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Jorge R. Coquia

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Religious Freedom in the Philippines

JORGE R. COQUIA

THE contemporary concept of freedom of religion and worship was introduced officially into the Philippines almost simultaneously through two historic documents. The Treaty of Paris, concluded on December 10, 1898 between Spain and the United States, provided among other things that "the inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of religion."¹ Two months later, that is, on January 22, 1899, the Malolos Constitution, the Organic Act promulgated during the short-lived Philippine Republic under General Emilio Aguinaldo, provided that "The state recognizes the liberty and equality of all religions (de todos los cultos) in the same manner as the separation of Church and State."²

In his instructions to the Philippine Commission, which was then about to assume civil government in the Philippines, President William McKinley imposed on every branch of government the inviolable rule that

no law shall be made respecting the establishment of religion or prohibiting the free exercise thereof and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed... that no form of religion and minister of religion shall be forced upon any community or upon any citizen...; that upon the other hand, no minister of religion shall be interfered with or molested in following his calling.³

President McKinley, however, went further, emphasizing that "the separation between State and Church shall be real, entire and absolute," thus giving a certain official sanction to that much abused, and much misunderstood phrase, "separation of Church and State." It was rather unfortunate that American officials then implementing these instructions took the directive rather too literally and the result was a secularist attitude among the people both in the government and in the field of education. The fact is that none of the documents from which this concept of religious liberty is derived ever contained such a phrase as "separation of Church and State." Neither did the subsequent legislation then enacted by the United States Congress in governing the Philippines ever contain the phrase "separation of Church and State." Thus, the Philippine Bill of 1902,⁴ the Philippine Autonomy Act (Jones Law),⁵ and finally the Philippine Independence Law⁶ merely reiterated the provisions of the Treaty of Paris without including that misunderstood phrase "separation of Church and State." The Philippine Independence Law merely enjoined the Filipinos when drafting their own constitution to include provisions to the effect that "absolute toleration of religious sentiment shall be secured and that no inhabitant or religious organization shall be molested on account of religious belief or mode of worship."⁷

The Constitution of the Philippines now provides: "No law shall be made respecting the establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession shall forever be allowed."⁸ This provision being a reproduction of the "First Amendment" of the United States Constitution, interpretation and application hereof have been based both upon Philippine and American authorities.

In most discussions of this concept of religious freedom, it is to be noted that the phrase "separation of Church and State" has always been resorted to by groups who want to exclude religion from the government. In the most recent controversy concerning the Department of Education Order No. 5 on religious instruction in public schools, opponents of this

aforementioned order vigorously maintained that there was a violation of this so-called principle of "separation of Church and State," although they did not argue as to whether there was violation of freedom of religion and worship as provided for in the Philippine Constitution.

Those who have always claimed "separation of Church and State" have obviously wanted the absolutist and separatist view of religion and government. A careful study of the history and background of the "no establishment of religion" clauses in both the American and Philippine Constitutions shows, however, that instead of the mutual exclusion and consequent antagonism of the Church and the State, the intent was more the promotion of religion by the state. Thomas Jefferson himself, who has been considered as the one mainly responsible for the principle of religious freedom in American Constitutional law,⁹ declared in a speech in the University of Virginia on October 7, 1822:

It was not, however, to be understood that instruction in religious opinion and duties was meant to be precluded by the public authorities, as indifferent to the interests of society. On the contrary, the relations which exist between Man and his Maker, and the duties resulting from these relations, are the most interesting and most important to every human being, and the most incumbent on his study and investigation.¹⁰

In the Philippines, although there was religious controversy during the Spanish period and although the Revolution saw the rise of the Philippine Independent Church movement headed by Gregorio Aglipay¹¹ there was nothing in its history that would indicate a preference for that absolutist and separatist attitude, which some groups now endeavor to erect as a "wall of separation of Church and State." In his recent series of articles on the "Real and True Spirit of 1896"¹² Jose Lopez del Castillo,¹³ an eyewitness of the Malolos Congress that drafted the Malolos Constitution at the Barasoain Church on November 29, 1898, said that the majority of the members of the body although not favoring a "union of Church and State" did not actually approve of the absolute separation of Church and State such as some religious groups uphold today.

