

El PRESIDENTE. El caballero de Cebú tiene la palabra.

El Sen. BRIONES. Como no me siento con fuerzas suficientes para pronunciar yo mismo el discurso, rogaría que el Secretario se sirva leerlo.

El PRESIDENTE. Léase el discurso del caballero de Cebú.

El SECRETARIO:

MANIFESTACIONES DEL SEN. BRIONES

Senator BRIONES. Mr. President, Gentlemen of the Senate: Dr. José Rizal was born in Calamba, Laguna, on June 19, 1861. Therefore, the first centenary of his birth will be on June 19, 1961, or five years from now.

What must the country do to celebrate this undoubtedly glorious and momentous anniversary? Will it be enough, when the occasion arrives, to celebrate it with civic and military parades and a display of floats, or with the burning of sky-rockets and fireworks at the Luneta and other public parks; in other words, with noisy and unsubstantial festivities, great pomp and fanfare which leave nothing permanent, lasting and beneficial in the cultural, intellectual and spiritual life of the country? I think we should follow the example of the advanced nations, with the formulation of a program of solid and serious undertakings.

Because of the bill now under discussion in our legislative chambers which provides for the compulsory inclusion of the works of Rizal in the curriculum of all public and private schools, we observe a vigorous revival of the Rizalian cult, seldom seen since the tragic death of the martyr. An evident proof of the deep interest in Rizal these days is the fact that no copies of *NOLI ME TANGERE* and *FILIBUSTERISMO*, either in Spanish or English, may be found in the local bookstores. (My copies naturally are in Spanish, of the 1909 edition, and it goes without saying that I keep them in my library as a priceless treasure.)

I wish to say, therefore, that one of the best manners of giving expression to our devotion to Rizal would be to commemorate his centennial with a program of meaningful and far-reaching features, through undertakings of substantial and lasting character, such as, for instance, the establishment and enrichment of a Rizalian museum; the erection of a monument more artistic, more impressive, in one word, more worthy of the glory and fame of Rizal; the compilation of all his works writings in volumes carefully revised and printed both in Spanish and in English, and perhaps in

the principal dialects of the country; the holding of contests to award the best biography of Rizal; the holding also of contests to award the best critical study of the works of Rizal; the holding also of contests to award the best manual and textbook of the works and writings of Rizal for use in the schools. Due to the pressure of educational exigencies, priority should be given to the latter—the contests for the primer, manual or textbook to be used in the schools; etc., etc.

So far, the works of Rizal are scattered. This condition should be corrected, by carefully collecting all of them, as I have already stated. It must be done in Spanish and English. The English translation should be carefully revised by persons really conversant with both languages. If funds be available, there should also be compilations in Tagalog, and other principal dialects.

One of the obstacles that hinder the propagation of the works and writings of Rizal in our country is the absence of popular and inexpensive editions. This must be remedied, too, taking advantage of the centennial, by printing inexpensive and popular issues.

I think there should be a decent minimum of Rizalian culture for every Filipino; that above all no Filipino who considers himself cultured or intellectual be tolerated to say with impunity, and even with certain vainglory, that he has not read Rizal; and if such inconceivable thing happens, then that Filipino should be pitied and necessarily branded as a *barbarian*. In other words, let the matter be considered as something that one should be ashamed of—a sort of social scorn and punishment.

Of course the celebration of the centennial as above suggested requires money. I believe we should not be stingy in this case. I understand that a bill has been presented in the House of Representatives appropriating two million (P2,000,000) pesos for the centennial program. It is to be hoped that in the midst of the present fervor for Rizal, Congress may see its way to approving the bill, and, the time being an absolutely important factor in this matter, it is necessary that it be passed during the present legislative session. Five years are not a long time if things are to be done with care and solicitude as they should be.

President Magsaysay has created a Commission which will be in charge of the centennial celebration. The membership of the Commission justifies the expectation of solid and splendid achievements. Senator PRIMICIAS. Mr. President, the distinguished gentleman from Iloilo, Senator Zulueta,



would like to make use of the balance of the privilege hour. I ask now that he be recognized.

The PRESIDENT. The gentleman from Iloilo has the floor.

#### MANIFESTACIONES DEL SEN. ZULUETA

El Sen. ZULUETA. Señor Presidente y caballeros del Senado: Con verdadera delectación he estado escuchando el cambio de puntos de vista entre mis ilustres colegas en este Senado que han estado debatiendo sobre el proyecto de ley número 438 del Senado que trata de establecer como lectura obligatoria las dos novelas inmortales del hombre más grande que jamás haya producido la raza malaya.

Me he estado preguntando a mí mismo por qué será que en esta Cámara aparezcamos como riñendo por un asunto que creo no puede originar ningún desacuerdo entre los filipinos. En el *Noli Me Tangere* y *El Filibusterismo* se pintan con mano maestra las condiciones sociales y políticas que existían en esta nuestra querida patria en aquellos tiempos del laborantismo de Rizal. Dichas dos obras retratan no solamente los defectos sino también las virtudes de nuestro pueblo. En sus páginas se habla de los temores, de las esperanzas y las aspiraciones de los entonces vilipendiados indios que sobrellevaban con increíble paciencia los abusos de los poderes constituidos y las opresoras ignominias de una corrompida sociedad. Rizal escribió no para inmortalizar su nombre, sino porque deseaba enseñar a su pueblo; quería sobre todo imprimir en cada corazón filipino las virtudes de nuestra raza, a fin de que, en las circunstancias tristes y desesperantes, pudiéramos siempre beber el valor y la inspiración en el ejemplo de aquéllos cuyo indomable espíritu había sido acrisolado en la fragua de las mayores desgracias.

Claro es que no debemos ser tan ingenuos que creamos que el *Noli Me Tangere* y *El Filibusterismo* son obras perfectísimas de modo que no pudieran señalarse en ellas algunas faltas. Pero ¿qué obra humana hay que pueda decirse que no contiene ninguna? Rizal sin duda alguna fue un genio singular, pero no porque lo fuera podemos afirmar absolutamente que todos sus escritos son intachables en lo más mínimo. La verdad es que, desde el punto de vista puramente literario, los críticos convienen en que ninguna de las dos novelas reúne todas las condiciones necesarias para que pudiera juzgarse como obra literaria verdaderamente grandiosa. Nuestro profundo nacionalismo y nuestra admiración y amor sinceros a Rizal no impiden el que reconozcamos que no pueden parangonarse,

literariamente, por ejemplo, con la novela cervantina, *Don Quijote de la Mancha*, o la *Divina Comedia* de Dante. Pero, como ya dije antes, Rizal no aspiraba a la fama literaria como novelista al escribir sus dos obras. Que el retraimiento, o mejor dicho, la humildad era una de sus principales virtudes se revela en su carta a Marcelo H. del Pilar cuando los dos aspiraban a la dirección de los filipinos residentes en Madrid. Decía: "No debo crear la división en este periódico (*La Solidaridad*). Prefiero retirarme a la soledad y el aislamiento, antes que perturbar la armonía y la paz de sus directores. Mi política—si la vida que llevo puede llamarse política—es verme eclipsado y dejarte como jefe de la política filipina. Deseo estar seguro de que jamás se me considere como un obstáculo a nadie, aunque esto implique mi caída".

Le bastaba para su intento desahogar su alma exponiendo sin temor y con claridad los vicios de sus compatriotas con la esperanza de que algún día el pueblo que tan menospreciado era hallaría también el lugar que le correspondía entre las naciones civilizadas del mundo. Me atrevo a decir que Rizal sólo quiso revelar sus sentimientos por medio de Simoun, el protagonista principal de *El Filibusterismo* quien "incita a sus compatriotas a rebelarse, a que se den cuenta de su mísero estado, su abandono, la degradación y la vileza en que viven en contraste con la opulencia de los gobernantes, la licencia y los caprichos de la clase alta".

El mismo ilustre estadista de Batangas, Doctor Laurel, en su luminosa ponencia del proyecto de ley, admite que en algunas partes de las novelas de Rizal se podrían señalar ciertas faltas o lunares. Y hasta podría añadir a mi vez que hay trozos en ambos libros que podrían ser materia de enconada disputa porque pueden tener relación con los sentimientos religiosos y morales de una buena parte de nuestro pueblo. Pero los libros, cualesquiera que sean, no los leemos con el fin de buscarles faltas que sean, no los leemos con el fin de buscarles faltas, o deleitarnos con ellos. Si, pues, tienen faltas, eliminémoslas así como, algunas veces, suprimimos, mediante hábil operación quirúrgica, los defectos del cuerpo humano sin destruir necesariamente la misma vida.

Bueno es que recordemos en esta coyuntura que Rizal fue un hombre profundamente religioso. Aún siendo adolescente expresó sus ideas sobre la fe en relación con la educación. Permitidme que acote un trozo de su composición poética titulada: "Alianza íntima entre la Religión y la Educación":

"Tal la Educación estrecha alianza  
Con alma Religión una sincera:



Por ella Educación renombre alcanza;  
Y ¡ay! del ser que ciego desechando  
De santa Religión sabias doctrinas,  
De su puro raudal huye nefando”.

Mi actitud, por lo tanto, con respecto a esta materia, Señor Presidente, es la siguiente: que el *Noli Me Tángere* y *El Filibusterismo* sean de lectura obligatoria en todas nuestras instituciones de enseñanza, pero aquellas partes de ambas obras que se consideren discutibles desde el punto de vista de la religión o la moral se pasen por alto. Quiero subrayar, sin embargo, que dichas obras, como lectura obligatoria, lo sean en su original en castellano o en sus traducciones íntegras al inglés y el idioma nacional. Este propósito, el de evitar en lo posible las partes discutibles, es fácil de lograr. Bajo el artículo 3 del proyecto que estamos considerando, el Departamento de Educación queda autorizado para dictar el reglamento que sea necesario para la debida ejecución de la ley. Si se quiere, esto puede ser a manera de enmienda al artículo del proyecto de modo que claramente se indique cómo o de qué manera el Departamento de Educación podría disponer que los libros de Rizal sean objeto de enseñanza en las escuelas. Personalmente, creo que es meritoria la sugestión de que la lectura obligatoria se aplique solamente en el tercero y el cuarto año del colegiado o algo equivalente a esto; inclusive no tendría objeción a que se incluyan las anotaciones tal como se ha sugerido también en el curso de las audiencias públicas. El *Noli Me Tángere* y *El Filibusterismo* ya son lectura requerida en la Universidad de Silliman, así como en la Universidad de Filipinas se les hace leer las dos novelas a los estudiantes de literatura. Mi opinión es que las dos novelas sean lectura requerida en todas las instituciones docentes, pero que el método que se emplee para ello varíe según la edad y el grado relativos de los estudiantes. Por de pronto, creo que, realmente, hay trozos en las dos obras que podrían ser incomprensibles, y hasta peligrosos, para los escolares. Los adolescentes de uno y otro sexo, por ejemplo, no podrían entender las explicaciones sobre la infalibilidad del Papa, la veneración de las imágenes, la devoción a los santos, la confesión sacramental, las flaquezas de los sacerdotes y muchas otras cosas que no serían gratas a los sentimientos religiosos de la inmensa mayoría de nuestro pueblo. Porque soy del parecer de aquellos de mis compatriotas que temen que las enseñanzas de ciertos dogmas, principios o creencias no harían más sino sembrar la simiente de la desunión en

nuestro pueblo que, a pesar del transcurso de los siglos, se ha adherido firmemente a una sola fe.

I have noted, to my chagrin, that the English and Tagalog versions of certain portions of Rizal's *Noli Me Tángere* are not faithful translations from the original Spanish edition. Let me illustrate:

On page 165 of the Spanish text, 1950 edition, P. Sayo Book Store, we have Padre Dámaso delivering a sermon in which he speaks of a race of heretics who, he says, will die in final unrepentance. Then the Padre quotes Christ: "If you have an evil member that leads you to sin, cut it off, and cast it into the fire ———"

Immediately after this quotation, there appears the following on the same page 165:

"Fr. Dámaso estaba nervioso, había olvidado su sermón y su retórica.

—¿Oyes? preguntó un joven estudiante de Manila a su compañero: ¿Te cortas?

—¡Ca! ¡Que lo ha haga él antes! contestó el otro señalando al predicador”.

On page 240 of Derbyshire's translation, second Edition, Revised, Philippine Education Company, the brief conversation between the two students, which follows immediately after Padre Dámaso's quotation of Christ, does not appear. The English translation merely speaks of Padre Dámaso having forgotten both his sermon and his rhetoric for being nervous and proceeds to describe the uneasiness of Ibarra and María Clara.

On page 176 of the Tagalog version by Pedro Gatmaitan, 1948 edition, P. Sayo Book Store, we have this translation of the conversation between the two students:

—¡Naririnig mo ba—tanong ng isang “estudiante” na taga Maynila sa kanyang kapiling na kasama— ¡papupugutan ka nang ulo!

¡Tse, siya muna ang magpugot na magisa!—tugon ng kausap na ininguso ang nagsesermón.

I make no claim to having mastered the Wikang Pambansa, but anyone with a meager knowledge of Tagalog can easily see that the translation not only does not do justice to the Spanish version but it, in effect, disfigures Rizal himself.

The reason for the omission in the English text and the deliberate mistranslation in Tagalog is because, I am sure, that particular portion in *Noli Me Tángere* as written by Rizal can have a meaning which is repulsive to the finer sensibilities of man. Derbyshire, perhaps, considered it not fit for print and Gatmaitan gave it a different twist as to make his translation readable by Filipinos who doubtless



would be shocked if his Tagalog rendition were a faithful translation of the original.

For if instead of saying "papupugutan ka ng ulo" Gatmaitan used—"Mag paputol ka ba?" Which could have been correct, then what would happen, and it will happen when such portion is taught in the classroom is that a young child may doubtless ask the teacher: "Mag paputol ng ano?" You thus find yourself in a mess which you precisely would want to avoid.

