

# Reflections on Recent Case Laws in Education: Pregnancy Out of Wedlock Not Considered Immoral as a Just Cause for Termination of Employment and Its Implication to Catholic and Religious Schools, and Child Abuse in Student Discipline

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## I. INTRODUCTION

The education sector has continued to evolve in the last decade. In 2013, Republic Act No. 10533 or the Enhanced Basic Education Act of 2013<sup>1</sup> or

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more popularly known as the *K-to-12 Law*, was passed. One of the major changes in the education system under the law is the additional two years in high school as the Senior High School program.<sup>2</sup> Students staying longer in high school for another two years meant, generally, they would be reaching legal age while still in basic education. This also meant that the age gap between teachers and the students have become closer; teachers are getting younger, students are getting older.

This generation of education stakeholders composed of students, teachers, and parents is also said to be *digital*, having increased access to information, cyberspace, and social media platforms.<sup>3</sup> There is also an increasing interaction and use of technology among them.<sup>4</sup>

In November 2021, a male public school teacher went viral on TikTok for dancing suggestively, apparently portraying his reaction when a “cute” student passes by.<sup>5</sup> Social media users were quick to score him for child abuse, immorality, and unethical behavior.<sup>6</sup>

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1. An Act Enhancing the Philippine Basic Education System by Strengthening Its Curriculum and Increasing the Number of Years for Basic Education, Appropriating Funds Therefor and for Other Purposes [Enhanced Basic Education Act of 2013], Republic Act No. 10533 (2013).
2. *Id.* § 4. See also TJ Burgonio, ‘K-to-12’ Education Now a Law, PHIL. DAILY INQ., May 16, 2013, available at <https://newsinfo.inquirer.net/409755/aquino-signs-education-reform-law> (last accessed July 31, 2022) [<https://perma.cc/QC2L-53RL>].
3. See Fiona P. Tulinayo, et al., *Digital Technologies in Resource Constrained Higher Institutions of Learning: A Study on Students’ Acceptance and Usability*, 15 INT’L J. EDUC. TECH. HIGHER EDUC. 1, 1-2 & 8.
4. See *id.* at 2.
5. News 5, Video, FACEBOOK, Nov. 5, 2021: 1:36 p.m., available at <https://www.facebook.com/News5Everywhere/videos/309942280661743/?t=0> (last accessed July 31, 2022) [<https://perma.cc/G65X-TUM4>].
6. Philippine Star, *DepEd Investigates Teacher in Viral TikTok Video*, PHIL. STAR, Nov. 5, 2021, available at <https://www.philstar.com/headlines/2021/>

Also, back in November 2019, a public school teacher trended on social media after she was forced to resign on national television when the parents and grandparents of the child aired their complaint against her through a television program.<sup>7</sup> The program played a video showing the teacher sending a student out of the classroom to discipline him.<sup>8</sup> The host of the program asked the public school teacher to make a choice on the spot between resigning from her post or facing a criminal complaint for child abuse.<sup>9</sup> The teacher chose to resign, of course.<sup>10</sup> This became a trending topic across social media platforms.<sup>11</sup> The Author became involved when the Author was tagged on several posts by netizens to render legal assistance to the public school teacher.<sup>12</sup> Earlier this year, the administrative case filed against the teacher before the Department of Education (DepEd) was finally dismissed.<sup>13</sup>

This Article tackles two important issues in education law: (1) immorality (2) and child abuse.

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11/05/2139184/deped-investigates-teacher-viral-tiktok-video (last accessed July 31, 2022) [<https://perma.cc/XX9G-YJT6>].

7. Francine Ciasico, *DepEd to Investigate Case of Teacher Humiliated on TV for 'Child Abuse,'* MANILA BULL., Nov. 22, 2019, available at <https://web.archive.org/web/20201112014022/https://mb.com.ph/2019/11/22/deped-to-investigate-case-of-teacher-humiliated-on-tv-for-child-abuse>.

8. *Id.*

9. *Id.*

10. *Id.*

11. Jeel Monde, Raffy Tulfo: Teacher Melita Limjuco Earns Sympathy, Lawyer Wants to Help, available at <https://philnews.ph/2019/11/22/raffy-tulfo-melita-limjuco-earns-sympathy-lawyer-wants-to-help> (last accessed July 31, 2022) [<https://perma.cc/4864-QTPY>] & Atty. Joseph Noel M. Estrada, Status Update, FACEBOOK, Nov. 21, 2019: 3:35 p.m., available at <https://www.facebook.com/attyerap/posts/sa-mga-nakakakilala-kay-teacher-melita-limjuco-pakisabi-po-maaari-syang-lumapit-/767816293644450> (last accessed July 31, 2022) [<https://perma.cc/Q4LL-FGHJ>].

12. See Joseph Noel M. Estrada, Status Update, FACEBOOK, Nov. 22, 2019, 7:35 a.m., available at <https://www.facebook.com/attyerap/posts/pfbidoTxAUENk9ATATGPrh1Z9GtY9HWwDA9ZuqDiYKfgYChuUJTe356TT2N LyKvXQE9fxJl> (last accessed July 31, 2022) [<https://perma.cc/WU3J-E3XF>].

13. In Re: Motu Proprio Case Against Ms. Melita S. Limjuco, Teacher, Epifiano Delos Santos Elementary School, Division of the City of Manila, DepEd Case No. NCR-2020-MC-T-024, at 2 (DepEd 2021) (unreported).

*A. What Is the Standard and Test of Morality in Schools?*

Indeed, teachers must adhere to the exacting standards of morality and decency. There is no dichotomy of morality.<sup>14</sup> As stated in *Puse v. Delos Santos-Puse*,<sup>15</sup> “[teachers], both in [their] official and personal conduct, must display exemplary behavior. [They] must freely and willingly accept restrictions on [their] conduct that might be viewed irksome by ordinary citizens. In other words, the personal behavior of teachers, in and outside the classroom, must be beyond reproach.”<sup>16</sup>

To further strengthen R.A. No. 7610 (or the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act)<sup>17</sup> and R.A. No. 7877 (or the Anti-Sexual Harassment Act of 1995),<sup>18</sup> R.A. No. 11313 or the Safe Spaces Act<sup>19</sup> was enacted in 2019. R.A. No. 11313 penalizes gender-based sexual harassment, and is founded on the recognition that “both men and women must have equality, security[,] and safety not only in private, but also on the streets, public spaces, online, workplaces[,] and educational and training institutions[,]”<sup>20</sup> among others.