This concept of absolute and complete separation of Church and State was given prominence with the arrival of religious missionaries during the early American occupation. In an effort to break the dominant position of the Catholic Church in the Philippines, there was then implanted the idea that the state was forbidden to deal with religion at all or to assist all religions equally. There was, therefore, in place of freedom of religion and equal treatment of all religious sects, the confused notion expressed in the catchwords "separation of Church and State" as an alleged great American principle. The fact, however, was that there was no such great American principle. If the American people had ever adopted such a principle, evidence of it would be found in the Federal Constitution, and in Acts of Congress. Actually, it was a mere opinion of private individuals or groups.¹⁴

Filipino officials serving under the American civil government caught on to this absolutist idea so that even the great Filipino patriot, President Manuel Quezon (1878-1944), during the Philippine Commonwealth period, once declared;

The State has nothing to do with the Church nor the Church with the State.... We should be thankful that there is here the *separation of the Church and State* and freedom of worship. The Church itself is better off when entirely disconnected from the Government and the Government in turn disassociated from the Church.¹⁵

There was an assumption, therefore, that any form of cooperation between religion and government was disadvantageous. But, properly, the respective spheres are not really mutually exclusive. That the Church may not intervene in the purely political processes of the State which concern merely temporal matters is not questioned. But there are times when the issues of civil society come within the purview of the spiritual office of the Church, where for example, temporal affairs raise moral issues. Thus in the presidential elections of 1953 in the Philippines, the Catholic Church through a series of pastoral letters¹⁶ and sermons from the pulpit exhorted the people to use their ballots in the proper way by voting into office men of high moral integrity. This principle is based on

the policy of promoting religion as a sound basis of religious freedom and conscience, instead of state indifferentism which ultimately results in a denial of the obligations of the State to acknowledge God and to conform its activities to natural law. The First Amendment of the U.S. Constitution, as the U.S. Supreme Court has said, intended to allow everyone to entertain such notions respecting his relations with his Maker and the duties they impose as might be approved by his conscience, and to worship as he might think proper, provided that they were not injurious to the equal rights of others.¹⁷

The State is not merely an arbitrarily created body of individuals; it must be considered from the point of view of the end of man and of man's social nature. As a principle of political prudence, in view of the various creeds that exist within the State, and because of the democratic principle of equality, there is now demanded, as a necessary consequence, the practical neutrality of the State in regard to religions. But this practical neutrality does not mean that it should not cooperate with religion in order to promote the ethical and moral standards of the community. The principle of the no-establishment clause of the Constitution does not imply suppression of worship but is rather designed to safeguard liberty in the exercise of faith.

Summarizing these mutual relations, Fr. John Courtney Murray, S.J., in an article in *Theological Studies*¹⁸ said that in a democratic state, the Church assumes its freedom in its right to exercise spiritual sovereignty over its subjects and to reach those elements of human affairs which are "quoquo-modo sacrum." It is through the freedom of the citizen that the freedom of the state is assured, i.e. freedom in the maintenance of an order of justice and charity. There is, therefore, first the free obedience of the Christian conscience to the jurisdictional authority of the Church, and second, the free participation of the citizen, as member of the Church, in the institution whereby all processes of temporal life are directed to their proper end.

