative to which the Court cannot interfere with.

Petitioners further contend that the MTB-MLE is counter-productive, anti-developmental and does not serve the people's right to quality of education, which the State, under the Constitution, is mandated to promote.²¹⁷ Moreover, in contrast to the benefits of the MTB-MLE that respondents assert, petitioners claim that comparative international and domestic data have shown MT monolingualism to be inferior; while high literacy and proficiency in English indicates human development, makes people more globally competitive and relatively happier.²¹⁸

Petitioners' arguments are again misplaced. While the Constitution indeed mandates the State to provide quality education, the determination of what constitutes quality education is best left with the political departments who have the necessary knowledge, expertise, and resources to determine the same. The deliberations of the Constitutional Commission again are very instructive:

Now, Madam President, **we have added the word "quality" before "education" to send appropriate signals to the government** that, in the exercise of its supervisory and regulatory powers, it **should first set satisfactory minimum requirements in all areas: curriculum**, faculty, internal administration, library, laboratory class and other facilities, et cetera, and it should see to it that satisfactory minimum requirements are met by all educational institutions, both public and private.

When we speak of quality education we have in mind such matters, among others, as curriculum development, development of learning resources and instructional materials, upgrading of library and laboratory facilities, innovations in educational technology and teaching methodologies, improvement of research quality, and others. Here and in many other provisions on education, the principal focus of attention and concern is the students. I would like to say that in my view there is a slogan when we speak of quality of education that I feel we should be aware of, which is, "Better than ever is not enough." In other words, even if the quality of education is good now, we should attempt to keep on improving it.²¹⁹ (Emphasis supplied)

Clearly, when the government, through the *K to 12 Law* and the DepEd issuances, determined that the use of MT as primary medium of instruction

²¹⁷ *Rollo* (G.R. No. 218045), Vol. 1, pp. 572-577.

²¹⁸ *Id.* at 554, 579-581.

²¹⁹ IV RECORD OF THE CONSTITUTIONAL COMMISSION 57.



until Grade 3 constitutes a better curriculum, it was working towards discharging its constitutional duty to provide its citizens with quality education. The Court, even in the exercise of its jurisdiction to check if another branch of the government committed grave abuse of discretion, will not supplant such determination as it pertains to the wisdom of the policy.

Petitioners in G.R. No. 218045 also claim that the provision on the use of MT violates the natural and primary right and duty of parents in the rearing of the youth, recognized under Section 12, Article II of the 1987 Philippine Constitution. Petitioners aver that by using the MT in teaching the students, it compels parents to do something utterly redundant, inefficient, and wasteful, as the students are presumably already fluent in speaking their MT.²²⁰ In other words, they no longer need to be taught their native language.

Petitioners are once again incorrect as there is no conflict between the use of MT as a primary medium of instruction and the right of parents in rearing their children.

While Section 12, Article II grants parents the primary right to rear and educate their children, the State, as *parens patriae*, has the inherent right and duty to support parents in the exercise of this constitutional right. In other words, parents' authority and the State's duty are not mutually exclusive but complement each other.²²¹ In the matter of education, a parent is always the first teacher. The language first learned by the child or his "mother tongue", which the child understands best and hence, an effective tool for further learning, is first and foremost taught by the parent. The inclusion in the K to 12 Program of the MT as a medium of instruction and a subject in the early years of learning is, therefore, not intended to curtail the parents' right but to complement and enhance the same.

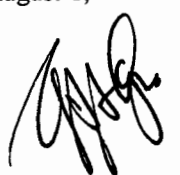
Moreover, despite the provision on the use of MT as primary medium of instruction for kindergarten and Grades 1 to 3, Filipino and English remain as subjects in the curriculum during the earlier stages of schooling and will later on be used as primary medium of instruction from Grade 4 onwards. In other words, in addition to the MT, the basics of Filipino and English will still be taught at the early stages of formal schooling; and should the parents, in the exercise of their primary right and duty to rear their children, so desire to give additional Filipino and English lessons to their children, they have the absolute right to do so. Nothing in the *K to 12 Law* prohibits the parents from doing so.

Academic freedom

Petitioners in G.R. No. 216930 also allege that faculty from HEI stand

²²⁰ *Rollo* (G.R. No. 218045), Vol. 1, p. 560.

²²¹ See *Samahan ng mga Progresibong Kabataan (SPARK) v. Quezon City*, G.R. No. 225442, August 8, 2017, 835 SCRA 350, 429.



to lose their academic freedom when they are transferred to senior high school level as provided in the *K to 12 Law*, the *K to 12 Law IRR* and the Joint Guidelines.²²²

Without question, petitioners, who are faculty members in HEIs, indeed possess the academic freedom granted by Constitution. This Court, in its previous decisions, has defined academic freedom for the individual member of the academe as “the right of a faculty member to pursue his studies in his particular specialty and thereafter to make known or publish the result of his endeavors without fear that retribution would be visited on him in the event that his conclusions are found distasteful or objectionable to the powers that be, whether in the political, economic, or academic establishments.”²²³

However, the Court does not agree with petitioners that their transfer to the secondary level, as provided by the *K to 12 Law* and the assailed issuances, constitutes a violation of their academic freedom. While the Court agrees, in principle, that security of tenure is an important aspect of academic freedom — that the freedom is only meaningful if the faculty members are assured that they are free to pursue their academic endeavors without fear of reprisals — it is likewise equally true that convergence of security of tenure and academic freedom does not preclude the termination of a faculty member for a valid cause.²²⁴ Civil servants, like petitioners, may be removed from service for a valid cause, such as when there is a *bona fide* reorganization, or a position has been abolished or rendered redundant, or there is a need to merge, divide, or consolidate positions in order to meet the exigencies of the service.²²⁵ Hence, petitioners’ contention that the law is unconstitutional based on this ground is specious.

Free public education in the elementary and high school levels

Petitioners claim that making kindergarten compulsory limits access to education;²²⁶ that 400,000 to 500,000 Grade 11 students will be forced to enroll in private schools, pushed by government towards a more expensive, not free education;²²⁷ and that there will be a *de facto* privatization of senior high school education (through the voucher system) and that this is a violation of the constitutional provision mandating free high school education.²²⁸

The OSG counters that the Senior High School Voucher program (subsidy given to those who will enroll in non-DepEd schools) does not force

²²² *Rollo* (G.R. No. 216930), Vol. 3, pp. 1872-1873.