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14. The Supreme Court laid down the doctrine of no dichotomy of morality in *Castillo v. Calanog, Jr.* In *Castillo*, the complainant filed an administrative case against a judge. In ruling against the judge, the Court explained that “[t]here is no dichotomy of morality: a public official is also judged by his private morals.” Later, in *Puse v. Delos Santos-Puse*, the Court applied the same doctrine to a case involving an erring teacher. *Castillo v. Calanog, Jr.*, A.M. No. RTJ-90-447, 199 SCRA 75, 83 (1991) & *Puse v. Delos Santos-Puse*, G.R. No. 183678, 615 SCRA 500, 523 (2010).

15. *Puse v. Delos Santos-Puse*, G.R. No. 183678, 615 SCRA 500 (2010).

16. *Id.* at 523 (citing *Santos v. NLRG*, G.R. No. 115795, 287 SCRA 117, 125 (1998)).

17. An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes [Special Protection of Children Against Abuse, Exploitation and Discrimination Act], Republic Act No. 7610 (1992).

18. An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes [Anti-Sexual Harassment Act of 1995], Republic Act No. 7877 (1995).

19. An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor [Safe Spaces Act], Republic Act No. 11313 (2019).

20. *Id.* § 2.

In this generation, self-expression, identity, and even religious beliefs are boldly expressed. This is true even for educators and school personnel. Same sex relationships, gender identity, trial marriages (i.e., live-in), and pregnancy out of wedlock are just some of the issues that have been subject to morality test in society and have become even more controversial when the person involved is a teacher or a school employee.<sup>21</sup>

*What is then the standard of morality that teachers and school personnel should adhere to, and how do we assess the conduct of teachers on moral grounds?*

This Article discusses the case law on immorality in the academe, specifically on pregnancy out of wedlock as a just cause for termination of employment.

### *B. When Does Child Discipline Equate to Child Abuse?*

Although the enactment of R.A. No. 7610 provides *more* protection to the minor with regard to child discipline in schools,<sup>22</sup> the unintended effect is that teachers are now constantly subjected to threats of child abuse complaints and prosecution whenever they perform their function of disciplining the students in their care.<sup>23</sup>

In the 1978 case of *Bagajo v. Marave*,<sup>24</sup> the issue submitted to the Supreme Court concerned the criminal responsibility of a teacher who used her bamboo-stick pointer in whipping her pupil.<sup>25</sup> She was charged with the

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21. See Steven D. Hooker, *Can Gay and Lesbian Educators Form Authentic Relationships in Their School Communities?*, 14 ESCJ 82 (2019); *Leus v. St. Scholastica's College Westgrove*, G.R. No. 187226, 748 SCRA 378 (2015); & *Capin-Cadiz v. Brent Hospital and Colleges, Inc.*, G.R. No. 187417, 758 SCRA 18 (2016).

22. See *generally* Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

23. See *Rosaldes v. People*, G.R. No. 173988, 737 SCRA 592 (2014); *Jabalde v. People*, G.R. No. 195224, 793 SCRA 405 (2016); *Malcampo-Repollo v. People of the Philippines*, G.R. No. 246017, Nov. 25, 2020, *available at* <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67548> (last accessed July 31, 2022); & *Asela Briñas y Del Fierro v. People of the Philippines*, G.R. No. 254005, June 23, 2021, *available at* <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67545> (last accessed July 31, 2022).

24. *Bagajo v. Marave*, G.R. No. L-33345, 86 SCRA 389 (1978).

25. *Id.* at 392.

crime of slight physical injuries as defined in Article 266, Paragraph 2, of the Revised Penal Code.<sup>26</sup> The Court said,

[w]e are persuaded that she did not do what she had done with criminal intent. That she meant to punish [the student] and somehow make her feel such punishment may be true, but We are convinced that the means she actually used was moderate and that she was not motivated by ill-will, hatred or any malevolent intent.<sup>27</sup>

The Court, however, clarified that the decision should not be taken to mean that the Court sanctions generally the use of corporal punishment by teachers on their pupils.<sup>28</sup> The Court said

[n]othing said above is intended to mean that this Court sanctions generally the use of corporal punishment by teachers on their pupils. All that We hold here is that in the peculiar circumstances of the instant case before Us, there is no indication beyond reasonable doubt, in the evidence before the trial court, that petitioner was actuated by a criminal design to inflict the injuries suffered by complainant as a result of her being whipped by petitioner. What appears is that petitioner acted as she did in the belief as a teacher exercising authority over her pupil *in loco parentis*, she was within her rights to punish her moderately for purposes of discipline.<sup>29</sup>

So where do we draw the line of student discipline by teachers who are placed *in loco parentis* over their wards under the law, and child abuse under R.A. No. 7610?

This Article also discusses the case law on child abuse and how it relates to student discipline in schools.

## II. CASE LAW ON PREGNANCY OUT OF WEDLOCK AS A JUST CAUSE FOR TERMINATION OF EMPLOYMENT

### A. Two-Step Process in Determining Morality of Conduct

In the case of *Leus v. St. Scholastica's College Westgrove*,<sup>30</sup> an unmarried administrative school employee was terminated by the Catholic school where she worked on the ground of serious misconduct for disgraceful and immoral

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26. *Id.* at 394.

27. *Id.*

28. *Id.*

29. *Id.*

30. *Leus v. St. Scholastica's College Westgrove*, G.R. No. 187226, 748 SCRA 378 (2015).

conduct due to her pregnancy out of wedlock.<sup>31</sup> To be clear, the subject employee was not a teacher and had limited interaction with the students.<sup>32</sup> Her employer was a mission school founded by a Catholic congregation.<sup>33</sup> According to the school, the pregnancy out wedlock of the school personnel is scandalous to the school for girls and that the matter goes against its teachings founded on Catholic virtues.<sup>34</sup>

In ruling in favor of the teacher and finding illegal dismissal on the part of the Catholic school,<sup>35</sup> the Court first reiterated its ruling in the case of *Chua-Qua v. Clave*,<sup>36</sup> which provide that to constitute immorality, the totality of circumstances of each case must be “holistically considered and evaluated in the light of prevailing norms of conduct and the applicable law.”<sup>37</sup>

The case of *Chua-Qua* involved a teacher who had a romantic relationship with her student who was dismissed by her school due to immorality and grave misconduct.<sup>38</sup> In finding that the school had illegally dismissed her, the Court appreciated that “deviation of the circumstances of their marriage from the usual societal pattern” does not justify the dismissal of the teacher.<sup>39</sup> They got married when the boy attained appropriate age and with the consent of his mother.<sup>40</sup> There was no substantial evidence presented by the school to support the alleged commission of immoral acts on the part of the teacher or proof that she took advantage of her position to court him.<sup>41</sup> Hence, the Court said,

[i]f the two eventually fell in love, despite the disparity in their ages and academic levels, this only lends substance to the truism that the heart has reasons of its own which reason does not know. But, definitely, yielding to this gentle and universal emotion is not to be so casually equated with immorality. The deviation of the circumstances of their marriage from the usual societal pattern cannot be considered as a defiance of contemporary social mores.<sup>42</sup>

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31. *Id.* at 386-87.

