

# FILIPINO WITH THE "F": A CONSTRUCTION OF THE NATIONAL LANGUAGE POLICY

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## INTRODUCTION

The absence of a settled definition of Filipino has triggered many long and winding debates on the nature and character of the Philippine national language. The esteemed author Edilberto Alegre, for instance, writes<sup>1</sup> that the distinction between Filipino and Pilipino exists only in the statutes. As written and spoken, Filipino and Pilipino are similar, and to maintain the distinction is to be foolish. But as others hold, the distinction is substantive.<sup>2</sup> Pilipino is a mere component of Filipino, since the former is based solely on Tagalog while the latter is based on all existing Philippine languages. Undoubtedly, the State's legal intervention in the national language issue has done much to confound the problem. The different shifts in the language policy have brought enough confusion not only to the people but also to policy-makers themselves. Hence, to untangle the complications which have developed on the subject throughout its legal history, an historical and legal construction is in order.

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<sup>1</sup> Edilberto Alegre, *Filipino is the National Language* in MONICO M. ATIENZA, *KILUSANG PAMBANSA DEMOKRATIKO SA WIKA* 300 (1992).

<sup>2</sup> In 1969, two civil actions were filed against the Surian ng Wikang Pambansa (SWP) questioning SWP's authority to propagate Tagalog as the basis of Pilipino. These cases were: *Ferrer v. CA, et al.* CFI of Manila Branch VII, Civil Case No. 53048, 10 October 1969, docketed as L-32167 in the Supreme Court and dismissed on a minute resolution in 1970; and *Madyans Pro-Hiligaynon Society v. Surian ng Wikang Pambansa*, CFI of Manila, Civil Case No. 77548, 28 January 1971.

## I. THE LEGAL PROBLEM

### A. Definitions

"Pilipino," on one hand, is the national language declared<sup>3</sup> by then President Manuel Quezon by authority of Commonwealth Act 184.<sup>4</sup> It is based on Tagalog, an existing language which is native to the inhabitants of the provinces of Bulacan, Rizal, Batangas, Laguna, Cavite, and Quezon among others. "Filipino," on the other hand, is the national language consisting of a fusion of all languages in the country, the number of which range from forty (40) to ninety (90) depending on how one distinguishes a language from a dialect.<sup>5</sup>

It is admitted, however, that there is no established language which consists of a fusion of all languages in the Philippines. If ever one does exist, the most that can be said about it is, that it is underdeveloped. In this view, a noted linguist declared, Filipino is a mere "linguistic legal fiction."<sup>6</sup> In *Tumang v. Bautista, et al.*<sup>7</sup>, a case for damages, the plaintiff filed his complaint in Filipino. The defendant objected on the ground that the complaint did not use the official language, i.e., it was not in English. The trial court admitted the complaint, but on review, was reversed by the Supreme Court. Speaking for the Supreme Court, Justice Vicente Abad Santos held that Filipino is still a gestating language as the National Assembly failed to take appropriate measures to develop Filipino as mandated by the 1973 Constitution.<sup>8</sup> Thus, from this ruling, it is clear that litigants may validly object to pleadings written in Filipino. Moreover, judges should avoid writing decisions in that language.

<sup>3</sup> Executive Order No. 134 (1937).

<sup>4</sup> 13 November 1936.

<sup>5</sup> Emy M. Pascasio, *The Language Situation in the Philippines from the Spanish Era to the Present*, BROWN HERITAGE, (A. Manuud ed. 1969).

<sup>6</sup> Quoting Bro. Andrew Gonzalez, FSC, Ma. Teresa R. Robles, *A Filipino Language at Last*, in DEVELOPMENT ISSUES: CONSTITUTIONAL RESPONSE 25 (Florangel Rosario-Braid ed. 1987).

<sup>7</sup> 136 SCRA 682, at 685 (1985).

<sup>8</sup> *Id.* It appears that Justice Abad Santos ignored the difference between Pilipino and Filipino. Nevertheless, it is clear that he is referring to Filipino alone.

Curiously, under Executive Order No. 335,<sup>9</sup> Filipino was made an official<sup>10</sup> language by mandate of the 1987 Constitution. In this regard, the Department of Education, Culture, and Sports issued an order<sup>11</sup> prescribing guidelines for the use of Filipino as a medium of instruction. If Filipino is a gestating language or a linguistic legal fiction, how can it be used as an official language or a medium of instruction? Needless to state, only an established language can be used as a language of official communication or medium of school instruction. In other words, Filipino is an ambiguous concept. This ambiguity is the foremost hindrance to the effective implementation of the national language policy. Hence, the meaning of Filipino must be defined and articulated to overcome this hindrance.

This note will show that the standard definition of Filipino was amended by the new Constitution to include the element that the nucleus of Filipino is Pilipino. Hence, the legal fiction of the 1973 Constitution is now a living language based on one existing language engineered to allow assimilation of other languages.