²²³ *Garcia v. The Faculty Admission Committee, Loyola School of Theology*, 160-A Phil. 929, 942 (1975).

²²⁴ See *Montemayor v. Araneta University Foundation*, 167 Phil. 667, 668 (1977).

²²⁵ Sec. 2, RA No. 6656, AN ACT TO PROTECT THE SECURITY OF TENURE OF CIVIL SERVICE OFFICERS AND EMPLOYEES IN THE IMPLEMENTATION OF GOVERNMENT REORGANIZATION, June 10, 1988.

²²⁶ *Rollo* (G.R. No. 218123), Vol. 2, pp. 1256-1267.

²²⁷ *Id.* at 1258.

²²⁸ *Id.* at 1256-1260.

students to enroll in private SHS. It simply offers a viable alternative to both student and government — to the student, a subsidized private education; and to the government, decongested public schools.²²⁹

The Court fully agrees with the OSG.

Petitioners' argument that the establishment of the voucher system will result in the *de facto* privatization of senior high school is not only speculative, it is also without any basis. The voucher system is one of the mechanisms established by the State through RA No. 6728, otherwise known as the *Government Assistance to Students and Teachers in Private Education Act*. In *Mariño, Jr. v. Gamilla*,²³⁰ the Court recognized that RA No. 6728 was enacted in view of the declared policy of the State, in conformity with the mandate of the Constitution, to promote and make quality education accessible to all Filipino citizens, as well as the recognition of the State of the complementary roles of public and private educational institutions in the educational system and the invaluable contribution that the private schools have made and will make to education."²³¹ Through the law, the State provided "the mechanisms to improve quality in private education by maximizing the use of existing resources of private education x x x."²³² One of these is the voucher system where underprivileged high school students become eligible for full or partial scholarship for degree or vocational/technical courses.

The program was later expanded through RA No. 8545. In the *K to 12 Law*, the benefits under RA No. 8545, including the voucher system, were made applicable to qualified students under the enhanced basic education, specifically to the qualified students enrolled in senior high school.²³³

The establishment and expansion of the voucher system is the State's way of tapping the resources of the private educational system in order to give Filipinos equal access to quality education. The Court finds that this manner of implementing the grant of equal access to education is not constitutionally infirm.

CMO No. 20 is constitutional

Petitioners assert that CMO No. 20 is violative of the Constitution because the study of Filipino, *Panitikan* and the Philippine Constitution are not included as core subjects.

The Court disagrees.

²²⁹ *Rollo* (G.R. No. 216930), Vol. 4, pp. 1976-1980.

²³⁰ 609 Phil. 549 (2009).

²³¹ *Id.* at 576.

²³² RA No. 6728, Sec. 2.

²³³ K to 12 IRR, Sec. 21.



First, the constitutional provisions alleged by petitioners to be violated are non-self-executing provisions. As discussed above, the framers of the Constitution, in discussing Section 6 of Article XIV, explained that the use of Filipino as a medium of official communication is still subject to provisions of law.²³⁴

In *Knights of Rizal v. DMCI Homes, Inc.*,²³⁵ the Court held that Section 15 on arts and culture of Article XIV is not self-executory because Congress passed laws dealing with the preservation and conservation of our cultural heritage.²³⁶ The Court was of the view that all sections in Article XIV pertaining to arts and culture are all non-self-executing, which includes Section 14 on Filipino national culture and Section 18 on access to cultural opportunities. The Court in *Basco*²³⁷ also ruled that Section 17, Article II on giving priority to education, science and technology, arts, culture, and sports, and Section 2, Article XIV on educational values, are non-self-executing.

Thus, the Court reiterates that these constitutional provisions are only policies that may be “used by the judiciary as aids or as guides in the exercise of its power of judicial review, and by the legislature in its enactment of laws.”²³⁸ The Court reiterates that they do not embody judicially enforceable constitutional rights.²³⁹

Second, it is misleading for petitioners to allege that there is a violation of the constitutional provisions for the simple reason that the study of Filipino, *Panitikan* and the Constitution are actually found in the basic education curriculum from Grade 1 to 10 and senior high school. To be sure, the changes in the GE curriculum were implemented to ensure that there would be no duplication of subjects in Grade 1 to 10, senior high school and college. Thus, the allegation of petitioners that CMO No. 20 “removed” the study of Filipino, *Panitikan* and the Constitution in the GE curriculum is incorrect.

As regards Section 3(1), Article XIV on the requirement that all educational institutions shall include the study of the Constitution as part of the curricula, the deliberations of the Constitutional Commission confirm that the intention was for it to be constitutionally mandated. The Court agrees that there is indeed a constitutional mandate that the study of the Constitution should be part of the curriculum of educational institutions. However, the mandate was general and did not specify the educational level in which it must be taught. Hence, the inclusion of the study of the Constitution in the basic education curriculum satisfies the constitutional requirement.

In this regard, it must be emphasized that CMO No. 20 only provides

²³⁴ IV RECORD OF THE CONSTITUTIONAL COMMISSION 495.

²³⁵ G.R. No. 213948, April 25, 2017, 824 SCRA 327.

²³⁶ Id. at 393.

²³⁷ Supra note 163.

²³⁸ *Tañada v. Angara*, supra note 107, at 580-581.

²³⁹ Id. at 581.

for the **minimum standards** for the GE component of all degree programs. Under Section 13 of RA No. 7722 or the *Higher Education Act of 1994*, the CHED is authorized to determine the (a) minimum unit requirements for specific academic programs; (b) **general education distribution requirements as may be determined by the Commission**; and (c) specific professional subjects as may be stipulated by the various licensing entities. The provision further provides that this authority shall not be construed as limiting the academic freedom of universities and colleges. Therefore, HEIs are given the freedom to require additional Filipino or *Panitikan* courses to these minimum requirements if they wish to.