32. *Id.* at 408.

33. *Id.* at 386.

34. *Id.* at 389.

35. *Id.* at 410.

36. *Chua-Qua v. Clave*, G.R. No. 49549, 189 SCRA 117 (1990).

37. *Leus*, 748 SCRA at 399 (citing *Chua-Qua*, 189 SCRA at 124) (emphasis omitted).

38. *Chua-Qua*, 189 SCRA at 118-19.

39. *Id.* at 118.

40. *Id.*

41. *Id.* at 126.

42. *Id.*

In *Leus*, the Court emphasized that the test introduced in the case of *Chua-Qua* for the determination of immorality of conduct in termination cases involves a two-step process: “[F]irst, a consideration of the totality of the circumstances surrounding the conduct; and second, an assessment of [these] circumstances vis-à-vis the prevailing norms of conduct, i.e., what the society generally considers moral and respectable.”<sup>43</sup>

The Court said the fact that the school personnel subject of the dismissal was employed by a Catholic school does not “absolutely determine whether her pregnancy out of wedlock is disgraceful or immoral.”<sup>44</sup> The Court clarified that when the law speaks of morality, it is the public and secular morality, not religious morality that should be used to evaluate the conduct.<sup>45</sup>

Thus, applying the two-step test in the case of a pregnant school personnel, the totality of circumstances surrounding the latter’s case must be assessed based on the public view of morality, and not based on the Catholic standards of morality.<sup>46</sup>

In this case, the Court used Labor Code<sup>47</sup> provisions and the DepEd’s Manual of Regulations for Private Schools (MRPS)<sup>48</sup> as the standards for assessing the school personnel’s actions.<sup>49</sup> According to the Court, “the proscription against ‘disgraceful or immoral conduct’ under Section 94 (e) of the 1992 MRPS, which is ... a cause for dismissal, must necessarily refer to public and secular morality.”<sup>50</sup> Thus, in order for conduct to be considered as disgraceful or immoral, it must be “‘detrimental (or dangerous) to those conditions upon which depend the

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43. *Leus*, 748 SCRA at 399 (citing *Chua-Qua*, 189 SCRA at 124).

44. *Leus*, 748 SCRA at 399.

45. *Id.* at 400 (citing *Estrada v. Escritor*, A.M. No. P-02-1651, 408 SCRA 1, 180-83 (2003)).

46. *Leus*, 748 SCRA at 399-400.

47. A Decree Instituting a Labor Code Thereby Revising and Consolidating Labor and Social Laws to Afford Protection to Labor, Promote Employment and Human Resources Development, and Ensure Industrial Peace Based on Social Justice [LABOR CODE], Presidential Decree No. 442 (1974).

48. Department of Education, 1992 Revised Manual of Regulations for Private Schools (8th Edition), Department Order No. 92, Series of 1992 [D.O. No. 92, s. 1992] (Aug. 10, 1992).

49. *Leus*, 748 SCRA at 404.

50. *Id.*

existence and progress of human society’ and not because the conduct is proscribed by the beliefs of one religion or the other.”<sup>51</sup>

The Court held in *Leus* that

[a]dmittedly, the petitioner is employed in an educational institution where the teachings and doctrines of the Catholic Church, including that on premarital sexual relations, is strictly upheld and taught to the students. That her indiscretion, which resulted in her pregnancy out of wedlock, is anathema to the doctrines of the Catholic Church. However, viewed against the prevailing norms of conduct, the petitioner’s conduct cannot be considered as disgraceful or immoral; such conduct is not denounced by public and secular morality. It may be an unusual arrangement, but it certainly is not disgraceful or immoral within the contemplation of the law.<sup>52</sup>

*B. Company Policy Does Not Define What Constitutes Immorality*

In the subsequent case of *Capin-Cadiz v. Brent Hospital and Colleges*<sup>53</sup> in 2016, where a human resource officer of a hospital was suspended indefinitely until she marries her boyfriend after becoming pregnant out of wedlock, the main issue for the Court was whether said premarital relations constitute immorality as a just cause for termination.<sup>54</sup>

In resolving the issue, the Court made reference to its earlier decision in *Leus* as it involved similar circumstances.<sup>55</sup> In *Leus*, the employer was a Catholic school, while in *Capin-Cadiz*, the employer was a hospital of the Episcopal Church of the Philippines.<sup>56</sup> In the latter case, the Court held that the premarital relations of the employee “do not readily equate to disgraceful and immoral conduct” and that the “[hospital’s] Policy Manual and Employee’s Manual of Policies do not define what constitutes immorality.”<sup>57</sup> It emphasized its earlier ruling that “the standard of morality with which an act should be gauged [ ] is public and secular, not religious.”<sup>58</sup>

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51. *Id.*

52. *Id.* at 405-06.

53. *Capin-Cadiz v. Brent Hospital and Colleges, Inc.*, G.R. No. 187417, 785 SCRA 18 (2016).

54. *Id.* at 25.

55. *Id.* at 33-34.

56. *Id.* at 26 & 34.

57. *Id.* at 34.

58. *Id.* (citing *Leus*, 748 SCRA at 400).

It was ruled that

[t]he totality of the circumstances of this case does not justify the conclusion that Cadiz committed acts of immorality. Similar to *Leus*, Cadiz and her boyfriend were both single and had no legal impediment to marry at the time she committed the alleged immoral conduct. In fact, they eventually married on [15 April] 2008.<sup>59</sup>

There was also no evidence shown that her “‘indiscretion’ ‘scandalized the Brent community.’”<sup>60</sup>

As declared in *Leus*, “there is no law which penalizes an unmarried mother by reason of her sexual conduct or proscribes the consensual sexual activity between two unmarried persons; that neither does such situation contravene any fundamental state policy enshrined in the Constitution.”<sup>61</sup> The Court also held that

[t]he fact that Brent is a sectarian institution does not automatically subject [the employee] to its religious standard of morality absent an express statement in its manual of personnel policy and regulations, prescribing such religious standard as ... these regulations create the obligation on both the employee and the employer to abide by the same.<sup>62</sup>

### *C. Marriage as a Condition for Reinstatement Is Prohibited*

Another important issue resolved in the case of *Capin-Cadiz* was the legality of an employer’s act of imposing the condition of marriage in reinstating an employee who was suspended due to pregnancy out of wedlock.<sup>63</sup> In *Capin-Cadiz*, the employer imposed on the suspended employee the condition that she subsequently contract marriage with her then boyfriend prior to being reinstated.<sup>64</sup> According to Brent Hospital, “this is ‘in consonance with the policy against encouraging illicit or common-law relations that would subvert the sacrament of marriage.’”<sup>65</sup>

However, the Court resolved that this condition is coercive, oppressive, and discriminatory in light of the constitutional mandate to afford full

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59. *Capin-Cadiz*, 785 SCRA at 35.