Más que nunca tenemos que ser un pueblo unido. Ya en este mismo augusto recinto se advierte una marcada división sobre puntos de vista religiosos. A juzgar por el apasionamiento con que el asunto se discute, inclusive los católicos corren el riesgo de dividirse, y no lo permita Dios, señor Presidente, que nos veamos otra vez en las angustias de otra lucha religiosa. Por esto, debiera ser la norma discreta de cualquier gobierno el evitar, aun en las aulas escolares, la enseñanza de aquellas materias que pudieran minar la profunda convicción religiosa de una gran mayoría del pueblo. Pero, aun cuando sea obstinada repetición,—digo que abogo por el uso de las traducciones íntegras por que creo que si las obras de Rizal se han de leer que se lean tales como él las escribió, porque, como una vez advirtió el Senador Recto en un escrito sobre Rizal, debemos tener cuidado con quienes, consciente o inconscientemente, acaban por leer sus propias convicciones en lo que escriben, tergiversando con sus prejuicios y predilecciones los juicios que hacen sobre la vida y los hechos de hombres a quienes la muerte ha impuesto ya su silencio. Pero dejad que los estudiantes lean, si quieren, las obras originales de Rizal y que saquen de ellas sus propias deducciones. No puede uno detener a una mente inquisitiva el que explore el vasto campo de la verdad. "Los fuertes muros no hacen la prisión, ni las verjas de hierro la jaula". Nadie enseñó a Adán y Eva a descubrir la verdad sobre el pecado original así como nadie persuadió a Martín Lutero a alzar su voz irritada contra sus hermanos de hábito en la dieta de Worms.

La supresión en cualquiera guisa o forma no puede impedir la lectura o circulación de buenos libros. Las obras de eminentes autores como Voltaire y Víctor Hugo, conceptuados por muchos en su tiempo como irreverentes y cínicos, y, de consiguiente, irreligiosos y perturbadores, encontraron a su debido tiempo un puesto merecido en la esfera de las letras y la historia. Porque, como dijo un gran pensador, la verdad, aunque pisoteada, se levanta otra vez, más fuerte que nunca.

"Ni sola la compulsión ha sido nunca bastante para hacer grande una obra o una idea. La obra literaria o la idea para que tenga fuerza moral y validez práctica, debe contar con la aceptación pública. De esta fuerza moral y validez práctica están llenas las obras de Rizal, como lo comprueba la influencia que continúan ejerciendo sobre el curso de la historia patria.

Las novelas de Rizal, como su autor, ya no son de la propiedad exclusiva de los filipinos; pertenecen a todos los tiempos y al mundo entero."

No dejo de tener en cuenta totalmente los puntos de vista expuestos por los católicos en las audiencias públicas convocadas por el Comité de Educación del Senado. También he leído la Declaración de la Jerarquía Filipina, fechada el 21 de abril de 1956. A mi parecer, no es de grave importancia el hecho de que haya o no "errores religiosos" en las citadas obras, como se alega. Pero si realmente hay tales errores, lo mejor es que las dos novelas se lean porque de esta manera podrán los profesores tener ocasión de corregir tales errores, ya que no hay mejor lugar para la busca de la verdad que las aulas escolares.

Si la verdad hace a los hombres libres, entonces confío, señor Presidente, en que nada podrá impedir a la juventud católica de nuestra patria que sepan que cuando Rizal escribió menospreciando a la Iglesia y atacando el orden político entonces existente, él era masón, era un alma indignada, cuyo país, y hasta su propia familia, era perseguido y en torno a él no veía más que la codicia y rapacidad de los administradores coloniales. Pero si eso era la verdad, también lo fue el que, siendo Rizal un hombre de gran sabiduría y gran valor, no vaciló en retractarse "de cuanto en sus obras, escritos y publicaciones y conducta hubiera habido contrario a su condición de hijo de la Iglesia Católica". Estos son hechos históricos que debemos conocer, y sólo se pueden conocer si Rizal y sus obras son materia de lectura y enseñanza en las aulas escolares.

Con respecto a la objeción de que la medida no es constitucional, pienso que ésta no quebranta el precepto sobre libertad académica. Libertad académica es la libertad que deben gozar quienes acuden a las instituciones de enseñanza para investigar, discutir y expresar sus puntos de vista sin impedimento de nadie. El proyecto de ley del Senado que estamos considerando, de ningún modo con trarresta esa libertad ya que la libertad académica no significa, no puede significar, libertad para ignorar los ideales y las aspiraciones nacionales.



Debo confesar, señor Presidente y caballeros del Senado, que cuando por primera vez leí el proyecto de ley Número 438 del Senado, no pude menos de preguntarme por qué hemos de escoger solamente a Rizal. ¿Y qué de los escritos de Del Pilar, Mabini, Guerrero, Palma, Apóstol, Recto y demás ilustres y grandes filipinos? También me preguntaba si era aún necesario el que obliguemos a nuestro pueblo, y aún más a nuestros estudiantes, a que lea las novelas de Rizal. ¿No es contrario—me preguntaba yo a mí mismo—a la condición de filipino el no estar bien enterado de las obras de Rizal? Si el *Noli Me Tángere* y *El Filibusterismo* son magníficas novelas; si son buena lectura, no necesita uno decir u obligar a nuestros estudiantes que las lean. La Sagrada Biblia es el libro de los libros que todos leen; las obras de Shakespeare son leídas por todos los pueblos de habla inglesa del mundo; Paul Whitman, Carl Sandburg, William Saroyon, son todos leídos asiduamente, aunque no hay ley alguna que obligue su lectura.

La explicación de este sorprendente fenómeno, a mi juicio, es que a veces somos un pueblo muy extraño, muy peculiar. Si hemos de ser fieles a las enseñanzas de Rizal, admitamos entonces, en un acto de examen de conciencia, que con frecuencia tiene alguien que indicarnos lo que nos puede aprovechar. Hace algunos años, recuerdo que Miss Cynthia Davis, hija del que fue gobernador general Dwight F. Davis, acompañó, a su padre a la provincia de Mindoro. Alguien de dicha provincia, creo que era el gobernador provincial, regaló a Miss Davis una orquídea de negro de ébano. Por supuesto era una variedad rara, probablemente la única del mundo, y cuando Miss Davis más tarde la enseñó a sus amigos en los Estados Unidos, muchos la envidiaban hasta el punto de que un coleccionista de orquídeas le ofreció por ella varios miles de dólares. Esto dió lugar a que desde entonces los filipinos, inclusive los no iniciados, se dieran cuenta de nuestras orquídeas.

Hace algunos días, el distinguido caballero de Albay, Senador Sabido, nos reveló que el profesor Ernesto Jiménez Caballero, de la Universidad de Madrid, le había dicho que consideraba las dos novelas de Rizal como las mejores novelas políticas después de la de *Don Quijote* y que eran lectura suplementaria en las escuelas españolas.

Nos debe ruborizar el saber que nuestro propio héroe nacional es mejor apreciado en el extranjero que en nuestro mismo país. Esto es cosa que debe preocupar gravemente a nuestro pueblo. He indicado en el curso de mis manifestaciones que, si

dependiera de mí, no resolvería el asunto por medio de una ley como la que estamos considerando. Pero aunque el proyecto de ley no está completamente de conformidad con mi modo de pensar, he salido en su favor—no porque Recto y Laurel sean mis amigos—sino más bien porque creo que, en general, esto es bueno para el pueblo. Porque si los filipinos aman y admiran al Doctor Rizal, que le amen y admiren sin ninguna imposición. Mas ¡ay! no parece haber otro medio.

Nuestra experiencia en cuestión de inculcar cierto idealismo en el corazón y la mente de nuestro pueblo puede ser eficaz solamente cuando interviene un elemento de imposición. La autosuficiencia económica ha sido siempre nuestra meta por lo que el Espiker Roxas organizó su *Bagong Kati-punan*, al que siguió la NEPA, y todo esto se encaminaba a despertar en nuestros compatriotas la idea de que debían patrocinar nuestros productos e industrias locales, pero todos nuestros esfuerzos en tal sentido resultaron inútiles, por lo cual el Congreso, dando un paso valiente y resuelto, tuvo que aprobar una ley filipinizando el negocio de venta por menor en Filipinas. Nuestro sentido patriótico y nuestra conciencia cívica debieron habernos convencido de que no deberíamos talar indistintamente nuestros bosques para producir madera, que no deberíamos usar explosivos ni venenos para pescar en nuestras aguas, o vender nuestra primogenitura actuando de testaferros de los extranjeros, pero, como parecían fútiles las invocaciones al sentimiento nacional solamente, hemos aprobado una ley que regula el corte de árboles, castigamos el uso de explosivos para pescar, e imponemos penas graves a quienes hacen de testaferros de los extranjeros. Que haya pues imposición, si es necesario, y confiemos en que por este medio lograremos la grandeza nacional que fue el sueño que le consumía a Rizal.

Resumiendo los puntos que he planteado, permitirme, caballeros, que vuelva a exponer mi actitud sobre este asunto para dejarla bien en claro.

Primero. Estoy a favor de la lectura obligatoria de las dos novelas de Rizal en todas las instituciones de enseñanza con sujeción a las restricciones que se autoricen al Departamento de Educación que prescriba mediante reglamento, sobre la manera cómo las dos novelas se habrán de enseñar, entendiéndose:

1. Que la lectura obligatoria se requiera en las instituciones del nivel de colegiado o universitario con libertad irrestringida para discutir parte o todas las porciones de las novelas; y



2. Que en todas las demás escuelas, la enseñanza o discusión sobre aquellas partes de ambos libros que se consideren discutibles desde el punto de vista de la religión, la ética o la moral, se deberán evitar.

Segundo. No tengo objeción a la inclusión de anotaciones en cualquiera de las dos novelas o en ambas.

Tercero. Las obras de Rizal que se habrán de requerir como lectura deberán ser en su original en español o en sus traducciones íntegras al inglés y el idioma nacional. Si, como dije, las obras de Rizal se han de leer, que lo sean tales como Rizal las escribió. Hacer de otro modo sería desfigurar al mismo Rizal.

Creo firmemente que nuestros estudiantes de colegios y universidades del presente son mentalmente maduros y, por consiguiente, se les debe dejar absolutamente libres en su busca de la verdad. No es así, sin embargo, en cuanto a nuestros niños y niñas de las escuelas secundarias y los grados inferiores. Sería un mal, y aun podría decir peligroso, el permitirles libremente que exploren lo prohibido. Asuntos hay de los que los padres celosos del bien de sus hijos no quieren hablar delante de ellos así como no quieren que éstos, siendo de tierna edad, escuchen palabras malas u obscenas. Ciertamente, no haríamos más que jugar con fuego si pusiéramos en manos de nuestros adolescentes armas que serían muy peligrosas de manejar. Como ya he manifestado, es muy posible que haya erróneas interpretaciones o tergiversaciones en la discusión por los jóvenes de los pasajes sobre la infalibilidad del Papa, la confesión sacramental, las flaquezas de los sacerdotes y otras materias semejantes.

Sé, Señor Presidente, que mi actitud no está enteramente conforme con lo que se propone en el proyecto de ley Número 438 del Senado. También estoy seguro de que mi actitud no será aceptable para quienes desearían la desaprobación de esta medida. Pero debe haber alguna fórmula viable de entendimiento, alguna transacción aceptable, y lo que sugiero se encamina precisamente a reconciliar los dos puntos de vista contradictorios.

He levantado mi voz de advertencia contra el peligro de disensión, contra el riesgo de dividir a nuestro pueblo en dos grupos religiosos que se combaten. Ya hemos tenido experiencia en las torturas engendradas por una lucha semejante. El estado de la Argentina, afincado durante siglos en una sola religión, pasó por un baño de sangre cuando la potestad civil pisoteó la Fe del pueblo.

Aprendamos de los ejemplos que la historia nos enseña.

Antes de terminar, señor Presidente, permitidme que cierre mis consideraciones con esta breve referencia a aquel pasaje de *El Filibusterismo* en el que hablan el Señor Pasta y el joven Isagani. El Señor Pasta aconsejaba a Isagani que no buscara "en la tierra más que la mayor suma de felicidad propia". Y ésta fue la respuesta de Isagani: "Cuando tenga canas como éstas, señor, y vuelva la vista hacia mi pasado y vea que sólo he trabajado para mí, sin haber hecho lo que buenamente podía y debía por el país que me ha dado todo, por los ciudadanos que me ayudan a vivir, entonces, señor, cada cana me será una espina y en vez de gloriarme de ellas, me he de avergonzar".

Muchas gracias, señor Presidente y Miembros del Senado.

Senator RECTO. Mr. President, will the gentleman yield?

The PRESIDENT. The gentleman may yield if he wishes.

Senator ZULUETA. Gladly.

Senator RECTO. Your Honor, what is the difference between that passage of the *Noli* which you read and that passage precisely from the lips of Jesus Christ when he said: "If your eyes sin, pluck them out; if your hands sin, cut them off."

Senator ZULUETA. I am very glad to answer that very nice question. Since the fall of paradise, when Adam and Eve discovered the original sin, malice has been inherent in the human being. That gospel was given by Jesus Christ in that era when men needed procreation, needed to multiply, it has a little moral teaching. Even though I did not study theology, I can answer this question as I have been from the Ateneo de Mania where Your Honor came from. The gospel says "go forth and multiply." You know that, gentleman from Batangas.

Senator RECTO. I do not know.

Senator ZULUETA. No?

Senator RECTO. What I know is that it is not the Gospel, but the Genesis. But what has that to do with my question? Jesus Christ said in the gospel, "If your eyes sin, pluck them out; if your arms sin, cut them off."

Senator ZULUETA. How can Your Honor expect to answer the question supposing it is made by your own daughter? I say this because I know you have a daughter.

Senator RECTO. My daughters are all married.

Senator ZULUETA. Then Your Honor does not need to teach them anymore even to explain what the gospel is?



Senator RECTO. But the gospel means nothing ill except for the malice of Your Honor.

Senator ZULUETA. But if Your Honor is asked, supposing Your Honor is a teacher, what will be Your Honor's answer?

