

THE FLAG SALUTE CASES REVISITED

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INTRODUCTION

Apparently following the trend of American court rulings, the Philippine Supreme Court reversed a more than 30-year-old doctrine set in *Gerona v. Secretary of Education*¹ and reiterated in *Balbuna v. Secretary of Education*.² The doctrine enunciated therein sustained the validity of a statute, as implemented by a Department of Education circular, which required grade school students to salute the flag, recite the pledge of allegiance and sing the national anthem, despite the objections of members of the Witnesses of Jehovah on religious grounds.

In two consolidated cases, *Roel Ebralinag v. The Division Superintendent of Schools, et al.*,³ and *May Amolo, et al., v. The Division Superintendent of Schools of Cebu, et al.*,⁴ the Philippine Supreme Court departed from *Gerona* and ruled that grade school students may not be compelled to salute the flag, sing the national anthem nor recite the patriotic pledge, if they invoked the tenets of their faith. The particular tenet is grounded in the biblical interpretation of the flag as an "image" or "idol," worship of which the Bible prohibits. The petitioners cited the Biblical passage of John 5:2 which reads: "Children, be on your guard against false gods."

Prior to *Ebralinag*, the Philippine Supreme Court followed trends in American jurisprudence, the most recent of which reversed previous rulings sustaining the validity of flag-salute school regulations

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For a full summary of decisions of freedom of religion and conscientious objectors cases, see COQUIA, CHURCH AND STATE LAW RELATIONS (1989).

¹ 106 Phil. 2 (1959).

² 110 Phil. 150 (1960).

³ 219 SCRA 216 (1993).

⁴ *Id.*

Likewise, Secretaries of Justice also issued different opinions in the same vein.

The main issue in these flag-salute cases, most of which have been instituted by Witnesses of Jehovah, is whether valid secular policy of inculcating patriotism and respect for the flag can be overcome by a religious interpretation of a sect. Parenthetically, the question must then be raised: "Are the conditions in the Philippines the same as in the United States to justify adherence to more recent United States court rulings on the matter?" In order to arrive at a reasoned response, a review of the history of the flag-salute cases in the United States and in the Philippines is apropos.

I. U.S. HISTORY ON CONSCIENTIOUS OBJECTORS' CASES

The first flag-salute case appeared in Kansas in 1907.⁵ By 1940, many states had adopted statutes, ordinances and rules which required the flag-salute and the singing of the national anthem in public schools. These issuances were partly aimed to counter the stubborn refusal of members of a religious sect called the Witnesses of Jehovah, whose beliefs included the conviction that the flag-salute was an idolatrous practice offensive to Jehovah. Their refusal to participate in such exercises was based on the ground that such enactments violated their constitutionally protected freedom of conscience.

Six state Supreme Courts upheld the validity of such school regulations. It was uniformly held that participation in the flag-salute ritual was not a religious rite, possessed no particular religious significance, and was nothing more than a patriotic act conducive to good citizenship. As such, these practices did not involve, much less violate, the constitutional guarantee of religious freedom. On this subject, three petitions for certiorari were summarily dismissed by the Supreme Court of the United States in *Leoles v. Landers*,⁶ *Hering v. State Board of Education*,⁷ and *Gabrielli v. Knickerbocker*.⁸

⁵ *Halter v. Nebraska*, 205 U.S. 34, 41, 27 S. Ct. 419, 51 L. Ed. 696 (1907).

⁶ 302 U.S. 656, 82 L. Ed. 507, 58 S. Ct. 364 (1937).

⁷ 303 U.S. 624, 82 L. Ed. 1087, 58 S. Ct. 752 (1938).

⁸ 306 U.S. 621, 83 L. Ed. 1026, 59 S. Ct. 786 (1939).

