



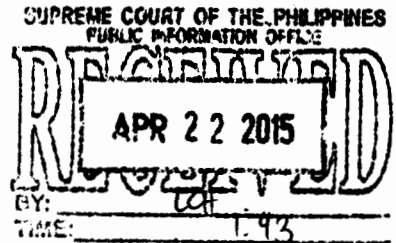
Republic of the Philippines

Supreme Court

Baguio City

EN BANC

NOTICE



Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated APRIL 21, 2015, which reads as follows:

“G.R. No. 217451 (Dr. Bienvenido Lumbera [Pambansang Alagad ng Sining at Professor Emeritus, University of the Philippines/UP]; Cong. Antonio Tinio [ACT Teachers' Partylist]; Cong. Fernando “Ka Pando” Hicap [Anakpawis Partylist at Tagapangulo ng PAMALAKAYA]; Cong. James Mark Terry Ridon Kabataan Partylist; Dr. Rhoderick Nuncio [Vice-Dean, ng Kolehiyo ng Malalayang Sining, De La Salle University/DLSU]; Prop. Aura Abiera [Tagapangulo ng Departamento ng Filipino at Panitikan ng Pilipinas sa University of the Philippines-Diliman]; Dr. Ernesto Carandang II [Tagapangulo ng Departamento ng Filipino, De La Salle University-Manila]; Dr. Roberto Ampil [Tagapangulo ng Departamento ng Filipino ng University of Santo Tomas]; Prop. Marvin Lai [Tagapangulo ng Departamento ng Filipinolohiya ng Polytechnic University of the Philippines/PUP]; Prop. Nelson Ramirez [Tagapangulo ng Departamento ng Filipino, University of the East/UE-Manila]; Dr. Ester Rada [Tagapangulo ng Kagawaran ng Filipino, San Beda College-Manila]; Prop. Jorge Pacifico Cuibillas [Tagapangulo ng Departamento ng Filipino, Far Eastern University-Manila]; Prop. Andrew Padernal [Tagapangulo ng Kagawaran ng Filipino, Pamantasan ng Lungsod ng Pasig/PLP]; Prop. Michael Domingo Pante [Faculty Member sa History Department, Ateneo de Manila University]; Benjamin Valbuena [Tagapangulo ng Alliance of Concerned Teachers/ACT-Philippines]; Dr. Priscilla Ampuan [Pangulo ng Quezon City Public School Teachers' Association/QCPSTA]; Prop. Carl Marc Ramota [Pangulo ng Alliance of Concerned Teachers-State Universities and Colleges/ACT-SUC]; Dr. Rowell Madula [Pangulo ng Alliance of Concerned Teachers-Private Schools/ACT-Private]; Dr. Aurora Batnag [Pangulo ng Pambansang Samahan sa Linggwistika at Literaturang Filipino/PSLLF]; Dr. Judy Taguiwalo [Full Professor sa College of Social Work and Community Development, UP Diliman]; Dr. Danilo Arao [Associate Professor sa Department of Journalism, College of Mass Communication, UP Diliman]; Dr. David Michael San Juan [Executive Council Member ng