Third, petitioners aver that non-inclusion of these subjects in the GE curriculum will result to job displacement of teachers and professors, which contravenes the constitutional provisions on protection of labor and security of tenure. Once more, Section 3, Article XIII and Section 18, Article II do not automatically confer judicially demandable and enforceable rights and cannot, on their own, be a basis for a declaration of unconstitutionality. Further, the Court finds that, in fact, teachers and professors were given the opportunity to participate in the various consultations and decision-making processes affecting their rights as workers.²⁴⁰

CMO No. 20 does not contravene any other laws

As claimed by petitioners, CMO No. 20 violated Section 14 of RA No. 7104 or the *Commission on the Filipino Language Act* because it interfered with the authority of the Commission on the Filipino Language (CFL) on matters of language. Petitioners reiterate that it is the CFL who has the authority to *formulate policies, plans and programs to ensure the further development, enrichment, propagation and preservation of Filipino and other Philippine language*²⁴¹ and thus, CMO No. 20 should have retained the nine (9) units of Filipino in the GE curriculum, as proposed by the CFL.

Petitioners also aver that CMO No. 20 violates RA No. 7356 or the *Law Creating the National Commission for Culture and the Arts* because the non-inclusion of Filipino and *Panitikan* as subjects in the GE curriculum is a violation of our “duty x x x to preserve and conserve the Filipino historical and cultural heritage and resources.”²⁴²

Lastly, petitioners allege that CMO No. 20 violates BP Blg. 232 or the *Education Act of 1982*, specifically, Section 3 on the role of the educational community to promote the social and economic status of all school personnel and Section 23 on the objectives of tertiary education which includes a general education program that will promote national identity and cultural

²⁴⁰ *Rollo* (G.R. No. 217451), Vol. 2, pp. 1348-1351.

²⁴¹ RA No. 7104, Sec. 14(a).

²⁴² RA No. 7356, Sec. 7.

consciousness.

Again, the Court disagrees.

It must be noted that nothing in these laws requires that *Filipino* and *Panitikan* must be included as subjects in the tertiary level. Further, as already established, it is within the authority of the CHED to determine the GE distribution requirements. The Court also reiterates that the study of *Filipino* and *Panitikan* can easily be included as courses in the tertiary level, if the HEIs wish to. Thus, petitioners' arguments that CMO No. 20 violates the aforementioned laws must fail.

III.

The K to 12 Law does not violate substantive due process and equal protection of the laws.

Petitioners also assert that the *K to 12 Law* is unconstitutional for violating the due process clause, as the means employed is allegedly not proportional to the end to be achieved, and that there is supposedly an alternative and less intrusive way of accomplishing the avowed objectives of the law. They point to studies which showed that lengthening the time did not necessarily lead to better student performance. They further assert that “[g]iven adequate instruction, armed with sufficient books, and a conducive learning environment, the Filipino student does not need at all two (2) additional years of senior high school” and hence the imposition of additional years in senior high school is “unduly oppressive an unwarranted intrusion into the right to education of all Filipino students, thus violating their right to substantive due process.”²⁴³ In addition, they claim that the assailed law is violative of the due process clause because, allegedly, the law served the interests of only a select few. According to them, majority of the Filipinos will never apply for graduate school admission to a foreign university or for professional work in a foreign corporation, and these are the only people who supposedly need the additional two years of basic education. They point to the fact that Filipinos are being currently employed as caregivers, seafarers, house helpers, etc. despite the fact that they have undergone only ten (10) years of basic education. Hence, the assailed law is unconstitutional for serving the interests of only a select few.²⁴⁴

Again, the Court disagrees. There is no conflict between the *K to 12 Law* and right of due process of the students.

²⁴³ *Rollo* (G.R. No. 218645), Vol. 3, p. 1519.

²⁴⁴ *Id.* at 1520.

It is established that due process is comprised of two components, namely, substantive due process which requires the intrinsic validity of the law in interfering with the rights of the person to his life, liberty, or property, and procedural due process which consists of the two basic rights of notice and hearing, as well as the guarantee of being heard by an impartial and competent tribunal.²⁴⁵

Substantive due process, the aspect of due process invoked in this case, requires an inquiry on the intrinsic validity of the law in interfering with the rights of the person to his property. In *Abakada Guro Party List vs. Ermita*,²⁴⁶ the Court held:

x x x The inquiry in this regard is not whether or not the law is being enforced in accordance with the prescribed manner but *whether or not, to begin with, it is a proper exercise of legislative power.*

To be so, the law must have a *valid governmental objective*, i.e., the interest of the public as distinguished from those of a particular class, requires the intervention of the State. This objective must be pursued in a *lawful manner*, or in other words, the means employed must be reasonably related to the accomplishment of the purpose and *not unduly oppressive*.²⁴⁷ (Emphasis supplied)

Hence, two things must concur: (1) the interest of the public, in general, as distinguished from those of a particular class, requires the intervention of the State; and (2) the means employed are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive on individuals.

Here, the *K to 12 Law* does not offend the substantive due process of petitioners. The assailed law's declaration of policy itself reveals that, contrary to the claims of petitioners, the objectives of the law serve the interest of the public and not only of a particular class.²⁴⁸

SEC. 2. Declaration of Policy. — The State shall establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people, the country and society-at-large.

Likewise, it is hereby declared the policy of the State that every graduate of basic education shall be an empowered individual who has learned, through a **program that is rooted on sound educational principles and geared towards excellence, the foundations for learning throughout life, the competence to engage in work and be productive, the ability to coexist in fruitful harmony with local and global communities, the capability to engage in autonomous, creative, and critical thinking, and the capacity and willingness to transform others and one's self.**

²⁴⁵ *Secretary of Justice v. Lantion*, 379 Phil. 165, 202-203 (2000).

²⁴⁶ *Supra* note 142.

²⁴⁷ J. Sandoval-Gutierrez, Concurring and Dissenting Opinion, *id.* at 224.

²⁴⁸ RA No. 10533, Sec. 2.