Subsequently,⁹ the United States Supreme Court denied a petition for certiorari and upheld a Federal Court decision sustaining the validity of the school regulations on compulsory flag-salute. On another occasion, the United States Supreme Court reversed a United States Circuit Court of Appeals decision by again upholding the validity of the flag-salute school requirements.¹⁰ It appeared, in this instance, that two young children belonging to the sect of the Witnesses of Jehovah were expelled from their school for refusing to comply with the flag-salute regulation of the Minersville School District in Pennsylvania. Applying the "clear-and-present-danger" rule, the Circuit Court of Appeals affirmed the ruling of the district court, holding that there was no danger to the health, safety, morals, property, or personal rights of the citizenry as would justify the exercise of police power which invaded the jealously guarded area of conscience.

In reversing the decision of the Circuit Court of Appeals, Justice Felix Frankfurter, speaking for the United States Supreme Court, followed the "valid secular policy" rule and held:

[T]he religious liberty which the Constitution protects has never excluded legislation of general scope not directed against doctrinal loyalties of particular sects. Judicial nullification of legislation cannot be justified by attributing to the framers of the Bill of Rights views for which there is no historic warrant. Conscientious scruples have not, in the course of the long struggle for religious toleration, relieved the individual from obedience to a general law not aimed at the promotion or restriction of religious beliefs. The mere possession of religious convictions which contradict the relevant concerns of a political society does not relieve the citizen from the discharge of political responsibilities. Since the inculcation of patriotism through the requirement of saluting the flag in the public schools was a valid concern of the state, it did not become invalid because it violated the religious principles of certain children attending public schools.¹¹

⁹ *Johnson v. Dierfield*, 306 U.S. 621, 59 S. Ct. 791 (1939); rehearing denied in 307 U.S. 650, 59 S. Ct. 832 (1939).

¹⁰ *Minersville School District v. Gobitis*, 310 U.S. 586 (1940).

¹¹ 310 U.S. 594-595.

II. THE U.S. SUPREME COURT REVERSES ITSELF – THE BARNETTE DECISION

Adamant in their refusal to comply with the flag-salute in school against regulations, the Witnesses of Jehovah elevated the issue to the United States Supreme Court. In *West Virginia Board of Education v. Barnette*,¹² the West Virginia Board of Education required a daily flag-salute and a recitation of the pledge of allegiance in all public schools. Non-compliance thereof constituted insubordination punishable by expulsion. After such expulsion, children were to be deemed unlawfully absent and thus subject to delinquency charges. Parents and guardians were likewise subject to prosecution for contributing to such delinquency.

The Federal District Court, perceiving that the ruling of the Court in the *Gobitis* case had been seriously impugned by the dissenting opinions of Justices Black, Douglas and Murphy in the case of *Jones v. Opelika*,¹³ held that to uphold the legislation in question would be tantamount to sanctioning a subordination of religious liberty to the other constitutionally-guaranteed freedoms, for to do so would be to accord these a wider area for expression and more rigorous standards for restriction than that conceded to religious freedom.¹⁴

Completely reversing itself, the Supreme Court ruled that the action of the State in making it compulsory for children in public schools to salute the flag and to pledge allegiance to the nation, violated the Fourteenth Amendment of the Constitution. The issue, according to the Court, was whether the process of arousing patriotism could constitutionally be shortened by substituting a compulsory flag salute and slogan. According to *ponente* Justice Jackson, to require an individual to salute the flag as a symbol of utterance and thus communicate by word or sign his acceptance to political ideas is objectionable, especially if he is coerced. The decision of the United States Supreme Court was not based on religious freedom, but upon the general right of freedom of conscience as protected by the First Amendment. In this light, Justice Jackson observed that, "compulsory identification of opinion achieves only unanimity of the graveyard."

¹² 319 U.S. 624 (1943).

¹³ 316 U.S. 584 (1942).

¹⁴ *Barnette v. West Virginia Board of Education*, 47 F. Supp. 251 (1942).