National Commission for Culture and the Arts-National Committee on Language and Translation/NCCA-NCLT]; Ronnel B. Agoncillo, Jr., [Pangulo ng Philippine Normal University/PNU-Student Government]; Dr. Reuel Molina Aguila [Palanca Hall of Famer at Tagapayo ng KATAGA-Samahan ng mga Manunulat sa Pilipinas]; Ericson Acosta [manunulat at dating bilanggong politikal, at kasapi ng Anakpawis Partylist]; Prop. Adrian Balagot [Direktor ng Center for Continuing Education, Pamantasan ng Lungsod ng Marikina/PLMar]; Prop. Penafrancia Raniela Barbaza [Associate Professor, Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman]; Prop. Herman Manalo Bognot [Faculty Member sa Department of European Languages, University of the Philippines]; Prop. Laurence Marvin Castillo [Instructor sa Department of Humanities, University of the Philippines-Los Baños]; Dr. Antonio Contreras [Full Professor sa Political Science Department, De La Salle University/DLSU]; Prop. Ramilito Correa [Pangulo ng Sanggunian sa Filipino/SANGFIL]; Gerome Nicolas De la Peña [Pangulo ng Samahan ng mga Mag-aaral sa Asignaturang Filipino, SamFil-Pamantasan ng Lungsod ng Pasig/PLP]; Prop. Wennielyn Fajilan [Faculty Member ng Departamento ng Filipino, University of Santo Tomas]; Flody Fernandez [Pangulo ng Ramon Magsaysay High School (Cubao) Faculty Club]; Prop. Santiago Flora [Vice-President for Operations ng Quezon City Polytechnic University]; Prop. Melania Flores [National PRO ng All UP Academic Employees' Union, University of the Philippines/UP]; Dr. Lakandupil Garcia [Full Professor ng Departamento ng Filipino, De La Salle University-Dasmariñas]; Dr. Fanny Garcia [Palanca Awardee at Faculty Member ng Departamento ng Filipino, De La Salle University/DLSU]; Prop. Jonathan Geronimo [Coordinator ng KATAGA-Manila at Faculty Member ng Departamento ng Filipino ng University of Santo Tomas/UST]; Prop. Vladimeir Gonzales [Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas-University of the Philippines-Diliman]; Prop. Ferdinand Pisigan Jarin [Palanca Awardee at Pangulo ng KATAGA-Samahan ng mga Manunulat sa Pilipinas]; John Robert Magsombol [Pangulo ng University of Santo Tomas-Panulat]; Prop. Joel Malabanan [Tagapayo ng Kapisanang Diwa at Panitik/KADIPAN sa Philippine Normal University/PNU]; Prop. Dennis Mangubat [Faculty Member ng Departamento ng Filipino ng San Beda College-Manila]; Prop. Joanne Manzano [Faculty Member ng Departamento ng Filipino at Panitikan ng Pilipinas-University of the Philippines-Diliman]; Prop. Bernadette Neri [Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman]; Raymond Palatino [Tagapangulo ng Bagong Alyansang Makabayan/BAYAN-National Capital Region]; Prop. April Perez [Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman]; Prop. Jayson Petras [Deputy Director ng Institute of Creative Writing, University of the Philippines-Diliman]; Prop.

Crizel Sicat-de Laza [Katuwang ng Kalihim ng Sanggunian ng Filipino/SANGFIL at Faculty Member sa Departamento ng Filipino ng University of Santo Tomas/UST]; Prop. Dennis Joseph Raymundo [Faculty Member ng Kalayaan College]; Dr. Beverly Sarza [Faculty Member ng Philosophy Department, De La Salle University-Manila]; Dr. Raquel Sison-Buban [Associate Professor sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Vivencio M. Talegon, Jr. [Full-Time Faculty sa University of Asia and the Pacific, Ortigas Center, Pasig]; Isaac Ali Tapar [Pangulo ng Manila Science High School Faculty Association]; Dr. Dolores Taylan [Associate Professor sa Departamento ng Filipino, De La Salle University-Manila]; Dr. Alita Tepace [Propesor sa Philippine Normal University-Manila]; Prop. Om Narayan Velasco [Instructor sa University of the Philippines-Los Baños]; Andrea Jean Yasofia [Pangulo ng Kapisanang Diwa at Panitik-PNU]; Prop. Reynele Bren Zafra [Faculty Member ng Departamento ng Filipino ng University of Santo Tomas]; Dr. Ruby Alunen [Faculty Member ng Departamento ng Filipino ng De La Salle University-Manila]; Prop. Bayani Santos, Jr. [Faculty Member ng Departamento ng Filipino ng Manuel Luis Quezon University/MLQU]; Prop. Christo Rey Albason [Guro sa Sining ng Bayan/GUSI]; Prop. Lilibeth Oblena-Quiore [Faculty Member ng Departamento ng Filipino ng De La Salle University-Manila]; Prop. Danim Majerano [Direktor ng Pananaliksik at Edukasyon, Samahang Saliksik Pasig, Inc.]; Rustum Casia [KM 64 Poetry Collective]; Charisse Bernadine Bañez [Tagapagsalita ng League of Filipino Students/LFS]; Dr. Jennifor Aguilar [Chairperson ng Department of Elementary and Secondary Education ng Polytechnic University of the Philippines/PUP]; Prop. Moreal Nagarit Camba [Tagapangulo ng Departamento ng Filipino, University of Asia and the Pacific – Pasig]; Prop. Cleve Arguelles [Chairperson ng Political Science Program, Department of Social Sciences, University of the Philippines-Manila]; Dr. Maria Lucille Roxas [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Voltaire Villanueva [Faculty Member sa Philippine Normal University]; Dr. Josefina Mangahis [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Emma Sison [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Ayleen Ortiz [manunulat]; Prop. Efren Domingo [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Leslie Anne Liwanag [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Lakangiting Garcia [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Mirylle Calindro [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Lakandupil Garcia [Faculty Member sa Departamento ng Filipino ng De La Salle University-Dasmariñas]; Dr. Dexter Cayanes [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Teresita Fortunato [Faculty Member sa Departamento ng Filipino ng