For this purpose, the State shall create a **functional basic education system that will develop productive and responsible citizens equipped with the essential competencies, skills and values for both life-long learning and employment**. In order to achieve this, the State shall:

(a) Give every student an opportunity to receive quality education that is globally competitive based on a pedagogically sound curriculum that is at par with international standards;

(b) Broaden the goals of high school education for college preparation, vocational and technical career opportunities as well as creative arts, sports and entrepreneurial employment in a rapidly changing and increasingly globalized environment; and

(c) Make education learner-oriented and responsive to the needs, cognitive and cultural capacity, the circumstances and diversity of learners, schools and communities through the appropriate languages of teaching and learning, including mother tongue as a learning resource. (Emphasis supplied)

All students are intended to benefit from the law. Without ruling on the effectiveness of the revised curriculum, it is erroneous to view the *K to 12 Law* and the DepEd Orders in question extending basic education by two (2) years simply to comply with international standards; rather, the basic education curriculum was restructured according to what the political departments believed is the best approach to learning, or what they call as the “spiral approach.” This approach, according to respondent, will yield the following benefits for all students: (1) it is decongested and offers a more balanced approach to learning; (2) it would help in freeing parents of the burden of having to spend for college just to make their children employable; (3) it would prepare students with life skills that they learn while schooling; (4) it is seamless; (5) it is relevant and responsive, age-appropriate, and focused on making learners succeed in the 21st century; and (6) it is enriched and learner-centered.²⁴⁹ Thus, contrary to the claims of petitioners, the assailed law caters to the interest of the public in general, as opposed to only a particular group of people.

Furthermore, the means employed by the assailed law are commensurate with its objectives. Again, the restructuring of the curriculum with the corresponding additional years in senior high school were meant to improve the quality of basic education and to make the country’s graduates more competitive in the international arena.

Respondents proffer, and petitioners concede, that the Philippines is the last country to adopt a 12-year basic education curriculum. However, petitioners submit that adding two (2) years in the basic education curriculum is not the answer to achieve these objectives, and that there is supposedly a less intrusive way to achieve these goals, namely, to increase the salaries of

²⁴⁹ *Rollo* (G.R. No. 216930), Vol. 2, p. 829.



the teachers, invest in better and more resource materials, and building of more classrooms to achieve the goal of improving the quality of education in the Philippines. Petitioners ought to be reminded, however, that the objectives of the law are two-pronged. It was meant not only to (1) improve the basic education in the country, but also to (2) make it at par with international standards. It is in this second purpose that the means employed by the assailed law is justified. Thus, having established that the interest of the public in general is at the heart of the law, and that the means employed are commensurate to its objectives, the Court holds that the *K to 12 Law* is not violative of the due process clause.

The students of Manila Science High School (MSHS), petitioners in G.R. No. 218465, aver, in particular, that the decongestion of the originally existing basic education curriculum and the lengthening of the basic education cycle do not, and should not, be made to apply to them as their curriculum is supposedly congested on purpose.²⁵⁰ It supposedly should not apply to them because “[they] are gifted and thus are advanced for their age, with the capability to learn better and faster compared to other high school students. Because of their higher mental capabilities, they neither need decongesting nor a longer period of time or any spiral approach, for them to in fact master their heavier in scope and more advanced math and science subjects.”²⁵¹ They are supposedly “not being trained for immediate employment after high school but for them to pursue tertiary education, particularly career paths either as mathematicians, scientists or engineers, which the country needs most for its development.”²⁵² This, these petitioners asseverate, makes the means employed by the *K to 12 Law* not reasonably necessary for the accomplishment of its intended purpose. Thus, as applied to MSHS students, the *K to 12 Law* is arbitrary, unfair, oppressive, discriminatory and unreasonable and thus violative of their substantive due process.²⁵³ They further allege that the law is violative of the equal protection clause for treating them in the same way as all other high school students when they are supposed to be treated differently for not being similarly situated with the rest.²⁵⁴

In essence, what these petitioners are saying is that the *K to 12 Law* did not make a substantial distinction between MSHS students and the rest of the high school students in the country when it, in fact, should have done so.

This contention is without merit.

To assure that the general welfare is promoted, which is the end of the law, a regulatory measure may cut into the rights to liberty and property.²⁵⁵

²⁵⁰ *Rollo* (G.R. No. 218465) Vol. 3, pp. 1514-1517.

²⁵¹ *Id.* at 1514-1515.

²⁵² *Id.* at 1515.

²⁵³ *Id.*

²⁵⁴ *Id.* at 1515-1516.

²⁵⁵ *Bautista v. Juinio*, 212 Phil. 307, 317 (1984).



Those adversely affected may invoke the equal protection clause only if they can show that the governmental act assailed, far from being inspired by the attainment of the common goal, was prompted by the spirit of hostility, or at the very least, discrimination that finds no support in reason.²⁵⁶ This, petitioners' failed to sufficiently show. For this reason, the Court holds that the *K to 12 Law* did not violate petitioners' right to due process nor did it violate the equal protection clause. In *JMM Promotion and Management, Inc. v. Court of Appeals*,²⁵⁷ the Court explained the object and purpose of the equal protection clause in this wise:

The equal protection clause is directed principally against undue favor and individual or class privilege. It is not intended to prohibit legislation which is limited to the object to which it is directed or by the territory in which it is to operate. It does not require absolute equality, but merely that **all persons be treated alike under like conditions both as to privileges conferred and liabilities imposed.** We have held, time and again, that the equal protection clause of the Constitution does not forbid classification for so long as such classification is based on real and substantial differences having a reasonable relation to the subject of the particular legislation. If classification is germane to the purpose of the law, concerns all members of the class, and applies equally to present and future conditions, the classification does not violate the equal protection guarantee.²⁵⁸ (Emphasis supplied)

To emphasize, valid classifications require *real* and *substantial* differences to justify the variance of treatment between the classes. The MSHS students did not offer any substantial basis for the Court to create a valid classification between them and the rest of the high school students in the Philippines. Otherwise stated, the equal protection clause would, in fact, be violated if the assailed law treated the MSHS students differently from the rest of the high school students in the country.

To be clear, the Court is not saying that petitioners are not gifted, contrary to their claims. The Court is merely saying that the *K to 12 Law* was not infirm in treating all high school students equally. The MSHS students are, after all, high school students just like all the other students who are, and will be, subjected to the revised curriculum.

The Court agrees with these petitioners to the extent of their claim that they have the right granted by Article 3(3) and (6) of Presidential Decree No. 603, or the *Child and Youth Welfare Code*, to education commensurate with their abilities.²⁵⁹ However, the Court disagrees that the said right granted by the *Child and Youth Welfare Code* was violated when the revised curriculum under the *K to 12 Law* was applied to them. It bears repeating that the law is being merely applied to the whole segment of the population to which

²⁵⁶ Id. at 317.