Senator RECTO. I am asked what. I don't get the point of the Senator.

Senator ZULUETA. I will not close my eyes without inquiring into the truthfulness and veracity of this malicious statement.

Senator RECTO. But Your Honor's mind is the one that is malicious.

Senator ZULUETA. Since Adam and Eve committed that sin in paradise malice was inherent in the human being.

Senator RECTO. But those passages are not found in the *Noli Me Tangere*. In that case, you need not be scandalized.

Senator ZULUETA. Your Honor has been scandalized already judging by the way you asked during the interpellation of Senator Rodrigo, what is Jesus Christ without the gospel?

Senator RECTO. You misunderstood a rhetorical question for one addressed to Senator Rodrigo.

Senator ZULUETA. Jesus Christ without the gospel is Jesus Christ to me.

Senator RECTO. It is very difficult to argue and discuss with Your Honor if Your Honor believes that way.

Senator ZULUETA. Your Honor has your opinion and I have my own.

Senator RODRIGO. Mr. President, will the gentleman yield to a few questions?

The PRESIDENT. The gentleman may yield, if he so desires.

Senator ZULUETA. With very great pleasure.

Senator RODRIGO. The gentleman from Iloilo stated here that in the English translation of the *Noli* by Derbyshire, that particular portion in the Spanish text was omitted because, according to the gentleman from Iloilo, it was the opinion of Derbyshire that that particular portion might shock the moral sensibilities of adolescent girls specially.

Senator ZULUETA. I said that it may be repulsive.

Senator RODRIGO. Repulsive. My question is this. Under the present bill, one of the conditions imposed is, that the text and the translations must be unexpurgated. If this bill were to be enacted into law, would it not be illegal for Derbyshire to delete that portion . . . I reform the question. Would it not be against this bill if enacted into law if an English translation like Derbyshire's omits this portion of the original Spanish text?

Senator ZULUETA. But Your Honor will not penalize Derbyshire for having made an omission just for elegance, using instead a finer word. Your Honor would not penalize him for that. Your Honor specially would agree with me that he did very well by omitting that word.

Senator RODRIGO. I agree with Derbyshire and the gentleman from Iloilo agrees with Derbyshire. But I am referring now to the present bill. One of the conditions imposed by the present bill is that both the original text and the translations must be unexpurgated. Under this bill if enacted into law, would this translation by Derbyshire which expurgated a small portion of the original text qualify?

Senator ZULUETA. I think it will not be properly correct. Maybe, Derbyshire will change his mind and, if at all, he will publish another translation if he is compelled by the law to do so.

Senator RODRIGO. And according to the law, the translator is compelled to put everything.

Senator ZULUETA. Everything.

Senator RODRIGO. Thank you very much.

#### CONSIDERACIÓN DEL S. NO. 438

(Continuación)

Senator PRIMICIAS. Mr. President, I ask that we now resume consideration of Senate Bill No. 438.

The PRESIDENT. Resumption of the consideration of Senate Bill No. 438 is now in order.

Senator PRIMICIAS. Mr. President, the distinguished gentleman from Batangas and Tayabas will now resume his turn in favor of the measure.

The PRESIDENT. The gentleman from Batangas and Tayabas has the floor.

#### DISCURSO DEL SEN. RECTO A FAVOR

(Continuación)

Senator RECTO. Mr. President and gentlemen of the Senate: When I yielded the floor yesterday because of the late hour, I was beginning to make my comments on the decision of the United States Supreme Court in the Barnette case, or Jehovah's witnesses case, which decision is being relied upon by the opponents of Senate Bill No. 438 as their strongest authority against the constitutionality of the proposed measure. The factual and legal presentation made of the Barnette case both by the distinguished gentleman from Samar and the anonymous author of the so-called pastoral is so inaccurate that it amounts to a half-truth; and we know that half-truths are more obnoxious and



repulsive than outright untruths. The so-called pastoral, in invoking the authority of the Barnette case says the following: "The Supreme Court of the United States has decided that the American school children belonging to a certain sect, the Jehovah's Witnesses sect, cannot be compelled to salute the American flag because said act is offensive to their religious belief." And that is all what is said in the so-called pastoral about the facts of the Barnette case.

The presentation made by the gentleman from Samar is, *mutatis mutandis*, the same: The Federal Supreme Court, says the gentleman from Samar on page 15 of his speech, in West Virginia State Board of Education vs. Barnette, reversing an earlier decision, declared unconstitutional a state board resolution compelling all children and teachers in public schools to salute the American flag as the symbol of the nation.

Mr. President, it is not as simple as that. Perhaps, I was putting it mildly when I said that this statement amounts only to a half-truth; in reality, it is a complete misrepresentation. In the very words of the Court's decision in the Barnette case, Mr. President, the flag salute ceremony that was declared unconstitutional when it was made compulsory is described as follows: "What is now required is the 'stiff-arm' salute, the saluter to keep the right hand raised with palm turned up"—so far the statement of fact by the Senator from Samar and the one made by the "pastoral's" author, so far both statements are accurate, but please note what follows, because it is the soul and essence of the ceremony—"while the following is repeated: 'I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all.'" (87 L. ed. 1632). That was the flag ceremony that the U. S. Supreme Court declared unconstitutional and not the one represented to us by the Samar Senator and the "pastoral's" author. In fact, the American Supreme Court said that if the ceremony had consisted merely in the salute to the flag, without the pledge and its compulsory recital, the decision of the court would not have been as it came to be; there would have been nothing in the ceremony against the Constitution. It is because of the pledge, the compulsory pledge to be recited, by each and every student, not of the mere gesture of raising the right hand with palm turned up, that the order of the education board of West Virginia was declared unconstitutional. What was the sanction imposed by the State Board of Education of West Virginia

against the non-compliance with such flag salute ceremony? I quote again from Justice Jackson, who spoke for that Court:

"Children of this faith have been expelled from school and are threatened with exclusion for no other cause. Officials threatened to send them to reformatories maintained for criminally inclined juveniles. Parents of such children have been prosecuted and are threatened with prosecutions for causing delinquency. \* \* \*

"Failure to conform is 'insubordination' dealt with by expulsion. Readmission is denied by statute until compliance. Meanwhile the expelled child is 'unlawfully absent' and may be proceeded against as a delinquent. His parents or guardians are liable to prosecution, and if convicted are subject to fine not exceeding \$50 and jail term not exceeding thirty days."

(*En este momento el Sen. Locsin asume la Presidencia por designacion de la Mesa.*)

Now, what are the provisions of the bill now before us? Is there any pledge to do anything, to profess anything, required in the bill? Are we sending any people to jail for non-compliance with any pledge, for non-acceptance, for instance, of Rizal's ideas as expressed in the two books in question? The only thing that is required in the bill is the reading of these books of Rizal. Nobody is asked to make a pledge of acceptance of any part of the teachings or opinions of Rizal in any of those books. Anyone is free to question the validity of each and every statement of Rizal made in them. The compulsion, the requirement, consists only, I repeat, in the reading of the books, in acquainting one with their contents.

Now, let us examine the *ratio decidendi* of the Barnette case. What was the Court's ground for declaring unconstitutional the objected flag ceremony which included not only the raising of the hand in salute to the flag, but particularly the recital of a special pledge, to be made simultaneously with the salute? Again no mention has been made by distinguished Senator of the legal considerations on which the Court based its opinion, although the Senator knew how important they are in determining the relevance of the precedent. I will supply the gentleman's omission by quoting this passage of the decision:

"\* \* \* the State may require teaching by instruction and study of all in our history and in the structure and organization of our government, including the guaranties of civil liberty, which tend to inspire patriotism and love of country. Here, however, we are dealing with a compulsion of students to declare a belief. They are not merely made acquainted with the flag salute so that they may be informed as to what it is or even what it means."



This is the *ratio decidendi* in the Barnette case. From this passage only we can conclude that if the flag ceremony in question had consisted in a mere salute to the flag without the recital of a pledge declaring a belief, the ceremony would not have been open to constitutional objection. If my colleagues in this body should give more than casual attention to the above quoted passage of the Barnette decision, they would find that the precedent supports precisely our stand and not that of our opponents. Note these significant words: "They are not merely made *acquainted* with the flag salute so that they may be informed of what it means, *but to declare a belief.*" The Court inferentially ruled that the students of the West Virginia *could be compelled* legally to get *acquainted with the salute to the flag, for them to be informed of its meaning*, but what was wrong with the School Board's order was the requirement of a declaration of a belief as part of the ceremony. Note also the no less important declaration made in the decision that the teaching and learning by study of all in the nation's history may be made compulsory. There is no gainsaying that the contents of the *Noli* and *Fili* are essential and integral parts of Philippine history.

In the case of our bill, Mr. President, the extent of the compulsion is limited merely to *acquainting* the student with the contents of these books of Rizal, and does not go as far as requiring acceptance or making of any pledge regarding anything contained in them.

If we continue our analysis of the decision we will find that this compulsory declaration of belief, and not the compulsory acquaintance with the mere flag salute, is the cornerstone of the decision. For instance, Justice Jackson says further: "It is also to be noted that the compulsory flag salute and pledge requires affirmation of a belief and an attitude of mind." Now, Mr. President, I again ask, begging your pardon for my being repetitious, what is the pledge, what is the "belief," the "affirmation," "the attitude of mind," that is required by this bill from the students? None. Justice Jackson proceeds:

"Hence validity of the asserted power to force an American citizen publicly to profess any statement of belief or to engage in any ceremony of assent to one, presents questions of power that must be considered independently of any idea we may have as to the utility of the ceremony in question."

No question of power to force a Filipino citizen publicly to profess a statement of belief is involved in the bill. We merely ask that the students

be made to read these works of Rizal with no compulsion to accept any of the opinions expressed by him therein.

"Official compulsion to affirm what is contrary to one's own belief is the antithesis of freedom of conscience which the Jehovah's Witnesses have characterized as the severest contest in which they have been engaged," says Justice Jackson further. So, it is clear, it must be clear, to every member of this body the precise thing that the Barnette decision prohibited in the flag ceremony. In view of all the foregoing, I maintain that if the Barnette decision is at all relevant to this discussion, it is because of the clear support it gives to the validity of our bill.

So far I have dealt with the majority decision. Please hear these words, full of wisdom, of Justice Frankfurter, who dissented:

"The religious liberty which the Constitution protects has never excluded legislation of general scope not directed against doctrinal loyalties of particular sects. Judicial nullification of legislation cannot be justified by attributing to the framers of the Bill of Rights views for which there is no historic warrant. Conscientious scruples have not, in the course of the long struggle for religious toleration, relieved the individual from obedience to a general law not aimed at the promotion or restriction of religious beliefs. The mere possession of religious convictions which contradict the relevant concerns of a political society does not relieve the citizen from the discharge of political responsibilities. The necessity for this adjustment has again and again been recognized. In a number of situations the exertion of political authority has been sustained, while basic considerations of religious freedom have been left inviolate. In all these cases the general laws were manifestations of specific powers of government deemed by the legislature essential to secure and maintain that orderly, tranquil, and free society without which religious toleration itself is unattainable. \* \* \*

"The preciousness of the family relation, the authority and independence which give dignity to parenthood, indeed the enjoyment of all freedom, presuppose the kind of ordered society which is summarized by our flag. A society which is dedicated to the preservation of these ultimate values of civilization may in self-protection utilize the educational process for inculcating those almost unconscious feelings which bind men together in a comprehending loyalty, whatever may be their lesser differences and difficulties. \* \* \*

If further American authorities are needed to buttress our constitutional position here are some of them:

"\* \* \* The constitutional guaranty of religious liberty embraces two concepts,—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society." *Cantwell v. State of Connecticut*, supra, 310 U. S. at pages 303-304. 60 S. Ct. at page 903, 84 L. Ed. 1213, 128 A. L. R.



"\* \* \* while parents possess a natural and inherent right to the nurture, control, and tutorship of their offspring, that they may be brought up accordingly to the parents' conception of what is right and just, decent and respectable, and manly and noble in life, the state yet stands in the position of *parens patriae* to, and may exercise its just powers 'in preparing, the child, in future life, to support itself, to serve the state, and in all the relations and duties of adult life to perform well and capably its part.'" (*Society of Sisters v. Pierce* (1924) 206 Fed. 936.

"It is contrary to the religion of some persons to send their children to school at all. Yet the state may compel them to do so." *Commonwealth v. Beiler*, 1952, 168 Pa. Super. 462, 79 A. 2d 134; *Rice v. Commonwealth*, 1948, 188 Ma. 224, 49 S. E. 2d 342, 3 A. L. R. 2d 1932; *State v. Bailey*, 1901, 157 Ind. 324, 61 N. E. 730, 59 L. R. A. 435.

"The right to religious freedom is not beyond all interference by the state. Many illustrations of this principle are found in the reported cases. The vaccination cases are illustrative of the point in question. Three of the most recent cases are: *Salock v. Board of Education*, 1948, 137 N. J. L. 85, 58 A. 2d, *Mosier v. Barren County Board of Health*, 1948, 308 Ky. 829, 215 S. W. 2d 967; and *State v. Drew*, 1937, 89 N. H. 54, 192 A. 629.

