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Education Bills

JAMES J. MEANY

A number of bills affecting education have been introduced in the current session of the Third Congress of the Republic of the Philippines. Before this article will have appeared in print, the legislature might possibly have disposed of these bills, one way or the other. Whether they are passed or not, however, some of these bills will continue to be of general interest.

The bills vary greatly in degrees of importance. House Bill No. 281, for example, has this for its official title: "An Act Requiring the Infusion of the Subject of Aviation in the Primary and Elementary courses in Public or Private Schools." The title tells all that one need know about it.

Another matter entirely is House Bill No. 207, introduced by Congressman Durano. This bill makes a few very definite provisions for religious instruction in the public schools. It reads as follows:

Any provision of law to the contrary notwithstanding, optional religious instruction in all public schools shall be taught as part of the curriculum for one-half hour three times a week and the period for such instruction shall be after the opening exercises in the morning.

That which is really new in the bill is the provision for the teaching of religion "after the opening exercises

in the morning." In his Explanatory Note, Congressman Durano gives his reason for this provision: "It is at this period that minds of the school children are very fresh and they can verily absorb what is taught to them." Not only this new provision but also the other parts of the bill will be warmly disputed. They will renew the questions: Is Article 359 of the New Civil Code constitutional? Is Section 928 of the Administrative Code a part of the Constitution "by reference"? Congressman Durano's bill has pin-pointed the main issues in this question of religious instruction in the public schools. It is to be hoped that the Congress will face them squarely.

It is Senate Bill No. 51, however, which is of special interest to all the private schools of the country. This measure, introduced by Senator Gil J. Puyat and Senator Manuel C. Briones, provides for the repeal or amendment of much of the existing legislation governing private schools. The intent of the bill can best be understood from a few excerpts taken from its Explanatory Note. Writing of the laws now existing for the regulation of private schools, the sponsors of the bill state:

The present laws on the subject are postulated on the erroneous conception that the Government is authorized to *control* private education when in truth and in fact under our Constitution its power is limited to mere regulation and supervision. Regulatory and supervisory powers, strictly speaking, obviously exclude the power to initiate, to create, and to dictate, which are the elements of the power [to] control. The present laws improperly and unlawfully vest these functions in governmental agencies.

Furthermore, the present statutes on private schools grant unlimited, hence arbitrary, discretion to the government authorities in the formulation of rules and regulations. Consequently, the Secretary of Education and the Director of Private Schools have been issuing rules and orders on every conceivable subject affecting every aspect of private school life. It goes without saying that such grant of unrestricted authority clearly

constitutes an invalid delegation of legislative power and works to deprive owners and instructors of private schools of their liberty and property without due process of law.

From the point of view of policy and sound governmental principle, the present laws not only set up undemocratic agencies of regulation but also establish totalitarian methods of control over private education.

As is to be expected after such an Explanatory Note, the bill is chiefly concerned with the removal of governmental restrictions upon the private schools. The first significant change in existing regulations is in the prerequisites for the opening of a private school. According to the proposed Act, the person or organization desiring to open a school must register it in the office of the Secretary of Education by filing a statement of educational and financial assets; this person or organization must provide a written certificate to the "probity, integrity, and high moral character" of the owners or organizers of the school, and must pay a registration fee of one hundred pesos. But that is all. The school would not have to undergo any prior inspection by the government nor wait upon a government permit to operate.

After having been open for at least a year, the school would be *allowed* to apply ("may apply") for recognition by the Secretary of Education. It would not be obliged to apply for recognition and could, if it would, continue to operate without recognition. If it did apply for recognition, it would be obliged to conform itself to a number of requirements explicitly stated in Section 4 of the bill itself. These requirements are stated in quite general terms and bear a marked resemblance to the "evaluative criteria for accreditation" drawn up by the now defunct (or dormant?) Philippine Accrediting Association for Universities and Colleges, which in turn are based on the criteria of The North Central Association of Colleges and Secondary Schools in the United States.

Section 5 of the bill provides that "Every private

school shall have the right to adopt and follow its own schedule of classes and curriculum for any course and the same shall be filed with the Secretary of Education who may not alter or amend any subject included therein . . ." The Secretary would be allowed to "offer" substitute or additional subjects, but such substitutes or additions "shall not exceed thirty per cent of the total number of subjects nor cover more than thirty per cent of the number of hours comprehended in the curriculum prepared and submitted by the school or college for any course . . ." Any dean or principal of a private school will recognize in this provision a radical change from the present method of procedure.