²⁵⁷ 329 Phil. 87 (1996).

²⁵⁸ Id. at 102.

²⁵⁹ *Rollo* (G.R. No. 218465), Vol. 3, pp. 1512-1513.



petitioners belong. Further, the basic education under the K to 12 was intended to meet the basic learning needs of the students and it is broad enough to cover alternative learning systems for out-of-school learners and those with special needs.²⁶⁰

This is not to say that they shall be continually subjected strictly to the K to 12 curriculum which they describe as “inferior,” “diluted,” and “anemic.”²⁶¹ The *K to 12 Law* explicitly recognized the right of schools to modify their curricula subject, of course, to the minimum subjects prescribed by the DepEd.²⁶²

SEC. 5. Curriculum Development. — The DepED shall formulate the design and details of the enhanced basic education curriculum. It shall work with the Commission on Higher Education (CHED) to craft harmonized basic and tertiary curricula for the global competitiveness of Filipino graduates. To ensure college readiness and to avoid remedial and duplication of basic education subjects, the DepED shall coordinate with the CHED and the Technical Education and Skills Development Authority (TESDA).

To achieve an effective enhanced basic education curriculum, the DepED shall undertake consultations with other national government agencies and other stakeholders including, but not limited to, the Department of Labor and Employment (DOLE), the Professional Regulation Commission (PRC), the private and public schools associations, the national student organizations, the national teacher organizations, the parents-teachers associations and the chambers of commerce on matters affecting the concerned stakeholders.

The DepED shall adhere to the following standards and principles in developing the enhanced basic education curriculum:

(a) The curriculum shall be learner-centered, inclusive and developmentally appropriate;

(b) The curriculum shall be relevant, responsive and research-based;

(c) The curriculum shall be culture-sensitive;

(d) The curriculum shall be contextualized and global;

(e) The curriculum shall use pedagogical approaches that are constructivist, inquiry-based, reflective, collaborative and integrative;

(f) The curriculum shall adhere to the principles and framework of Mother Tongue-Based Multilingual Education (MTB-MLE) which starts from where the learners are and from what they already knew proceeding from the known to the unknown; instructional materials and capable teachers to implement the MTB-MLE curriculum shall be available;

²⁶⁰ RA No. 10533, Sec. 3.

²⁶¹ *Rollo* (G.R. No. 218465), Vol. 3, pp. 1495, 1497, 1516-1517.

²⁶² RA No. 10533, Sec. 5.

(g) The curriculum shall use the spiral progression approach to ensure mastery of knowledge and skills after each level; and

(h) **The curriculum shall be flexible enough to enable and allow schools to localize, indigenize and enhance the same based on their respective educational and social contexts.** The production and development of locally produced teaching materials shall be encouraged and approval of these materials shall devolve to the regional and division education units. (Emphasis supplied)

In fact, the *K to 12 IRR* confirms the inclusiveness of the design of the Enhanced Basic Education in mandating that the enhanced basic education programs should be able to address the physical, intellectual, psychosocial, and cultural needs of learners.²⁶³ The IRR mandates that the Basic Education Program should include programs for the gifted and talented, those with disabilities, the Madrasah Program for Muslim learners, Indigenous Peoples Programs, and Programs for Learners under Difficult Circumstances.²⁶⁴ The *K to 12 IRR* also allows the acceleration of learners in public and private educational institutions.²⁶⁵ Therefore, the remedy of petitioner students is with MSHS and/or DepEd, and not with this Court.

Petitioners in G.R. No. 218045 also challenge the *K to 12 Law* on the ground of violation of the equal protection clause by arguing that private schools are allowed to offer extra and optional curriculum subjects in addition to those required by the *K to 12 Law* and DepEd Orders, and thus, rich families will tend to enroll their children in private schools while poor families will be constrained to enroll their children in English starved public schools.²⁶⁶

The argument is untenable.

The Court, no matter how vast its powers are, cannot trample on the previously discussed right of schools to enhance their curricula and the primary right of parents to rear their children, which includes the right to determine which schools are best suited for their children's needs. Even before the passage of the *K to 12 Law*, private educational institutions had already been allowed to enhance the prescribed curriculum, considering the State's recognition of the complementary roles of public and private institutions in the educational system.²⁶⁷ Hence, the Court cannot sustain petitioners' submission that the assailed law is invalid based on this ground.

Other arguments against the constitutionality of the K to 12 Law

Petitioners in G.R. No. 217752 argue that DepEd's use of global

²⁶³ *K to 12 IRR*, Sec. 8.

²⁶⁴ *Id.*

²⁶⁵ *K to 12 IRR*, Sec. 9.

²⁶⁶ *Rollo* (G.R. No. 218045), Vol. 1, p. 555.

²⁶⁷ 1987 CONSTITUTION, Art. XIV, Sec. 4(1).



competitiveness as justification in the policy shift to K to 12 is not relevant to the needs of the people and society, as not everyone will be working abroad.²⁶⁸ Essentially, they are assailing the validity of the law for allegedly violating Section 2(1), Article XIV of the 1987 Philippine Constitution, which states that:

SEC. 2. The State shall:

(1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society[.]

As previously discussed, however, Section 2, Article XIV of the 1987 Philippine Constitution is a non-self-executing provision of the Constitution. Again, as the Court already held in *Basco*, “Section 2 (Educational Values) of Article XIV of the 1987 [Philippine] Constitution x x x are merely statements of principles and policies. As such, they are basically not self-executing, meaning a law should be passed by Congress to clearly define and effectuate such principles.”²⁶⁹ The *K to 12 Law* is one such law passed by the Legislature to bring the said guiding principle to life. The question of what is ‘relevant to the needs of the people and society’ is, in turn, within the sole purview of legislative wisdom in which the Court cannot intervene.

Another assertion against the constitutionality of the *K to 12 Law* is that it allegedly violates the constitutional State duty to exercise reasonable supervision and regulation of educational institutions mandated by Section 4, Article XIV of the 1987 Constitution. Petitioners in G.R. No. 218123 allege that DepEd’s Basic Education Sector Transformation Program (BEST) is supported by Australian Aid and managed by CardNo, a foreign corporation listed in the Australian Securities Exchange. CardNo allegedly hires specialists for the implementation of the K to 12 curriculum.²⁷⁰ This partnership between CardNo and DepEd is allegedly violative of the above Constitutional provision, which reads:

SEC. 4. (1) The State recognizes the complementary roles of public and private institutions in the educational system and **shall exercise reasonable supervision and regulation of all educational institutions.**

(2) Educational institutions, other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens. The Congress may, however, require increased Filipino equity participation in all educational institutions.