THE FIRST FREEDOM IN THE CONSTITUTION
OF THE PHILIPPINES

The freedom of religion provision of the constitution is amply implemented in several statutes. The most recent legislation is the new Civil Code which provides that vexing or humiliating another on account of his religious beliefs is a good cause of action for damages.¹⁹ Likewise the act of any public officer who obstructs, defeats or impairs the right of freedom of religion of any individual is liable for damages.²⁰ Under the Revised Penal Code, public officers or employees who prevent or disturb religious ceremonies are criminally liable.²¹ The Penal Code likewise penalizes any individual who commits acts which are offensive to religious feelings.²²

To guarantee religious freedom in the solemnization of marriages, the Civil Code provides that public officials in issuing authorization to solemnize marriages should not inquire into the truth or validity of any religious doctrine held by the applicant or his church.²³ Even in the burial of the dead, the Civil Code provides for the protection and preservation of the religious beliefs of the deceased in determining the funeral rites to be observed.²⁴

Following the procedural rules of the United States, the Rules of Court in the Philippines provide that the religious beliefs of a person should not be a cause for disqualification as a witness in court,²⁵ although in one case, the Supreme Court held that religious belief may affect his credibility.²⁶

There is the very significant rule also preserved in the Philippines which protects the seal of confession. The Philippine rule of evidence exempts clergymen or priests from testifying in court on matters confessed to them in their professional character in the course of complying with the discipline enjoined by the church to which they belong.²⁷

To buttress further the rule of legal equality among religions the Supreme Court has ruled that marriages performed in accordance with any religious rite are valid, and children born to such marriages are legitimate before the civil law.²⁸

As in the United States, the question of carrying arms in war or undergoing military training for this purpose as being in conflict with religious freedom has been raised in the Philippines. No case has reached the highest court, but the Secretary of Justice, in an opinion rendered upon an inquiry as to the constitutionality of the National Defense Law, said that religious convictions on undergoing military training may be limited validly by a reasonable exercise of police power.²⁹

Religious freedom was also invoked in the case of the compulsory flag salute by school children. Some public school teachers encountered a legal problem when children of Witnesses of Jehovah refused to join the flag ceremonies required of them every morning before classes. In an opinion rendered by the Secretary of Justice, it was ruled that the children might be compelled to do so under pain of suspension, as it was within the power of the state to inculcate love of country and patriotism in this manner. "The right to enter the public schools is . . . a political privilege given to those who are able to comply with the requirements imposed by the competent authorities,"³⁰ said the Secretary of Justice.

A contrary opinion was rendered in 1948, presumably following the United States ruling in the case of *West Virginia Board of Education vs. Barnette*, 319 U.S. 624 (1943) which held that school children may not be compelled to salute the flag if they object on religious grounds. But the Secretary of Justice in 1951 restored the opinion handed down by Secretary of Justice Jose Abad Santos in 1940, that public-school pupils are bound, under pain of suspension, to join flag ceremonies notwithstanding their religious convictions.³¹ Secretary of Justice Jose P. Bengzon, in this latest and controlling ruling on the flag salute question, said that this school requirement is a reasonable regulation with the purpose of avoiding the clear and present danger that might arise because of the problem of dissidence.

STATE RECOGNITION OF RELIGION

It was no less than the Supreme Court of the Philippines that positively expressed the necessity of religion in public

life. Citing the preamble of the Constitution wherein the people invoked "the aid of Divine Providence in the fulfillment of their ideals," Mr. Justice Laurel, speaking for the Supreme Court declared that "this constitutional mandate is a recognition of an active power that binds and elevates man to his Creator. In so far as religion instills into the mind the purest of principles of morality, it is highly felt and appreciated."³² The principle of religious freedom, further said the Supreme Court, as a mandate guaranteed in the fundamental law, is not an inhibition of profound reverence for religion, nor a denial of its influence in human affairs. Thus Divine assistance is always invoked at the start of important public events, and for the same reason several concessions are accorded religious institutions. The Constitution for example exempts from taxation all cemeteries, churches, parsonages or convents, and all lands, buildings and improvements used exclusively for religious, charitable or educational purposes.³³

In accordance with immemorial usage of considering the Church as an independent society, courts of the Philippines have always construed this constitutional exemption from taxation of religious properties very liberally. Thus when the City Assessor of Manila imposed a tax on the Archbishop's residence which was one hundred meters distant from the Cathedral Church, the Court held that even if it was not contiguous, it was still exempted from taxation.³⁴ Exemption from taxation of Church properties is based on the theory that religious organizations are a benefit to society, promote the social and moral welfare and, to some extent, bear burdens that would otherwise be imposed upon the public by taxation.