"A state in providing services to its people, may provide them on a condition the fulfillment of which is contrary to the religious scruples of some. \* \* \*

As previously indicated, freedom to act in the exercise of religion is subject to regulation for the protection of society. When government in the proper and lawful exercise of its police power seeks to attain a permissible end, in this instance a health measure both necessary and desirable, the constitutional guaranty under discussion must yield to the regulation in the interests of the public welfare. The measure being reasonable and in no manner arbitrary or oppressive, we conclude that it does not offend the constitutional guaranty." (*Kraus v. City of Cleveland*, 116 NE (2d) pp. 806-808)

In *Prince v. Commonwealth of Massachusetts*, 321 U. S. 158, 64 S. Ct. 438, 88 L. Ed. 645 a state law made it unlawful (1) for children to sell newspapers, magazines or other articles on the street, (2) for anyone to furnish children articles for such sale, and (3) for any parent or custodian of a child to permit the child to sell articles on the street. Mrs. Prince and her nine year old niece, of whom she had custody, were both members of Jehovah's Witnesses and were both "ordained ministers" of that faith which taught that it was the religious duty of its adherents to perform such work. Mrs. Prince was found guilty by the state court of violating this law and the Supreme Court affirmed the judgment. The Supreme Court there again pointed out that the rights of religion are not beyond limitations and that it is in the interest of the whole community and of society to safeguard children from abuses and to give them opportunity for growth into free, independent and well developed citizens." (*Arthur Jordan Foundation v. Commission of Int. Rev.*, 210 F. 2d 885)

But it is contended, Mr. President that these books of Rizal are condemned by the Canon Law,

and, therefore, no Catholic can be required or forced to read them without violating his fundamental rights of freedom of worship, freedom of conscience and freedom of thought. Mr. President, according to this contention, these books of Rizal stand on the same footing as the King James version of the Bible. Paragraphs 2 and 6 of Canon 1399 of the Canon Law have been invoked against the books of Rizal. Granting this to be correct it is no less correct that the King James version of the Bible has been declared as coming under the prohibition of the said Canon 1399, which says: "Editions by law forbidden.—Editions of original text and of ancient Catholic versions of the Holy Scriptures, also of the oriental church which has been published by non-Catholics," also, "translations of the same . . . published by non-Catholics." What does an official commentator of the Canon Law say about this provision of Canon 1399, paragraph 1? He says the following: "More liable to carelessness . . . are the translations (of the Bible) into modern languages, of which the King James version furnished an example." So, there is no difference between the books of Rizal and the King James version as far as condemnation by the Canon Law is concerned. If the books of Rizal are condemned under paragraphs 2 and 6 of Canon 1399, the King James version of the Bible is condemned under paragraph 1 of the same Canon.

In the United States, there are 14 states where education boards and, in general, school authorities, prescribe the compulsory reading precisely of the King James version of the Bible. When those orders were issued, representatives of different sects, particularly the Catholics, brought appropriate actions before the competent courts. Not a single action prospered. All the petitions were thrown out of court. The following annotations appear in *American Law Reports*, Volume 5 containing old decisions, and Volume 141 containing more modern decisions; and also in *USCA Annotations*. There is one decision as late as 1950.

In 5 A. L. R. 867 it has been held that the mere reading of selections from the Bible, in the King James version thereof, in schools, without comment by the teachers, does not of itself violate any constitutional prohibition of sectarianism or interference with religious freedom. *Hackett v. Brooksville Graded School Dist.* (1905) 120 Ky. 608, 69 L. R. A. 592, 117 Am. St. Rep. 599, 87 S. W. 792, 9 Ann. Cas. 36; *Donahoe v. Richards* (1854) 38 Me. 379, 61 Am. Dec. 256; *State ex rel. Freeman v. Scheve* (1902) 65 Neb. 853, 59 L. R. A. 927, 91 N. W. 846, motion for rehearing overruled in (1903) 65 Neb. 876, 59 L. R. A. 932, 93 N. W. 169; *Curran v. White* (1898) 22 Pa. Co. Ct. 201; *Hart v. School Dist.* (1885) 2 Lanc. Law Rev. (Pa.) 346; *Stevenson v. Hanyon* (1898) 7 Pa. Dist. R. 585. See



also *Moore v. Monroe* (1884) 64 Iowa, 367, 52 Am. Rep. 444, 20 N. W. 475, reviewed *infra*, II.e.

Thus, in *Hackett v. Brooksville Graded School Dist.* (Ky.) *supra*, it was held that the King James translation of the Bible is not of itself a sectarian book; that the reading thereof in a school, without note or comment from the teachers, was not sectarian instruction; and that such use of the Bible did not make the schoolhouse a house of religious worship, since to be sectarian the book itself must teach the peculiar dogmas of a sect, as such, and not merely be so comprehensive as to include them by the partial interpretation of its adherents, and since a book is not sectarian merely because it is edited or compiled by those of a peculiar sect.

And in *Stevenson v. Hanyon* (Pa.) *supra*, it was held that reading portions of the Bible in either Douai or the King James version as a part of the daily opening exercises of a public school, without comment thereon by the teachers did not constitute sectarian instruction within a constitutional provision (Art. 10, § 3) that money raised for the support of public schools shall not be used for the support of any sectarian schools, or another provision that "no money raised for the support of the public schools of the commonwealth shall be appropriated to or used for the support of any sectarian school." \* \* \*

An injunction to prevent the reading of the King James version of the Bible in the public schools, by authority of school directors, was denied in *Hart v. School Dist.* (1885) 2 Lanc. L. Rev. (Pa.) 346.

In *State ex rel. Freeman v. Scheve* (1902) 65 Neb. 853, 59 L. R. A. 927, 91 N. W. 846, motion for rehearing overruled in (1903) 65 Neb. 876, 59 L. R. A. 932, 93 N. W. 169, it was held that the use of the Bible in either version in the public schools was not forbidden either by Constitution or statute, and the courts may not declare its use unlawful because it is possible or probable that those who use will misuse the privilege by attempting to propagate their own peculiar theological or ecclesiastical views and opinions; \* \* \* Certainly, the *Iliad* may be read in the schools without inculcating a belief in the Olympic divinities, and the Koran may be read without teaching the Moslem faith. Why may not the Bible also be read without indoctrinating children in the creed or dogma of any sect? Its contents are largely historical and moral; its language is unequalled in purity and elegance; its style has never been surpassed; among the classics of our literature it stands pre-eminent. It has been suggested that the English Bible is, in a special and limited sense, a sectarian book. To be sure there are, according to the Catholic claim, vital points of difference with respect to faith and morals between it and the Douai version. In a Pennsylvania case cited by counsel for respondents, the author of the opinion says that he noted over fifty points of difference between the two versions,—some of them important and others trivial. These differences constitute the basis of some of the peculiarities of faith and practice that distinguish Catholicism from Protestantism and make the adherents of each a distinct Christian sect. But the fact that the King James translation may be used to inculcate sectarian doctrines affords no presumption that it will be so used."

In *Curran v. White* (1998) 22 Pa. Co. Ct. 201, a petition for mandamus, it was contended by the plaintiff

taxpayers who were Roman Catholics, that the practice of reading the King James version of the Bible in schools was a violation of the Constitution (Art. 1, § 3). The court found it unnecessary to express an opinion on the constitutional question, having disposed of the case on the ground that mandamus was not the proper remedy to compel the school directors to cause the teachers to discontinue such exercises, but referred to two cases decided by common pleas judges, who held that the reading of the Bible, whether the King James or the Douai version, as a part of the opening exercises of the public schools, was not in contravention of any constitutional provision.

A resolution of the school authorities requiring or permitting the Bible to be read in the schools is not necessarily a violation of any constitutional provision, if done merely for the purpose of inculcating morality, and not with a view to sectarian instruction. *Com. ex rel. Wall v. Cooke* (1859) 7 Am. L. Reg. (Mass.) 417; *Spiller v. Woburn* (1866) 12 Allen (Mass.) 127; *Nessle v. Hum* (1894) 1 Ohio N. P. 140, 2 Ohio S. & C. P. Dec. 60. See also *McCormick v. Burt* (1880) 95 Ill. 263, 35 Am. Rep. 163. And see *Church v. Bullock* (1908) 104 Tex. 1, 16 L. R. A. (N. S.) 860, 109 S. W. 115, affirming (1907)—*Tex. Civ. App.*—, 100 S. W. 1025, reviewed *infra*, II. c.

Merely reading selections from the King James version of the Bible in the schools without comment by the teachers does not violate any constitutional prohibition of sectarianism or interference with religious freedom. *People ex rel. Vollmar v. Stanley* (1927) 81 Colo. 276, 255 P. 610; *Kaplan v. Independent School Dist.* (1927) 171 Minn. 142, 214 NW 18, 57 ALR 185; *Lewis v. Board of Education* (1935) 157 Misc 520, 285 NYS 164 (modified in other respects in (1936) 247 App Div 106, 286 NYS 174, rehearing denied in (1936) 247 App Div 873, 288 NYS 751, appeal dismissed in (1937) 276 NY 490, 12 NE (2d) 172).

The daily reading of the Bible and offering of prayer do not infringe the constitutional guaranty of religious liberty. So, in *Wilkerson v. Rome* (1922) 152 Ga. 762, 110 SE 895, 20 ALR 1334, it was held that a city ordinance requiring some portion of the King James version of the Bible to be read and prayer to be offered daily in the public schools did not infringe a constitutional provision securing to every person the right to worship according to the dictates of his own conscience, a provision that no person should be molested in person or property on account of his religious opinions, or a provision that "no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, seat, or denomination of religion, or of any sectarian institution." (141 ALR 1145-1146, 1147).

In *Stevenson v. People of the United States* it was held:

"The reading of portions of the Bible, either the Douai Version or the King James Version, as a part of the daily opening exercises of the public schools without comment thereof by the teacher would not come within the constitutional provision that 'money raised for the support of any public schools shall not be used for the support of any sectarian schools. No money of the Commonwealth shall be appropriated to or used for the support of any sectarian school.'"



Another case in Pennsylvania reads:

"An injunction to prevent the reading of the King James Version of the Bible was denied in *Hart v. School District*."

In *State Ex. Rel. Freeman*, this is a Nebraska case:

"It was held that the use of the Bible in either version in the public schools was not forbidden either by the Constitution or by statute, and the courts may not declare its use unlawful because it is possible or probable that those who use will misuse the privilege by attempting to propagate their own ecclesiastical views or opinions. Certainly the Iliad may be read in the schools without inculcating a belief in the Olympian divinities."

In *Craine v. White*, another Pennsylvania case, petition for mandamus was contended by the taxpayers.

"It was held by the Roman Catholics that the practice of reading the King James version was a violation of the Constitution. The Court found it unnecessary to express an opinion on the constitutional question, having disposed of the case on the grounds that mandamus was not the proper remedy to contest the school directors from continuing such exercise but referred to two cases decided by Commonwealth Judges who held that the reading of the Bible, whether of King James or the Douay version as a part of the opening exercises of the public schools was not in contravention of any constitutional provision. A resolution of the School Authorities requiring or permitting the Bible to be read in schools, if done merely for the purpose of inculcating morality, is not a violation of any constitutional provision and not with the view of sectarian instruction."

The most recent decision is that of 1950, *Doremus v. Board of Education of Burrough of Hawthorne et al.*, 71 Fed. 2nd 733:

"The Bible, or any particular edition thereof, though adopted by one or more denominations, as authentic or inspired, is not a sectarian book within the prohibition of establishment of religious clause of First Amendment, and the reading thereof, without comment, in public schools does not constitute sectarian instruction."

I propose that these authorities, not excluding the *Barnette* decision, should dispose with finality of the question of constitutionality of this bill prescribing for the compulsory reading of the books of Rizal in all our educational institutions.

Senator RODRIGO. Mr. President, will the gentleman yield?

The ACTING PRESIDENT. The gentleman may yield, if he so desires.

Senator RECTO. Certainly.

Senator RODRIGO. Mr. President, I have to admit that I have not read those citations but I listened very carefully to everything that was read by the gentleman from Batangas and Tayabas,

and the way I understand it, in all those cases the only thing that was done was this: That at the opening ceremonies of the schools, a teacher would read certain portions of the Bible, either the King James Version or the Douay Version.

Senator RECTO. The King James version. Not a single case have I found where the reading of the Douay Version was ever presented before those courts.

Senator RODRIGO. But in those cases, the only thing required is for the teachers to read certain parts of the Bible at the opening ceremonies. The students themselves were not the ones required to read the Bible. Now, my question is this: Will the gentleman from Batangas and Tayabas agree to an amendment to the bill that instead of making the students read the whole books of Rizal, that the teachers during opening ceremonies be made to read certain portions and selections from these two books?

Senator RECTO. What does the gentleman say about that?

Senator RODRIGO. I will agree to that, that selections, instead of compelling the students to read the whole books, then like in those cases, require the principal or the teacher during the opening ceremonies to get selections from these two books and read them to the students.

Senator RECTO. Your Honor means to say that a Catholic teacher, for instance, would be excused from reading everything concerning Father Damaso, Father Sibyla and Father Salvi?

Senator RODRIGO. That is up to the teachers, I think, in the cases mentioned by the gentleman.

Senator RECTO. I cannot accept that amendment because it will sabotage the purpose of the bill which is to acquaint the students completely with these writings of Rizal.

Senator RODRIGO. I just wanted to show the distinction and the difference between the cases mentioned by the gentleman.

Senator RECTO. There is no essential or fundamental difference between one case and the other. The King James Version was objected to by the Catholics, because they consider the King James Version as careless and perverted. Therefore, the prohibition is against the reading of any part of the King James Version. To accept the suggested amendment will be nullifying the purpose for which this bill has been presented, which is to acquaint the students, as I said, with these writings of Rizal, as, otherwise, they shall not be in a position to express freely their opinion about them, either for acceptance or for rejection.



(Continuing.) Mr. President, one of the speakers against the bill has contended that it impairs the academic freedom of universities. This is preposterous. The freedom to accept or reject Rizal's opinions, which, however, must be predicated on their complete knowledge, will enhance, not impair, the academic freedom of the universities that has been guaranteed by the Constitution.

Now, Mr. President, I shall proceed to answer the argument that this bill infringes Article VI, section 23, paragraph (3) of the Constitution which reads:

"(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium."

That a measure like the one we have under consideration does not violate this particular provision of the Constitution, has been definitely settled not only in the United States but also in this jurisdiction.

I wonder if the opponents of the bill have come across the decision of our Supreme Court in the case of Aglipay vs. Ruiz, which, by the way, was penned by no less than the eminent jurist and constitutionalist who graces this chamber with his presence, Senator Laurel.