#### B. Approaches

There are two (2) ways to understand the concept of Filipino: the Complete Amalgamation Approach and the Universal Approach. The former is attributed to Dr. Demetrio Quirino, Jr.<sup>12</sup> and proposes that all languages in the Philippines must have a democratic representation in Filipino. Philippine languages will have an allocated percentage in the phonology, morphology, syntax, and vocabulary of Filipino according to the population of the speakers. Tagalog will only have an allocation of thirty (30%) *per centum*. This approach was explicitly rejected by the 1986 Constitutional Commission.<sup>13</sup>

<sup>9</sup> 1988.

<sup>10</sup> An official language must be differentiated from a national language. The official language is the prescribed means of communication in government transactions. A national language is the language used generally in the country. The government has the right to insist that official communications be done in the official language which may not necessarily be the national language.

<sup>11</sup> Department Order No. 81 (1987).

<sup>12</sup> Ponciano Pineda, *Ang Wikang Pambansa sa Saligang Batas*, LIMAMPUNG TAON NG SURIAN NG WIKANG PAMBANSA: HULING ISA'T KALAHATING DEKADA (1970-1987) 61 (Aurora E. Batmag ed. 1987).

<sup>13</sup> Commissioner Ople's interpellation with Commissioner Bennagen on the 1 September 1986 session proves this assertion.

MR. OPLE. Does the committee, however, believe, that the enrichment, expansion and indefinite strengthening of the living language through assimilation will have to be done in the course

The second perspective is the Universal Approach<sup>14</sup> developed by Dr. Ernesto Constantino. Under this, Filipino is based on the national *lingua franca*, or the language used by persons with different linguistic backgrounds. The *lingua franca* is said to have evolved informally. This approach does not subscribe to the democratic allocation proposed by the Complete Amalgamation Approach. Instead, it allows a single language to be the nucleus of Filipino. The nuclear language is then developed by allowing other languages to influence it through usage and standardization. Filipino, under this approach, is said to be similar to the *taglish*<sup>15</sup> variety of Pilipino spoken in Metro Manila.

Dr. Ponciano Pineda, the Director of the Surian ng Wikang Pambansa (SWP), provides a schema<sup>16</sup> to further understand the universal approach. According to him, the manner of developing the multi-language based Filipino is by using Pilipino as the nucleus or the corpus of the language, and by allowing the corpus to assimilate popular words and phrases from other Philippine and foreign languages through a process of rigorous selection. Naturally, there will be modifications in the lexicon, grammar, and orthography of the corpus. These changes will then be assimilated through standardization. Then, the government must expand the usage domain of the corpus to include the fields of education, culture, public administration, sciences, technology, lawmaking, judiciary, society, and media to develop the language. In the meantime, Pilipino, the corpus, is similar to Filipino. But after a period of development, the multi-language based Filipino may then be realized.

This study uses this second approach in arriving at a definition of Filipino. It is, however, necessary to indulge in a digression on the origin and history of Filipino in order to fully appreciate its meaning and context.

of the evolution of this language, and that it is not the intention of the committee to prescribe certain quotas, according to quotas of assimilation from different languages, in accordance with a certain fiat of the government?

MR. BENNAGEN. No Madam President, because we look at the language as an organic thing which has its own logic of growth; therefore, we must follow that x x x

See 4 RECORDS OF THE CONSTITUTIONAL COMMISSION 153 (hereinafter CONCOM).

<sup>14</sup> Ernesto Constantino, *Ang "Universal Approach" at ang Wikang Pambansa ng Pilipinas, Filipino o Pilipino? MGA BAGONG BABASAHIN SA PAMBANSANG WIKA* at LITERATURA (Ernesto Constantino, et al. eds. 1974).

<sup>15</sup> This variety of Pilipino employs a loose mixture of Tagalog and English.

<sup>16</sup> See Pineda, *supra* note 13 at 32.

## II. HISTORY OF THE MONO-LANGUAGE AND MULTI-LANGUAGE BASED NATIONAL LANGUAGE

### A. Deception in the 1934 Constitutional Convention

The need for a single unifying language in the Philippine archipelago had been the constant concern of the Spanish and American colonizers and even the Philippine Revolutionaries. There were attempts to impose an official language through legislation, but none would leave a lasting effect other than the drafting and subsequent ratification of the 1935 Constitution. This ushered in the rivalry between those who advocated a national language based on one language (the mono-language based movement) and those who advocated a national language based on all existing native languages (multi-language based movement). An overwhelming sentiment<sup>17</sup> to adopt a local language as a national language which would eventually replace English moved the delegates of the 1934 Constitutional Convention (1934 CONCON) to consider the proposition<sup>18</sup> of Delegate Villanueva making Tagalog the national language. The Villanueva proposition started the mono-language based national language movement (hereinafter the mono-lingualists), as it would later be known. Delegate Villanueva said that it was time for the Filipinos to set aside their sectionalism for the purpose of achieving a common goal — the selection of a common language.<sup>19</sup> Among the dialects in the Philippines, Tagalog had the surest promise of developing into a national language, because it was widely spoken.<sup>20</sup> It was the language of the capital.<sup>21</sup> It also had a formidable body of literature.<sup>22</sup>

In opposition to the Villanueva proposal, Delegate Bueno stated that it was more prudent not to mention any native dialect in the Constitution and to leave to time the selection of a national language.<sup>23</sup>

<sup>17</sup> JOSE ARUEGO, *THE FRAMING OF THE PHILIPPINE CONSTITUTION*, 639-640 (1949 reprint).