While the *Barnette* case rejected the "valid secular policy" rule which had been the basis of the *Gobitis* decision, Justice Jackson's opinion did not recognize as valid the religious objections to the flag salute. Rather, Justice Jackson held that it was a violation of the First Amendment to compel anyone to express views or opinions which he did not hold.

III. THE FLAG SALUTE CASES IN THE PHILIPPINES

The various Secretaries of Justice and the courts in the Philippines have also issued rulings and reversals on the compulsory flag salute issue in different ways. In 1940, the Secretary of Justice rendered an opinion that public school pupils may be compelled to comply with the school regulation to salute the flag and sing the national anthem.¹⁵ Sustaining the validity of Bureau of Education Circular No. 61, series of 1940, and Commonwealth Act No. 589 (1940), the Secretary of Justice ruled that there is no constitutional or statutory provision in the Philippines which makes it a personal right on the part of its citizens to demand entrance into public schools. The right to enter public schools is merely a privilege — a political privilege — given to those who are able to comply with the requirements imposed by the competent school authorities. In view thereof, and in line with the constitutional mandate that "all schools shall aim to develop civic conscience and to teach the duties of citizenship through the regulation requiring all public school pupils to salute the flag, providing that pupils who refuse to do so may be barred from admission to, or expelled from, the public schools," is legal and valid.

In 1948, however, apparently relying on the holding of the United States Supreme Court in *Barnette*, the incumbent Secretary of Justice reversed the previous issuance of the Department of Justice. This time, it was opined that school authorities could not force a student to salute the flag if such was against his religious scruples. Nor could they lawfully expel a pupil for refusing to comply with such requirement. According to the Secretary, persuasion, not compulsion, was the teacher's means to attain the end of inspiring pupils to love the country and revere its institutions.¹⁶

¹⁵ Opinion of Secretary Jose Abad Santos (1941).

¹⁶ Opinion No. 225 (1948) in reply to a letter of Rustico Fernandez of Bohol, see 13 LAWYERS JOURNAL 368 (1948).

In 1952, another reversal was had. The Secretary of Justice reversed the 1948 opinion and restored the 1941 opinion of Secretary Jose Abad Santos. The tenor of the opinion was that public school pupils were bound, under pain of expulsion, to participate in flag ceremonies in schools, notwithstanding their religious convictions.¹⁷

IV. PHILIPPINE SUPREME COURT UPHOLDS VALIDITY OF COMPULSORY FLAG SALUTE REGULATION

Like their brethren in the United States, the Witnesses of Jehovah in the Philippines, adamant in their religious scruples, brought the case to the Supreme Court. In a suit commenced in 1957,¹⁸ petitioners, members of the Witnesses of Jehovah, sought to enjoin the school authorities of the Buenaventura Community School in Uson, Masbate from enforcing Department Order No. 8 of the Department of Education, dated July 21, 1955. This Department Order merely implemented the provisions of Republic Act No. 1265, which took effect on June 11, 1955. The Department Order required the daily ritual of a flag-salute, the singing of the national anthem and the recitation of the patriotic pledge. Petitioners' children refused to abide by the school regulation. Hence, after due investigation, they were expelled from the school. Petitioners' refusal was based on their religious beliefs which include their literal interpretation of Exodus, Chapter 20, verses 4 and 5. They considered the flag an "image" within the command and relied heavily on the United States Supreme Court decision in *West Virginia v. Barnette*.¹⁹

The Supreme Court, through Justice Montemayor, held that the flag is not an image, but a symbol of the Republic of the Philippines, an emblem of national sovereignty, of national unity and cohesion, and of freedom and liberty, which it and the Constitution guarantee and protect. Considering the separation of the church and State, the flag is utterly devoid of any religious significance. Furthermore, it appeared that there was no absolute compulsion involved in the flag salute. There was no criminal or even civil prosecution involved. The

¹⁷ Opinion No. 370 (1951).

¹⁸ *Supra* note 1.

