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## Church and State Law and Relations in the Philippines

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upon the dependent variables. Results indicate that ethnic and sex ratio differentials are more important determinants of nuptiality.

The last paper, by Philip M. Hauser, "Implications for Policy and Research," endeavors to sum up the studies outlined above. Hauser notes that reducing fertility is likely to be harder in the Philippines. He also notes the importance which delayed marriage has played in dampening fertility.

Hauser opts for more decentralized family planning programs much as advocated by Smith, in which varying situations in different localities would be taken into account and in which greater coordination with other development programs would be stressed. He advocates establishment of coordinated statistical and research activities in selected areas.

The book needs a more explicit and detailed treatment of the sampling procedure employed in the 1968 NDS, of variance or standard error estimates, and of the planning and field execution of the data-gathering phase. The work is an important contribution to Philippine population literature and one that population specialists with an interest in Philippine demography will wish to possess. (For a more detailed review of this book by the same reviewer, see *Philippine Quarterly of Culture and Society* 3 [June–September, 1975]: 192–9).

*Francis Madigan*

CHURCH AND STATE LAW AND RELATIONS IN THE PHILIPPINES.

By Jorge R. Coquia. 2nd ed. Manila: Rex Book Store, 1974. 388 pages.

First published in 1959, this book has been revised and updated in the light of the unprecedented rapid changes in both church and state in recent years. The church is still striving to integrate the teachings of the Second Vatican Council (1962–65) into the life and thought patterns of the faithful; the state is trying to achieve the goals of the New Society ushered in by the martial law decree of 21 September 1972 and the changes found in the new Philippine Constitution ratified in January of 1973.

Much of the first edition has been understandably retained unchanged in this edition but incorporating the many changes of recent years has necessarily resulted in a substantially new work enriched by going beyond mere legal provisions to discuss relations between the church and the state. The current controversy in the newspapers concerning the right of the clergy to use the pulpit to bring to light matters of injustice even when it results in criticism of the state would seem to show that a scholarly approach to the problem such as the author's would benefit all parties concerned. The issue demonstrates how timely and useful the author's work is, especially in a

nation like the Philippines, where religion plays such an important role in the life of so many citizens.

On the right of the Church to speak out, "to preach the faith with true freedom, to teach her social doctrine and to discharge her duty among men without hindrance. . . to pass moral judgments, even on matters touching political order, whenever basic rights or the salvation of souls make such judgments necessary," the author cites and endorses the clear teaching of Vatican II (p. 78.) The author shows how this works to the good of the state by working for the triumph of justice for its citizens.

In an age when totalitarian governments are wont to resort to pressures or even violence to achieve their goals, the author provides a healthy antidote when he stresses the principle of subsidiarity in matters of education whereby the primary rights of the parents must be effectively safeguarded vis-a-vis the government's right and duty to aid and support the parents. "Whatever the State does in the educational field, it is for the principle of aiding, not supplanting, the parents in their rights to educate their offspring. Basically, education is not primarily a governmental function. The right of parents to exercise it is recognized by the Constitution as being anterior to the Constitution itself, as coming to parents from nature by the mere fact of parenthood" (p. 251).

The oft-quoted and frequently confused notions of "no establishment of religion clause" and "separation of Church and State" are given scholarly treatment by the author who espouses a "friendly, benevolent, and wholesome relation between the Church and the State" (p. 79). As a lawyer and, at present, as a district judge of the Court of First Instance in Manila, the author holds that "the State must enact legislation and translate government rules to further religious worship. For the protection and promotion of the inviolable rights of man rank among the essential duties of the government" (ibid.). He gives the historical background and court decisions that lead to this conclusion, and warns against the "unhappy choice of words" in the 1973 Constitution which might be interpreted to mean that "the Church and the State are completely indifferent to each other" (p. 67).

As the author treats of the various controversies ending in court cases, resulting from false notions of separation of church and state, much recent history rolls by, like the controversies concerning the printing of stamps for the Eucharistic Congress, the presidential dedication of the nation to the Sacred Heart, tax exemption for religious educational institutions, use of public property for special religious functions on extraordinary occasions, and diplomatic relations with the Vatican. With regard to the change in the 1973 Constitution eliminating educational institutions from tax exemption the author is apprehensive. He argues that "the taxation of lands, buildings and improvements contravenes the accepted principle that private individuals and institutions operating educational institutions are performing public

functions that should have been assumed by the State. The State should give support to these private educational institutions, for after all it is not in a position to accommodate all students in public schools or colleges" (p. 234). The author reminds his readers that it is axiomatic that "the power to tax carries with it the power to destroy" (ibid.).

