

The Flag Salute Cases Revisited

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38 *ATENEOLJ.* 63 (1994)

SUBJECT(S): CONSTITUTIONAL LAW

KEYWORD(S): FREEDOM OF RELIGION

The Article analyzes the ramifications of the reversal of the doctrine in *Gerona v. Secretary of Education*, which was reiterated in *Balbuna v. Secretary of Education*. These two cases sustained the validity of a statute as implemented by the Department of Education circular which required grade school students to salute the flag, recite the pledge of allegiance and sing the national anthem. The two consolidated cases of *Roel Ebranilag v. Division Superintendent of Schools, et al.* and *May Amolo, et al. v. The Division Superintendent of Schools of Cebu, et al.* In these two cases, the Supreme Court ruled that grade school students may not be compelled to salute the flag, sing the national anthem, nor recite the patriotic pledge, if they invoke the tenets of their faith.

The Article explores the basis of the Supreme Court for its ruling. First, it discusses the U.S. History on conscientious objectors cases as reflected in their jurisprudence. It then discusses the decision in *West Virginia Board of Education v. Barnette* which reversed its long-standing ruling in previous jurisprudence. In the *Barnette* decision, 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 Article goes on to compare the flag salute cases in the Philippines by analyzing the decision of the Philippine Supreme Court when it upheld the validity of the compulsory flag salute regulation. It also examines the "valid secular policy," freedom of religion and freedom of conscience rules. The Article also discusses cases where other religious sects have invoked religious conviction to evade civil and political responsibilities. Lastly, the Author discusses the grave consequences of the *Ebralinag* and *Amolo* cases by concluding that the ruling of the Supreme Court opens the way to a too liberal interpretation of the constitutional provision on freedom of religion. What is needed at this time in the Philippines is more discipline and not freedom, especially if such freedom amounts to a near unbridled license.