

- This is a review of the book entitled "The Case of Philippine Private Education — A Study of a Monolithic System of Education" by Dr. V. G. Sinco (Community Publishers, Inc., Manila).

THE CASE OF PHILIPPINE PRIVATE EDUCATION

Anyone who is at least familiar with trends and issues in Philippine education, the first thing he will note after reading thoroughly Dr. Sinco's latest book is that it lends itself so well to a paradox. Considering the significance of the subject it treats and the cogency with which the treatment is made, the book is one which should find itself into the hands and perusal of newspaper editors, school officials, educators, college students, and, specially so, our legislators. And yet the paradox would exist that even if it were read by the aforementioned individuals, the book, we hazard to guess, will probably register only a mild surprise, and no passionate controversy at all, in the minds of its readers. Why? The reasons are not hard to seek. In the first place, it has been quite some time now that Dr. Sinco has kept hammer-

ing at the thesis that the monolithic system of education that we have kills creativity and stultifies diversity. So consistent has he been with such a view that readers will correctly guess what his latest book is about. In the second place, the time has now come when the value of Dr. Sinco's stand is starting to find acceptance and adherents who express views closely similar both in content and spirit to Dr. Sinco's that the process has tended to blur distinction between originator and follower.

However, that is quite understandable. The fate of those who advocate right but unpopular causes always follow a distinctive pattern. At first, the advocate is either rejected, spurned, scoffed at or, at the most, paid but the scantiest of attention by the public whose welfare he seeks to serve. Later on, however, time heals wounds, circum-

tances bring changes in the direction of the advocate's favor, distance provides perspective, until, finally, the cause which was once spurned is taken up by the majority as a gospel with the vindication of the advocate.

The cause that Dr. Sinco has been espousing for over two decades is, of course, far from being accepted by the majority. Indeed, Dr. Sinco himself expressed to this reviewer his plan to enlarge the present book which indicates, more than anything, that he himself is very much aware that there will still be much to do to effectuate the ideas for reform that he writes about. Even so, it is no longer uncommon to hear today some educators and school officials and public officials as well chafe and rail against the deadening effect brought about by the rigid standardization of our educational system which discourages the "spirit of initiative and the urge for progressive experimentation" of some of our private colleges and universities. Three years ago, for instance, then PACU and Lyceum President Sotero H. Laurel wrote on the twin issues of state power over pri-

vate schools and the scope of academic freedom in which he used, as one of his springboard for discussion, the case of the *Philippine Association of Colleges and Universities. Secretary of Education*. (51 O. G. 6230).

Dr. Sinco's book is made up of two chapters. In the first, he presents his case against educational standardization by dwelling on the merits and virtues of its opposite, which is diversity. The discussion is mainly anchored on his elucidation of references to and quotations from such eminent figures in science, education and politics as Prof. Lester Smith, Einstein, Health, Welfare and Education Secretary John W. Gardner, Julian Huxley and the late President Kennedy. Dr. Sinco also makes references to both the American and the British educational system, with emphasis placed on the latter wherein decisions regarding the adoption of curriculum and method of teaching are left to institutions of higher learning. This tells how cognizant is the British government of the fact that no freedom is more important to teachers and educators than the free-

dom to choose their own curriculum and method of teaching. Dr. Sinco, however, takes care to mention that the freedom that British private colleges and universities enjoy is not absolute or irresponsible. Rather, they are "limited by unwritten obligations which compel them to comply with their educational commitments and to maintain expected standards of achievement and performance."

The references and citations of the views and opinions of established thinkers, however, seem to this reviewer less interesting reading than the personal scrutiny and analysis that Dr. Sinco makes when he comes to the second chapter of the book. It is then that the thrusts of his mastery of the Constitution and his first-hand experience as educator and administrator, first, as Director of the Bureau of Private Education in 1945 and later as President of the University of the Philippines are brought into full play. Subjecting the Constitutional provision on education and individual freedom to a rigorous examination and in the light of major decisions

of the United States Supreme Court and state courts such as those of *Meyer v. Nebraska* (262 U.S. 390), *Bartels v. Iowa* (262 U.S. 404), *Pierce v. Society of Sisters* (263 U.S. 510), *Farrington v. Tokushige* (273 U.S. 284), *West Virginia State Board of Education v. Barnette* (319 U.S. 624, 657-658) and *Parker Collegiate Institute v. University of State of New York* (298 N.Y. 184), Dr. Sinco states the dismaying conclusion that state control over private schools in our country contravenes the Constitution because it deprives parents, owners and teachers of private colleges and universities of liberty and property without due process of law; moreover, it deprives parents of their natural right and duty to rear children for civic efficiency, concerning which Dr. Sinco's words may be aptly quoted at this point:

It should be noted from the terms of the provision . . . that the Constitution does not grant the right and duty referred to and involved in it; it rather expressly recognizes and acknowledges this attribute, power, and responsibility as a *natural right*

and duty of parents. As such, it is, therefore, an inherent and inalienable right and so it may not be disregarded, limited, curtailed, trampled upon by any act of legislative department, much less by any administrative regulation of an executive official (*italic in the original*).