60. *Id.*

61. *Leus*, 748 SCRA at 405 (citing *Anonymous v. Radam*, A.M. No. P-07-2333, 541 SCRA 12, 18 (2007)).

62. *Capin-Cadiz*, 785 SCRA at 36.

63. *Id.*

64. *Id.*

65. *Id.* at 36-37.

protection to labor and promoting equal opportunity.<sup>66</sup> Such condition, according to the Court, also runs counter to R.A. No. 9710 or the Magna Carta of Women which “protects women against discrimination in all matters relating to marriage and family relations, including the right to choose freely a spouse and to enter into marriage only with their free and full consent.”<sup>67</sup> The Court also noted that the hospital failed to prove that this employment qualification of marriage is related to the essential operation of the job.<sup>68</sup>

*D. The Standard of Morality Should Be Public or Secular Morality and Not Religious Morality*

In 2018, the Court held in the case of *Union School International v. Dagdag*<sup>69</sup> that teachers cannot be dismissed on the ground of disgraceful and immoral conduct due to pregnancy out of wedlock.<sup>70</sup> *Union School* also had similar circumstances with *Leus* and *Capin-Cadiz* and the central issue was the pregnancy out of wedlock as a ground for dismissal due to immorality and disgraceful conduct.<sup>71</sup> This time, however, the employee involved is a probationary elementary teacher and the ground used to convince her to resign and eventually terminate her was the Code of Ethics for Professional Teachers.<sup>72</sup> Thinking that she would be stripped of her license as misrepresented by the school, the teacher decided to opt for a graceful exit by resigning from her employment.<sup>73</sup>

The Court held that “[t]he totality of evidence in this case does not justify the dismissal of Dagdag from her employment considering that there was no legal impediment to marry between Dagdag and the father of her child at the time of the conception.”<sup>74</sup> In resolving this case, the Court again underscored the two-step process of considering the totality of circumstances, and the assessment of such circumstances to the prevailing norms of conduct.<sup>75</sup> More importantly, the Court reiterated that jurisprudence has already set the

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66. *Id.* at 37.

67. *Id.* (citing An Act Providing for the Magna Carta of Woman [The Magna Carta of Women], Republic Act No. 9710, § 19 (b) (2009)) (emphasis omitted).

68. *Capin-Cadiz*, 785 SCRA at 38.

69. *Union School International v. Dagdag*, G.R. No. 234186, 886 SCRA 563 (2018).

70. *Id.* at 589 (citing The Magna Carta of Women, § 13).

71. *Union School International*, 886 SCRA at 583-84.

72. *Id.* at 570 & 576.

73. *Id.* at 571.

74. *Id.* at 577.

75. *Id.* at 576 (citing *Leus*, 748 SCRA at 399).

standard for morality to public or secular morality, and not religious morality.<sup>76</sup> Thus, following the rulings in *Leus* and *Capin-Cadiz*, “pregnancy ... out of wedlock is not a just cause for termination ... absent any showing that the [pre-marital] sexual relations and, consequently, pregnancy out of wedlock, are indeed considered disgraceful or immoral.”<sup>77</sup>

In 2020, the Court denied with finality the Motion for Reconsideration filed by Union School International as regards the finding of illegal dismissal.<sup>78</sup> The Court also took the opportunity to provide the correct computation of full backwages for the illegally dismissed teacher which should be reckoned from her illegal dismissal up to the supposed end of her probationary contract only.

### *E. Reflection*

The case law of *Leus*, *Capin-Cadiz*, and *Union School International*, which provides that public morality, and not the religious morality, should be used to assess conduct of employees in determining whether there is basis for termination directly impacts the schools that are under Catholic and religious denominations in the Philippines.<sup>79</sup>

In the Philippines, non-government schools from kindergarten, basic, secondary, higher, and even technical-vocational education, faith, and religion play a very prominent role. The Catholic Church, for example, has established centuries-old parochial schools which serve as primary entry-points into the Catholic faith of elementary-age children.<sup>80</sup> The Pontifical and Royal University of Santo Tomas, currently one of the world’s largest Catholic

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76. *Union School International*, 886 SCRA at 576 (citing *Capin-Cadiz*, 785 SCRA at 34-35).

77. *Union School International*, 886 SCRA at 577.

78. *Union School International* represented by Pastor Abraham Cho [School Superintendent], Jaime Nabua [Board President], and Jennifer Mandapat [School Head] v. Charley Jane Dagdag, G.R. No. 234186, Oct. 7, 2020, at 5-6, available at <https://elibrary.judiciary.gov.ph> (last accessed July 31, 2022).

79. *Leus*, 748 SCRA at 400 (citing *Estrada*, 408 SCRA at 180-83); *Capin-Cadiz*, 785 SCRA at 34 (citing *Leus*, 748 SCRA at 400); & *Union School International*, 886 SCRA at 576.

80. See Jesus Jay Miranda, *The Prestige and Demand of Being a Catholic School*, MANILA TIMES, Apr. 24, 2022, available at <https://www.manilatimes.net/2022/04/24/opinion/columns/the-prestige-and-demand-of-being-a-catholic-school/1841055> (last accessed July 31, 2022) [<https://perma.cc/5AY4-9L5Q>].

universities was founded in the Philippines in 1611.<sup>81</sup> Aside from academics, Catholic schools have integrated religious teachings in the character formation in faith of students.<sup>82</sup>

Catholic schools are not only viewed as private, non-government schools, but are chosen by parents and students for the catholicity of its education and graduates.<sup>83</sup> Catholic schools have become sanctuaries of faith for Catholics.<sup>84</sup>

In 2016, the Catholic Educational Association of the Philippines launched the Philippine Catholic School Standards, a document that serves as an assessment tool for its member-Catholic educational institutions in examining its unique identity and mission as a Catholic school vis-à-vis the mission of the Catholic Church.<sup>85</sup>

It is not unusual to see the clergy like nuns and priests occupy key administrative positions in Catholic schools, colleges, and universities. Many are even heads of schools or presidents of Catholic universities.<sup>86</sup> They have consolidated their religious functions with their administrative duties in schools.<sup>87</sup> In the same manner, lay persons who are teachers and administrators in Catholic schools occupy a special role not only in teaching academics, but also in actively assisting the clergy in administering the Holy Sacraments,

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81. University of Santo Tomas, History, available at <https://www.ust.edu.ph/university-history> (last accessed July 31, 2022) [<https://perma.cc/QVK5-VPCE>].