In effect, the bill would also eliminate the one per cent assessment upon the total amount accruing to private schools from tuition and other fees. Instead, it authorizes the Secretary of Education to collect an annual registration fee of "not more than ten centavos per student enrolled in the elementary, high school, and vocational schools, and not more than fifteen centavos per student enrolled in college and professional courses in any private college." We may note here in passing that Congressman Enverga has filed in the House a bill expressly and solely aimed at the abolition of the unpopular "one per cent assessment."

To prevent abuses in the implementation of the proposed Act, the Secretary of Education is enjoined not to make any rules or regulations concerning matters not expressly mentioned in the bill. Moreover, his rules and regulations should not violate the "principle of flexibility" which is, according to Section 5, "to encourage initiative and diversity and to avoid uniformity and rigidity in methods, curricula, courses, administration, and class schedules in private schools and colleges."

The bill contains many other provisions designed,

as are those mentioned above, to protect the liberties of private schools. It will be objected that the bill would not eliminate but would rather encourage the operation of "diploma mills." It is true that it would not, at least immediately, diminish the number of such schools. But if intelligently and honestly administered it would eliminate *government-recognized* "diploma mills" (if any such exist!). For the bill is not entirely concerned with the removal of restrictions upon private schools. In fact, with regard to *universities* it is remarkably exacting. Section 3 lists the requirements to be met by an institution wishing to be known as a university. In marked contrast to the requirements which any school must meet in order to be recognized, the demands placed upon universities are quite detailed and are expressed in quantitative fashion. One would almost think that in the minds of the sponsors of the bill only *big* "diploma-mills" need be controlled. With regard to private schools in general, the penal provisions of the bill (in Section 8) would greatly discourage a school from posing as a "recognized" institution when in reality it is not. Moreover, the criteria upon which recognition is to be based are such that, if realistically applied, only schools of truly high standards would enjoy the approval of the government.

But that introduces a difficulty. It will not be easy to apply these criteria. With few exceptions they are expressed in qualitative, not quantitative terms. These are some samples of the requirements to be met by a school desiring government recognition:

That it has a professionally administered library adequate for the course or department to be accredited consisting of works of well-known or competent writers, standard books for general and special reference of reasonably current issue, important magazines and periodicals.

That it has an adequate laboratory for courses requiring laboratory science work sufficient to meet the needs of the number of students enrolled therein.

The school shall furnish objective evidence of the quality and effectiveness of its instruction through the actual record and achievement of its students; . . .

The greater part of the criteria are expressed in such general and "flexible" terms. In their present form, the criteria could be intelligently and honestly applied only by men of exceptional competence in educational affairs, of extraordinarily sound judgment and of unquestioned integrity. Obviously, if these criteria are to be applied by the usual type of government inspector, they will have to be translated into minutely detailed, concrete and quantitative terms. But then the private schools might find themselves enmeshed once again in the very "red-tape" which the bill is supposed to eliminate. Despite the "principle of flexibility" enjoined upon the Secretary of Education, the normal methods of procedure of government bureaus might easily lead to such an unfortunate outcome, and this without any clear violation of the letter of the proposed Act.

This practical difficulty is not impossible of solution; it could be solved without re-introducing the regimentation so abhorred by the sponsors of Senate Bill No. 51. There is place here for another kind of "principle of flexibility"—joined with the principle of subsidiarity. The Secretary of Education could utilize the voluntary services of private educators and of private educational associations for the purpose of evaluating schools which apply to him for recognition. If necessary, he could be *empowered* to do so by an amendment to the bill of Senators Puyat and Briones or by additional legislation.

There are three large and well-organized associations of private schools in the Philippines: The Catholic Educational Association of the Philippines (CEAP), the Association of Christian Schools and Colleges (ACSC), and the Philippine Association of Colleges and Universities (PACU). They have, for the most part, been operating as service and protective

associations for their member schools, but each has made definite steps towards a system of accreditation. In each of these organizations can be found a group of educators already well-versed in accrediting procedures and of sufficient educational competence, sound judgment and integrity. Could not the Secretary of Education delegate to such groups the work of evaluating the member schools of their own organizations? The Secretary might reasonably trust the judgment of such men, while reserving to himself the right of review and of ultimate approval or disapproval of their decisions.