<sup>18</sup> Actually, the proposition was in the form of an amendment to the proposed draft of the Committee on Official Languages. The draft stated: A national language being necessary to strengthen the solidarity of the Nation, the National Assembly shall take steps looking to the development and adoption of a language common to all the people on the basis of the existing languages. (*Id.*, at 636).

<sup>19</sup> *Id.* at 642.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

Mentioning a native dialect in the Constitution would foster impressions of preference, thus breeding division instead of cohesion.<sup>24</sup> Moreover, there were other dialects, aside from Tagalog, that could just as well serve as the national language.<sup>25</sup>

In the course of the debate, Delegate Briones objected to the Villanueva proposition. He suggested that the dialects of the Visayan Islands and Mindanao and another of those of Luzon, be unified, primarily through their literature. From the two unified systems would later evolve a national language.<sup>26</sup> This unification would not be difficult to attain, in view of the common Malay origin of the Philippine dialects.<sup>27</sup> Delegate Briones' suggestion marked the conception of a multi-language based national language. Eventually, the Villanueva proposition was defeated, 71 votes against 47.

Without further debate, the delegates approved a compromise provision on the national language submitted by Delegate Vinsons. It stated:

The National Assembly shall take steps towards the development and adoption of a common national language *based on existing native dialects*.

Until otherwise provided by law, English and Spanish shall be the official languages.<sup>28</sup>

It appeared that the multi-language based national language bloc scored a victory with the approval of the Vinsons provision.<sup>29</sup> The victory, however, was short-lived. When the Style Committee considered the provision, it amended the provision so that the national language was to be based on one of the existing native languages instead of all of them. Note that the amendment was more than a matter of style; it affected the substance of the provision. This action raised questions on the propriety and validity of the provision. It was, however, voted and carried on readily by the Convention. The provision read:

<sup>24</sup> *Id.* at 643.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 644.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Historians refer to this as the Vinsons Amendment.

The National Assembly shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.<sup>30</sup> (emphasis supplied)

The entire draft of the Constitution with the altered language provision was then approved by the 1934 CONCON on 8 March 1935. U.S. President Roosevelt signed it on 23 March 1935. It was ratified in a plebiscite on 14 May 1935. It may be said, therefore, that the irregularity was cured.

Charges were hurled against the President of the 1934 CONCON, Claro M. Recto, and the members of the Style Committee for submitting to the alleged prodding of Senate President Manuel L. Quezon to rephrase the Vinsons provision.<sup>31</sup> The charges were never proved, but such did not endear President Quezon<sup>32</sup> to the non-Tagalogs and the multi-language based national language movement (hereinafter the multi-lingualists). In the meantime, the multi-lingualists quietly acquiesced to the turn of events.

#### *B. Tagalog and the Purists in the Institute of National Language*

On 13 November 1936, Congress enacted Commonwealth Act No. 184. The act created the Institute of National Language composed of a director, seven members, and an executive secretary, each representing one of the linguistic groups of the Philippines. The Institute was principally tasked to choose the native tongue which was to be used as a basis for the evolution and adoption of the Philippine national language. In the selection, preference was to be given to the tongue that was most developed as regards structure, mechanism, and literature, and was accepted, and used by the greatest number of Filipinos. A year after it was established, the Institute was directed to publish its linguistic studies, and to recommend to the President the adoption of the national language based on the native tongue it had chosen.

<sup>30</sup> *Id.* at 645.

<sup>31</sup> Leopoldo L. Yabes, *History of Filipino as the Common National Language*, LANGUAGE PLANNING AND THE BUILDING OF A NATIONAL LANGUAGE (Bonifacio P. Sibayan and Andrew Gonzalez, FSC eds. 1977).

<sup>32</sup> Prof. Yabes attributes this alleged act of Pres. Quezon as the basis for Pres. Quezon's designation as the Father of the Pilipino Language, and the celebration of the National Language Week in the week of his birthday August 19. The designation is not officially conferred. The celebration of the language week during Pres. Quezon's birthday was based on Proclamation No. 7 (1955). *Id.* at 645.

On 9 November 1937, the Institute passed a resolution recommending that Tagalog be made the basis of the national language. On 30 December of the same year, President Quezon declared<sup>33</sup> Tagalog as the national language of the Philippines. He subsequently authorized<sup>34</sup> the printing of the dictionary and grammar prepared by the Institute, and fixed 18 June 1940, as the day upon which the national language was to be taught in all public and private schools. Tagalog became the official language effectively on 4 July 1946 by congressional act.<sup>35</sup> Tagalog was later designated as Pilipino.<sup>36</sup>

Gradually, the multi-lingualists found reason to protest the actions of the Institute of National Language. The movement was not organized, but it had a wide reservoir of support which could be drawn upon any time.<sup>37</sup> One of the issues raised by the multi-lingualists was the difficulty in learning and applying of the grammar prescribed by the Institute. The Institute coined terms in place of grammatical texts which were already familiar to many people and reduced the alphabet to the twenty-letter pre-Spanish alphabet. Such were considered signs of retrogression instead of progress.<sup>38</sup> Soon enough, the critics called the linguistic attitude taken by the Institute as "purism."