The Aglipay-Ruiz case concerns an Act passed by Congress appropriating the sum of P50,000 or P60,000 for printing of stamps, the time and occasion for it to be determined by the Director of Posts in his discretion. Actually the money appropriated was used for the printing of postage stamps to commemorate the Eucharistic Congress held in Manila in 1937. The Supreme Court said:

"What it gives the Director of Posts is the discretionary power to determine when the issuance of special postage stamps would be 'advantageous to the Government.' Of course, the phrase says, 'advantageous to the Government,' does not authorize the violation of the Constitution. It does not authorize use of the appropriation, the use or application of public money or property for the use, benefit or support of a particular sect or church. In the present case, however, the issuance of the postage stamps in question by the Director of Posts and the Secretary of Public Works and Communications was not inspired by any sectarian feeling, to favor any religious sect or religious denomination. The stamps were not issued and sold for the benefit of the Roman Catholic Church. Nor were the money derived from the sale given to that church. On the contrary, it appears from the letter of the Director of Posts of June 5, 1936, incorporated on page 2 of the

petitioner's complaint, that the only purpose in the issuance and selling of the stamps was 'to advertise the Philippines and attract more tourists to this country.' What is emphasized is not the Eucharistic Congress itself but Manila, the capital of the Philippines, as the seat of that congress. It is obvious that while the issuance and sale of the stamps in question may be said to be inseparably linked with an event of religious character, the resulting propaganda, if any, received by the Roman Catholic Church, was not the aim and purpose of the Government. We are of the opinion that the Government should not be embarrassed in its activity simply because of incidental results, more or less religious in character, if the purpose had in view is one which can legitimately be undertaken by legislation. The main purpose should not be frustrated to its subordination to mere results not contemplated."

In the case of the bill in question no religious purpose is contemplated. By making compulsory the reading of the books of Rizal in all our schools, colleges and universities, we carry out that provision of the Constitution enjoining all schools to aim at developing moral character, civic conscience, patriotism, and other civic virtues, in our belief that acquaintance with Rizal's ideas will bring or help bring about these salutary results. It is not the bill's purpose to inculcate any religious belief, nor to make propaganda against any church.

In the United States a decision was rendered in the case of Everson vs. Board of Education, and I quote the following from the syllabus of the decision:

"A statute authorizing reimbursement to parents of money expended for bus transportation of their children to and from schools other than those operated for profit does not, insofar as it permits payment for transportation of children attending Catholic parochial schools, violate any law respecting the establishment of religion, its purpose merely being to provide, in the interest of public welfare, safe transportation for school children irrespective of religious creed."

The U. S. Supreme Court sustained the validity of that statute.

Senator RODRIGO. Mr. President, will the gentleman yield?

The ACTING PRESIDENT. The gentleman may yield if he wishes.

Senator RECTO. Gladly.

Senator RODRIGO. With the permission of the gentleman from Batangas and Quezon. In that case of Everson vs. Board of Education, the money of the government was spent for bus transportation of school children.

Senator RECTO. For reimbursement.

Senator RODRIGO. For reimbursement of bus transportation from their homes to school and back to their homes from their school. My question is, is there anything against religious con-



science, religious teaching or dogma or Canon Law in reimbursing bus transportation expenses?

Senator RECTO. It is not on the point of freedom of conscience and religious belief that I gave the citations, but on the one raised by the Senator from Samar concerning the alleged violation of the provision of the Constitution that—

"No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church denomination, sectarian institution, or system of religion, \* \* \*"

Senator RODRIGO. And I added that that provision not only applies to the use of public money for the benefit of a religious denomination but also to the prejudice of any member of a religious denomination. Now, my question is, while in the case of the bus transportation for students there is no prejudice to any religious denomination or the belief of any member of any religious denomination in the present bill there is that prejudice on Catholics, because Catholics believe that to be compelled to read these two novels violates Canon Law and our Constitution.

Senator RECTO. That is not the particular phase of the controversy to which my quotation is applicable, but the contention of the Senator from Samar regarding the amendment announced by Senator Puyat to provide for an appropriation for the printing of the books of Rizal. It has nothing to do with the aspect of the question dealing with freedom of worship and conscience. Let me make myself clearer, gentleman from Bulacán. Senator Puyat announced the filing of an amendment for the implementation of this bill law appropriating a certain amount of money, I do not remember how much, to be spent in the printing of these books of Rizal. Because of that amendment to be proposed by Senator Puyat, the bill was further criticized for allegedly violating the provision of the Constitution I have just read. It was only in answer to this added criticism that I cited the decision of our Supreme Court in the case of Aglipay vs. Ruiz and the U. S. Supreme Court decision in the Everson case. So the two decisions are not intended to have relevance to the question regarding religious scruples, religious conscience, Canon Law, or what not.

Senator RODRIGO. I would like to clarify a point because I was the one who raised that constitutional point and my argument is this, that it would be against the Constitution.

Senator RECTO. Just for a correction. The gentleman from Samar also raised that point.

Senator RODRIGO. Yes, the gentleman from Samar also raised that point. My point is this, it is a violation of the Constitution to spend public money to the detriment or prejudice of any religious sect or religious denomination.

Senator RECTO. Your Honor is incorporating something of your own concoction in the provision of the Constitution, because the Constitution does not say that.

Senator RODRIGO. Precisely I explained in my speech that that provision in the Constitution which prohibits the use of public money for the benefit of any religious sect should be interpreted as also prohibiting the use of public money to prejudice any religious sect because to prejudice one religious sect is to favor another religious sect. May I continue so that I may clarify my point? I did not say that the expenditure of public money is bad in all cases, no. When I said that the expenditure of public money to prejudice the Catholics in this country because it will compel them to read the unexpurgated versions of the books which, according to Canon Law, is sin to do unless with permission, what I mean is that the use of public funds in that case would violate the Constitution. But if the use of public money will not prejudice any religious sect like giving bus rides to any religious institution, the use of public money is not against the Constitution.

Senator RECTO. But in the case of *Aglipay vs. Ruiz* the Aglipayan Church suffered to the extent of the Catholic propaganda. But the Supreme Court said that it was only incidental, because neither the law nor the decision of the Director of Posts had for their purpose to make propaganda for the Catholic Church but for the Philippines, even though, to a certain extent, it meant also propaganda for the Catholic Church.

Senator RODRIGO. The difference, of course, in that *Aglipay vs. Ruiz* case and the provisions of the present bill is that the printing or the announcement of the Eucharistic Congress in postage stamps is not against the religious creed or beliefs of the Aglipayans. That is the point I wanted to make clear.

Senator RECTO. The reason why Catholics do not want any legislation of the kind we are proposing is because, they say, it violates their religious scruples and the Canon Law.

Senator RODRIGO. Well, Mr. President, the point that I would like to raise is this. In the case of those postage stamps printed by the government, the Aglipayans and the non-Catholics were not compelled to do anything against their will. They



were not compelled to use those stamps, they were not even compelled to read what is on the stamps, they were not compelled to do anything that would violate their religious conscience or religious beliefs and teachings, while in this case there is such a compulsion. That is the question.

Senator RECTO. I have not dealt with that aspect of the question. As I said, the Aglipay and the Everson decisions were cited in answer to the argument that no public money should be used for a sectarian purpose, and in the Aglipay case the order of the Director of Posts and the particular statute challenged in the Supreme Court, because, according to the petitioners, they were intended for the benefit of the Catholic Church. The Supreme Court said no. That was the only question decided: use of public money for the benefit of a certain religion, the Catholic religion. The court said that even if incidentally the printing of those commemorative stamps redounded to or resulted in propaganda for the Catholic church, that was an incidental result—that was not the purpose of the law nor of the order of the Director of Posts. The same situation is presented here when we make compulsory the reading of Rizal's book. We are not pretending to make propaganda against any church or in favor of any church. We want to acquaint every student with the writings of Rizal, particularly the *Noli Me Tángere* and *El Filibusterismo*.

Senator RODRIGO. Mr. President, I think I have expressed the points that I wanted to clarify and that is all. And I thank the gentleman from Batangas and Tayabas very much.

Senator RECTO. I shall proceed, Mr. President and gentlemen of the Senate, to the examination of the so-called pastoral.

Senator ROSALES. Mr. President, will the gentleman yield to just a few questions on the last point touched by him in the discussion of the constitutionality of this measure?

The ACTING PRESIDENT. The gentleman may yield if he so desires.

Senator RECTO. Gladly.

Senator ROSALES. The gentleman from Batangas cited the Everson case. If I remember right, in the Everson case the law involved was a state legislation giving free transportation to all pupils going to school. The pupils of the Roman Catholic church in the beginning did not enjoy this privilege of free transportation. They paid out of their own money.

Senator RECTO. Your Honor is referring to the Everson case?

Senator ROSALES. Yes. And later on when they were aware of this privilege, they asked for reimbursement of what they had advanced. So this case was filed and of course, this case was presented in court.

Senator RECTO. No, no. The statute was passed.

Senator ROSALES. The statute giving free transportation.

Senator RECTO. No, the statute providing for reimbursement.

Senator ROSALES. Yes. When they became aware of this statute, they asked for reimbursement under that statute. That is what I . . .

Senator RECTO. No, no. Precisely, the statute declared and provided that there should be reimbursement.

Senator ROSALES. There was a statute giving free transportation to all pupils, and there was a petition for reimbursement for what they had advanced for transportation.

Senator RECTO. I am referring to the statute authorizing the reimbursement.

Senator ROSALES. That was the statute which was then questioned in court, whether such statute would violate that provision of the Constitution.

Senator RECTO. Just for clarification. Does Your Honor mean that there were two statutes passed?

Senator ROSALES. No.

Senator RECTO. There was only one statute, the one providing for reimbursement of transportation expenses.

Senator ROSALES. The statute was questioned because it was a statute giving free transportation to all pupils. It was not a statute alone giving privilege to Roman Catholic pupils.

Senator RECTO. The statute was passed and it favored directly the Catholic students or their parents. Maybe, the Catholics in that particular state were influential in the legislature, so that they were able to secure an act providing for reimbursement of transportation expenses to Catholic students.

Senator ROSALES. I beg to differ from the gentleman from Batangas. Precisely, the court said that the statute applied to all pupils irrespective of religion. That is why the statute was not repugnant to the provisions of the Constitution.

Senator RECTO. Well, to solve the difficulty, the best way is to consult the decision itself.



Senator ROSALES. Now, coming to another question about the Ruiz case, is it not a fact, gentleman from Batangas, that the Ruiz case is different from this case, because in the first place, in the Ruiz case, it was not public money which was being spent for the printing of the stamps. It was only an investment because, according to the Director of Posts, the return would be more than what would be spent in the printing of stamps. As a matter of fact, that was mentioned in passing in the decision of the court.

Senator RECTO. The senator is wrong. That is not included in the *ratio decidendi* of the case.

Senator ROSALES. In this case, it is different, because the money to be spent in the printing of the books cannot be expected to be recovered by the government. But in the printing of stamps, it is a matter of common knowledge that what will be realized in the sale thereof will be more than what is spent for the printing of the same.

Senator RECTO. I am talking about the *ratio decidendi* of the case, gentleman from Samar, because you know that there are no two equal cases in this world, because otherwise there would be no jurisprudence.

Senator ROSALES. I am glad the gentleman from Batangas mentioned that.

Senator RECTO. I have not finished yet. There are always differences, in shades perhaps, between any one case and another. So when precedents are invoked the first thing we must look into is the *ratio decidendi*.

Senator ROSALES. I am glad the gentleman from Batangas mentioned that because when the gentleman was discussing the Barnette case, he has been making distinctions that this case is different from the Barnette case because there is no pledge, no flag salute, no affirmation. So, as the gentleman from Batangas has said, there are no two cases equally with the same facts, but the *ratio decidendi* is the same.

Senator RECTO. But the difference between the Barnette case and this case on the facts and on the law is like the difference between heaven and earth, Your Honor.

Senator ROSALES. Well, that is the opinion of the gentleman from Batangas. We have our own opinion.

Now, coming to the Ruiz case, the gentleman from Batangas has read from the decision that in that Ruiz case there was no violation of our Constitution because the mentioning of the Eucharistic Congress was only incidental. In other words, from the facts of that case, considering

that the Eucharistic Congress was a big national event which was featured in the stamps, the Supreme Court said that the purpose or intention was to propagandize Manila and the Philippines, and that the featuring of the Eucharistic Congress on the stamps was only incidental.

Senator RECTO. No, no, it was not the featuring of the Eucharistic Congress the specific purpose of the law. The Eucharistic Congress was not mentioned in the law.

Senator ROSALES. It was featured in the stamps but it was only incidental.

Senator RECTO. What the court said was that the resulting propaganda for the Catholic church was incidental.

Senator ROSALES. Yes, the religious aspect is only incidental.

Senator RECTO. Well, you are giving a different view of the case, and there is no possible agreement between us. But I have here the text of the decision and I am passing it on to you.

Senator ROSALES. Precisely, I was following that decision which the gentleman from Batangas read.

Senator RECTO. Your Honor is not interpreting it correctly.

Senator ROSALES. In other words, the religious aspect in that stamp was only incidental, does the gentleman from Batangas agree with me?

Senator RECTO. The printing of the stamps was not incidental. It was the resulting propaganda for the Church that was incidental, according to the Supreme Court.

Senator ROSALES. The religious aspect in that stamp.

Senator RECTO. Neither that, but the resulting propaganda for the Catholic Church.

Senator ROSALES. All right, I'll put it that way. I will follow Your Honor that it was the propaganda for the Church.

Senator RECTO. Don't follow me, if Your Honor is not persuaded.

Senator ROSALES. Now I will say, the religious propaganda was only incidental. Now, coming to this bill, it is a matter of opinion. Your Honor says that the religious teachings that are contained in that book are incidental. But it is fundamental.

Senator RECTO. But the bill does not provide for the teaching of Rizal's opinions. The bill provides only for the reading of his books.

Senator ROSALES. But the books that are compelled to be read by the students contain chapters in religion, contain teaching against the Catholic Church. Whether Your Honor says that it is not a book on religious teaching, the fact remains that there are religious teachings.