¹⁹ *Supra* note 12.

petitioners' children merely lost the benefits of public education being maintained at the expense of their fellow citizens and nothing more.

The Court also found that in requiring the school pupils to participate in the flag salute, the State, through the Secretary of Education, was not imposing a religious test on a religion or on a religious belief. It was merely enforcing a non-discriminatory school regulation applicable to all students, whether Christian, Moslem, Protestant or Witnesses of Jehovah. The State was merely carrying out the duty imposed upon it by the Constitution, which charges it with supervision over and regulation of all educational institutions, establishment and maintenance of a complete and adequate system of public education, and seeing to it that all schools aim to develop, among other things, civic conscience and teaching the duties of citizenship.

The Court went on to state that the freedom of religion guaranteed by the Constitution did not and could not mean exemption from or non-compliance with reasonable and non-discriminatory laws, rules and regulations promulgated by competent authority:

Men may differ and to differ on religious beliefs and creeds, government policies, the wisdom and legality of laws, even the correctness of judicial decisions, but in the field of love of country, reverence for the flag, nationality and patriotism, they can hardly afford to differ for these are matters which they are actually and vitally interested, for them they mean, national extinction.²⁰

In his concurring opinion, Justice Jesus Barrera pointed out the distinctions between the *Gerona* case and the *West Virginia v. Barnette* case, which was heavily relied upon by the petitioners. In *Barnette*, upon refusal of the school pupil to abide by the flag-salute regulation, said pupil was not only expelled from school, but his parents or guardian also became liable for criminal prosecution for such absence, as a result of the expulsion of the disobeying pupil. The delinquent pupil could then be proceeded against and sent to the reformatory meant for criminally-inclined juveniles. Hence, there was a clear conflict between authority and the rights of the individual. As thus presented, the conflict in *Barnette* was between authority and liberty which attained a degree of repugnance that left no choice but for the Court to apply the rationale of the grave and imminent danger rule to enjoin, under

²⁰ *Supra* note 1 at 14.

the circumstances, the enforcement of the West Virginia Board of Education regulation.

In sharp contrast, in the *Gerona* case, non-compliance with the flag ceremony did not result in criminal prosecution. Another significant distinction was that in the *Barnette* case, the regulation required a stiff arm salute, the pupil to keep the right hand raised with the palm turned up while he was required during the flag ceremony, to stand at attention.

The Witnesses of Jehovah again elevated the issue to the Supreme Court in 1960 on a different ground. The petitioners challenged the constitutionality of Department Order No. 8 of the Department of Education on the ground that said Order was not published in the Official Gazette, as required by Commonwealth Act No. 2 and Article 2 of the Civil Code. In denying the petition, the Supreme Court held that the requirement of publication only applied to the circulars that provided penalties for violation thereof. In the case at bar, no penalty for violation was imposed.²¹ The ruling in the *Gerona* case was reiterated in *Balbuna v. Secretary of Education*.²²

V. THE "VALID SECULAR POLICY," FREEDOM OF RELIGION AND FREEDOM OF CONSCIENCE RULES

The Philippine Supreme Court, in reversing the *Gerona* case, has cited the United States Supreme Court ruling in the *West Virginia v. Barnette* case, but applied the principle of freedom of religion. However, the *Barnette* case was not four-square on the subject of religious objections. Justice Jackson, the *ponente*, held that the school regulation in question violated the First Amendment since it compelled anyone to express views or opinions which he did not hold. The issue which the Philippine Court should have addressed in the *Ebralinag* and *Amolo* cases is whether Department Order No. 8, which implemented Republic Act No. 1265, was a valid secular policy.

Is the Filipino flag really an image or idol? Indeed, the Filipino flag, as a symbol of the Republic of the Philippines, is utterly devoid of any religious significance. It does not represent idolatry or a god.