82. See Miranda, *supra* note 80.

83. Sara Giza, An Exploration on Why Parents Choose Catholic Schools, at 146 (Nov. 20, 2019) (unpublished Ph.D. dissertation, Concordia University Portland) (on file with Concordia University Portland Library).

84. *Id.* at 108.

85. Joel M. Bual & Dennis V. Madrigal, *The Quality of Catholic Education in a Diocesan School Relative to the Philippine Catholic School Standards*, 1 PHIL. SOC. SCI. J. 41, 42-43 (2019); See CATHOLIC EDUCATIONAL ASSOCIATION OF THE PHILIPPINES, PHILIPPINE CATHOLIC SCHOOL STANDARDS FOR BASIC EDUCATION (2016) & Christian James Castro, CMF, Philippine Catholic School in the 21st Century, available at <https://web.archive.org/web/20220817081624/https://apracs.org/speeches/philippine-catholic-school-in-the-21th-century>.

86. See Jove Jim S. Aguas, *Catholic Education in the Philippines*, ENCYCLOPEDIA OF TEACHER EDUC., June 2019, at 1.

87. See *id.*

liturgical activities in school, and integrating Catholic virtues in every aspect of student life in Catholic schools.<sup>88</sup>

With this special role of teachers and school personnel in Catholic schools, there exists a traditional expectation from the general public that they only hire lay persons as teachers and administrators when such persons not only abide by the Code of Ethics for Professional Teachers<sup>89</sup> and laws providing for obligations of faculty and school personnel, but also live by the Catholic faith and are loyal to the teachings of the Catholic Church.<sup>90</sup>

It is for this reason that, with all due respect, the Author firmly believes that the case laws of *Leus*, *Capin-Cadiz*, and *Union School* should be revisited by the Court in future cases involving school personnel in religious schools, especially in finding that it should be the public and secular view of morality, and not religious morality that should be used to assess the norms of conduct in these schools as a continuing requirement for employment.

In fact, looking closely at case law provides a legal window for Catholic and religious schools to impose its standard of morality among its teachers and personnel as a continuing requirement for employment.

In *Leus*, the Court held that there was no substantial evidence that would convincingly prove that the conduct of the teacher was scandalous, and that it indeed adversely affected the Catholic school's integrity in teaching its moral doctrines.<sup>91</sup> The Court also noted in *Leus* that the school does not have any policy or rule against an employee who engages in pre-marital sexual relations and conceives a child as a result thereof.<sup>92</sup> Thus, there was no basis to assert a valid exercise of the school's management prerogative.<sup>93</sup>

In *Capin-Cadiz*, it was held that the circumstances surrounding the human resource officer's pregnancy out of wedlock "do not readily equate to

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88. Congregation for Catholic Education, *Lay Catholics in Schools: Witnesses to Faith* (Oct. 15, 1982), ¶ 40, available at [https://www.vatican.va/roman\\_curia/congregations/ccatheduc/documents/rc\\_con\\_ccatheduc\\_doc\\_19821015\\_lay-catholics\\_en.html](https://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_19821015_lay-catholics_en.html) (last accessed July 31, 2022) [<https://perma.cc/HG5U-H76A>].

89. Professional Regulation Commission, *Code of Ethics for Professional Teachers*, Resolution No. 435, Series of 1998 [Res. No. 435, s. 1998] (Nov. 11, 1998).

90. Congregation for Catholic Education, *supra* note 88, ¶¶ 6-7.

91. *Leus*, 748 SCRA at 408.

92. *Id.* at 409-410.

93. *Id.*

disgraceful and immoral conduct.”<sup>94</sup> This is because the hospital’s “Manual and Employee’s Manual of Policies [did] not define what constitute[d] immorality[ ] [and] that it simply stated immorality [in general] as a ground for disciplinary action.”<sup>95</sup>

Echoing *Leus* and *Capin-Cadiz*, in *Union School International*, the Court reiterated that “pregnancy of a school teacher out of wedlock is not a just cause for termination of an employment absent any showing that the [pre-marital] sexual relations and, consequently, pregnancy out of wedlock, are indeed considered disgraceful or immoral.”<sup>96</sup>

Thus, case law implies that religious morality may be the basis of termination when the following conditions are met: *first*, the conduct involved is scandalous; *second*, there is substantial evidence that the conduct affects the reputation of the school as a religious educational institution; *third*, there is an express prohibition or qualification of the conduct in the school’s employment and similar policies; and, *finally*, there is substantial evidence of immorality.<sup>97</sup>

When such conditions exist, the argument that when labor laws and regulations speak of morality, it speaks of public and secular morality, and not religious morality, no longer applies. This is because the religious standard in employment is clearly conveyed in the school’s policies, declarations, and activities. The students, parents, administrators, and school community — the parties who are interested in preserving the religious education or Catholicity of a school — should be considered the *public* whose view should matter in assessing norms of conduct in religious academic institutions.

The Author’s reflection is also strengthened by the application of the dynamic concepts of academic freedom in institutions of higher learning,<sup>98</sup> and the reasonable regulation and supervision of all educational institutions as enshrined in our Constitution.<sup>99</sup> Certainly, institutions of higher learning in

94. *Capin-Cadiz*, 785 SCRA at 34.

95. *Id.*

96. *Union School International*, 886 SCRA at 577.

97. See generally *Leus*, 748 SCRA; *Capin-Cadiz*; 785 SCRA; & *Union School International*, 886 SCRA.

98. “Academic freedom shall be enjoyed in all institutions of higher learning.” PHIL. CONST. art. XIV, § 5 (2).

99. “The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.” PHIL. CONST. art. XIV, § 4 (1).

exercising the academic freedom to determine *who shall teach*<sup>100</sup> includes taking into consideration the religious aspect of being an educator. This also falls under the academic discretion and judgment of Catholic basic education schools in choosing teachers and school personnel who act as primary formators of the Catholic faith in children in their formative years in schools.