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Thank you, gentleman from Batangas.

Senator RECTO. (*Continuing.*) Mr. President, it is getting late and I wish as much as possible to finish my speech today.

I come now to the analysis of the so-called pastoral. I maintain that this is not a pastoral. If I insist on this point, it is because the presentation of this document to the Congress as a pastoral is a fraud practiced on the members of Congress, considering the conclusions that the opponents of the bill are trying to infer from the document. It is not a pastoral, I repeat. It is a mere statement, and there is no article of faith involved. I have with me here a sample of a true pastoral. (*Displaying a page of a newspaper.*) This is a pastoral, issued by the entire Philippine hierarchy on 29 January 1953. It is known as a joint pastoral. It is not entitled "Statement of the Hierarchy," but "Joint Pastoral of the Catholic Hierarchy of the Philippines on Religious Instruction in Public Schools," and it is signed by all the archbishops, bishops, and apostolic administrators of the Catholic church in the Philippines. This was printed and published in the newspapers carrying all the signatures. It is in the form of a letter ending with these characteristic words of a Pastoral, in use since the days of Saint Paul: "We impart to you and to them our joint episcopal benediction."

Now the "Statement of the Hierarchy" which has been presented to us as a pastoral, is signed by nobody; it is an anonymous document. Nobody claims responsibility for its publication and distribution. But just the same we are told that everything that it contains is an article of faith. We have been discussing this document for over a week and not a single archbishop or bishop, except perhaps the Archbishop of Manila, has owned this document. And what is worse is that the Hierarchy, knowing that this document is not a pastoral, and knowing also that its spokesmen here have been calling it a pastoral, has remained silent.

I have been demanding a reproduction, even a photostatic copy, of the original of this document and until now I have not heard either from the gentleman from Samar or the gentleman from Bulacan. In making that demand my purpose was to verify its authenticity. Not even Father Cavanna, who I heard had prepared it, has signed the same. Considering the contents of this document, I am not surprised that nobody has accepted responsibility for it.

Let us now analyze the contents of the "Statement."

It consists of two parts. The first is devoted to singing praises, hymns, and antiphonies, to Rizal, calling him our greatest national hero, our foremost patriot. The second is devoted to attacks on Rizal and his writings. One part destroys the other. The first part destroys the second part. And so this document proves nothing, as it is the case with any self-contradicting instrument.

I will start with the admissions in the "Hierarchy's Statement" of the greatness of Rizal and the merits of the books in question and then ask if in the light the Hierarchy's opposition to their compulsory reading in our educational institutions can be justified.

Now, if, according to the "Hierarchy's Statement" among the Filipino patriots "the highest place of honor belongs to Dr. Jose Rizal," because he "possessed to an eminent degree those virtues which together make up true patriotism," such as having "loved his country not in word alone but in deed" and "devoted his energies and the resources of his mind to dispelling the ignorance and apathy of his people and combating the injustices and inequalities under which they labored," until "he generously offered his blood" when his "salutary activities fell under the suspicion of the colonial government which sentenced him to die as a rebel"; if, in the words of the same "Statement", his "great love for his country was not a blind, unreflecting and inordinate love," to the extent of regarding his "native country as perfect beyond criticism, and attributing all its ills to the tyranny and greed of strangers"; if because of the "balanced judgment" he was possessed of, "he clearly saw and boldly proclaimed the fact that while the Filipino people suffered from colonial rule, they were as much the victims of their own vices and defects"; if, according to the same "Statement," he "was fearless not only in denouncing the evils of the colonial administration of his time but also in pointing out to his countrymen 'their own mistakes, their own vices, and their supine and culpable acquiescence to those evils'"; if, as properly urged in the "Hierarchy's Statement", "we must honor Rizal for his unselfish devotion to our country" and "for the affectionate realism and the depth of insight with which he examined and analyzed our national problems," and in so doing he rose "above petty passions and prejudices, disengaging from the concrete complexities of his time ideas regarding the function of government, the well-being of society, the dignity of the individual, the necessity of popular education, and the



special mission of our nation under God; ideas of universal and timeless validity which are applicable even in our times"; if some of "Rizal's most cogent insights into the political and social order are undoubtedly contained in *Noli Me Tángere* and *El Filibusterismo*," which he wrote "inspired by a most ardent love for our country whose 'dear image presented itself showing a social cancer,' which he dared to expose in the hope of finding a remedy for it"; if, as correctly pointed out in the "Hierarchy's Statement," "insofar as these novels give expression to our people's desire for political freedom and a social order based on justice they are not at variance with the practical applications of Catholic doctrine to the exigencies of the social milieu as it existed at the time," and "the clear and forceful expression of such aspirations can never be injurious to the Catholic Church," because "the aims and objectives of the Church, being supernatural and supranational, no conflict is possible between them and national aims, provided these are in conformity with morality"; if, as the "Hierarchy's statement" informs us, "two years after the publication of the *Noli Me Tángere*, Pope Leo XIII," as if to lend support to Rizal's noble aims, "made clear in no uncertain terms that the Gospel of Christ contributes to the foundation of a true and solid basis for the development of a balanced, dignified and really forceful nationalism," saying in his Encyclical *Libertas, praestantissimum*, the following:

The Church does not condemn the desire that one's nation should be free from foreign or absolute rule, provided this freedom can be won without injustice. Nor does she reprehend those who wish to bring it about that states should be governed in accordance with their own laws, and the citizens be granted the widest possible scope for increasing their prosperity. The Church has always shown herself a most faithful supporter of legitimate civil liberties.

If, as correctly observed in the "Hierarchy's Statement," "the object of Rizal's novels was to expose in terms of fictional narrative the actual evils which then afflicted Philippine society," and its "social cancer was largely due to the decadent state of the religious order and to some practices of the Catholic religion, hence the larger part of his novels is devoted to castigating disedifying priests and to satirizing what he deemed superstitious observances and practices of the Church"; if, as conceded in the "Hierarchy's Statement," "Rizal (in his books) patently meant to portray a general condition of our country and not aberrations of individual characters or isolated cases, when he said in the *Noli Me Tángere's* Dedication: 'I will strive to reproduce thy (my fatherland's) condition faithfully, without

discrimination, sacrificing to truth everything'; if, in the words of the "Hierarchy's Statement," "there were then particular instances of abuses and superstitious modalities in the practice of religion in the Philippines" and "sinners among all-too-human Catholics," and "priests, who, like Judas, sold Christ for a handful of silver, or who, like Peter himself, in a moment of weakness, denied his Lord," because "the Church must be distinguished from the human and fallible individuals that compose it," inasmuch as, when "God, in his infinite wisdom, committed the inestimable treasures of his revelation and grace to men," He did not "in any way deprive these stewards of their freedom to betray their trust"; if, as openly admitted in the "Hierarchy's Statement," the fictional characters in *Noli Me Tángere* and *El Filibusterismo* had their "counterparts" in real life in the Philippines, because "such persons existed in the Philippines, and it is obvious that they thought and spoke as Rizal makes their fictional counterparts think and speak, in terms of anti-Catholic ideas, with jeers at Catholic doctrine, with impieties, etc.," and, on the other hand, "it is the novelist's right to portray people as they are"; if, as is enjoined in the "Hierarchy's Statement"; "Would that our leaders of today and our people as a whole might put into practice more faithfully the patriotic teachings contained in the writings of our national hero! But men cannot put into practice teachings with which they have but slight acquaintance and which they do not thoroughly and rightly understand. Hence we cannot but approve and applaud in principle the desire of many that the writings of Rizal be more widely circulated and read, and even introduced as reading matter in the public and private schools of the nation. We can think of no more effective means, after the formal teaching of religion, to develop in our youth a sane and constructive nationalism and the civil virtue, so necessary in our times, of subordinating individual ambitions to the common good"; with all such admissions and premises, how could, under the rules of logic, have the members of the Hierarchy who reportedly authorized and approved this "Statement" maintain that these books contain teachings contrary to the Catholic Faith and oppose their compulsory reading in all educational institutions in the Philippines?

Rizal did nothing but to write a piece of history, to tell the tale of the days of his years. He did not create the men whose "fictional counterparts" are the characters of his novels, who "think and speak" as those men actually "thought and spoke," according to the Hierarchy. Those men existed, in flesh and blood, the Capitan Tiagos, the Padres



Damasos, Salvis, Camorras, and Sibylas, and Hermana Rufa, and Hermana Pule and Doña Consolación and Doña Victorina, Tasio the Philosopher, and Doctor Pasta, the jurist, and the noble Padre Florentino, and the respectable friar Padre Fernandez, and of course the dreamer Ibarra, the disillusioned Simoun who would employ criminal means to secure noble ends, Cabesang Tales, the good citizen turned bandit by social injustice and government persecutions, and that great man of the masses, Elias. And because the picture was faithful and the ministers of the Faith appeared as they were, ugly and detestable, the Hierarchy has come to the strange conclusion that Rizal's novels attacked the church and are, therefore, heretical and impious.

Now, Mr. President, if Rizal really made attacks on the church, it was on the Catholic church in the Philippines in those days, he did not attack Catholicism, in general. And the authors of the "Hierarchy Statement" shall in vain point to a single passage in any of these two Rizal's books to prove that Rizal attacked the Catholic church as a universal institution, distinct from the one administered by her erring, "disedifying" ministers in the Philippines of those days. The authors of the "Hierarchy Statement" not having found anything in the *Noli Me Tángere* which would prove that Rizal attacked the Catholic Church, the Catholic faith or the Catholic religion, have resorted to what in law we call "proof *aliunde*," by quoting from a reported conversation between Pardo de Tavera and Rizal on the occasion of their meeting in London in 1888 or 1889. But the author or authors of the "Statement" reproduced only a part of that conversation to suit his or their purpose of driving home the point that Rizal attacked Catholicism not only as practiced in the Philippines but in general. The "Hierarchy's Statement", quoting Rafael Palma, says in this respect:

"When in May 1889, Dr. Tavera told Rizal in Paris 'that he (Tavera) tried to defend him (Rizal) before Father Faura explaining that, in the attack upon the friars, the stone was thrown so high and with such force that it reached religion,' Rizal corrected him saying: 'This comparison is not quite exact; I wished to throw the missile against the friars; but as they used the ritual and superstitions of a religion as a shield, I had to get rid of that shield in order to wound the enemy that was hiding behind it.'"

That was the only part of the conversation quoted by the Hierarchy. The complete story of the reported conversation and the conversation itself, runs as follows:

Hacia mayo llegó el Dr. Trinidad Pardo de Tavera a París para ver la Exposición y contó a Rizal que iba haciéndose imposible la vida en Filipinas. Querían requisar su casa (de Pardo) y confiscar sus libros, si él no se hubiese marchado. Creía que si no mejoraban las condiciones, antes de pasar diez años ocurriría una revolución. El Doctor Tavera también le contó que había visitado a los jesuitas y estuvo de charla con el Padre Faura, quien al enterarse de que Rizal estaba ligeramente enfermo, hizo este comentario: "No puede ser de otro modo; este hombre tiene que morir," como si quisiera dar a entender que por sus ideas le castigaría Dios. Rizal, al recibir esta noticia, se limitó a decir: "Si voy a morir, el Padre Faura también; pero no está bien que un jesuita del calibre del Padre Faura se atreva a decir una blasfemia." Pardo de Tavera le contó asimismo que trató de defender la posición de Rizal ante el Padre Faura, explicando que Rizal, en su libro, al querer dar el golpe a los frailes, habría lanzado la piedra tan alto y con tal empuje que alcanzó la religión. "Esta comparación no es tan exacta," le corrigió Rizal. "Yo quería lanzar el proyectil contra los frailes, pero como éstos se valían de los ritos y supersticiones de una religión como de coraza, tenía que librarme de ésta para herir el enemigo que se escondía detrás. Si los troyanos hubieran puesto una Palas Atenea sobre su fortaleza y desde allí hubieran combatido con sus flechas a los griegos creo que los griegos hubieran atacado también a la diosa. A Dios no se le debe utilizar como escudo y protector de los abusos ni menos usarse de la religión para tal propósito. Lo que pasa en Filipinas es horrible; abusan del nombre de la religión para enriquecer sus haciendas, para seducir a una joven inocente, para deshacerse de un enemigo, para perturbar la paz de un matrimonio y robar el honor de una esposa. Por qué no he de combatir una religión así, cuando es la causa primordial de nuestras desventuras y lágrimas? La responsabilidad recae sobre aquellos que abusan de su nombre. Cristo hizo lo mismo con la religión de su país, cuando los fariseos abusaron de ella." (Biografía de Rizal, por Rafael Palma, p. 133)

We can easily understand why the authors of the "Hierarchy's Statement" mutilated both the story and the conversation. In the first place, from the whole of the conversation it is clear that Rizal was referring to the status and condition of the Catholic Church in the Philippines, not anywhere else. The spokesmen of the Hierarchy were evidently determined to suppress the fact, brought out in that conversation, that in those days the ministers of Christ in the Philippines were seducing girls, disturbing the peace of married people and robbing wives of their honor.

The other *aliunde* proof cited in the "Hierarchy's Statement" to substantiate the contention that the two books of Rizal are heretical, is Rizal's alleged retraction. The manifest tendency of the argument is that Rizal would not have retracted had he not made attacks on the Church.

Senator ROSALES. Mr. President, will the gentleman yield?



The PRESIDENT. The gentleman may yield if he wishes.

Senator RECTO. Gladly.

Senator ROSALES. Just for a question about that conversation between Pardo de Tavera and Rizal. If I understand right the portion of the conversation quoted in what you said is in the pastoral letter was to prove that Rizal in his writings attacked the Catholic Church, the Catholic religion. That is the thesis of that portion of the conversation.

Senator RECTO. That is the thesis of the authors of the "Hierarchy's Statement."

Senator ROSALES. And you claim, if I understand right, that that is wrong because the whole conversation was not quoted in that letter?