The mono-lingualists, on their part, lamented the junior role which Pilipino took in the general language program of the government. English continued to be the language of official communication and the principal medium of instruction. The place of Pilipino in the official business of government, on one hand, was merely ceremonial. Among the few government actions on language, for instance, were the mandatory celebration of the National Language Week,<sup>39</sup> the naming of all government buildings, edifices, and offices in Pilipino,<sup>40</sup> and the translation of all letter-heads of departments, offices, and agencies of the government to Pilipino.<sup>41</sup> English, on the other hand, was the language in which laws and executive orders were passed and issued.

<sup>33</sup> Executive Order 134 (1937).

<sup>34</sup> Executive Order 263 (1940).

<sup>35</sup> Commonwealth Act No. 570 (1940).

<sup>36</sup> Department Order No. 7 issued by the Department of Education (1959).

<sup>37</sup> Yabes, *supra* note 31 at 343.

<sup>38</sup> *Id.* at 346.

<sup>39</sup> Proclamation No. 12 (1954).

<sup>40</sup> Executive Order No. 96 (1967).

<sup>41</sup> Memorandum Circular No. 172 (1968).

The courts promulgated their decisions in English. In the schools, the principal subjects of math and science were taught in English. Schools were also allowed to impose fines on students who spoke in Pilipino within the school premises.

### C. The 1972 CONCON: Birth of Filipino

The mono-lingualists and the multi-lingualists debated anew on the provision of language during the 1972 Constitutional Convention (1972 CONCON). The issues against the mono-lingualists were the "purist" attitude of the Institute, the limited twenty-letter Pilipino pre-Spanish alphabet, and the political deception employed during the 1934 CONCON. For their part, the mono-lingualists pointed to the developments achieved in the propagation of the national language, particularly in mass media. They also raised the point that disregarding the gains of Pilipino would only perpetuate the continued domination of the English language in the country.

Professor Yabes offered a framework<sup>42</sup> for studying how the struggle between the two movements on language ensued in the 1972 CONCON. According to him, it was a three-phase struggle. Phase one was the struggle over which language of the Constitution was to be promulgated. In this phase, the multi-lingualists prevailed when the 1972 CONCON decided that the Constitution was to be promulgated solely in English and not in Pilipino.<sup>43</sup>

The second phase was the struggle in the Committee on National Language over what was to be the national language. In this phase, the multi-lingualists prevailed again when the committee decided<sup>44</sup> to adopt Filipino, a language yet to be developed on the basis of existing native languages and dialects, and without precluding the assimilation of words from foreign languages. Pending the adoption of a common national language, the committee recommended the continuance of English and Spanish as official languages. It also recommended the vernaculars spoken in the various areas or regions as official languages

<sup>42</sup> See L.Y. Yabes, *Let's Study the New Constitution: The Language Provision*, 38 PHILIPPINE SOCIAL SCIENCES AND HUMANITIES REVIEW 1-172.

<sup>43</sup> The basis of the voting was the so-called Quirino resolution which was adopted by a vote of 146 to 78 on second reading and 165 to 101 on third and final reading.

<sup>44</sup> Voting was twenty-five (25) to nine (9) in favor of Filipino with one (1) voting for Pilipino with reservations.

in those areas or regions, including Arabic and the Manila *Lingua Franca* in the Muslim and Greater Manila Area.<sup>45</sup>

The third phase was the struggle over the final text of the language provision. In this phase, the real victor was uncertain, as the proposal of the committee underwent the following changes: a) Pilipino was made the second language of the Constitution and the second official language; b) reference to the vernaculars and the Manila *Lingua Franca* were deleted.

The final text of the 1973 Constitution provision on language read,

Section 3. (1) This Constitution shall be officially promulgated in English and Pilipino, and translated into each dialects spoken by over fifty thousand people, and into Spanish and Arabic, in case of conflict, the English text shall prevail.

(2) The National Assembly shall take steps towards the development and formal adoption of a common national language to be known as Filipino.

(3) Until otherwise provided by law, English and Pilipino shall be the official languages.<sup>46</sup>

When the adoption of the 1973 Constitution was finally declared, the national language was supposed to be multi-language based, but the multi-lingualists did not appear to be the clear winner. The real outcome was contingent upon how the Batasang Pambansa was to evolve the multi-language based Filipino as the 1973 Constitution mandated.

### D. Inaction of the Batasang Pambansa

The mandate of the Constitution to the Batasang Pambansa to take steps towards the development and adoption of Filipino was never fulfilled. The only positive effort was the filing of Parliamentary Bill No. 7199, which was introduced by Mambabatas Pambansa (MP) Pacificador and eleven other MP's. Under section 7 of the bill, Pilipino was to be the nucleus of Filipino. The bill was never enacted into law, but it indicated a willingness to compromise on the part of the multi-lingualists, and it laid the foundation to the 1987 Constitution's Fili-

<sup>45</sup> L.Y. Yabes, *supra* note 43 at 100-107.

