

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Resolution No. 209



Introduced by **KABATAAN PARTY-LIST Representative Sarah Jane I. Elago,**
ACT TEACHERS PARTY-LIST Representative France L. Castro,
BAYAN MUNA PARTY-LIST Representatives Carlos Isagani T. Zarate,
Ferdinand Gaité and Eufemia C. Cullamat,
and GABRIELA WOMEN'S PARTY Representative Arlene D. Brosas

RESOLUTION
URGING THE COMMISSION ON HIGHER EDUCATION TO SCRAP ITS
MEMORANDUM ORDER NO. 20 WHICH EXCLUDES FILIPINO, PANITIKAN, AND
CONSTITUTION AS REQUIRED SUBJECTS IN COLLEGE

WHEREAS, Article II, Declaration of Principles and State Policies, Sections 13 and 17 of the Philippine Constitution declares that *"the State recognizes the vital role of the youth in nation-building and shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs,"* and *"the State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development,"* respectively;

WHEREAS, stated in the Article XIV (Education, Science and Technology, Arts, Culture, and Sports) of the 1987 Constitution are, in Section 2, *"the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society,"* and *"the State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture,"* in Section 14;

WHEREAS, on November 10, 2018, a unanimous en banc decision--promulgated October 9--of the Supreme Court was released; it declared K-12 constitutional, lifted the 2015 Temporary Restraining Order (TRO), dated April 21, 2015 issued in G.R. No. 217451, against the Commission on Higher Education's (CHED's) Memorandum Order No. 20 (CMO No. 20) and upheld it as valid memorandum that excludes *Filipino, Panitikan*, and Constitution as required subjects in college;

WHEREAS, although CHED Chairperson Prospero De Vera III said on November 14, 2018 that CHED will wait for a final decision from the Supreme Court before it implements its 2013 order removing Filipino and Panitikan as required college subjects, as advocates of the Filipino language plan to appeal the Court's decision, he declared that CHED respects the initial decision which is contrary to and a blatant disregard of Article XIV of the Philippine Constitution;

WHEREAS, it is not a coincidence that *Filipino* and *Panitikan* are obliterated as mandatory subjects in college at a time when *Philippine History* as a subject has already been obliterated in high school since and due to the implementation of the K to 12 program, American troops regularly "visit" the Philippine archipelago in de-facto foreign military bases, Filipino fishermen complain of Chinese incursions in Philippine waters, and some pro-federalism advocates would want to divide the country into dynastic fiefdoms;

WHEREAS, our youth, councils, publications, teachers, administrators, personalities and other sectors are united to promote and develop our own language by enriching Filipino and Philippine Literature subjects in schools. We condemn the plan of Commission on Higher Education (CHED) to implement CHED Memorandum No. 20, a proposal that abolishes Filipino and Philippine Literature as core subjects in college or tertiary education;

WHEREAS, such policy endangers Filipino youth's learning of the rich history of our country. The gradual disintegration of the nationalist orientation of our education system also misleads the students towards colonial path. The CHED Memo No. 20 was signed in 2013 to 'prevent' the redundancy of these subjects in college since it is already being taught in basic education, whereas the implementation of teaching of Korean language in elementary is being expedited--worse, is already in place in some schools.

WHEREAS, this is a clear way to completely deprive the youth of the true essence of serving in one's country and to just shrink and divert their attention to being employees who are part of the cheap and docile labor demanded by highly industrialized countries. Apart from brain drain, the absolute removal of Filipino and Philippine Literature in college will incur dissolution of the profession of professors and massive lay-off of them while there is already a severe crisis of unemployment in the country.

WHEREAS, the Filipino peoples' supposed bridge between our past and into the future will be gone if Filipino and Philippine Literature get to be more devalued; with this, the Filipinos, especially the next generation, are prone to lose appreciation and understanding of our past because language and literature are the ones that embody and mirror the history and culture of one country.

WHEREAS, the fight for our nationalism and identity is the best defense itself against all types of policies that allow colonial intervention in our country. In the field of education, the demonstration of our love for the people and the country is further enhanced by the deeper study of Filipino and Philippine Literature..

WHEREAS, in these trying times of left and right threat to abolish our collective identity as nation, there is a strong call for our battle cry and for us to stand. The culture and history of the Philippines were forged by generations of heroes and fighters who fought for our national independence; we have the right to and deserve nationalist, scientific, and mass-oriented type of education.