²¹ See *People v. Que Po Lay*, 94 Phil. 640 (1954) and *Lim Hoa Ting v. Central Bank*, 104 Phil. 573 (1958).

²² *Supra* note 2.

In fact, it represents the Filipino people. It is entirely secular. In this regard, the words of Justice Frankfurter regarding the "valid secular policy" rule must be borne in mind.²³

Although religious freedom has been granted a "preferred position" in the group of legal values, it is not altogether absolute, as all other rights enumerated in the Bill of Rights. It may be limited in consideration of public policy, safety and health. Religious doctrines may not be used as an excuse for the commission of crimes, the infringement upon the rights of others or the evasion of civic responsibilities that would be tantamount to making religious beliefs superior to the law of the land and, in effect, permitting every citizen to be the law unto himself.²⁴ This is aptly revealed by the jurisprudence concerning conscientious objectors.

VI. THE CONSCIENTIOUS OBJECTORS CASES

Aside from the Witnesses of Jehovah, other religious sects have invoked religious conviction to evade civil and political responsibilities such as compulsory military service for the defense of the State and Sunday closing laws. The selective draft acts of the United States requiring male citizens between the ages of 21 and 30 years to register for military duty exempt from the draft regularly ordained religious ministers. While one individual questioned the validity of the exemption of religious ministers as a direct move towards the establishment of religion, the Federal Court held that the law was not an establishment of religion in the sense understood in the words of the First Amendment.²⁵

The Selective Training and Service Act (1940) of the United States also provided for the exemption from military training and service duly ordained ministers of religion. Questions arose, however, as to what the term "ministers of religion," as used in the Act, meant. The witnesses of Jehovah went to the extent of claiming that they were "ministers of religion" as used in the Act. But all the Witnesses of Jehovah showed in order to justify their position was that by the mere

²³ *Supra* note 11.

²⁴ *Watson v. Jones*, 13 Wall 679 (1872).

²⁵ *U.S. v. Stephens*, 245 F. 956 (1917).

act of distributing religious pamphlets, they qualified as "ministers of religion." In a series of cases, courts refused to exempt them from military training and service, it appearing that defendants used only a portion of their time for religious activities such as distributing religious literature while devoting a major part of their time to secular activities, jobs such as storekeeping, helping in a mill, freight, traffic clerk or carpenter.²⁶ In the case of *Fitts v. U.S.*,²⁷ a member of the Witnesses of Jehovah, after having been denied exemption, was convicted for failing to report for civilian work assigned to him as a conscientious objector. In denying his claim for exemption as minister of religion, the Court said that the registrant must have the ministry as his chief vocation, and that religious affairs must occupy a substantial amount of his time and be carried out with regularity. He must be considered a minister, a recognized leader of his congregation.

Conscientious objectors then tested the validity of the Universal Training and Service Act of 1948 of the United States which exempted from combat training and service in the Armed Forces persons who, by reason of religious training and belief, were opposed to war in any form. Religious training and belief in said law meant an individual's belief in relation to a Supreme being.

Because of the conflict in the interpretation of the provision of exemption, the United States Supreme Court decided to jointly hear three related cases: *U.S. v. Seeger*, *U.S. v. Jackson*, and *Peter v. U.S.*²⁸ According to the Court, the term "Supreme Being" embraced all religions, but excluded the essentially political, sociological, or philosophical views. The test of belief in a Supreme Being was whether the belief was sincere and meaningful that it occupied a place in the life of the possessor. In other words, the special status of conscientious objectors did not extend to persons whose opposition to war was based only on intellectual grounds. The Court emphasized that the conscientious objection must have proceeded from a basic, general, moral philosophy or religious commitment which involved opposition to war in any form.²⁹

²⁶ *Checinski v. U.S.*, 129 F. 2d 461 (1942); *U.S. v. Brooks*, 54 F. 2d Supp. 995 (1944), *certiorari* denied in 324 U.S. 878 (1945).

²⁷ 334 F. 2d 477 (1964).