<sup>46</sup> PHILIPPINE CONST., art. XV, sec. 3 (1973).

pino. Meanwhile, under then existing laws, Pilipino kept its stature as a national language.<sup>47</sup>

It may be concluded that, the struggle between the mono-lingualists and the multi-lingualists ended in a deadlock of sorts. On one hand, the multi-lingualists were able to correct the deception which took place during the 1934 CONCON. On the other hand, there was no law to support the multi-lingualists' Constitutional provision. Thus, the mono-lingualists were able to maintain the preferred position of Pilipino over the other native languages in the national language policy.

### III. NATIONAL LANGUAGE POLICY UNDER THE 1987 CONSTITUTION: MERGING OF MOVEMENTS

#### A. *Pilipino as the Nucleus*

After laying down the legal evolution of the national language, this note will now investigate the proceedings of the 1986 Constitutional Commission (hereinafter 1986 CONCOM) in order to arrive at the definition of Filipino as envisioned by the Constitutional Commissioners. Professor Yabes once remarked that since the mono-lingualists succeeded in baptizing Tagalog into Pilipino, it would not be difficult for them to rebaptize Pilipino into Filipino.<sup>48</sup> His words proved to be prophetic, for the 1986 CONCOM found itself in a predicament where rebaptizing Pilipino into Filipino was the only practical option. The objections against the purist Pilipino persisted, although the Surian ng Wikang Pambansa (SWP) formerly the Institute on National Language, had formally adopted<sup>49</sup> a new alphabet. Meanwhile, Pilipino gained popular usage. Estimates put the level of dissemination of Pilipino at 80 per cent.<sup>50</sup> Hence, to disregard this achievement by pursuing the original concept of the 1973 Constitution's linguistic legal fiction would mean a set back for the national language program.

<sup>47</sup> Department of Justice Opinion No. 73 (1973).

<sup>48</sup> Yabes, *supra* note 32 at 342.

<sup>49</sup> 20 October 1971.

<sup>50</sup> Pineda, *supra* note 13 at 60.

It is for these reasons that the Committee on Human Resources of the 1986 CONCOM proposed the adoption of Filipino, the multi-language based national language, with Pilipino as the nucleus, which is short of saying it had adopted the universal approach of Ernesto Constantino.<sup>51</sup> Filipino was thus fashioned as a merger of the two ideas on national language which evolved in history. The committee draft read, "The national language of the Philippines is Filipino." The interpolations of Commissioner Ople would illustrate the committee conception of Filipino,

MR OPLE... (A)t the present stage of development of Filipino, especially, (as) this is taught and actually utilized in the University of the Philippines, *Filipino with its main features, that is to say, with a capital "F" is not yet really highly distinguishable from Pilipino with a capital "P."* Will the committee agree to that construction?

MR. VILLACORTA. The qualification "highly distinguishable" is appropriate. It is not highly distinguishable. So we agree with the Commissioner, Madame President.

MR. OPLE. Thank you. *And the developments in grammar, syntax, and the rules of language that have pertained to Pilipino with a capital "P," although amended to become highly liberalized, will not be discarded because we are recognizing Filipino with a capital "F" as the national language.* Will that be correct?

MR. VILLACORTA. It is inevitable. Madam President, that the starting point would be Pilipino because that has already been developed in the past as an evolving national language, but then this does not mean that we should limit ourselves to the syntax or to the vocabulary of Pilipino which is based on Tagalog.<sup>52</sup> (emphasis supplied)

The opposition to this proposal was raised by Commissioners Davide and Sarmiento. Both argued that Filipino did not exist. Thus, they maintained that the constitutional provision on language should keep the original phrasing in the 1973 Constitution which stated that the national language of the Philippines shall be, and not is, Filipino.<sup>53</sup>

<sup>51</sup> Reference to Ernesto Constantino's work pervaded the discussions on the floor. See 4 CONCOM 152, 155.

<sup>52</sup> *Id.* at 153.

<sup>53</sup> *Id.* at 464.

Commissioner Villacorta reiterated that Filipino existed and gave some samples.

MR. VILLACORTA. (W)e are referring to the masses of people – the ones who came in contact with in our public hearings. They are the ones who say. "*Sain kayo maglakad tapos dini?*" instead of the purist saying "*Saan kayo magtutungo pagkatapos dito?*" But we understand what they mean when they say, "*mas guapo kuno ang kanyang amiga*" o "*yawa kawatan pala ang soltero*" or "*huwag ka man magtapo sa road*" or "*mayroon pa ngani.*" These speakers of the *lingua franca* throughout the country make themselves clearly understood because consciously or unconsciously, they use words that most Filipinos can comprehend.<sup>54</sup>

#### B. Filipino as lingua franca

The argument on Filipino's non-existence was reiterated by the interpolations of Commissioner Bacani who asked Commissioner Villacorta whether the speech delivered by Commissioner Tadeo, a native of the Tagalog province of Bulacan, was in Filipino. Commissioner Villacorta said no, but he qualified that it was partly Filipino. Commissioner Villacorta answered that Filipino refers to two things: that which had "Pilipino" as the nucleus and that informal language used by native speakers who come from different linguistic groups which language he illustrated through his examples. Hence, it could not be said that Filipino did not exist. The following exchange would clarify the matter.