Senator RECTO. Yes, the entire conversation should have been reproduced.

Senator ROSALES. After Your Honor has reproduced the entire conversation, is it not true that it reinforces the allegation of the hierarchy because in that later part Rizal was so bitter because he said why should he attack the religion . . .

Senator RECTO. Yes, the Catholic religion as was practised in the Philippines, not in general.

Senator ROSALES. The religion as practised in the Philippines.

Senator RECTO. Yes, because Rizal had been defending Catholicism in another contemporary document which I will read now. He was not against Catholicism, but only as practised here in those days. In a letter Rizal wrote to Resurrecion Hidalgo, he pointed to the difference between the Catholicism in Europe and other parts of the world and the Catholicism in the Philippines; he even went as far as saying that if Catholicism would know what was going on in the Philippines, Catholicism would be ashamed of it.

Senator ROSALES. I was just following that part of the conversation other than the one quoted in the letter of the hierarchy.

Senator RECTO. The gentleman did not follow it correctly, because what Rizal said was that what was happening in the Philipipnes was horrible.

Senator ROSALES. But he said that why should he not attack that religion?

Senator RECTO. The religion as practised in the Philippines.

Senator ROSALES. So, that confirms clearly the statement of the hierarchy that it was religion that was attacked by Rizal.

Senator RECTO. That is your personal opinion, and that is against the tenor of the letter, Your Honor. He said clearly that it was the religion as practised in the Philippines.

The retraction says:

"Me declaro católico y en esta religión en que nací y me eduqué quiero vivir y morir" . . .

"Me retracto de todo corazón de cuanto en mis palabras, escritos, impresos y conducta ha habido contrario a mi cualidad de hijo de la iglesia católica."

This is the most important part of the document, in my humble opinion. It says: "I retract wholeheartedly everything that in my words, writings, publications and conduct has been contrary to my status as son of the church." In this so-called pastoral the charge is made that certain passages of Rizal's books are heretical and impious, because in them Rizal attacked Catholic dogma, faith and morals. If this charge were true, and, on the other hand, Rizal was ready and willing to retract, he would have been asked to say, and he would have had to say, that he was retracting the impieties and heresies contained in the *Noli Me Tángere* and *El Filibusterismo*, instead of resorting to the vague phrase "everything contrary to my status as son of the church." Irreverent words, even quotations from other people's heretical assertions, without "defending them with arguments" (*propugnare*, under Canon 1399) do not constitute heresy or impiety, but they may be regarded in a Catholic writer, properly, as "contrary to his status as son of the church." Now, did Rizal mean that he was merely retracting *improprieties* in his writings? Besides, the document of retraction did not make any particular reference to the *Noli* and the *Fili*, but his writings in general, and to his behavior (*conducta*). Could the retraction be interpreted in the sense that there are "heretical" and "impious" passages in the *Noli* and *Fili*? Could he not have meant other writings like "La Visión de Fray Rodríguez," or the "Letters to Padre Pastells"? Even the words "I detest the Masonry" (*abomino de la Masonería*) are qualified in the sense that Rizal's sole reason for it was that it is prohibited by the Church and it is an enemy of the Church (*como enemiga que es de la Iglesia y como sociedad prohibida por la Iglesia*); not because it is *mala per se*, but because it is *malum prohibitum*.

The document further says: "Puede el Prelado Diocesano, como autoridad superior eclesiástica, hacer pública esta manifestación espontanea mía para reparar el escándalo que mis actos hayan podido causar y para que Dios y los hombres me perdonen."

The document is in the handwriting of Rizal. It is so contended, and in a not distant past I found the contention correct. If Rizal wrote it himself, besides affixing his signature to it, why did he have



to state that it was *spontaneous* on his part? Why the suspicious *explicatio non petita*? It ends by saying "para que Dios y los hombres me perdonen." It was meet and proper, of course, that he should ask God's forgiveness, but who were the men (*los hombres*) whose forgiveness he was impetrating? They were not, for sure, his own countrymen for whose sake he was giving his life, and certainly not those of them who either were unaware of the greatness and holiness of his sacrifice or were despising it because of their colonial or bigoted mentality: they were the ones to ask his forgiveness. Were they the characters he castigated in his writings? They were the victimizers of his country and people and it was for on their souls that Rizal should have besought divine mercy. This retraction does not show, therefore, that Rizal admitted having attacked the Catholic church on matters of dogma, faith and morals. There is no such admission here. Therefore, this document of retraction cannot be invoked to prove the thesis of the opponents of the bill that in the books in question Rizal attacked dogmas and matters of faith of the Catholic church.

Senator ROSALES. Mr. President, will the gentleman yield to just one question?

The ACTING PRESIDENT. The gentleman may yield if he so desires.

Senator RECTO. Gladly.

Senator ROSALES. The gentleman has cited a copy of the retraction of Rizal. Does the gentleman believe in the authenticity of that retraction?

Senator RECTO. The signature seems authentic. I have said that on several occasions.

Senator ROSALES. Well, I mean, in your research, in your study, whether your conclusion is that this document of the retraction is authentic or not.

Senator RECTO. The signature seems authentic but that does not exclude the possibility of the fact that it was obtained through duress or false pretenses.

Senator ROSALES. Thank you.

Senator DELGADO. Mr. President, will the gentleman yield just for one question?

The ACTING PRESIDENT. The gentleman may yield if he so desires.

Senator RECTO. Gladly.

Senator DELGADO. Does the gentleman recall the writings of our distinguished Filipino citizen, Don Rafael Palma, in connection with the retraction of Rizal?

Senator RECTO. Yes, I read them cursorily. I don't think I could be examined on that.

Senator DELGADO. Has not Don Rafael Palma come to the conclusion that the retraction was not authentic, apocryphal?

Senator RECTO. If not the signature, as I recollect, the entire document.

Senator PELÁEZ. Mr. President, will the gentleman yield?

The ACTING PRESIDENT. The gentleman may yield, if he so desires.

Senator RECTO. Gladly.

Senator PELÁEZ. I would like to ask for some information. The retraction said: "Me retracto de todo corazón de cuanto en mis palabras, escritos, impresos y conducta ha habido contrario a mi cualidad de hijo de la Iglesia católica."

Now, Rizal refers to his works, his writings, his printed tracts I suppose, and conduct which was against his status as son of the church. Now, the gentleman from Batangas has said that this did not refer to any portion of the *Noli Me Tángere* or the *El Filibusterismo*. May I know what Rizal was retracting then?

Senator RECTO. He wrote pamphlets against the friars and they really contained attacks against the Catholic faith. "La Visión de Fray Rodríguez," for instance. In his famous correspondence with Father Pastells he was quite free in expressing his ideas against some tenets of the Catholic religion.

Senator PELÁEZ. So, the gentleman believes that this refers to writings other than the *Noli Me Tángere* and the *El Filibusterismo*.

Senator RECTO. Yes.

Senator PELÁEZ. If the gentleman from Batangas would give us some of them later on, I would like to examine those writings.

Senator RECTO. I will inform Your Honor of some—his pamphlet in reply to Father Rodríguez, entitled "La Visión de Fr. Rodríguez," where the existence of the Purgatory is frankly denied. The pamphlet is a terrible satire against that Agustinian father who had written bitterly against the *Noli Me Tángere*. I remember also his letters to Father Pastells, containing discussions of matters of faith. Portions of those letters were heretical.

Senator PELÁEZ. Does not Your Honor think that Rizal may have also retracted some of his writings where he ridiculed the Pope?

Senator RECTO. I deny that he ridiculed the Pope.

Senator PELÁEZ. May I read from the "Social Cancer," this is the Derbyshire translation, 1950 edition, in a supposed conversation where one of the characters says: "Huh! Get out! What are you



dreaming about, granddad? Do you still think that the Popes even move their hands?

Senator RECTO. Just a moment, Your Honor. For a clarification, let us give the proper background. Is Rizal the one speaking there?

Senator PELÁEZ. No. I said, one of his characters.

Senator RECTO. I have already said that Rizal had protested time and again against making him responsible for words of his novels' characters. In a letter to Ponce, he said, "They are unfair in attributing to me the statements of my characters, because otherwise I will be an absurd person because I will be speaking the same ideas of Capitan Tiago or Ibarra or Father Salvi and Father Damaso and all my characters." This so-called pastoral itself admits that those men, including the characters to whom Your Honor referred, existed actually in those days and that they spoke and thought in the way that they are presented by Rizal as having really thought and spoken. So Your Honor cannot say that Rizal ridiculed the Pope because of those words of one of his characters.

Senator PELÁEZ. At least this appears in his book. That is a matter of appreciation. In fiction the author sometimes puts across his ideas by characters. Now Your Honor says this is just depicting the truth. This character here says:

"Do you still think that Popes even move their hands? The priest, being nothing more than a priest, only works in the mass—when he turns around! The Archbishop, he doesn't even turn around, for he says mass sitting down. So the Pope—the Pope says it in bed with a fan! What are you thinking about?"

Senator RECTO. In justice to everybody, will Your Honor please tell the audience, the Senators and the audience, that those conversing in that way were ignorant peasants?

Senator PELÁEZ. Well, I said, one of his characters.

Senator RECTO. They were peasants, ignorant people. Rizal precisely was censuring and attacking those superstitions in his days.

Senator PELÁEZ. Then may I refer to part of the text which is Rizal's? On page 77, he says (this is Rizal now):

"San Diego was a kind of Rome; not the Rome of the time when the cunning Romulus laid out its walls with a plow, nor of the later time when, bathed in its own and others' blood, it dictated laws to the world—no, it was a Rome of our own times with the difference that in place of marble monuments and colosseums it had its monuments of sawali and its cockpit of nipa. The curate was the Pope in the Vatican; the *alferez* of the Civil Guard, the King of Italy on the Quirinal: all, it must be understood on a scale of nipa and bamboo. Here, as there, continual quar-

reling went on, since each wished to be the master and considered the other an intruder."

Senator RECTO. Where is the attack on the Pope?

Senator PELÁEZ. Well, it speaks of the Pope as always quarreling.

Senator RECTO. With the secular state. That is history. Your Honor knows that those quarrels ended with the Pope losing his temporal power.

Senator PELÁEZ. I was just wondering whether this would not be one of those things which as a son of the Catholic church he may not have considered offensive.

Senator RECTO. I don't think so.

Senator PELÁEZ. That is a matter of opinion.

Senator RECTO. Your Honor has read that particular passage, and Your Honor knows that what Rizal was conveying in that passage was the rivalry between the *alferez* and the parish priest of San Diego, a friar. They were fighting there for power, local power.

Senator PELÁEZ. He was comparing the priest to the Pope.

Senator RECTO. Because the friar pretended then to represent the Pope here.

Senator PELÁEZ. No, it says here that they were always quarreling.

Senator RECTO. The Pope had always been quarreling with representatives of the secular powers. That is historically true. As a result of the fight, he lost his temporal power precisely.

Senator PELÁEZ. Is it not possible that as a true Catholic, when he wrote this in the capilla with a priest, he could not have made this reference to the Pope as a quarrelsome person? As a Catholic, I mean, not from the point of view of a non-Catholic, but one who has been impressed by priests and whose duty as a Catholic was to respect the Pope and everything? Could it not be possible?

Senator RECTO. But he did not depict the Pope as quarrelsome. It could be, and it was, possible that the government of Italy was provoking him to quarrels.

Senator PELÁEZ. That is a matter of opinion.

Senator RECTO. He was not the one perhaps provoking the quarrel. Of course, if they quarreled with him, he would not remain silent, stay lying down. Your Honor knows that the Popes were belligerent during the Middle Ages. They had their own armies. Your Honor remembers that famous Pope Mateo Barberini. He stripped the Pantheon of all its bronze in order to manufacture cannons and ammunitions, and it was because of that that the famous epigram in Latin was coined by the Romans: *Quod non fecerunt barbari fecerunt Barberini*. What the barbarians did not do, the Barberini.



berinis—meaning the Pope, because he belonged to the Barberini family—did. They were levying war in those days, the Popes.

Senator PELÁEZ. Yes. In other words, Your Honor does not agree with the stand of the Catholics that these may be passages which are against Catholic dogma or Catholic authorities, but that there may be some irreverence, at most. I heard Your Honor say there would be irreverence.

Senator RECTO. I think it is an irreverent phrase, but that is very far from heretical and impious.

Senator PELÁEZ. So we can agree there?

Senator RECTO. So the teachers, if they want to make comment on that, can tell the pupils, "This phrase is irreverent. Do not pay attention to it." But do not expurgate it.

Senator PELÁEZ. So we can agree that the Catholics may be against this because there is some degree of irreverence in the book?

Senator RECTO. Many of them are committing irreverence in deeds, which is worse.

Senator PELÁEZ. Well, certainly, but let us go back to the book. So if some of them commit irreverence in deeds, that is entirely beside the point. I mean, just for a mere discussion of facts. Can we agree that in Your Honor's opinion there is some degree of irreverence in this, in the *Noli Me Tángere*?

Senator RECTO. That is straining the point. Naturally, Your Honor can say that that is irreverence.

Senator PELÁEZ. What is Your Honor's honest opinion?

Senator RECTO. Your Honor reads history. From what the encyclopedias say about the Pope, Your Honor necessarily will have to admit that the Popes themselves committed irreverence with those acts which cannot be accepted really as virtuous and holy. To mention those acts is not to commit irreverence.

Senator PELÁEZ. I just want that point.

Senator RECTO. Pope Urban VIII excommunicated people for smoking, what does Your Honor think of that? Just for smoking, they were excommunicated.

Senator PELÁEZ. Yes.

Senator RECTO. What does Your Honor think of that? Is it irreverence to mention that? Would it be an insult to the Pope to narrate it?

Senator PELÁEZ. No, I don't. But regardless of my saying so or not, can we not agree that in the *Noli Me Tángere* there is some degree of irreverence?

Senator RECTO. That depends upon people's criterion and judgment.

Senator PELÁEZ. In Your Honor's criterion. I heard Your Honor say in the course of your speech . . .