APPROPRIATION OF PUBLIC FUNDS FOR RELIGIOUS PURPOSES

The constitutional inhibition against the appropriation of public funds for religious purposes is considered in the Philippines as the law that best guards the freedom of religion and the no-establishment-of-religion clause of the Philippine Constitution. Art. VI, Section 23(3) of the Philippine Constitution reads:

No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

Acts of public officials have been challenged on several occasions by religious groups who felt that public money was being used for the benefit of one religion. Thus in 1937, on the occasion of the 33rd International Eucharistic Congress in Manila, the Director of Posts ordered the printing of stamps, by virtue of Act 4052, indicating thereon Manila as the site of the religious event. Philippine Independent Church head Gregorio Aglipay challenged the Act as contrary to Article VI Sec. 23(3) of the Constitution. In upholding the validity of the Act, however, the Supreme Court held that the Catholic Church did not receive any money from the sale of the stamps, and that the Director of Posts was merely taking advantage of the international event to advertise the Philippines and encourage tourism. A similar question arose in December 1954, when on the occasion of the celebration of the Marian Year, commemorative stamps showing the picture of the Madonna were also ordered printed by the Director of Posts, indicating Manila as the site of the National Marian Congress. Answering an inquiry, the Secretary of Justice handed down an opinion reiterating the ruling in the case of Aglipay *vs.* Ruiz. The Secretary of Justice went on to say that no money from the sale of the stamps would go to the Catholic Church, and that the government merely took advantage of the religious event which was of international importance. Furthermore, said Secretary of Justice Tuason, this was a means of increasing the sale of stamps thus replenishing the funds of the government, and also promoting philately.³⁵

Thus the rule in the Philippines in applying this constitutional inhibition is that the government should not be embarrassed in its activities simply because of incidental results, for example benefit to one religious denomination, provided

that the main purpose is a legitimate function sought by appropriate legislation.

JURIDICAL PERSONALITY OF THE CHURCH

In spite of the American concept of the corporate status of the Church, namely, that it is a mere concession of the State, and not a perfect and independent society established by Divine Law, the Philippine courts declared as early as 1907 that the Catholic Church has moral and juridical status.³⁶

The Treaty of Paris, in this matter, declared that the cession of the Philippines in no way impaired the property or rights which belonged to ecclesiastical institutions.³⁷ So when the Philippine Independent Church leaders headed by Bishop Gregorio Aglipay claimed that with the transfer of the Philippines to the United States, Catholic Church properties also passed to the Philippine government under the United States, the Supreme Court in a long line of cases upheld the international status of the Church, and declared that all properties of the Catholic Church during the Spanish regime remained with the same institution. The Supreme Court went on to say that "the question merited no serious consideration since it is made with reference to an institution which antedates by almost a thousand years any personality in Europe and which existed when Grecian eloquence still flourished in Antioch, and when idols were still in the temple of Mecca."³⁸

In the matter of ecclesiastical jurisdiction, the rule established in *Watson vs. Jones* (13 Wall. U.S. 679) in 1878 in the United States, that civil courts should not inquire into matters involving faith and morals of religious sects has been adhered to in the Philippines. Decisions of church tribunals determining the rights and obligations of members have been considered as settled questions duly adjudicated by another competent authority.³⁹

This rule on the independence of church tribunals in fact safeguards more effectively freedom of religion. The Philippine Supreme Court has held that although canons of the church form no part of the civil law, members thereof should

be bound by them, and the courts should not interfere therein.⁴⁰

The protracted conflicts between rival blocs within the Philippine Independent Church after the death of its founder Gregorio Aglipay gave an occasion for the Supreme Court to rule that civil courts might not intervene where the case concerned the rules of the church as to legitimate succession.⁴¹ The Supreme Court, later on however, made it clear that if there was evidence that the conflicting parties acted outside the scope of their authority or contrary to their organic rules, the court might intervene to determine property rights.⁴²