BISHOP BACANI. I noticed that when the Commissioner was speaking, I could understand the words but I could not easily get the sense. That is the reason I ask these two main questions: Is the language of Commissioner Tadeo Filipino? Were those phrases mentioned by Commissioner Villacorta meant to be Filipino? Let us have a national language which is Filipino. Thus, it will be either of these two. In other words, is Filipino not yet an existent national language? Is it a language that is still to be formed?

MR. VILLACORTA. It is an existent national language and the nucleus is Pilipino with a "P." The contemplation of the committee is that the nucleus is still Pilipino because it is already a widespread and existing language – Pilipino with a "P." We also said that there is an existent broadened, expanded language called Filipino and

<sup>54</sup> *Id.* at 478.

its formalization has to be done in the educational system and others but it does not mean that since it is not yet formalized, it is nonexistent. It is a *lingua franca*.

BISHOP BACANI. So when we say the national language of the Philippines is Pilipino, are we not saying that the national language of the Philippines is the language spoken by Commissioner Tadeo?

MR. VILLACORTA. It is part of that national language...<sup>55</sup>

At this point, Commissioner Bennagen stood up to explain that a language does not come fully-bloomed at a particular point in time, but is something dynamic and ever-growing. This implies that looking for definite parameters of Filipino is not the way to view the language.

MR. BENNAGEN. There seems to be an assumption that a language comes fully blown at a particular point in time. I think that even we who speak our own native languages cannot pinpoint a specific period in history when it emerges full blown. So we should look at language as a growing organism and that it grows in at least two identifiable ways.

First, it is unplanned – that which is used in everyday life by people of all sorts with different first languages who come into contact with each other. Second, through a planned manner which we hope we should be mandated by this Constitution. For instance, in 1957, the people of Malaysia decided to have Bahasa Malaysia as their national language. They undertook a great deal of studies. But it was only sometime in 1972 or around 1973 when they had systematized the spelling. In 1973, it finally became the medium of instruction up to the tertiary level although it was already being used in government, in commerce, and in industry.

... That is why we say that in the proposal it should be further developed on the basis of Philippine and other languages and that steps shall be taken by the government, et cetera, to accelerate this law.<sup>56</sup>

Commissioners Davide and Sarmiento later withdrew<sup>57</sup> their opposition when a new sentence was added to the proposed provision. The additional sentence read,

<sup>55</sup> *Id.* at 481.

<sup>56</sup> *Id.* In order to facilitate understanding, the speech as reproduced here has been divided into paragraphs shorter than what appears on record.

<sup>57</sup> 4 CONCOM 487, 489.

As It [Filipino] evolves, it shall be developed and enriched on the basis of Philippine and other languages.<sup>58</sup>

The provision was passed with the CONCOM voting 44 to 0.

The preceding exchanges show that the intent of the 1986 CONCOM was to adopt Pilipino as the nucleus of the multi-language based national language. Hence, Director Pineda's construction is legally supported.

### C. Liberal standards adopted

The next important point is that by adopting Pilipino as the nucleus of Filipino, the CONCOM also overruled the "purist" policy of the previous Institute on National Language. The speech of Commissioner Rodrigo provides a colorful elaboration on this matter. It deserves an extensive quote for its significance.

MR. RODRIGO. ...Ang unang mahalagang malaman natin ay itong Filipino ay hindi isang bagong kinatha o kakathaing lenggwahe. Ito ay batay sa Pilipino. Palalawakin lamang natin ang saklaw ng Filipino.... Kaya nga't ang Pilipino ay batay sa Tagalog at ang Filipino ay batay sa Pilipino. Kaya't hindi natin buburahin ang nakamtan na nating mga developments sa Pilipino.

Ngayon, ano ang nangyari roon sa Pilipino? Bakit tinalikdan iyang Pilipino at ginawang Filipino? Palagay ko, ang isang dahilan ay sapagkat noong magkaroon ng Surian ng Wikang Pambansa na pinamunuan ng nasirang Lope K. Santos, sumalangit nawa, ang kanyang sinunod na patakaran ay yaong purismo. May roon tayong maraming salita sa wikang Tagalog, Cebuano, Hiligaynoon, Ilokano, Bikolano, na hango sa wikang Kastila. Mula 6,000 hanggang 10,000 mga salita ang hango sa wikang Kastila - libro, mikropono, sapatos, pantalon, bintana, silya - ngunit ang ginawang patakaran ng Surian ay purismo. Umimbento ng mga bagong salita. Halimbawa, kapag sinabi mong "gramatika" ay maiintindihan na ng lahat, maging ng mga Tagalog, Cebuano, Ilokano, o Bikolano. Pero ang Surian ay kumatha o umimbento ng bagong salita - "balarila." Iyong salitang diksyonaryo ay alam na ng lahat ngunit muling kumatha ng bago - "talatinigan"; "bokabularyo" - alam na ng lahat, pero kumatha ng "talasalitaan." Mga kaibigan, noong ako ay nasa Senado at araw ni Balagtas, Abril 2, ako ay nagtalumpati on a privilege speech at binatikos ko iyong purismo. Ang sabi ko ay hinirapan natin ang