Senator RECTO. From my point of view as a Catholic, yes, but I am not supposed to write into the laws my personal opinions as a Catholic.

Senator PELÁEZ. I am not asking Your Honor's opinion as lawmaker and Catholic but as a literary man. Can we just agree that there is some degree of irreverence?

Senator RECTO. Yes, it can be admitted that there is some degree of irreverence. To a certain point, yes. But that is not heresy.

Senator LIM. Mr. President, will the gentleman yield?

The ACTING PRESIDENT. The gentleman may yield, if he so desires.

Senator RECTO. With pleasure.

Senator LIM. First of all, allow me to make just a couple of preliminary remarks.

First of all, gentleman from Batangas, I personally do not believe that that statement is a pastoral letter.

Senator RECTO. I am glad to hear that.

Senator LIM. I agree with Your Honor that its genuineness is really very doubtful because it is not even signed, it is not even called a pastoral letter. The true pastoral letter showed and demonstrated by Your Honor, I believe, is a good example of a pastoral letter and, therefore, as a Catholic, I do not subscribe to that statement and, personally, I do not feel bound by that statement, because it is not in the category of a pastoral letter which a Catholic should ordinarily abide.

I would like also to say that about three or four days ago Father Piñon of Sto. Tomas University insinuated against my humble person when I stated that the alleged attacks of Dr. Rizal in his *Noli* and his *Fili* against the friars and perhaps even against our Catholic religion, were probably borne out of the fact that your humble servant studied in Silliman University. I would like to say that I grew up in Ateneo de Zamboanga, I studied there for 12 years and then six years in the college of law of Silliman University. Now, I would say, gentleman from Batangas, that as far as I am concerned, I remain a Catholic and I would even say that my Catholic faith became stronger after those six years in Silliman University, because I was given the opportunity to discover that the true church of Christ is the Catholic church. Now, since you believe and I also believe in that retraction of Dr. Rizal, does not Your Honor believe as one Catholic to another, that whatever attacks Dr. Rizal may have made against the friars and even against our



Catholic religion itself, that it would be Christian to forgive him after he has made his retraction and not continue to attack him on that ground that he has departed from the faith all at once as he did?

Senator RECTO. Correct, but they have not forgiven him. After the retraction he was denied a Christian burial. He was buried outside the inner wall of the Paco cemetery, among the infidels.

Senator LIM. Now, since you are the original author of this bill as presented by the Committee on Education, sponsored by the distinguished gentleman from Batangas, Senator Laurel, since you are at least one of the principal authors, would not the gentleman agree to an amendment that we approve this bill with the amendment that the retraction of Dr. Rizal be made also compulsory. In other words, the fact of his retraction should be made or required as compulsory reading.

Senator RECTO. You will make it unconstitutional. You will make it sectarian. I would not object, were it not for that reason.

Senator LIM. Because my point is this. If, as the Catholic claims that the retraction is genuine; if Your Honor and I agree that it is genuine in spite of his attacks against our religion itself, although it is debatable, that allegation on the genuineness of the retraction would drop if we agree to a very simple amendment in the bill that the retraction should also be inculcated in the minds of the students.

Senator RECTO. That would make the law unconstitutional. So what could be done in the Catholic schools is to include a copy of the retraction, but we cannot write that into the law without risking the declaration by the Supreme Court that it is unconstitutional.

Senator LIM. How about the non-Catholic schools, there are Catholic students going there, and even the Catholic students are going to non-Catholic schools, it may not be fair to our Catholic faith since the books of Rizal contain attacks against our religion?

Senator RECTO. I said, Your Honor, that the Catholic editions of these books to be used in the Catholic schools can contain that retraction, but we should not provide that in this bill, because that would make it sectarian.

Senator LIM. What would you say, would it be fair to leave the Catholic students in Catholic schools only to become aware of the retraction and leave the non-Catholic schools and non-Catholic students anywhere to the mercy of the debatable question in some quarters as to whether or not Rizal actually retracted?

Senator RECTO. That is the reason why we should not include the retraction. If you include it, you will have to include the chapter of Don Rafael Palma proving the document to be apocryphal.

Senator LIM. I ask this question, Your Honor, because you are one of the principal co-authors and perhaps you will accept that amendment. You said that is controversial; then I would be willing to continue listening to the objections of the Catholic church.

Senator RECTO. Of course, Your Honor has that privilege. The main reason is that it will render the law unconstitutional. All the authorities are to that effect. The compulsory reading even for Catholic students of the King James Version of the Bible is permitted, provided it is not accompanied by sectarian explanations.

Senator LIM. It is a continuation of the reading of the King James Version of the Bible, although there is no compulsion.

Senator RECTO. Yes, compulsory reading of the Bible in the King James Version. That is the precise question that was decided in the American courts.

Senator LIM. Leaving aside that point, which relates only to the reading of the King James Version. I would like to say that in the list of authorities cited by Your Honor, wherein you said that the bill does not compel anybody to believe, but only to read; well, can there be any case where you can compel anybody to believe anything? During the Japanese Occupation we were compelled to bow to the Japanese sentries and to take oath of allegiance to the Japanese Government, but we were not compelled to undergo those ceremonies, and nobody could compel us to believe in the principle of the Co-Prosperity Sphere.

Senator RECTO. What is the question?  
Senator LIM. I believe it is immaterial. Your Honor stated that we are not compelled to believe. It is immaterial. There is no case where anybody can be compelled to believe anything. You may shoot him, you may knife him, you may cut him to pieces, but you can never make him believe anything by force. So, that cannot be an argument.

Senator RECTO. What is the question?  
Senator LIM. In other words, although you are not compelling him to believe, it is immaterial, but of course, he may believe some of these objectionable portions.

Senator RECTO. What is the question?  
Senator LIM. The question is: Can there be any case where you can compel him to believe in anything?



Senator RECTO. Yes, the Barnette case is an example. They compelled those Jehovah's Witnesses not only to salute the flag but to make a pledge during the salute.

Senator LIM. But that pledge does not necessarily mean that those students can be compelled. We made a pledge to the Japanese flag. We recited the pledge probably in a high voice, high tone, but it does not necessarily mean that we believe in that pledge.

Senator RECTO. That is an argument in favor of the bill. We do not compel anybody to believe what Rizal says, because everybody is free to believe what he wants to believe.

Senator LIM. I am asking that aclaratory question, because you said that the other day when you were interpellated by the gentleman from Bulacán for aclaratory purposes. Thank you, gentleman from Batangas.

Senator RODRIGO. Mr. President, just for clarification on one point, if the gentleman will yield.

The ACTING PRESIDENT. The gentleman may yield, if he so desires.

Senator RECTO. With pleasure.

Senator RODRIGO. During the speech and interpellation of the gentleman from Batangas and Quezon at some portions, he seemed really to be perfectly convinced of the authenticity and genuineness of the retraction but quoted a portion of the retraction letter. What is the personal opinion of the gentleman from Batangas and Quezon? Is the retraction authentic and legitimate?

Senator RECTO. The signature under the retraction seems genuine to me. I am not a handwriting expert, but it looks like his signature.

Senator RODRIGO. So the gentleman is not sure about the authenticity of the signature?

Senator RECTO. I did not see him sign, so I could not be very positive. But that much I know. I admit that that signature under the retraction is very similar to other signatures of Rizal.

Senator RODRIGO. Only that part? Your Honor can admit only that part?

Senator RECTO. Yes, Your Honor, that part.

Senator RODRIGO. May I remind the gentleman about this speech delivered before the Ateneo alumni . . .

Senator RECTO. Yes, in that speech I assumed the authenticity of that document.

Senator RODRIGO. On June 15, 1952, "para conmemorar el natalicio de Dr. José Rizal."

Senator RECTO. Your Honor need not read that portion. I remember it perfectly well.

Senator RODRIGO. I want to read for the record that the gentleman from Batangas said:

"Después de orar mucho y ya reintegrado en nuestra fe sacrosanta, Rizal pidió confesarse, pero como le dijeron que no podía hacerlo sin antes suscribir una fórmula de retractación, la pidió con ansiedad, y después de discutir sus términos con el P. Balaguer, y 'quitar unas frases y añadir otras', la transcribió de su puño y letra y la suscribió con mano firme, feliz de haber sacrificado su amor propio a la autoridad incontrastable de la fe."

And this is very simple and significant statement of the gentleman from Batangas.

Senator RECTO. I took that from Retana who in turn had taken it from a narrative of the Jesuits.

Senator RODRIGO. Let me finish first with my quotation.

"El documento es de una legitimidad incontestable, \* \* \*" I will translate that very significant portion into English: "The document is of incontestable legitimacy" and I want to remind the gentleman from Batangas about that speech. I was there present and I want that to be on the record.

Senator RECTO. Just a minute, Your Honor. You would want an answer to that question. I was assuming that the signature of Dr. Rizal was genuine just like any signature of his. If that is his signature, then the authenticity and the legitimacy of the document cannot be contested. Even if the writing of the text of the document was not his, provided the signature was his, and because I am still convinced of it, because of the similarity between that signature and his unquestioned signatures I still maintain that the signature in the retraction is genuine.

Senator RODRIGO. However, the gentleman in his speech did not proceed in that premise about signatures. He said:

"El documento es de una legitimidad incontestable, y la disidencia que ha levantado la ceguera del sectarismo o la falsa creencia de que la conversión de Rizal a los dogmas de la fe católica menguaría su gloria de patriota y mártir, no es de mayor efecto que el esfuerzo del huracán batiendo impotentemente a un acantilado."

Senator RECTO. I did not state the basis of my conclusions.

Senator SABIDO. Mr. President, will the gentleman yield?

The ACTING PRESIDENT. The gentleman may yield, if he so desires.

Senator SABIDO. Will the gentleman entertain an amendment enlarging the scope of section 1 so that it may include the life, works and writings of Dr. Jose Rizal, primarily the *Noli Me Tángere* and *El Filibusterismo*?



Senator RECTO. I have no objection to that, provided you do not include other authors.

Senator PRIMICIAS. Mr. President, in view of the late hour and reserving to the distinguished gentleman from Batangas the right to continue with his speech tomorrow, I ask that we suspend the session until five o'clock this afternoon.

The ACTING PRESIDENT. The session is suspended until five o'clock this afternoon, if there is no objection. (*There was none.*)

*Era la 1:15 p.m.*

#### REANUDACIÓN DE LA SESIÓN

*Se reanuda la sesión a las 5:35 p.m.*

The PRESIDENT. The session is resumed.

#### CONSIDERACIÓN DEL C. R. NO. 3748

(Continuación)

Senator PRIMICIAS. Mr. President, I ask that we resume consideration of House Bill No. 3748. Mr. President, the distinguished gentleman from Lanao, Senator Alonto, will resume sponsoring this bill.

The PRESIDENT. Resumption of the consideration of House Bill No. 3748 is in order. The gentleman from Lanao is recognized.

Senator ALONTO. Mr. President and gentlemen of the Senate, the consideration of this bill was postponed about a week ago when the distinguished gentleman from Zamboanga del Sur requested for postponement as he was intending to propose some amendments to the bill. I understand from the distinguished gentleman from Zamboanga del Sur that he is no longer presenting any amendment to the bill under consideration. Now, if the gentleman from Zamboanga del Sur is not presenting any amendment, I believe that there is no other further amendment to the bill since the Committee has already presented all its amendments.

I therefore ask, Mr. President, that we vote on this bill on second reading.

Senator LIM. Mr. President.

The PRESIDENT. Gentleman from Zamboanga. Senator LIM. I have no amendments to present to the bill, because I have decided to file a separate bill wherein I can embody all my proposed amendments to the bill under consideration.

Senator ALONTO. Mr. President, I reiterate my motion that we vote on the bill on second reading.

#### APROBACIÓN EN SEGUNDA LECTURA DEL C. R. NO. 3748

The PRESIDENT. Gentlemen of the Senate, we shall now vote on the bill on second reading. As many as are in favor of the bill will please say *aye*. (*Several Senators: Aye.*) As many as are against

will please say *noy*. (*Silence.*) House Bill No. 3748 as amended is approved on second reading.

#### SEGUNDA LECTURA Y CONSIDERACIÓN DEL S. NO. 359

Senator PRIMICIAS. Mr. President, I ask that we consider Senate Bill No. 359.

The PRESIDENT. Consideration of Senate Bill No. 359 is now in order. The Secretary will please read the bill.

The SECRETARY:

#### AN ACT PENALIZING THE WILFUL MUTILATION OF CENTRAL BANK NOTES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Any person who willingly mutilates any note or notes issued by the Central Bank of the Philippines by virtue of the authority granted it under Section 52 of Republic Act No. 265, removes therefrom any competent part or feature thereof, shall be punished by a fine of not more than twenty thousand pesos or by imprisonment of not more than five years or both, at the discretion of the Court. If the offender is an alien, he may be subjected, in addition, to deportation proceedings.

SEC. 2. This Act shall take effect upon its approval.

Senator PRIMICIAS. Mr. President, the sponsor of the measure is the distinguished gentleman from Albay.

The PRESIDENT. The gentleman from Albay is recognized.

#### PONENCIA DEL SEN. SABIDO

Senator SABIDO. This bill, Mr. President, is very simple. There is practically only one section, and its purpose is nothing else than to penalize the mutilation of Central Bank notes. So, if there are no objections, interpellations or amendments, I ask that we vote on this bill on second reading.

Senator PAREDES. Mr. President, will the gentleman yield?

The PRESIDENT. The gentleman may yield if he so desires.

Senator SABIDO. Gladly.

Senator PAREDES. Is not the subject matter of this bill covered by existing law?

Senator SABIDO. I wonder if the authorities of the Central Bank would have requested for the approval of this measure if this is already covered by existing law. This bill was recommended for approval by the Committee on the assumption that the subject matter thereof was not covered by existing law.

Senator PAREDES. Mr. President, I would ask time to consult the legal division to see if the subject matter of this bill is already covered by existing law. My impression is that it is covered by existing