De La Salle University-Manila; Dr. Ma. Rita Aranda [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Emma Basco [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila] vs. Pangulong Benigno Simeon “Noynoy” C. Aquino III at Punong Komisyoner ng Komisyon sa Lalong Mataas na Edukasyon/Commission on Higher Education [CHED] Dr. Patricia Licuanan).- On June 28, 2013, the Commission on Higher Education (CHED) issued Memorandum No. 20, series of 2013 (*CMO No. 20*) prescribing the new General Education Curriculum (*GEC*) for college. The GEC was reduced to a minimum of 36 units, distributed as follows: 24 units of core courses; 9 units of elective courses; and 3 units on the life and works of Rizal, as mandated by law. The list of “core courses” include: Understanding the Self, Readings in Philippine History, Purposive Communication, Art Appreciation, The Contemporary World, Mathematics in the Modern World, Science, Technology and Society, and Ethics. Filipino, as a subject, was not included.

Petitioners aver that the CHED failed to conduct consultative sessions with colleges and universities in the country prior to the issuance of CMO No. 20. This prompted members of the academe and other organizations, to establish the Alyansa ng mga Tagapagtanggol ng Wikang Filipino (*TANGGOL WIKA*) with the aim of expressing their objections to CMO No. 20 through dialogues, protests and a signature campaign. Consequently, the Commission on the Filipino Language issued a resolution opposing the deletion of “Filipino” in the new curriculum.

On November 27, 2014, respondent CHED Commissioner Dr. Patricia Licuanan (*Commissioner Licuanan*), nonetheless, issued a press statement, supporting the new GEC and declining to make any changes therein.

Hence, this PETISYON PARA SA CERTIORARI AT PROHIBITION (MAY KASAMANG KAHILINGAN PARA SA TEMPORARY RESTRAINING ORDER AT/O WRIT OF PRELIMINARY INJUNCTION), filed by concerned citizens and taxpayers who are professors/instructors, students, and representatives of various associations and party-list organizations, respectively, as a class suit against President Benigno Simeon “Noynoy” C. Aquino (*President*) and Commissioner Licuanan for having approved and implemented CMO No. 20, despite its constitutional infirmities.

Specifically, the petitioners assail the following features of CMO No. 20 as violative of the 1987 Constitution: 1] There are no “Filipino” subjects included in the GEC, as opposed to the 6 to 9 units devoted to the said subject in the previous issuances by the CHED; 2] Section 3 of CMO No. 20 expressly states that the general education courses *may* be taught in English or Filipino (this provision explicitly makes the teaching of “Filipino,” as merely discretionary); and 3] CMO No. 20 also deleted “Panitikan”

(*literature*) and “Philippine Government and Constitution” as core subjects in the new curriculum.

According to the petitioners, the respondents committed grave abuse of discretion when they approved and implemented CMO No. 20 despite its glaring violations of constitutional provisions under Article XIV (Education, Science and Technology, Arts, Culture and Sports),¹ Article II (Declaration of Principles and State Policies)² and Article XIII (Social Justice and Human Rights).³

¹ Section 2. The State shall:

- (1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;
- (2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age;
- (3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;
- (4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs; and
- (5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

Section 3. (1) All educational institutions shall include the study of the Constitution as part of the curricula. (2) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.

(3) At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools within the regular class hours by instructors designated or approved by the religious authorities of the religion to which the children or wards belong, without additional cost to the Government.

Section 6. The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.

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

Section 14. The State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Section 15. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Section 18. (1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues. (2) The State shall encourage and support researches and studies on the arts and culture.