RELIGIOUS INSTRUCTION

The Constitution of the Philippines recognizes the natural right or duty of parents to rear their children.⁴³ It gives therefore freedom to parents to determine how their children should be educated, especially as to their religion. In public schools where religion is not included in the regular curriculum, the Constitution provides for optional religious instruction as authorized under the Administrative Code.⁴⁴ While the Administrative Code prohibits discussion of religious doctrines by public school teachers in public schools,⁴⁵ it permits any priest or minister, either in person or through a designated teacher of religion, to teach religion for one half hour three times a week in the school building to children whose parents desire it.⁴⁶

The Catholic Church and other religious groups have often not been content with the arrangement provided by public-school authorities. Almost to the extent of obstructing the very purposes for which the constitution provides, school authorities have allowed religion classes only at the most inconvenient hours when children were not receptive to any learning at all. Thus in several complaints it was alleged that religious instruction was given during the time for physical education or immediately after lunch time. In one complaint it was charged that the religious instruction coincided with the school band practice in an adjoining room, the partition walls of which consisted of *sawali*.⁴⁷

In 1953 the three highest public school officials⁴⁸ were charged with intending to sabotage the religious instruction provisions of the Constitution when it was revealed that they were members of a Masonic committee created "for the elimination of religious instruction in public schools."⁴⁹ These officials were absolved after a presidential inquiry but the case opened the way to a more aggressive implementation of religious teaching in public schools. After a conference with school superintendents in the summer of 1955, Secretary of Education Gregorio Hernandez, Jr., issued Department Order No. 5 providing among other things that religious instruction may be given one half hour three times a week during the school session, or before or after the same, at hours and in rooms in the public-school building to be fixed by the superintendent. In order to expedite action on these petitions the principal may be delegated to fix hours and rooms for the religious instruction. The most controversial provision of the Department order of Secretary Hernandez is Section 6 which reads: "Religious instructors should be requested to submit religious instruction marks to the principal. These marks may be taken into consideration in appraising the child's conduct." Replying to the objection of religious groups, who have staged rallies in Malacañang, and claimed that the order was unconstitutional, Department Secretary Gregorio Hernandez said that there was no compulsion in the attendance at religious instruction classes. The giving of marks in religious instruction was merely a request, and the staggering of programs by school authorities was merely resorted to in order to accomodate religious instruction. It would not in any way cause disruption of regular classes. In other words the department order was more in consonance with the purpose of Section 928 of the Administrative Code as referred to by the Constitution, which was to promote religious education even in the public-school system. The new arrangement under this Department Order is more in keeping with the motives of the lawmakers who intended to promote religion rather than to discourage it. It gives a better opportunity to parents who can only afford to send their children to the public schools to fulfill their obligation of providing religious and moral education for their children. In the previous

practice, confirmed by a later interpretation of the Secretary of Justice,⁵⁰ religion was something to which the government should remain indifferent in the public schools. Pupils themselves were not even encouraged to attend religion classes, in spite of the wishes of parents, but were given independence. The result was scanty and irregular attendance which even worked negatively.⁵¹

Not satisfied with the explanation given by the Secretary of Education and the assurances of President Magsaysay that religious instruction in public schools will always be in accordance with the spirit of the Constitution, a petition was brought before the Supreme Court to test the validity of the Education Department Order. It appears that petitioner Jesus Tanghal Dera had requested that his child be given religious instruction in the F. Balagtas Elementary School. Pursuant to Department Order No. 5, the principal of the school requested the religious instructor to submit his class marks. Against the objections of the petitioner, the principal insisted on his request. Bringing the matter to the Secretary of Education, the Department head refused to reconsider his order, invoking provisions of Art. 359(1) of the New Civil Code which provides that optional religious instruction shall be taught in public schools as part of the curriculum at the option of the parent or guardian.