By and large this second edition succeeds in its effort to incorporate the many teachings of the Second Vatican Council which impinge on the area of church-state relations. It is no easy task and theologians themselves would be the first to admit it. Consequently the author can be excused for his occasional lapses in reverting to pre-Vatican II terminology especially in the matter of marriage, e.g., speaking of marriage as a contract (p. 317), a term still used in the Civil Code but no longer found in church documents which speak of the much richer and more meaningful "covenant of conjugal love" (*Church in the Modern World*, n. 48). Likewise the author speaks of the primary ends of marriage being procreation and education, while contemporary church terminology "sedulously avoids the terminology of primary and secondary ends of marriage" (ibid., footnote 155 of the Walter M. Abbott edition).

The richness of the Catholic theological understanding of marriage is brought out clearly if we compare it with the very un-Christian attitude enshrined in the "double standard" morality of the Civil Code which grants a legal separation to the husband upon proven adultery of his wife but denies a legal separation to the wife on the same grounds, requiring that the husband be guilty not only of adultery but of concubinage, which the author admits is "more difficult to prove" (p. 354). The author simply cites (p. 353) the usual argument given to justify this distinction, an argument which states, in part, that the wife is not dishonored by the adultery of her husband, but the wife dishonors the husband by her adultery! Likewise it is argued that a pregnancy might result from the wife's adultery and the resulting offspring would become an heir to the husband's estate. This materialistic and male chauvinistic line of argument is totally in conflict with Catholic teaching, which clearly justifies separation upon the adultery of either spouse. It also shows how impoverished the law has become, with its narrow, "contract" approach to marriage.

Other theological flaws of lesser moment might be mentioned but space forbids. However, it must be noted that oversights and printer's errors have found their way into the text, especially the first half of the book, in more than average number. Sometimes sentences are incomplete, e.g., p. 566, or lacking a key word, e.g., pp. 34, 46, 56, 58 (typographical error in the quotation from Vatican II), with a key word missing in the final important sentence on p. 226. In the introduction of the author, the dates given for the beginning and end of the Second Vatican Council are wrong. Another typographical error is the date (1830 instead of 1380) on p. 4, for the arrival

in Sulu of the first Arab missionary scholar, Mukkum.

But these minor blemishes do not detract from the great service that the author has done in making this study available to the public. Canonists, church historians, students of Philippine history, church administrators and their legal advisors will find this book not only interesting but valuable in their lectures and research. There is a useful index, but the author has not included the table of cases found in the first edition. The superior quality of paper and printing make this new edition more attractive and easier to read than its predecessor.

*Gerald W. Healy*

THE HEART OF EMPTINESS IS BLACK. By Ricaredo Demetillo  
Quezon City: University of the Philippines Press, 1975. 73 pages. Cloth  
P16, paper P10.

To indulge in a play that draws from Philippine tradition, history, or social reality is an experience that the Filipino enjoys, even cherishes. At the very least, he can recognize, if not identify, with the fabric woven through it. To this type of play the Filipino can react with sensitivity.

In this light, Ricaredo Demetillo's award-winning play, *The Heart of Emptiness is Black* (A tragedy in verse) is a significant contribution. He utilizes an indigenous setting (somewhere on the island of Panay) and native characters (a tribal chief, Sumakwel, and his queen, high priest, warriors). This is the second part of an epic cycle centering around the life of Sumakwel, Panay's first ruler. (The first part was Demetillo's *Barter in Panay*). Consequently, this work is rich in cultural details; it captures the pulse of the people as they go about their day, hunting, fishing, loving, performing rituals, or suffering the curse of a plague purportedly caused by marital infidelity.

It is the theme of infidelity which Demetillo dissects. Almost throughout the play, he limns the gloomy, sinister landscape (save for the exhilarating trysts between the doomed lovers, Kapinangan and Gurong-gurong) with his poetic brush of heightened sensibilities. His metaphors, though sometimes quaint and flat, reinforce the powerful ideas which he incorporates successfully in the scintillating discussions among Sumakwel, Kapinangan, and Gurong-gurong. In their own small way, the minor characters, like the chief priest, the ladies-in-waiting and the male servants, glitter with wit and practical wisdom, as they articulate their concern for their tribe, their *datu* and his queen.

While infidelity means primarily one of the marriage partners taking up another person as wife or husband, the play discloses another kind of infidelity — the neglect of one's responsibilities. This kind of infidelity is as serious