<sup>58</sup> *Id.* at 489. There were more debates on how to phrase this sentence. See 4 CONCOM 487-489.

wikang Tagalog maging para sa Tagalog. Ako ay sumusulat sa Tagalog; tumutula pa ako kung minsan sa Tagalog. Ngunit alam ba ninyo na iyong aking mga apo ay natutulungan ko sa homework nila sa arithmetic at history pero hindi ko matulungan sa wikang pambansa o national language? Napakaraming bagong mga salita na ni ako ay hindi ko naiintindihan. Kaya noong ako ay nagtalumpati, sinabi kong pati iyong "silya" ay gusto pang gawing "salumpuwit."...

Noong nag-recess kami sa Senado, lumapit sa akin si Don Claro Recto. Alam ninyo medyo pilyo iyang si Recto. Sabi sa akin, "Hoy, Soc, binabati kita. Mayroon lang akong itatanong sa iyo." "Ano ho iyon?" wika ko. Ang sabi niya, "kung 'yong 'silya' ay 'salumpuwit,' iyong 'bra' ay salong ano?" (Laughter)

Minsan naman, sinabi ni Raul Manglapuz, "Hindi ba iyong telegrama ay gusto pang gawing 'pahatid kawad'? "Oo," wika ko. Sabi niya, "Eh, kung iyong telegrama ay pahatid kawad, iyong 'wireless' ay ano?" "Aba, eh, siyanga pala." ang wika ko, sabi ni Raul, "Siguro iyon ay pahatid-kawad-na-walang-kawad." (Laughter)

Kaya nga naantala ang paglaganap ng ating wika. Natakot ang mga estudyante. Kahit ang mga Tagalog ay natakot. Ang mga Tagalog ay lumalagpak sa national language. Kaya nga iyan ang isang dahilan kung bakit ginawang "Filipino." Ako ay nagagalak sapagkat akalain ba ninyong inalis iyong napakaraming letra sa ating alpabet. Inalis ang letters "c", "f", "j", "q", "y", at "x." Kawawa naman ako. Ako ay Francisco, nawala iyong "f" iyong "c" kaya ako ay "Frankisko" (Laughter) May nagsabi sa akin, kung lahat ng "c" ay magiging "k," iyong "Cecilio" ay ano? Di "Kekilyo," wika niya. (Laughter)

Kaya't ako ay kumakatig na ang ating gawing wikang pambansa ay ang Filipino.<sup>59</sup>

The inference that can be drawn out from this is that any "purism" which the Commission on National Language, the body which replaced<sup>60</sup> the Institute on National Language may adopt stands to be overruled as unconstitutional. There is legal ground to hold that the Commission on National Language must promulgate liberal rules on standardization based on usage. This is particularly significant when it comes to orthography and grammar. Lope K. Santos' twenty-letter alphabet and grammar of the Pilipino language must be amended to accommodate the fusion of other languages.

<sup>59</sup> *Id.* at 484-485.

<sup>60</sup> An Act Creating the Commission on the Filipino Language, Prescribing Its Powers, Duties and Functions, Appropriating Funds Therefor and for Other Purposes, Republic Act No. 7104, sec. 16 (1991).

#### D. Expanding the Usage Domain

In the schema presented by Director Pineda, expanding the usage domain of the nucleus is the key element to the development of the multi-language based national language. It is important that Filipino be used widely in national affairs. In the 1987 CONCOM, Commissioners Aquino and Villacorta stated that the approach in the development of the national language should not be hermaphroditic.<sup>61</sup> Experiences here and abroad showed that a national language is useless if it is not used as the medium of instruction and official communication. People remained semi-literate and ignorant about scientific concepts, skills, and principles, because science and technology were usually written and transmitted in the English language which only a small part of the population had mastered.

In this regard, the Committee on Human Resources proposed<sup>62</sup> that the Constitution should provide that resolute steps be taken by the government in order that Filipino be used as medium of official communication and school instruction. Commissioner Bernas pointed out that the proposal would create a redundancy, because making Filipino the official language would have the same effect as a provision which stated that the government shall take steps to use Filipino as a medium of communication in all branches of government. Commissioner Villacorta's reply was that the committee intended to keep the detailed provision to reinforce the character of Filipino as an official language. Commissioner Bennagen explained that Filipino as an official language had been mostly practiced in stationeries and government buildings as names and in titles as well as in post offices. Filipino should be utilized in government as well as in communications and in all levels of the educational system. The proposal was carried 37 votes to none.

#### E. The Examples in Perspective

A discussion of the language policy is not complete without considering the samples of Filipino which were presented in the deliberations of the 1987 CONCOM. Rev. Fr. Joaquin G. Bernas, S. J.