²⁸ 380 U.S. 163 (1965).

²⁹ ABE FORTAS, CONSENT AND CIVIL DISOBEDIENCE, 50 (1968).

In the Philippines, Seventh-Day Adventists claimed exemption from compulsory training under the National Defense Act (C.A. No. 1) on religious grounds. The Secretary of Justice, in an opinion rendered in 1937, held that religious freedom may be limited by a reasonable exercise of police power. Compulsory military service under the National Defense Act was intended to advance public welfare in accordance with Article II, Section 2 of the Constitution of the Philippines (1935), to the effect that the defense of the State was the prime duty of government and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.

Even in the manner of application for United States citizenship, conscientious objectors are reluctant in declaring under oath an answer to a question as to whether they are willing to take arms in defense of the country. The United States Supreme Court denied an application for citizenship of a woman who answered in the negative, on the ground that one who is without sense of nationalism is not held by the ties of affection to any government, and is likely to be incapable of the attachment to our constitutional principles required of an applicant for citizenship.³⁰

In a later case, Douglas McIntosh, a Yale University professor of theology who applied for United States citizenship, in reply to the same question asked of Rosita Schwimmer, declared: "Yes, but I should want to be free to judge of the necessity." Explaining further in a memorandum, McIntosh said that although he was ready to give the United States as much allegiance as he could give to any country, he could not place his allegiance to the government, before his allegiance to the will of God. The Court interpreted the answer as an unwillingness to take the oath of allegiance except with his own qualification, that he would assist in defending his country by bearing arms by extending his moral support only if he believed that a war was morally justified. In denying the petition for naturalization, the Court significantly concluded:

When he speaks of putting his allegiance to the will of God above his allegiance to the government, it is evident, in the light of his entire statement, he means to make his own interpretation of the will of God, the decisive test which will conduce the government and stay its hand. We are a Christian people according to one

³⁰ *U.S. v. Schwimmer*, 279 U.S. 644 (1929).

another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God. But, also, we are a nation with a duty to survive; a Nation whose Constitution contemplates war as well as peace, whose government must go forward upon the assumption and safely can proceed upon no other, that unqualified allegiance to the Nation and submission and obedience to the laws of the land, as well as those made for war as those made for peace, are not inconsistent with the will of God.³¹

On the same principle, the United States Supreme Court upheld the action of the Board of Regents of the University of California, denying the application for the enrollment of a student because he refused to take military training due to his religious conviction.³² The Supreme Court likewise ruled that the state of Illinois had not denied him due process of law by barring an applicant from the practice of law, though otherwise qualified, even if he was a conscientious objector on religious grounds. The Court held that the principle of religious freedom was not violated.

VII. THE SUNDAY CLOSING CASES

The Blue Sunday law cases likewise raised interesting questions relating to religious objections to a valid secular policy. In four cases, the United States Supreme Court sustained the validity of Sunday closing laws against claims that such laws constituted an establishment of religion because of the selection of Sunday as the day most businesses must close. Although admitting that Sunday closing laws had originally been religiously motivated, the Court held that they should be defended as embodying a valid secular policy for the interest of the State in guaranteeing one day's rest per week.³³ In the *Braunfeld* case,³⁴ a Jewish merchant challenged the Sunday closing law on the ground that it violated his religious observance, unless the State may accomplish its purpose by means which do not impose such burden. The application of a Sunday closing law to a businessman for whom

³¹ *In re: Summers*, 325 U.S. 561 (1945).

³² *Hamilton v. Board of Regents*, 293 U.S. 245 (1934).

³³ *McGowan v. Maryland*, 366 U.S. 420, 6 L. Ed. 2d 393, 81 S. Ct. 1101; *Gallagher v. Crown Koshier Supermarket*, 366 U.S. 617, 6 L. Ed. 2d 536, 81 S. Ct. 1122; *Two Guys v. McGinley*, 366 U.S. 582, 6 L. Ed. 2d 551, 81 S. Ct. 1135; and *Braunfeld v. Brown*, 366 U.S. 599, 6 L. Ed. 2d 563, 81 S. Ct. 1144.