Indeed, the establishment of schools is central to every faith, denomination, and religion in the Philippines.<sup>101</sup> That is why Catholic and religious schools are also often referred to as mission schools, because education plays a crucial role in the propagation and wide-spreading of its moral doctrines.<sup>102</sup> To bar these schools from assessing the morality of their own employees, who act as formators and models to the students, against its own religious standard of morality may be offensive to the freedom of religion clause in the Constitution.<sup>103</sup>

Interestingly, in the United States (U.S.), the case of *Our Lady of Guadalupe School v. Morrissey-Berru*,<sup>104</sup> decided by the U.S. Supreme Court on 8 July 2020, involved a relevant issue on Philippine case law of *Leus, Capin-Cadiz*, and *Union School International*. The main issue in *Our Lady of Guadalupe* is “whether the First Amendment permits courts to intervene in employment disputes involving teachers at religious schools who are entrusted with the responsibility of instructing their students in the faith.”<sup>105</sup>

In the U.S., the First Amendment protects the right of religious institutions “to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine” as held in the landmark case *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*.<sup>106</sup> Applying this principle, it was held in *Hosanna-Tabor*

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100. *Ateneo de Manila University v. Capulong*, G.R. No. 99327, 222 SCRA 644, 661 (1993). “The components of this aspect of academic freedom have been categorized under the areas of: (1) who may teach and (2) how to teach.” *Id.*

101. *See* Department of Education, Revised Rules and Regulations on the Teaching of Religion in Public Elementary and Secondary Schools, Department Order No. 13, Series of 1998 [D.O. No. 13, s. 1998], ¶ 1 (Jan. 30, 1998).

102. Congregation for Catholic Education, *supra* note 88, ¶ 9.

103. *See* PHIL. CONST. art. III, § 5.

104. *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (2020) (U.S.).

105. *Id.* at 2055.

106. *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U.S. 94, 116 (1952) (citing U.S. CONST. amend. I).

*Evangelical Lutheran Church and School v. EEOC*,<sup>107</sup> that the First Amendment barred a court from entertaining an employment discrimination claim brought by an elementary school teacher against the religious school where she taught.<sup>108</sup> The decision considered the “ministerial exception”<sup>109</sup> of the teacher on her responsibility to teach religion and participate in religious activities of the school.<sup>110</sup>

Thus, it was held in *Our Lady of Guadalupe* where the issue is on employment discrimination claims brought by two elementary school teachers at Catholic schools, that

[t]he religious education and formation of students is the very reason for the existence of most private religious schools, and therefore the selection and supervision of the teachers upon whom the schools rely to do this work lie at the core of their mission. Judicial review of the way in which religious schools discharge those responsibilities would undermine the independence of religious institutions in a way that the First Amendment does not tolerate.<sup>111</sup>

Applying *Our Lady of Guadalupe* in Philippine jurisdiction, when our labor tribunals are permitted to set aside the moral doctrines defined by the Catholic and religious schools as standards for its own school personnel, is it not interfering with the *free exercise of religion clause*?

Moving forward, the principles and concepts in education law discussed in this Article are important in weighing in on the case law which provides that for immorality to qualify as a just cause for termination of employment, the standards from which the employee should be assessed ought to be the public and secular standard and not the religious standard of morality. Without the religious foundation and standard in religious schools’ policy including morality, its entire educational system would collapse.

### III. CASE LAW ON CHILD ABUSE AND STUDENT DISCIPLINE

The Court has said that

[a] college, or any school for that matter, has a dual responsibility to its students. One is to provide opportunities for learning, and the other is to help them grow and develop into mature, responsible, effective[,] and

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107. *Hosanna-Tabor Evangelical v. E.E.O.C.*, 565 U.S. 171 (2012).

108. *Id.* at 188.

109. *Id.*

110. *Id.* at 192.

111. *Our Lady of Guadalupe School*, 140 S. Ct. at 2055.

worthy citizens of the community. [Student] [d]iscipline is one of the means to carry out the second responsibility.<sup>112</sup>

Whenever the misconduct of teachers relevant to its function of student discipline is at issue, it is possible that the acts involved do not only equate to serious misconduct as ground for dismissal, but may also constitute child abuse under Section 10 of R.A. No. 7610.<sup>113</sup> In particular, Section 3 (b) of said law defines child abuse as the maltreatment of a child which includes, among others, “psychological and physical abuse,”<sup>114</sup> “emotional maltreatment,”<sup>115</sup> or “[a]ny act by deeds or words which debases, degrades[,] or demeans the intrinsic worth and dignity of a child as a human being[.]”<sup>116</sup>

*A. Student Discipline by the School Administrator in the Heat of Anger, Lacks the Criminal Intent to Commit Child Abuse*

In the case of *Asela Briñas y Del Fierro v. People of the Philippines*,<sup>117</sup> a School Directress of a private educational institution, in the heat of anger, called two students, “*pinakamalalandi, pinakamalilibog, pinakamahadera*[,] at *hindot*.”<sup>118</sup> She likewise raised her middle finger in front of the students, and said “*ito kayo*”<sup>119</sup> and “*mga putang ina kayo*.”<sup>120</sup> The students involved filed a criminal case for Grave Oral Defamation in relation to R.A. No. 7610 before the Regional Trial Court (RTC).<sup>121</sup> The RTC however appreciated in the teacher’s favor the mitigating circumstance of passion and obfuscation.<sup>122</sup> On appeal, the Court of Appeals (CA) affirmed the conviction, but “gave no credence to the

112. *Angeles v. Sison*, G.R. No. L-45551, 112 SCRA 26, 37 (1982).

113. See Special Protection of Children Against Abuse, Exploitation and Discrimination Act, § 10.

114. *Id.* § 3 (b) (1).

115. *Id.*

116. *Id.* § 3 (b) (2).

117. *Asela Briñas y Del Fierro v. People of the Philippines*, G.R. No. 254005, June 23, 2021, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67545> (last accessed July 31, 2022).

118. *Id.* at 3.

119. *Id.*

120. *Id.*

121. *Id.* at 2.