WHEREAS, according to the "*Short Notes on the Supreme Court's Ruling on Filipino and Panitikan in College*" by David Michael M. San Juan--convenor of *Tanggol Wika*, associate professor at the *Departamento ng Filipino* of De La Salle University, and president of

Pambansang Samahan sa Linggwistika at Literaturang Filipino (PSLLF)--"the Supreme Court can still reverse its decision on the case at bar, and help preserve our national language as a mark of our liberty and independence. What follows is a list of short notes on the Supreme Court's ruling on Filipino and Panitikan in college, to possibly sway the public into supporting the side of the national language.

1) The High Court should conduct public oral arguments as the case at bar is transcendental in nature, having unique and compelling arguments, filed by a long list of individual leaders of organizations that count tens millions of citizens among its fold. **In the case at bar, the High Court did not conduct public oral arguments.** In contrast, the High Court has conducted public oral arguments on cases with only one individual filer. For example, two rounds of oral arguments were held for G.R. No 217910 (*Falcis III vs Civil Registrar General*) with regard to the issue of gay marriage. The cases at bar are clearly equally transcendental if not more important, at least with regard to the number of those actually affected. Moreover, the case at bar is a petition against top government authorities, in contrast with the gay marriage petition in G.R. No. 217910 which is only directed against a minor government official. The High Court has also conducted oral arguments for G.R. No. 180016 (*Corpus, vs. People of the Philippines*) which is a mere estafa case involving just the relatively measly sum 98,000 pesos. In contrast, the case at bar involves at least 10,000 jobs at the stake – families' livelihoods and futures that are millions of pesos worth of actual and prospective loss in compensation. **Hence, considering that the High Court failed to conduct public arguments for the case at bar, there is a compelling need for the petitioners' motion for reconsideration to be heard, if justice is to be served.**

2) In a number of cases such as G.R. No. 127882 (*La Bugal-B'laan Tribal Association, Inc. vs. Ramos et al.*), **the High Court's conduct of oral arguments after a motion fo reconsideration was filed, led to a reversal of the High Court's decision.** Hence, the petitioners' request for public oral arguments should be heeded.

3) The High Court should separate G.R. No. 217451 (*Lumbera et al. vs. Aquino III et al.*) from the other K to 12-related cases, because it raises unique issues that question the constitutionality of CHED Memo. Order (CMO) No. 20, Series of 2013 rather than the K to 12. Hence, G.R. No. 217451 is an entirely separate case that should not be lumped or consolidated with the other 6 cases. Justice Leonen's concurring opinion¹ on the cases at bar is instructive on this matter: 'Petitioners raise questions on justiciability, equal protection, police power, non-self-executing provisions, and state policies on labor, education, and language. **The practice of this Court of consolidating the issues under the same law results in cases being tackled based on the subject matter, instead of based on the issues involved. This leads to a shotgun approach in addressing constitutional issues which actually warrant a more in-depth discussion by this Court so as not to compromise the interpretation of principles laid out in laws and jurisprudence...**the consolidation of Petitions should only be done in case the matter involves the same constitutional issues. Defining constitutional issues must be more narrowly tailored so that the decisions of this Court

¹ http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2018/october2018/21_6930_leonen.pdf

are not to be a catchall ruling on the validity of the law, but rather an in-depth ruling on the validity of the provisions of the law.'

4) The High Court should conduct oral arguments on G.R. No. 217451 (Lumbera et al. vs. Aquino III et al.) so that the Petitioners can exhaustively discuss the following points that the High Court seems to have ignored:

- **Filipino and Panitikan were abolished/deleted/obliterated** as required courses in college, as a result of K to 12's implementation, **WHILE other subjects with elementary and secondary level equivalents were retained in college**, as shown in table "Subjects in Junior High School, Senior High School, and College After K to 12's Implementation" attached to the Tanggol Wika petition (G.R. No. 217451, Lumbera et al. vs. Aquino III et al.). **Hence, CHED and the SolGen MISLED the High Court in claiming that subjects that are already in high school should no longer be taught in college.** Filipino and Panitikan must thus be retained also, in the name of justice and fairness.
- There is **no duplication** with regard to the content of subjects in the curriculum of **Filipino in Senior High School and Filipino in college**, as shown in table "Coverage of College-Level Filipino and Senior High School-Level Filipino" based on the refereed journal article "Kapit sa Patalim, Liwanag sa Dilim: Ang Wika at Panitikang Filipino sa Kurikulum ng Kolehiyo (1996-2014)" which was attached to the Tanggol Wika petition (G.R. No. 217451, Lumbera et al. vs. Aquino III et al.). **Hence, CHED and the SolGen again MISLED the High Court on this matter.** Nevertheless, Tanggol Wika also produced an entirely different set of NEW MODEL SYLLABI FOR COLLEGE-LEVEL FILIPINO with the K to 12 curricular changes in mind. The said new model syllabi are 100% different from current senior high school offerings. Indeed, the said new model syllabi brings college-level Filipino into higher levels of discourse and content².
- Filipino and Panitikan in elementary and high school are not enough to cover the necessary skills and content that students should learn. In fact, Figures 1 and 2 show the latest National Achievement Test (NAT) results, with the mean percentage scores/MPS (average scores) of students at dismal rates below the passing score (75% is the passing score). Past NAT results are similarly dismal. **Hence, killing mandatory Filipino and Panitikan subjects in college will certainly be against the welfare and right to quality education of our students and citizens.**

² These syllabi are available at:
https://www.researchgate.net/publication/324983371_Kopya_ng_CMO_No_4_Series_of_2018_at_5_Silabus_sa_Filipino_at_Panitikan

2017 National Achievement Test for Grade 6 (NATG6) National Performance

Subject	# of Items	Mean	SD	MPS (%)
Filipino	27	14.42	4.63	53.41
Mathematics	27	9.38	4.37	34.75
English	27	10.90	5.29	40.37
Science	27	8.35	3.57	30.94
Araling Panlipunan	27	10.88	5.25	40.30
Overall	135	53.94	18.75	39.95

2017 National Achievement Test for Grade 10 (NATG10) National Performance

Subject	# of Items	Mean	SD	MPS
Filipino	54	28.40	7.23	52.59
Mathematics	54	20.14	7.16	37.30
English	54	24.85	9.26	46.01
Science	54	19.27	7.20	35.68
Araling Panlipunan	54	26.36	9.05	48.81
Overall	270	119.01	33.12	44.08

5) The High Court can consider **summoning surviving Constitutional Commission (ConCom) members** such as Dr. Wilfrido Villacorta and National Artists (who are non-parties to the cases at bar, such as Komisyon sa Wikang Filipino Chair Virgilio Almario) as **amici curiae** in the hearings, so as to further shed light on the issues raised by petitioners.

6) The Supreme Court should stop the abolition of Filipino and Panitikan as mandatory subjects in college, simply because the countless pro-Filipino and proPanitikan provisions of the 1987 Constitution (like Article XIV) have to be implemented, **as Congress has already activated these provisions through the organic laws**³ that established the Komisyon sa Wikang Filipino/Commission on the Filipino Language (KWF) and the National Commission for Culture and the Arts (NCCA) – both agencies which support the current petition's advocacy⁴. **The Commission on**

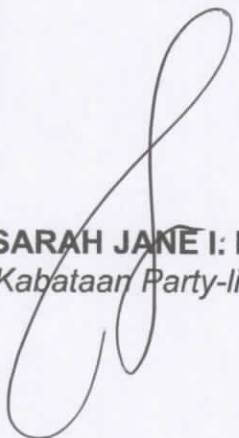
³ https://lawphil.net/statutes/repacts/ra1991/ra_7104_1991.html
<http://ncca.gov.ph/republic-act-7356/>

⁴ <https://www.change.org/p/commission-on-higher-education-congress-and-senate-agarang-magsagawa-ng-mgahakbang-upang>

Higher Education's previous implementation of Filipino and Panitikan as mandatory subjects is in fact in compliance with the mandates of the KWF and NCCA, and hence CANNOT BE REVERSED without violating the aforementioned pro-Filipino and pro-Panitikan provisions which were activated by Congress' organic laws for KWF and NCCA;"

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House of Representatives strongly urge the Commission on Higher Education to scrap its Memorandum Order No. 20 which excludes Filipino, Panitikan, and Constitution as required subjects in college.

Adopted,



Rep. SARAH JANE I. ELAGO
Kabataan Party-list




Rep. CARLOS SAGANI T. ZARATE
Bayan Muna Party-list



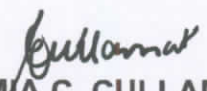
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