³⁴ *Supra* note 33.

Saturday is the Sabbath was held by the Court to be only an indirect burden upon his freedom of religion imposed by a valid secular policy.

VIII. GRAVE CONSEQUENCES OF THE *EBRALINAG* AND *AMOLO* CASES

The decision exempting the Witnesses of Jehovah from participating in the flag salute ceremony and reciting the patriotic pledge on grounds of religious conviction may open the way to grave consequences in the future in the Philippines. It is very evident that the Supreme Court followed the trend of decisions in the United States courts, which reversed their own decisions on similar issues. In the United States, religious groups have taken advantage of the exemption. In seventeen major cases in the United States, the United States Supreme Court reversed itself twice. In three cases, the Court was divided into a 5-to-4 voting and others 6-to-3, eliciting about 29 separate opinions.

The trend of decisions of United States Supreme Court interpreted the concept of freedom of religion and the "no establishment of religion" clause of the constitution too liberally to the extent of even justifying the freedom not to believe over that to believe. This is shown in the recent School prayer and Bible reading cases in public schools. In *George Wallace, Governor of Alabama v. Ismael Joffre*, three Alabama statutes authorizing a period of silence in all public schools for meditation and voluntary prayer were held to be unconstitutional as violative of the "no establishment of religion" clause. The Court ruled that the prayer, even voluntary in character, was repugnant to the First Amendment of the United States Constitution.

What should be an ominous warning was what the Witnesses of Jehovah in the United States did after winning the *Barnette* case. "Witnesses" in several states made utterances both oral and written also on grounds of religious freedom depreciating the war effort. They publicly presented their views on the "obnoxious nature" of the flag-salute and pledge of allegiance. The United States Supreme Court in *Taylor v. Mississippi*³⁵ reversed the conviction of the "Witnesses" on the ground that if the Court had just decided in the *Barnette* case that Witnesses had the right to refuse to salute the flag because it violated their religious conviction, they could not be convicted of sedition for

³⁵ 319 U.S. 583 (1943).

stating the reasons and beliefs upon which they rested their non-compliance. The seditious aspects of such utterances did not unduly excite the Court.

The crying need at this time in the Philippines is more discipline and not freedom, especially if such freedom amounts to near unbridled license. Article XIV, Section 3 of the Philippine Constitution, which provides that all educational institutions shall inculcate patriotism and nationalism, will be rendered ineffective. It is the sad experience in the Philippines that even graduates of the Philippine Military Academy, which is supposed to be a premier and model school for training the youth for discipline, patriotism, loyalty and love of country, are the ones initiating rebellion to overthrow the duly constituted authorities. They have openly uttered seditious words in defiance of their superiors.

Students in the state university, in open defiance of university authorities, refuse to attend their classes contesting the authority of a duly-elected President of the university. Almost every week, students hold rallies and demonstrations in the university belt, a thickly populated area, causing traffic and disrupting classes in the schools for trivial causes in the name of freedom.

The United States, already a well-established and politically stable country with a strong economy, can afford to tolerate excessive liberties. The authorities even allow groups to burn and trample on the United States flag itself. It is not so in the Philippines. The Philippines, which is still on its way to building a nation, is not in a position to tolerate the excesses of freedom now practiced in the United States. The Philippines has in fact been cited as a "cautionary case of U.S.-style democracy run amuck." A London analyst described the Philippines as an Asian country, but its culture is Spanish, with an overlay of Latin American and North American influence. While other countries flourish — even Indonesia with its difficulties is picking up — the Philippines is a basket case. People know that the Philippines has a carbon copy of the American Constitution, but what happened?³⁶

³⁶ Times, June 14, 1993.