122. *Id.* at 4.

claim of [the accused School Directress] that she merely acted in the heat of anger and intended to discipline the students.”<sup>123</sup>

On whether the RTC and the CA erred in convicting the school directress of the crime of oral defamation in relation to Section 10 of R.A. No. 7610, the Court ruled in the affirmative.<sup>124</sup>

The Court held that there can be no crime of Grave Oral Defamation punishable under the Revised Penal Code (RPC) in relation to Section 10 of R.A. No. 7610 because the acts punished under this provision and those under the RPC are mutually exclusive.<sup>125</sup> Acts punishable under the RPC are excluded from the coverage of Section 10 of R.A. No. 7610.<sup>126</sup>

Section 10 (a), R.A. 7610 provides —

Section 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child’s Development. —

(a) Any person who shall commit any other acts of child abuse, cruelty[,] or exploitation or to be responsible for other conditions prejudicial to the child’s development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prison mayor in its minimum period.

In turn, Section 3 (b) of R.A. 7610 defines child abuse and enumerates the acts covered by it, thus —

Section 3. Definition of terms. —

...

(b) ‘Child abuse’ refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

- (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- (2) Any act by deeds or words which debases, degrades[,] or demeans the intrinsic worth and dignity of a child as a human being;
- (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; [or]

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123. *Asela Briñas y Del Fierro*, G.R. No. 254005, at 5.

124. *Id.* at 5-7.

125. *Id.* at 6-7.

126. *Id.* at 7.

- (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.<sup>127</sup>

In the earlier cases of *Jabalde v. People*,<sup>128</sup> *Calaoagan v. People*,<sup>129</sup> and *Bongalon v. People*,<sup>130</sup> the Court held that a specific intent to debase, degrade, or demean the intrinsic worth of a child as a human being is required for conviction under Section 10 (a) of R.A. No. 7610 in relation to Section 3 (b) paragraph 2, especially if the acts of alleged child abuse were done in the spur of the moment or out of emotional outrage.<sup>131</sup> While these mentioned cases require specific intent to debase, degrade, or demean the intrinsic worth of the child as a human being pertain to child abuse by physical deeds (i.e., the laying of hands against the child), the same treatment has been extended to the utterance of harsh words against minors.<sup>132</sup> However, in the case of *Patulot v. People*,<sup>133</sup> the Court also clarified that criminal intent is not wanting in a case where the accused poured hot cooking oil on the minors even granting that it was not her intention to harm them, as she was performing an unlawful act.<sup>134</sup> To the Court, her act of pouring hot oil on the two minors constitute child abuse under the law.<sup>135</sup>

Applying the foregoing case law in the case of *Briñas*, the Court held that the school directress cannot be found guilty of child abuse under Section 10 of R.A. No. 7610.<sup>136</sup> The Court said

[i]ndeed, the evidence presented shows that Briñas' acts were only done in the heat of anger, made after she had just learned that the private complainants had deceptively used her daughter's name to send a text message to another student, in what Briñas thought was part of a bigger and

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127. *Id.* at 6 (citing Special Protection of Children Against Abuse, Exploitation and Discrimination Act, §§ 3 & 10).

128. *Jabalde v. People*, G.R. No. 195224, 793 SCRA 405 (2016).

129. *Calaoagan v. People*, G.R. No. 222974, 898 SCRA 25 (2019).

130. *Bongalon v. People*, G.R. No. 169533, 694 SCRA 12 (2013).

131. *Jabalde*, 793 SCRA at 419–20 (citing *Bongalon* 694 SCRA at 22); *Calaoagan*, 898 SCRA at 37–38; & *Bongalon*, 694 SCRA at 14–15 (citing Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, § 10 (a)).

132. *See Asela Briñas y Del Fierro*, G.R. No. 254005.

133. *Patulot v. People*, G.R. No. 235071, 890 SCRA 143 (2019).

134. *Id.* at 160.

135. *Id.*

136. *Asela Briñas y Del Fierro*, G.R. No. 254005, at 12–13.

harmful scheme against the student body. She had also then just learned that the mother of the student who received the misleading text message had confronted the private complainants for quarreling with the former's daughter. It appears, thus, that Briñas' acts were fueled by her anger and frustration at the private complainants' mischief which caused distress not only to her and her daughter but also to another student and parent.

...

Thus, due to the prosecution's failure to prove the presence of specific intent to debase, degrade, or demean the victims' intrinsic worth and dignity, Briñas cannot be held guilty of child abuse under R.A. [No.] 7610.<sup>137</sup>

### *B. Reflection*

The case laws of *Bongalon*, *Jabalde*, and *Calaoagan*, which provide that criminal intent is absent when the conduct is at the spur of the moment, when applied to teachers and school administrators, strengthens the duty and function of schools and teachers to discipline their students without being constantly placed under the threat of prosecution for child abuse under R.A. No. 7610. Our society has become very litigious, and this does not spare the education sector. Many teachers are often being subject to threats of a criminal charge for child abuse whenever a child is involved in a disciplinary action in schools.

In *Briñas*, it was held that the school directress cannot be held liable for child abuse under Section 10 (a) in relation to Section 3 (b) of R.A. No. 7610 because her conduct was done in the heat of anger fueled by mischief of the students.<sup>138</sup> It reiterated the cases *Bongalon*, *Jabalde*, and *Calaoagan* where the Court held that in order to be convicted of child abuse, it requires the specific intent to demean, debase, and degrade the intrinsic worth of the child as human being.<sup>139</sup> And since the conduct was a spur of the moment from an emotional outrage, such intent could not have been present.<sup>140</sup>

According to the Court in *Bongalon*, not every laying of hands over a child is considered child abuse.<sup>141</sup> Only when it tends to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being that it is child

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137. *Id.* at 14.

138. *Id.* at 13.

139. *Id.* at 8-10.

140. *Id.* at 13-14.

141. *Bongalon*, 694 SCRA at 14-15 (citing Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, § 10 (a)).

abuse.<sup>142</sup> However, it is not only the fact of spur of the moment, heat, or anger that the intent to debase, degrade, demean the child is cancelled out in the case of teachers and administrator of schools. The intent to abuse cannot be presumed because student discipline is part of the duty and obligation of teachers and schools as they stand in *loco parentis* over students under their supervision, instruction, or custody.<sup>143</sup> In other words, when teachers punish, berate, reprimand, or sanction students with the intention to discipline them in the exercise of special parental authority, it cannot be conclusively presumed that they were motivated by a criminal design to abuse the child.

But not all acts of discipline by teachers and school administrators are within the bounds of the law. Some acts, while they do not constitute a crime, may be dealt with administratively for revocation of the teacher's professional license, or dismissal from employment.<sup>144</sup>

In *Briñas*, while the conduct of the school directress did not constitute the crime of child abuse, such behavior should not be condoned in schools. Conduct of similar nature towards students has no place in the academe and certainly a just cause for termination of employment.