Moreover, with respect to the powers that the Secretary of Education has over private schools, there is an unlawful delegation of unlimited power. Dr. Sinco says:

Assuming that the legislature could enact measures on the subject, nevertheless it is not authorized to delegate this power to administrative officials in broad and unlimited terms.

The conclusion that can be derived from Dr. Sinco's lucid exposition is irrefragable. It is nothing less than this: We have either kept our minds deliberately closed from rightfully interpreting our Constitution or we have let what he terms a 50 year old tradition of educational "trial and failure" bound us in chains of indifference. For our legal systems and prescriptions are patterned after

that of the United States; and yet, strangely enough, clear as the decisions of the United States Supreme Court and state courts are on questions so similar to ours, we still come up with different, if not opposite, interpretation.

Aside from its being Constitutionally invalid, state control over private schools in our country is, according to Dr. Sinco, downright impractical. Upon assumption of office as Director of the Bureau of Private Education on April, 1945, Dr. Sinco made a thorough and detailed study of the functions of the bureau and found out that even with the much smaller number of private schools than "the functions of the Bureau and its entire personnel under the law and under its rules and regulations far exceed in number and difficulty the functions and responsibilities of the Board of Regents, the University Council, and the different faculties of the University of the Philippines. To perform them properly and satisfactorily, we need to have a huge and talented agency equal to some 10 or more times of the instrumen-

talities that the University of the Philippines possesses. For one Bureau to do this work satisfactorily is ridiculously impossible."

How this transgression on the Constitution evolved is traced by Dr. Sinco in the topic entitled "The Background of Private School Supervision." Starting with a discussion of Act No. 74 passed by the Philippine Commission, Dr. Sinco then takes into account how the instruction of private schools as well as their facilities were unsatisfactory and inadequate owing primarily to the Spanish orientation of their founders and teachers, to the obsolescence of the Spanish language which was the language of instruction used, and, finally, to the difficulty of recruiting competent American and Filipino instructors. The condition of private schools during that time necessitated the enactment of the legislative measure recommended by the Monroe Report "to prohibit the opening of any school by any individual or organization without the permission of the Secretary of Public Instruction." Dr. Sinco agrees that as far as the condition then warranted,

the placement of private institutions of learning under the control of the state was justifiable. However, such a method should have been enforced only as long as the defect and the inadequacies which it meant to correct existed; otherwise its indefinite and unnecessary extension would only prove inimical to the growth and welfare of the private schools which it meant in the first place to foster in the spirit of freedom and liberty.

For however well-meant and necessary state control over private schools may have been then, still the threat and danger it posed to the Constitutional liberty of the individual was not lost to perceptive Filipinos. Indeed, commenting on the perspicacity and foresight of *La Vanguardia* whose editorial of May 22, 1912 decried the act as an offense against the freedom of education, Dr. Sinco takes to task the late Governor-General Forbes. Dr. Sinco writes: "The thought expressed by this editorial. . . was not understood by Gov. Gen. Forbes, whose previous personal experience was confined to business and banking matters. Without a suf-

ficient background of educational experience and with a meager knowledge of academic problems, he referred to the system as an 'admirable arrangement.' "

The responsible and judicious criticism that Dr. Sinco levels against both former Gov. Gen. Forbes and Dr. Joseph Ralston Hayden, the last American Secretary of Public Instruction, are in fact among the highlights of the book. Dr. Sinco's zeal for reforming our educational system is only equalled by the impartiality and justice of his criticism. This can be clearly seen in Dr. Sinco's criticism of Dr. Hayden. Dr. Sinco and Dr. Hayden were personal friends during the pre-war years. During the years immediately following the conclusion of the last World War, Dr. Sinco was instructed by then Philippines President Sergio Osmeña to work with Dr. Hayden on the collaboration issue, a joint venture which, however, did not materialize for both because of the sudden and unexpected death of Dr. Hayden. And yet, it is a measure of Dr. Sinco's objectivity and overriding concern for truth that he does not let

personal friendship stand in the way of an impartial and just assessment when he scores Dr. Hayden on two counts: First, for not having kept himself abreast with the authoritative pronouncements of the United States Supreme Court on subjects affecting education and individual freedom thereby making him commit the error of interpreting the Constitutional provision which states that "educational institutions shall be under the supervision of and subject to the regulation of the State" out of context and unrelated to the substantive provisions on education found in other parts of the Constitution; and secondly, for making contradictory statements declaring the categorical freedom of private schools from state control in another part of his book *The Philippines: A Study in National Development* which therefore nullified his previous statement about the supremacy of the State over the individual.