<sup>61</sup> *Id.* at 489-490.

<sup>62</sup> See 4 CONCOM 489-495 for the entire discussion.

has quoted some of them in his popular treatise<sup>63</sup> on the Constitution. The danger is that these might be misunderstood and become a source of legal complications in the future. Moreover, as an acknowledged authority on Constitutional Law, Fr. Bernas has raised the opinion that these examples show that the language policy is still hazy. A language similar to what Commissioner Villacorta illustrated is simply inelegant, if ever it does exist. It is thus necessary to contextualize these examples in order to avoid further confusion.

During the proceedings, there were other samples presented on the floor aside from the Villacorta examples indicated above. One of these samples was provided by Commissioner Tingson, which was in the form of a prayer,

MR. TINGSON. ...Panginoon, bigyan mo po kami ng mga Filipinos nga may kasing-kasing na mahinulsulun. Nga nagahigugma sang katarungan apan nagasabung sang kalainan. Kay, Ginoo, ito pong mga Filipinos ang aming bayan ngayon may kailangan kay amo ining mga Filipinos nga may matuod nga sadsaran.<sup>64</sup>

It can be observed that the examples appear to be rough mixtures of words culled from different local dialects, but the important point is that these examples will not bind the users of Filipino. Commissioner Ople clarified that the enrichment, expansion, and indefinite strengthening of the language through assimilation will have to be done in the course of the evolution of this language. It is not the intention of the framers of the Constitution to prescribe certain quotas in accordance with a certain fiat of the government.<sup>65</sup> The Constitution did not adopt the Complete Amalgamation Approach in the development of the language.

It must be further emphasized that the Constitution refers to two types<sup>66</sup> of Filipino. The first is that which is embodied by Pilipino at the present and to be engineered as to allow influences from other languages. The second is the informal *lingua franca* developed as speakers from different linguistic groups in the country converse. All of the examples referred to the second type. While the 1987 CONCOM did not bother to give similar examples of the first type (it being an obvious matter), it should be remembered that Filipino is not limited to the

<sup>63</sup> 2 JOAQUIN G. BERNAS, S.J., THE CONSTITUTION OF THE PHILIPPINES: A COMMENTARY 528 (1987).

<sup>64</sup> 4 CONCOM 486.

<sup>65</sup> *Supra* note 14.

<sup>66</sup> *Supra* note 56.

second. More importantly, the relationship of the first and second examples must be examined. The second is said to have evolved informally. It has no established grammar and vocabulary. It bears, however, a semblance of the end goal of the first type, when time and usage have allowed the first type to grow and develop with the least amount of control from the purist. The second type is what eventually the first type will be in the future when the languages have fused.

#### IV. CONCLUSION

The language provisions<sup>67</sup> of the 1987 Constitution read,

The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.

Subject to provisions of law and as the Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English...

The ambiguity of the concept of Filipino under the present Constitution might have been avoided if the framers had only expressed the fact that they meant a Filipino with a nuclear basis on Pilipino. Although this intent was repeated throughout the proceedings, such was not manifested in the final draft of the Constitution. We can only surmise at what the reasons were. In any case, the crucial point has been established: Filipino with the "F" is the national language based on all existing native languages with a nucleus nesting on Tagalog or Pilipino with the "P". Hence, the observation of Edilberto Alegre is correct. Filipino with the "F" and Pilipino with the "P" are similar. This can also be the basis for the use of Pilipino as an official language and medium of instruction. But this will only hold as long as the multi-language based national language has not broken off from its Tagalog roots. If it does - in the meantime that all the obstacles preventing it from doing so are being removed under the liberal language policy - then the distinction can be rightfully made. But whether *it will* is another question.

<sup>67</sup> PHILIPPINE CONST. art. XIV, secs. 6 and 7.

## DISCLOSURE OF PRELIMINARY MERGER NEGOTIATIONS: A FRAMEWORK FOR FUTURE DEVELOPMENTS IN THE PHILIPPINE CAPITAL MARKET\*

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#### INTRODUCTION

In the 1980's the United States experienced an unprecedented wave of mergers and acquisitions. By 1985, the value of mergers and acquisitions had reached \$125 billion, approximately four times the value of such transactions in 1979 (\$34.2 billion) and nearly double the 1981 level (\$67 billion).<sup>1</sup> Because of the rapid increase in merger activity, the importance of the disclosure requirements under Federal securities regulations was amplified. While the decisions of the various Federal Circuit Courts and the United States Supreme Court attempted to resolve the twin issues of the materiality of preliminary merger negotiations and the duty to disclose these negotiations, the results, as this paper will attempt to demonstrate, have been far from satisfactory.

Admittedly, Philippine corporate society has not reached the same level of sophistication as its American counterpart. The relevance, however, of disclosing preliminary merger negotiations may become more apparent as the decade progresses. With the increasing liber-

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<sup>1</sup> Noreen R. Weiss, Note, *Rule 10b-5 and the Corporation's Duty to Disclose Merger Negotiations: A Proposal for a Safe Harbor From the Storm of Uncertainty*, 55 *FORDHAM L. REV.* 731, n. 1 (1987).