The control and administration of educational institutions shall be vested in the citizens of the Philippines.

²⁶⁸ *Rollo* (G.R. No. 217752), Vol. 1, p. 31.

²⁶⁹ *Supra* note 163, at 343.

²⁷⁰ *Rollo* (G.R. No. 218123), Vol. 1, pp. 41-42.

No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. The provisions of this subsection shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.

(3) All revenues and assets of non-stock, non-profit educational institutions used actually, directly, and exclusively for educational purposes shall be exempt from taxes and duties. Upon the dissolution or cessation of the corporate existence of such institutions, their assets shall be disposed of in the manner provided by law.

Proprietary educational institutions, including those cooperatively owned, may likewise be entitled to such exemptions subject to the limitations provided by law including restrictions on dividends and provisions for reinvestment.

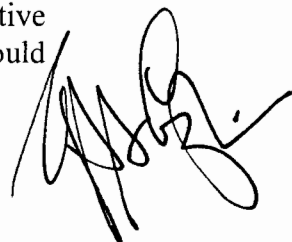
(4) Subject to conditions prescribed by law, all grants, endowments, donations, or contributions used actually, directly, and exclusively for educational purposes shall be exempt from tax. (Emphasis supplied)

Petitioners point to Section 4(1) and Section 4(2), paragraph 2, as legal basis for the supposed unconstitutionality of the partnership between DepEd and CardNo in the implementation of the K to 12 curriculum.

Petitioners' reading of the above Constitutional provisions is erroneous. Sections 4(1) and 4(2) deal with two separate matters that the Framers of the Constitution sought to address. Section 4(1) was a provision added by the Framers to crystallize the State's recognition of the importance of the role that the private sector plays in the quality of the Philippine education system. Despite this recognition, the Framers added the second portion of Section 4(2) to emphasize that the State, in the exercise of its police power, still possesses the power of supervision over private schools. The Framers were explicit, however, that this supervision refers to *external governance*, as opposed to *internal governance* which was reserved to the respective school boards, thus:

Madam President, Section 2(b) introduces four changes: one, the addition of the word "reasonable" before the phrase "supervision and regulation"; two, the addition of the word "quality" before the word "education"; three, the change of the wordings in the 1973 Constitution referring to a system of education, requiring the same to be relevant to the goals of national development, to the present expression of "relevant to the needs of the people and society"; and four, the explanation of the meaning of the expression "integrated system of education" by defining the same as the **recognition and strengthening of the complementary roles of public and private educational institutions as separate but integral parts of the total Philippine educational system.**

When we speak of State supervision and regulation, we refer to the external governance of educational institutions, particularly private educational institutions as distinguished from the internal governance by their respective boards of directors or trustees and their administrative officials. Even without a provision on external governance, the State would



still have the inherent right to regulate educational institutions through the exercise of its police power. We have thought it advisable to restate the supervisory and regulatory functions of the State provided in the 1935 and 1973 Constitutions with the addition of the word "reasonable." We found it necessary to add the word "reasonable" because of an *obiter dictum* of our Supreme Court in a decision in the case of *Philippine Association of Colleges and Universities vs. The Secretary of Education and the Board of Textbooks* in 1955. In that case, the court said, and I quote:

It is enough to point out that local educators and writers think the Constitution provides for control of education by the State.

The Solicitor General cites many authorities to show that the power to regulate means power to control, and quotes from the proceedings of the Constitutional Convention to prove that State control of private education was intended by organic law.

The addition, therefore, of the word "reasonable" is meant to underscore the sense of the committee, that when the Constitution speaks of State supervision and regulation, it does not in any way mean control. We refer only to the power of the State to provide regulations and to see to it that these regulations are duly followed and implemented. It does not include the right to manage, dictate, overrule and prohibit. Therefore, it does not include the right to dominate.²⁷¹ (Emphasis supplied)

In stark contrast, Section 4(2), Article XIV, which was copied from the 1973 Philippine Constitution, refers to *ownership* and *administration* of individual schools. This interpretation is clear both from a plain reading of the provision itself, and from the deliberations of the Framers of the Constitution:

MR. GUNGONA. The committee refers to both ownership and administration. If I may be allowed to continue, may I refer the Commissioner to the same section that I have specified in the 1973 Constitution. The Commissioner will notice that this particular provision does not only refer to administration because it speaks also of educational institution which should be owned solely by citizens or corporations of the Philippines.

MR. REGALADO. Yes.

MR. GUNGONA. In other words, even in the 1973 Constitution, the contemplation or the intention of the fundamental law was to include both ownership and administration.

MR. REGALADO. They are not merely these, because otherwise there is an error of language in the Constitution then. Paragraph 7 of Section 8 states: "Educational institutions, other than those established by religious orders, mission boards, or charitable organizations."

MR. GUNGONA. Yes.

²⁷¹ IV RECORD OF THE CONSTITUTIONAL COMMISSION 56-57.

MR. REGALADO. In other words, with the exception of educational institutions established by religious orders, mission boards, or charitable organizations, then all educational institutions shall be owned solely by citizens of the Philippines and at the time, of course, by corporations or associations 60 *per centum* of the capital of which is owned by citizens. In other words, educational institutions of religious orders were exempted from that requirement by the very constitutional provision which was further implemented and ramified with clarity in P.D. No. 176.²⁷²

Thus, petitioners are mistaken in applying Section 4(2), Article XIV to Section 4(1), Article XIV as they deal with completely different matters. The restrictions expressed in Section 4(2), Article XIV only refer to *ownership, control, and administration* of individual schools, and these do not apply to the State's exercise of reasonable supervision and regulation of educational institutions under Section 4(1), Article XIV. Hence, there is nothing under the provisions of the Constitution which prohibits the State to forge a partnership with a foreign entity, like CardNo, in the exercise of this supervision and regulation of educational institutions.