If Dr. Sinco does not spare American public officials and friends from his criticism neither does he exempt the government from the blame of having made a sorry state

of our educational system. The government is to blame, too, because he says that "in spite of the fact that the Philippine Corporation Law provides special rules for the organization of private colleges as non-stock corporations, both the Department of Education and the Securities and Exchange Commission permitted secular educational institutions to be established as stock corporations in the same way and for the same ultimate purpose as those of regular business enterprises."

Worse still, he continues, in spite of the enormous amount and the great extent of the assistance rendered by private schools to the government and the people, the government has not seen it fit to reward those non-stock and non-profit institutions or given them incentives and encouragement. "Profit-making colleges and universities," Dr. Sinco says, "receive the same treatment and are subject to the same rules and regulations as those that are non-stock and non-profit. It goes without saying, therefore, that the criticism of the Monroe Report against the practice and adverse views

expressed by those who dislike the commercial exploitation of education may continue to fall on deaf ears."

The book ends with the invitation that we begin pulling down our monolithic structure of education by putting into actual practice the principles enunciated by our Constitution which grants autonomy to our private colleges and universities.

The same quality of clarity and avoidance of frills that Prof. Rex D. Drillon, President of Central Philippines University, found in the style of Dr. Sinco's writings when he reviewed the latter's *Education in Philippine Society* in one of the issues of the *Philippine Historical Bulletin* can be noted in the present book. To be sure, it is not a style that will fascinate a reader with a propensity for the figurative or metaphorical. This is because Dr. Sinco's method is clear exposition, not suggestion, and his goal is instruction rather than pleasure. We surmise that this is largely due to two factors, namely, first, his legal training which makes him always on guard against the airy and the unsubstantiated; second, his personal attitude

towards the craft of writing which makes him disdain and loath the employment of ghost-writers aware as he is that their service can only bring about the insidious corruption of the integrity of one's personal style through their dubious practice of substituting original expression with what is ready-made and easily-accessible. And yet, though Dr. Sinco's style may seem bare at a chance reading, the discerning will find soon enough that it is a style that exhibits variety. One can cite passages in the present book. He can be devastatingly sarcastic as the following will show:

The absurdity of the rule (this refers to the requirement that textbooks to be used in private schools must alike have the approval of the government textbook board) is compounded by the order that textbooks should not be changed until after six years from their date of approval. *A premium on obsolescence!* (italics supplied)

In places where what is called for is careful consideration and analysis of Cons'

titutional provisions, he can be singularly distinguishing, as witness:

An executive or administrative official, such as the Secretary of Education, who categorically prescribes, directly or indirectly, under a statutory provision, *what* school children should study, *how* they should study, *when* they should study, and *how* the program of schools should be conducted obviously curtails this natural right of parents recognized by the Constitution; and the law authorizing the official to do so contravenes the Constitution. The authority so vested merely usurps the parent's natural right to decide the kind of education and the kind of school he wants for his child. Between such a law that controls the curriculum, study hours, policies, and practices of private schools and a law that compels all children to go exclusively to public schools, the distinction between a public and private school may be virtually abolished and the democratic concept of individual

initiative and diversity in ideas faces the danger of extinction. (*italics in the original.*)

Or else, Dr. Sinco can be telling without indulging in sophistry:

One cannot be a teacher unless he has something to teach; and if he should teach only what another tells him, he ceases to be a teacher and becomes only an automaton.

It is quite clear that under the Constitution there are definite boundaries between the right of the owner and the teacher of a private school, on the one hand, and the authority of the government over such schools, on the other. It may be safely said that to the owner and the teacher belongs the *control and direction* of the private school; and to the

government belongs the *supervision* over it so it may desist from doing fraudulent acts or from committing what is obviously harmful to each student and the public.

Summarizing then, *The Case of Philippine Private Education*, as its title indicates, is a brief on the perils of a monolithic system of education by one who has long been renowned as a constitutionalist and equally known as an educator and the book, as it now stands, is a happy demonstration of an educational subject treated in a legal way in the spirit of scholarship. The net result is a style of writing which utilizes neither the platitudinous inflection of a mere theoretician or the racy stridency of the harried journalist. — *By Artemio M. Tadena.*