In the case of *St. Benedict Childhood Centre, Inc. v. Joy San Jose*,<sup>145</sup> the teacher refused on two occasions to allow a five-year-old pupil to go to the toilet to relieve himself and urinate.<sup>146</sup> His teacher called him a liar in front of his classmates, and blurting to the boy's parents that she knows what she's doing.<sup>147</sup> The Court affirmed her termination from employment on the ground of serious misconduct.<sup>148</sup> The Court also noted, without prejudging,

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142. *Id.* at 15.

143. *See* The Family Code of the Philippines [FAMILY CODE], Executive Order No. 209, art. 218 (1987).

144. *See generally* An Act to Strengthen the Regulation and Supervision of the Practice of Teaching in the Philippines and Prescribing a Licensure Examination for Teachers and for Other Purposes [Philippine Teachers Professionalization Act of 1994], Republic Act No. 7836, § 23 (1994).

145. *St. Benedict Childhood Education Centre, Inc. and Fr. Ernesto O. Javier v. Joy San Jose*, G.R. No. 225991, Jan. 13, 2021, available at <https://elibrary.judiciary.gov.ph> (last accessed July 31, 2022).

146. *Id.*

147. *Id.*

148. *Id.*

that acts of the teacher here “do not only equate to serious misconduct[,] but also constitute child abuse punishable under R.A. No. 7610.”<sup>149</sup>

*St. Benedict* also clarified that “compassionate justice is not applicable in cases where an employee was validly dismissed due to serious misconduct or those reflecting on his ... moral character.”<sup>150</sup> Hence, the teacher “cannot rely on her 27 years of employment with St. Benedict School to escape liability.”<sup>151</sup> On the contrary, the Court said that “the longer the employee stays in service ... , the greater is his or her responsibility for compliance with the norms of conduct and the code of discipline as a teacher.”<sup>152</sup>

In the case of *University of the Cordilleras v. Lacanaria*,<sup>153</sup> the professor told a student, who was sick during a presentation, “*umupo ka muna dyan, hindi ka pa naman mamamatay*,”<sup>154</sup> and later teased the student with “*tae mo!*”<sup>155</sup> Here, the Court found just cause in the termination of his employment. The Court said —

His actuations clearly showed him unfit to continue working for the University, considering his daily interaction with the students. He acted with wrongful intent and not mere error of judgment since his statements were tainted with mockery and insult. He consciously uttered those words with full knowledge that he was conversing with a student whom he exercises authority over. Hence, he failed to display professionalism and decency in dealing with his students.<sup>156</sup>

#### IV. CONCLUSION

For educational institutions to meet its goals and objectives as enshrined in our Constitution,<sup>157</sup> finding the right balance in the protection and promotion

149. *Id.*

150. *Id.* (citing *Cathedral School of Technology v. NLRC*, G.R. No. 101438, 214 SCRA 551, 565 (1992)).

151. *St. Benedict Childhood Education Centre, Inc.*, G.R. No. 225991.

152. *Id.*

153. *University of the Cordilleras v. Lacanaria*, G.R. No. 223665, Sept. 27, 2021, available at <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67648> (last accessed July 31, 2022).

154. *Id.* at 2.

155. *Id.*

156. *Id.* at 16.

157. PHIL. CONST. art. XIV, § 3 (2) provides —

They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in

of welfare of the members of the school community — teachers, students, and educational institutions — when pitted against each other, often become a challenging task for policymakers, regulators, and education law practitioners.

Morality, as a continuing requirement for employment of teachers and school personnel in religious schools, should be based on the moral standards set by these schools which are expected to be higher than the public standard. But to be valid, the standards must be transparent, consistent, and assented to by the educators and school personnel at the start of their employment in these religious entities. A transgression from the religious morality standard should be considered as a just cause for termination of their employment under the Labor Code.

The imposition of a public standard of morality on these private non-government religious schools encroaches upon freedom of exercise of religion<sup>158</sup> and academic freedom of schools in determining “who shall teach,”<sup>159</sup> and the well-recognized principle of management prerogative in the selection of employees.<sup>160</sup>

Indeed, teachers are subject to more exacting standards of morality both in their personal and professional life because they serve as role models to students. This principle, however, should extend to school personnel who are not necessarily teachers in the classroom. As part of an educational institution, school personnel are considered educators. They, too, have the duty to observe the moral standards set by the school as they hold themselves out as educators to the community. In *Leus*, the Court did not agree to the allegation of the Catholic school that the pregnancy out of wedlock of the non-teaching-employee was scandalous to its students because she lacked classroom interaction with students.<sup>161</sup> This observation, however, may no longer hold water today in the age of social media and digital technology where anything

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the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.

PHIL. CONST. art. XIV, § 3 (2).

158. See PHIL. CONST. art. III, § 5.

159. *Ateneo de Manila University*, 222 SCRA at 661.

160. *Leus*, 748 SCRA at 409.

161. *Id.* at 407-08.

can easily be made scandalous because of rapid sharing and easy access to information of students and parents.

On child discipline, the test of child abuse provided by the Court has provided a clear delineation of what may constitute child abuse and permissive child discipline *in loco parentis*. In *Briñas*, the Court applied the principle laid down in *Bongalon* that not every laying of hands over a child is child abuse, and only when it tends to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being will it be considered child abuse.<sup>162</sup> A disciplinary action prompted by anger, in the heat of the moment, lacks the criminal intent to abuse the child and, therefore, should not equate to the crime of child abuse.<sup>163</sup>

However, disciplinary actions of teachers that are found excessive may still be dealt with by the school as just cause for termination, as basis for claim for damages for corporal punishment under the New Civil Code,<sup>164</sup> and as a ground for administrative actions for violation of the Code of Ethics of Professional Teachers.<sup>165</sup>

Education law is dynamic and ever evolving. The recent Court decisions relevant to education as discussed in this Article certainly continue to advance the field of education law and policy in the Philippines. In this digital age, teachers and students do not cease to be such members of the school community even when they navigate social media and the internet. Thus, educational institutions and educators must be empowered, to the extent permissible, to instill discipline and impose standards in the academe especially in this age where learning is delivered in different modalities such as face-to-face classes, online, and blended learning platforms.

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162. *Bongalon*, 694 SCRA at 14-15 (citing Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, § 10 (a)).

163. *See Asela Briñas y Del Fierro*, G.R. No. 254005, at 14.

164. *See An Act to Ordain and Institute the Civil Code of the Philippines [CIVIL CODE]*, Republic Act No. 386, art. 352 (1949).

165. *See generally* Res. No. 435, s. 1998.