² Section 17. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

Section 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

³ Section 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

They contend that the Constitution expressly states that the Filipino is the national language of the Philippines. The State must lead and sustain its usage as the medium of official communication and as the language of instruction in the educational system. This holds true without distinction as to education level. Hence, "Filipino" as our language deserves a place of honor and usage in the educational system, from pre-school to higher education. For petitioners, rendering the usage of the Filipino language as a medium of instruction in schools as merely discretionary is a direct violation of the constitutional protection afforded to "Filipino." In the same vein, the deletion of "Panitikan" (*literature*) and "Philippine Government and Constitution" as subjects in CMO No. 20 reflects its non-compliance with the State policies to preserve not only the teaching of literature as a part of cultural heritage but to the very constitutional mandate to instill nationalism and patriotism in all levels of education. Worse, the deletion of the said subjects in the new curriculum would cause unemployment for more or less 78,000 teachers and employees in educational institutions. To date, the CHED has offered neither a plan nor a mechanism to cushion the blow of sudden unemployment in the education sector. Finally, CMO No. 20 likewise violates several statutory acts, namely: Republic Act No. 7104 (Commission on the Filipino Language Act); Batas Pambansa Bilang 232 (Education Act of 1982); and Republic Act No. 7356 (An Act Creating the National Commission for Culture and the Arts).

Acting on the Petition for Review on *Certiorari* with Prayer for Temporary Restraining Order and Writ of Preliminary Injunction, the Court Resolved, without giving due course to the petition, to

(a) **REQUIRE** the petitioners to comply with the rules relative to the filing of copies of the petition and its annexes in printed and soft copies;


(b) **REQUIRE** the respondents to **COMMENT** on the petition within a **NON-EXTENDIBLE** period of ten (10) days from notice hereof; and

(c) **ISSUE** a **TEMPORARY RESTRAINING ORDER**, effective immediately and continuing until further orders from this Court, enjoining the respondents from implementing and enforcing the provision of Commission on Higher Education Memorandum No. 20, series of 2013, insofar as it excluded from the curriculum for college Filipino and Panitikan as core courses.

April 21, 2015

Let copies of this resolution and the temporary restraining order be immediately and/or personally served on the parties." (adv116)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

Dr. BIENVENIDO LUMBERA, et al. (x)
Petitioners
Alliance of Concerned Teachers
Mines corner Dipolog Streets
Barangay Vasra, Quezon City

GREGORIO T. FABROS (x)
Counsel for Petitioners
31 Dao St., Mapayapa Village
Pasong Tamo, Quezon City

* His Excellency BENIGNO SIMEON C. AQUINO III (x)
New Executive Building, Malacañang Palace
J.P. Laurel St., San Miguel, Manila

* Hon. PATRICIA LICUANAN (x)
Chairperson
Commission on Higher Education
Higher Education Development Center Building
C.P. Garcia Street, U.P. Diliman, Quezon City

* The SOLICITOR GENERAL (x)
134 Amorsolo St., Legaspi Village
Makati City



Republic of the Philippines
Supreme Court
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EN BANC

Dr. Bienvenido Lumbera [Pambansang Alagad ng Sining at Professor Emeritus, University of the Philippines/UP]; Cong. Antonio Tinio [ACT Teachers' Partylist]; Cong. Fernando "Ka Pando" Hicap [Anakpawis Partylist at Tagapangulo ng PAMALAKAYA]; Cong. James Mark Terry Ridon Kabataan Partylist; Dr. Rhoderick Nuncio [Vice-Dean, ng Kolehiyo ng Malalayang Sining, De La Salle University/DLSU]; Prop. Aura Abiera [Tagapangulo ng Departamento ng Filipino at Panitikan ng Pilipinas sa University of the Philippines-Diliman]; Dr. Ernesto Carandang II [Tagapangulo ng Departamento ng Filipino, De La Salle University-Manila]; Dr. Roberto Ampil [Tagapangulo ng Departamento ng Filipino ng University of Santo Tomas]; Prop. Marvin Lai [Tagapangulo ng Departamento ng Filipinolohiya ng Polytechnic University of the Philippines/PUP]; Prop. Nelson Ramirez [Tagapangulo ng Departamento ng Filipino, University of the East/UE-Manila]; Dr. Ester Rada [Tagapangulo ng Kagawaran ng Filipino, San Beda College-Manila]; Prop. Jorge Pacifico Cuibillas [Tagapangulo ng Departamento ng Filipino, Far