Further, it is asserted that the *K to 12 Law* violates the constitutional duty of the State to provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills as commanded by Section 2, Article XIV of the 1987 Philippine Constitution. Petitioners decry the supposed lack of mechanisms in the *K to 12 Law* to accommodate groups with special needs.²⁷³ As previously discussed, Section 2, Article XIV of the 1987 Philippine Constitution is not a self-executing provision. Furthermore, petitioners' argument has no factual basis because DepEd has already put in place programs to address the needs of indigenous peoples, Muslim children, adult learners, PWDs, out of school youth and other sectors of society in keeping with the aforesaid constitutional provisions, in line with the *K to 12 Law*. The Court agrees with the following discussion by the OSG in its Comment on this point:

The petitioners' argument has no factual basis because the DepEd has already put in place programs to address the needs of the indigenous peoples, Muslim schoolchildren, adult learners, and persons with disabilities (PWDs) in line with the K-12 program. DepEd Order No. 103, s. 2011 directed the creation of the Indigenous Peoples Education Office (IPsEO), which is a mechanism for the mobilization, implementation, and coordination of all the programs and projects of DepEd pertaining to IPs education, pursuant to "The Indigenous Peoples Rights Act of 1997." This law mandates all government agencies to recognize and promote the rights of Indigenous Cultural Communities and Indigenous Peoples within the framework of national unity and development.

Dep[E]d Order No. 62, s. 2011 entitled "The National Indigenous Peoples Education Policy Framework," was issued to serve as an instrument in promoting shared accountability, continuous dialogue, engagement, and

²⁷² Id. at 366.

²⁷³ *Rollo* (G.R. No. 218123), Vol. 1, pp. 46-47.



partnership among governments, IPs communities, civil society, and other education stakeholders in upholding the IPs Learners' education rights. In support of DepEd's commitment to strengthen its policy on Indigenous Peoples Education (IPEd), DepEd Order No. 26, s. 2013 promulgated the Implementing Guidelines on the Allocation and Utilization of the Indigenous Peoples Education (IPEd) Program Support Fund.

Likewise, DepEd Order No. 46, s. 2013, entitled "Guidelines on the Madrasah Education Program and Utilization of the Support Fund," was issued to engage Muslim learners with relevant educational opportunities and processes.

On the other hand, DepEd Order No. 39, s. 2013 was issued in support of DepEd's Special Education Program for learners with special needs and disabilities, including those who are gifted and talented. DepEd Memorandum No. 108, s. 2013 entitled "2013 Alternative Learning System Accreditation and Equivalency (ALS & ALE) Test Registration and Administration" was promulgated to facilitate the ALS & ALE Test, designed to measure the competencies of those who have neither attended nor finished the elementary or secondary education in the formal school system. Passers of this test are given a certificate/diploma (which bears the seal and the signature of the Secretary of the Department of Education) certifying their competencies as comparable to graduates of the formal school system. Hence, they are qualified to enroll in the secondary and post-secondary schools.

DepEd Order No. 17, s. 2014 was also issued to provide the guidelines on the *Abot-Alam* Program, a convergence program that is being undertaken by a consortium of various national government agencies, non-government organizations, the National Youth Commission, and institutions under the leadership of DepEd to locate the out-of-school youth (OSY) nationwide who are 15-30 years old and who have not completed basic/higher education or who are unemployed, and to mobilize and harmonize programs which will address the OSY's needs and aspirations.

DepEd Order No. 77, s. 2011 organized the Advisory Council for the Education of Children and Youth with Disabilities (ACECYD) to formulate an agenda for action and the framework for collaboration between the DepEd and the disability sector and other stakeholders in providing education to children and youth with disabilities.

DepEd Order No. 64, s. 2011 directed all Schools Division and City Superintendents (SDSs) and District Supervisors to strictly implement relevant policies and best practices on the promotion and compensation of all Alternative Learning System (ALS) mobile teachers and implementers to ensure equal opportunities and standard implementation on the promotion and compensation of the ALS implementers.

Likewise, DepEd Order No. 22, s. 2010, entitled "Mainstreaming and Institutionalizing Madrasah Education Program by Transferring Its Developed Components to the Bureau of Elementary Education, Regional and Division Offices, and the Establishment of Madrasah Education Unit," was promulgated with the ultimate objective of peace building, national unity and understanding. Under this scheme, DepEd shall develop the Standard Madrasah Curriculum (SMC) for Pre-elementary and Secondary levels, along with the development of instructional and learning materials,



to complete the cycle of basic education Madrasah.

These inclusion programs are continuously being implemented to respond to the needs of the education sector during the transition period. They show the resolve of the DepEd to harness the necessary systems and structures to respond to the needs of the indigenous peoples, Muslim schoolchildren, adult learners, PWDs, OSYs, and the other sectors of society, in keeping with the constitutional provisions on the rights of indigenous peoples to preserve and develop their cultures, and to provide training in civics, vocational efficiency, and other skills to adult, disabled, and out-of-school youth.²⁷⁴

In fine, the contentions of petitioners are therefore without any factual basis and utterly devoid of merit.

IV.

Policy issues

In an attempt to bolster their case against the *K to 12 Law*, petitioners also raised the following policy issues:

- a) K to 12 only increases the resource gap by creating more need for resources. The solution to the problem is closing the resource gap by giving priority to education in the budget and public spending program of the government and addressing the issue of poverty and malnutrition and programs aimed at alleviating if not eradicating poverty in the long run but instead government comes up with the *K to 12 Law* which is a copycat and elitist solution.²⁷⁵
- b) K to 12 is problem-ridden. Instead, what we need is to prioritize deficiencies in personnel, facilities and materials; and a nationalist-oriented curriculum relevant to the needs of the people.²⁷⁶
- c) The Philippine government does not have enough funds to add two (2) more years of senior high school.²⁷⁷
- d) Student-teacher ratio is far from ideal.²⁷⁸
- e) Teachers are paid low salaries.²⁷⁹
- f) There is no assurance that senior high school results in good

²⁷⁴ *Rollo* (G.R. No. 216930), Vol. 2, pp. 877 -879.

²⁷⁵ *Rollo* (G.R. No. 217752), Vol. 1, pp. 28-29.

²⁷⁶ *Rollo* (G.R. No. 218123) Vol. 1, pp. 50, 53.

