

# THE CASE AGAINST NATIONALIZATION OF SCHOOLS

By CONGRESSMAN MIGUEL CUENCO

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I WISH TO DISCUSS the nationalization of the ownership of schools in the Philippines as the subject of my commencement address. This nationalization is provided in a bill filed by Bulacán Congressman Rogaciano Mercado. It has the approval of the Philippine Association of Colleges and Universities. I opposed this bill in the Committee on Education and on the floor of the House of Representatives. I beg your indulgence to express my view:

The Bill is unwise and detrimental to public interest. If enacted into law, it will close many schools owned and operated by the Catholic and Protestant missionaries in the Mountain Province, in Manila, Mindoro and Mindanao, the Catholic University of San Carlos in Cebu and the Protestant universities in Dumaguete and Iloilo. Considering the present situation, we, Filipinos, are not in a position to replace these schools and universities with Filipino-owned universities and schools, even in the next twenty years.

It is very unwise to statesmanship to destroy foreign-owned institutions of learning without replacing them with equally good Filipino-owned schools.

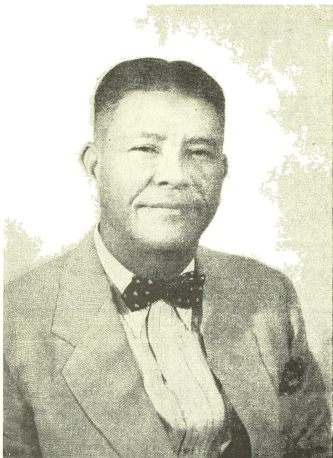
The nationalization of schools violates the Constitution. The freedom of worship carries with it the freedom to teach one's religion. And this freedom to teach religion implies also the right to own and operate schools. The word "school" includes school buildings, equipment, other physical establishments, and teachers. Certainly, any religion cannot teach its principles and beliefs in the streets and under a burning tropical sun.

The most glaring illustration of the injustice of the Bill is the University of San Carlos in Cebu. It

is run by the Fathers of the Society of the Divine Word, which is an international organization composed of Germans, Americans, Polish, Dutch, Austrians, Argentinians, and Filipinos, with a German majority or with German priests occupying the most outstanding positions in the congregation. Precisely because of the influence of San Carlos, the German Government has made donations to the University in various amounts totalling about six million and a half pesos. According to data obtained by the Department of Education, San Carlos has the best or or second to the best school of physics. It has an excellent school of chemistry, and it is pioneering in the research and laboratory work for the industrial use of the coconut. If the Mercado Bill is approved, can the Government in conscience confiscate or seize the University of San Carlos?

The Mercado Bill does not provide for the ownership of the alien-owned schools once they become nationalized. There are other perplexing constitutional questions which are left unanswered by the Mercado Bill. For instance, who will own these schools after they are declared nationalized? Will they become state properties? Or will their ownership be transferred to Filipino nationals by a mere legislative fiat?

Besides the fact that the Mercado Bill is a transgression of the freedom of religion, it is also open to other serious constitutional objections. The State cannot expropriate any foreign-owned schools, for there are two constitutional requirements for the exercise of the power of eminent domain: First, that expropriation be for a public use; and second, that just compensation be awarded to the owner of the expropriated property. These two constitutional re-



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quirements are not complied with in the Mercado Bill.

President Thomas Jefferson, the author of the American Declaration of Independence, voiced his opposition to government seizure of a property owned by a Catholic congregation and devoted to charitable purposes. He wrote on May 15, 1804, to the Ursuline Sisters of New Orleans:

*I have received, Holy Sisters, the letters you have written to me wherein you express anxiety for the property vested in your institution by the former Government of Louisiana. The principles of the Government and Constitution of the United States are a sure guarantee to you that it will be preserved to you sacred and inviolate, and that your constitution will be permitted to govern itself according to its own voluntary rules, without interference from the civil authorities. Whatever diversity of shade may appear in the religious opinions of our fellow-citizens, the charitable objects of your institution cannot be indifferent to any; and its furtherance of the wholesome purposes by training its young members in the way they should go, cannot fail to insure it the patronage of the Government it is under. Be assured it*

*will meet with all the protection my office can give it.*

*I salute you, Holy Sisters, with friendship and respect.*

(Sgd.) THOMAS JEFFERSON  
President

The nationalization of schools is a good objective, but it can be attained only through gradual evolution. In the last ten years, many Filipinos have been entering the Jesuit, Benedictine, Dominican, Franciscan, Recollect, Augustinian Orders. This does not mention the religious congregations for women. The time will come when the schools now being operated by foreign-regular clergy will be Filipinized. There are desirable goals that can be attained only after a process of many years. Bismarck's advice that government, or for that matter, any human endeavor, is the art of the possible, is very wise indeed. When our Lord Jesus Christ condemned slavery, two-thirds of the population of the countries which belonged to Graeco-Roman world were slaves. Millions of men and women were bought and sold and their labor was exploited by mere force. However, to avoid revolutions and wars, it took the Church more than four centuries to abolish slavery. Another illustration of the need to social evolution is ownership of the sugar centrals which were owned by Americans and Spaniards, but now most of them are owned by Filipinos.

I do not share the view that schools run by foreign religious orders or congregations cannot teach their students civic conscience and the duties of patriotism. After reading again and again Mabini's *Memorias de la Revolución Filipina, Filipinas y Su Glorioso Pasado*, and *Discursos de Malolos y Poesias Filipinas en Español*, the three textbooks in Spanish in our colleges and universities, I came to realize this significant fact: That Rizal, Felipe Calderón, and Claro M. Recto were educated by the Jesuits; Marcelo H. del Pilar, Mabini, Aguinaldo, Emilio Jacinto, Quezon, and Juan Sumulong were trained by the Dominicans; and Graciano López Jaena and President Sergio Osmeña, by the Paulés. Dr. Jorge Bocobo said that the American Government sent Filipino *pensionados* to study in the United States. However, Dr. Bocobo pointed out that the Filipino *pensionados* who taught at the University of the Philippines, were all advocates of our national independence.

If during our colonial days, the Spanish and American-owned schools were not able to stifle the growth of Filipino nationalism, they cannot do today what they could not when our country was only a colony. Civilization and culture are universal. The schools and universities owned by foreign religious groups are contributing to the task of nation building. We must give them the protection our Constitution affords them and we must treat them with justice. We can do no less. I thank you.