If this solution were objected to on the grounds that it reposed *too much trust* in the intelligence and honesty of these individual educational associations, then other solutions might still be feasible. There is the plan, for example, proposed by PACU in 1948, according to which there would be a "central accrediting agency for all private schools and colleges" composed of members appointed by the President of the Republic and chosen from a list to be submitted by private schools and colleges.

Bearing some resemblance to the PACU proposal is the plan suggested by the Rev. Pius J. Barth, O.F.M. in 1952. His plan called for a "government sponsored but privately controlled" accrediting body. This accrediting body would set up criteria on the basis of which the "prestige institutions" among the private schools of the Philippines would be designated and a list of them given to the public. Schools placed on this prestige list would be exempted from government regulation of any but "fundamental items and policies"; schools not on the list would continue to be subject to the usual detailed regulations and inspection. Father Barth's plan was given some serious consideration by the Bureau of Private Schools. To prepare the criteria and to work out the various details necessary for the implementation of the plan, a "study committee" was appointed which was composed of two

representatives of the Philippine Accrediting Association, two from the PACU, two from the CEAP, two from the ACSC, one from the Philippine Normal School, and one from the University of the Philippines—with the Director of the Bureau of Private Schools as chairman. It can be added here as a kind of postscript that the Director of the Bureau of Private Schools has called no meeting of this particular committee since the day of its appointment, March 17, 1952.

Some features of Father Barth's plan would be rendered obsolete by the enactment of S. No. 51. His proposed accrediting body, however, as well as the "central accrediting agency" urged by PACU, might suggest ways whereby the Secretary of Education could utilize the services of private educators and private educational groups without surrendering his own prerogatives, whatever they may be under the proposed Act.

The Philippine Accrediting Association for Universities and Colleges is another private educational association which could be of service in the work of passing upon the application of private schools for recognition by the government. This organization was formally inaugurated with the signing of its Constitution on February 20, 1951. Its stated objectives were: (1) To cooperate with the Government in its efforts to maintain a high standard of education in the Philippines; (2) To promote cooperation and understanding among institutions of higher education and to stimulate and integrate their efforts to elevate the standards of education in the Philippines; (3) To formulate standards and criteria of higher education; (4) To provide guidance to students and parents in the choice of universities and colleges. The initial group, or *ad interim* Board of Directors, consisted essentially of a group of private individuals who voluntarily took upon themselves the work of preparing criteria whereby to evaluate various collegiate and university courses with the

hope that colleges and universities would invite them (or disinterested experts chosen by them) to apply these criteria to specific courses (e.g. Liberal Arts, Commerce, Education, etc.) and thus eventually make known to the public the names of the duly "accredited" courses. The representatives of the first fifteen courses to be accredited would constitute the General Council of the permanent organization, and the *ad interim* Board would then cease to exist. The active members of this *ad interim* Board consisted of Prudencio Langcauon (President), James J. Meany, S.J. (Vice-President), Antonio Isidro (Secretary), Clemente Uson (Treasurer), A. S. Alonzo, Benigno Benaberre, O.S.B., Benicio T. Catapusan, Alfredo Y. Evangelista, Brother Gabriel, F.S.C., Carlos R. Luzuriaga, Jose Motomal, and Jesus Paredes, Jr.

What happened to this group? It worked zealously and well for about eight months and completed its admirable list of "evaluative criteria". Then it ceased to function. The reasons for its demise have never been explained with entire satisfaction. A partial reason, no doubt, was the consuming of its energies in long negotiations over Father Barth's plan for a "government sponsored but privately controlled" accrediting body. We mention the group here as another example of a *type* of private educational association which could work with the government in the evaluation of private schools.

The private schools of the country are faced with a two-fold problem: to raise their standards and to preserve their liberties. It is not easy to do both; it is the age-old problem of reconciling freedom and prosperity. The bill sponsored by Senators Puyat and Briones would, if passed, preserve the liberties of the private schools. It might also lead to the raising of standards *if* combined with some carefully worked out plan for the accreditation of private schools by private schools. But what substitute is there for governmental

pressure in any plan of private accreditation? It is the "enlightened self-interest" of the private schools themselves together with the pressure of public opinion. These forces have worked marvels in some other fields of endeavour; they might also do so in the field of private-school education under the minimum of constitutional regulation and supervision by the government.