On the claim that this provision of law contravenes Art. XIV, sec. 5 of the Constitution, the Supreme Court, in dismissing the petition, held that "one who invokes the power of the court to declare an Act of Congress to be unconstitutional must be able to show not only that the statute is invalid but that he has sustained, or is in immediate danger of sustaining, some direct injury as a result of its enforcement, and he suffers in some indefinite way in common with people generally."⁵²

MARRIAGE AND DIVORCE

Religious freedom in the Philippines is exercised in the matter of marriage and divorce. The Civil Code has recognized the jurisdiction of the Church in its spiritual effects and the corresponding jurisdiction in its temporal effects. The religious

character of marriage is recognized by providing that marriages may be solemnized by "priests, rabbis, ministers of the gospel of any denomination, church, religion or sect, duly registered."⁵³ The New Civil Code has expressly provided also that "marriage is not a mere contract but an inviolable institution."⁵⁴ The inviolability of marriage has received greater recognition in the New Civil Code which has abstained from any absolute dissolution of marital bonds. Only divorce *a mensa et thoro* (separation) is now recognized, and this only for causes of adultery on the part of the wife or concubinage on the part of the husband or an attempt by one spouse against the life of the other.⁵⁵

A comparative study reveals that most of the provisions of the Civil Code on marriage and divorce are in consonance with the Canon law. This is not surprising, indeed, in a country which is about 85% Catholic.⁵⁶

* * *

¹ Art. X. Other territories affected by this agreement were Guam, Puerto Rico and Cuba.

² *Constitución Política de la República Filipina* promulgada el día 22 de Enero de 1899, (Edición Oficial, Islas Filipinas. Imprenta bajo de la dirección del Sr. Z. Fajardo, Barasoain, Bul., 1899), p. 9.

³ *Acts of the Philippine Commission* (Manila: Bureau of Printing 1908), Parts 12 and 13, p. 10.

⁴ 32, Statute 691.

⁵ Public Act No. 240, U.S. Congress (1916)

⁶ Public Law No. 127, 73rd Congress (1934)

⁷ Sec. 2(a), 3.

⁸ Art. III, Sec. 1(6)

⁹ After Thomas Jefferson's struggle for the disestablishment of the Church of England in Virginia, the *Act Establishing Religious Freedom* was enacted by the Virginia legislature in 1786. *Documents of American History*, edited by H. Commager (N.Y.: F.S. Crofts, 1947), p. 100

¹⁰ O'Neill, *Religion and Education under the Constitution* (New York Harper Bros., 1949), p. 6

¹¹ For complete study of the Philippine Independent Church, see Rivera, *The Aglipay Movement*, thesis submitted to the School of Graduate Studies, University of the Philippines, 1932. For a legal analysis of the Aglipay Church, see author's doctoral thesis, *Legal Status of the Church in the Philippines*, (Washington, D.C.: The Catholic University of America Press, 1950), p. 82.

¹² *The Sentinel*, October 15, 22 and 29, 1955.