²⁷⁷ *Id.* at 49.

²⁷⁸ *Id.*

²⁷⁹ *Id.* at 50.



employment.²⁸⁰

Policy matters are not the concern of the Court. To reiterate, government policy is within the exclusive dominion of the political branches of the government. It is not for the Court to look into the wisdom or propriety of legislative determination.²⁸¹ Stated otherwise, the judiciary does not pass upon questions of wisdom, justice or expediency of legislation.²⁸² Indeed, whether an enactment is wise or unwise, whether it is based on sound economic theory, whether it is the best means to achieve the desired results, whether, in short, the legislative discretion within its prescribed limits should be exercised in a particular manner — all these are matters for the judgment of the legislature, and the serious conflict of opinions does not suffice to bring them within the range of judicial cognizance. When the validity of a statute is challenged on constitutional grounds, the sole function of the court is to determine whether it transcends constitutional limitations or the limits of legislative power.²⁸³ In the case of *Tañada v. Cuenco*,²⁸⁴ the Court, quoting American authorities, held:

“Elsewhere in this treatise the well-known and well-established principle is considered that it is not within the province of the courts to pass judgment upon *the policy* of legislative or executive action. Where, therefore, *discretionary* powers are granted by the Constitution or by statute, the *manner* in which those powers are exercised is not subject to judicial review. The courts, therefore, concern themselves only with the question as to the *existence and extent of these discretionary powers*.

“As distinguished from the judicial, the legislative and executive departments are spoken of as the *political* departments of government because in very many cases their action is necessarily dictated by considerations of public or political policy. *These considerations of public or political policy of course will not permit the legislature to violate constitutional provisions, or the executive to exercise authority not granted him by the Constitution or by statute, but, within these limits, they do permit the departments, separately or together, to recognize that a certain set of facts exists or that a given status exists, and these determinations, together with the consequences that flow therefrom, may not be traversed in the courts.*”²⁸⁵ (Emphasis in the original)

Similarly, in *Department of Environment and Natural Resources v. DENR Region 12 Employees*,²⁸⁶ the Court held that:

x x x. However, these concern issues addressed to the wisdom of the transfer rather than to its legality. It is basic in our form of government that the judiciary cannot inquire into the wisdom or expediency of the acts of the executive or the legislative department, for each department is supreme and

²⁸⁰ Id. at 51.

²⁸¹ *Fariñas v. Executive Secretary*, 463 Phil. 179, 204 (2003).

²⁸² *Angara v. Electoral Commission*, 63 Phil. 139, 158 (1936).

²⁸³ *Fariñas v. Executive Secretary*, supra note 281, at 212.

²⁸⁴ 103 Phil. 1051 (1957).

²⁸⁵ Id. at 1065.

²⁸⁶ 456 Phil. 635 (2003).

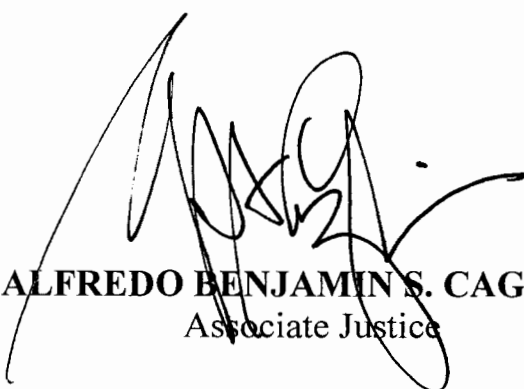
independent of the others, and each is devoid of authority not only to encroach upon the powers or field of action assigned to any of the other department, but also to inquire into or pass upon the advisability or wisdom of the acts performed, measures taken or decisions made by the other departments.

The Supreme Court should not be thought of as having been tasked with the awesome responsibility of overseeing the entire bureaucracy. Unless there is a clear showing of constitutional infirmity or grave abuse of discretion amounting to lack or excess of jurisdiction, **the Court's exercise of the judicial power, pervasive and limitless it may seem to be, still must succumb to the paramount doctrine of separation of powers.** After a careful review of the records of the case, we find that this jurisprudential element of abuse of discretion has not been shown to exist.²⁸⁷ (Emphasis supplied)

Further, the courts accord the presumption of constitutionality to legislative enactments, not only because the legislature is presumed to abide by the Constitution, but also because the judiciary, in the determination of actual cases and controversies, must reflect the wisdom and justice of the people as expressed through their representatives in the executive and legislative departments of the government.²⁸⁸ The Court, despite its vast powers, will not review the wisdom, merits, or propriety of governmental policies, but will strike them down only on either of two grounds: (1) unconstitutionality or illegality and/or (2) grave abuse of discretion.²⁸⁹ For having failed to show any of the above in the passage of the assailed law and the department issuances, the petitioners' remedy thus lies not with the Court, but with the executive and legislative branches of the government.²⁹⁰

WHEREFORE, the consolidated petitions are hereby **DENIED**. Accordingly, the Court declares Republic Act No. 10533, Republic Act No. 10157, CHED Memorandum Order No. 20, Series of 2013, Department of Education Order No. 31, Series of 2012, and Joint Guidelines on the Implementation of the Labor and Management Component of Republic Act No. 10533, as **CONSTITUTIONAL**. The Temporary Restraining Order dated April 21, 2015 issued in G.R. No. 217451 is hereby **LIFTED**.

SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

²⁸⁷ Id. at 648.

²⁸⁸ *Angara v. Electoral Commission*, supra note 282, at 158-159.

²⁸⁹ *Disomangcop v. Datumanong*, 486 Phil. 398, 424-425 (2004).

²⁹⁰ See *Saguisag v. Ochoa, Jr.*, 791 Phil. 277, 299 (2016).

WE CONCUR:

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Chief Justice

Antonio Carpio
ANTONIO T. CARPIO
Senior Associate Justice

Diosdado M. Peralta
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Associate Justice

(On official business)
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Mariano C. Del Castillo
MARIANO C. DEL CASTILLO
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Su separate concurring opinion

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Associate Justice

(On official business)
ALEXANDER G. GESMUNDO
Associate Justice

[Handwritten signature]

(On wellness leave)


JOSE C. REYES, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Chief Justice

CERTIFIED TRUE COPY


EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court