¹³ Knight Commander of Rizal

- ¹⁴ O'Neill, *op. cit.*, p. 4
- ¹⁵ *Messages of President Quezon*, II, p. 127
- ¹⁶ Joint Pastoral Letter of the Catholic Hierarchy dated Sept. 12, 1953 (Manila: Catholic Welfare Organization, 1953).
- ¹⁷ *Davis vs. Beason*
- ¹⁸ "Contemporary Orientations of Catholic Thought on Church and State in the Light of History" *Theological Studies*, X (1949), 223.
- ¹⁹ Art. 26(4), *Civil Code*.
- ²⁰ Art. 32(1), *Civil Code*.
- ²¹ Art. 132, *Revised Penal Code*
- ²² Art. 133
- ²³ Art. 93, *Civil Code*
- ²⁴ Art. 307, *Civil Code*
- ²⁵ Rule 123 sec. 25, *Rules of Court*
- ²⁶ *People vs. Abellera*, 47 Phil. 731
- ²⁷ Rule 123, sec. 26(g)
- ²⁸ *Adong vs. Cheong Seng Gee*, 43 Phil. 43 (1922)
- ²⁹ "Re Extension of Religious Freedom in Connection with the National Defense Act." *The Lawyers Journal* V. (1937), 1121
- ³⁰ Opinion of the Secretary of Justice Jose Abad Santos (1940) as quoted from the Bureau of Education Circular No. 61 S. 1940. The Jehovah's Witnesses, an unincorporated religious organization with several thousand adherents in the Philippines profess the religious belief in the literal interpretation of Exodus, Chapter XX, verses 4 and 5. Considering the flag as an image within the divine prohibition of idolatry, they have persistently refused to salute it.
- ³¹ Opinion of the Secretary of Justice dated August 25, 1951
- ³² *Aglipay vs. Ruiz*, 64 Phil. 201 (1937)
- ³³ Art. VI, Sec. 22(3)
- ³⁴ *Roman Catholic Church vs. Hastings*, 5 Phil. 701 (1906)
- ³⁵ Opinion of the Secretary of Justice No. 209 s. 1954. October 26, 1954.
- ³⁶ *Barlin vs. Ramirez*, 7 Phil. 41 (1907)
- ³⁷ Art. VIII
- ³⁸ *Barlin vs. Ramirez*, 7 Phil. 41; *Roman Catholic Church vs. Santos*, 7 Phil. 60 (1907); *Roman Catholic Church vs. Mun. of Tarlac*, 9 Phil. 450 (1908); *City of Manila vs. Catholic Church*, 7 Phil. 763 (1908)
- ³⁹ See cases of *U.S. vs. Cañete*, 28 Phil. 253 (1918); *Versoza vs. Fernandez*, 55 Phil. 307 (1939); *Trinidad vs. Roman Catholic Church Archbishop of Manila*, 63 Phil. 881 (1934)
- ⁴⁰ *Arnaldo vs. Catholic Bishop of Jaro*, G.R. no. 29443 (1939).
- ⁴¹ *Jamias vs. Rodriguez*, G.R. No. L-2133, July, July 22, 1948.
- ⁴² *Fonacier vs. Courts of Appeals*, G.R. L-5917, Jan. 28, 1955
- ⁴³ Art. II, sec. 4
- ⁴⁴ Art. XIV, sec. 5
- ⁴⁵ Section 927, Administrative Code
- ⁴⁶ Sec. 928, Administrative Code
- ⁴⁷ A. Molina, "On Compulsory Religious Education in the Philippines" *Unitas XXI* (1948), 125
- ⁴⁸ Secretary of Education Putong, Director of Public School Benito Pangilinan and Assistant Director Venancio Trinidad

⁴⁹ Proceedings of the Worshipful Grand Lodge of Free and Accepted Masons of the Philippines, 1949. See *The Sentinel*, Jan. 24, 1953

⁵⁰ See Opinion of Secretary of Justice Jose P. Bengzon, Opinion No. 34, s. 1950, in reply to the effect of Art. 359 of the New Civil Code on Section 928 of the Revised Administrative Code in relation to the Constitution.

⁵¹ Conchita G. Virata, "Does Religious Instruction Need A Constitutional Amendment"? *PHILIPPINE STUDIES*, II (1954), 253.

⁵² *Jesus Tanghal Dera vs. Hon. Gregorio Hernandez*, G.R. No. L-9681, Oct. 11, 1955, citing *Custodio vs. The President of the Senate*, 42 O.G. No. 67, p. 1243.

⁵³ Art. 56(6)

⁵⁴ Art. 52, *Civil Code*.

⁵⁵ Art. 55.

⁵⁶ For a comparative study of Church and Civil Law in the Philippines, see author's dissertation, *Legal Status of the Church in the Philippines*, Chapter X.