G.R. No. 217451

TEMPORARY RESTRAINING
ORDER

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Petitioners,

- versus -

Pangulong Benigno Simeon "Noynoy" C. Aquino III at Punong Komisyoner ng Komisyon sa Lalong Mataas na Edukasyon/Commission on Higher Education [CHED] Dr. Patricia Licuanan,
Respondents,

X-----X

TO: * His Excellency BENIGNO SIMEON C. AQUINO III (x)
New Executive Building, Malacañang Palace
J.P. Laurel St., San Miguel, Manila

* Hon. PATRICIA LICUANAN (x)
Chairperson
Commission on Higher Education
Higher Education Development Center Building
C.P. Garcia Street, U.P. Diliman, Quezon City

* Already furnished with copy of petition



GREETINGS:

WHEREAS, the Supreme Court, on **April 21, 2015**, adopted a resolution in the above-entitled case, to wit:

“G.R. No. 217451 (Dr. Bienvenido Lumbera [Pambansang Alagad ng Sining at Professor Emeritus, University of the Philippines/UP]; Cong. Antonio Tinio [ACT Teachers' Partylist]; Cong. Fernando “Ka Pando” Hicap [Anakpawis Partylist at Tagapangulo ng PAMALAKAYA]; Cong. James Mark Terry Ridon Kabataan Partylist; Dr. Rhoderick Nuncio [Vice-Dean, ng Kolehiyo ng Malalayang Sining, De La Salle University/DLSU]; Prop. Aura Abiera [Tagapangulo ng Departamento ng Filipino at Panitikan ng Pilipinas sa University of the Philippines-Diliman]; Dr. Ernesto Carandang II [Tagapangulo ng Departamento ng Filipino, De La Salle University-Manila]; Dr. Roberto Ampil [Tagapangulo ng Departamento ng Filipino ng University of Santo Tomas]; Prop. Marvin Lai [Tagapangulo ng Departamento ng Filipinolohiya ng Polytechnic University of the Philippines/PUP]; Prop. Nelson Ramirez [Tagapangulo ng Departamento ng Filipino, University of the East/UE-Manila]; Dr. Ester Rada [Tagapangulo ng Kagawaran ng Filipino, San Beda College-Manila]; Prop. Jorge Pacifico Cuibillas [Tagapangulo ng Departamento ng Filipino, Far Eastern University-Manila]; Prop. Andrew Padernal [Tagapangulo ng Kagawaran ng Filipino, Pamantasan ng Lungsod ng Pasig/PLP]; Prop. Michael Domingo Pante [Faculty Member sa History Department, Ateneo de Manila University]; Benjamin Valbuena [Tagapangulo ng Alliance of Concerned Teachers/ACT-Philippines]; Dr. Priscilla Ampuan [Pangulo ng Quezon City Public School Teachers' Association/QCPSTA]; Prop. Carl Marc Ramota [Pangulo ng Alliance of Concerned Teachers-State Universities and Colleges/ACT-SUC]; Dr. Rowell Madula [Pangulo ng Alliance of Concerned Teachers-Private Schools/ACT-Private]; Dr. Aurora Batnag [Pangulo ng Pambansang Samahan sa Linggwistika at Literaturang Filipino/PSLLF]; Dr. Judy Taguiwalo [Full Professor sa College of Social Work and Community Development, UP Diliman]; Dr. Danilo Arao [Associate Professor sa Department of Journalism, College of Mass Communication, UP Diliman]; Dr. David Michael San Juan [Executive Council Member ng National Commission for Culture and the Arts-National Committee on Language and Translation/NCCA-NCLT]; Ronnel B. Agoncillo, Jr., [Pangulo ng Philippine Normal University/PNU-Student Government]; Dr. Reuel Molina Aguila [Palanca Hall of Famer at Tagapayo ng KATAGA-Samahan ng mga Manunulat sa Pilipinas]; Ericson Acosta [manunulat at dating bilanggong politikal, at kasapi ng Anakpawis Partylist]; Prop. Adrian Balagot [Direktor ng Center for Continuing Education, Pamantasan ng Lungsod ng Marikina/PLMar]; Prop. Penafrancia Raniela Barbaza [Associate Professor, Departamento ng

Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman]; Prop. Herman Manalo Bognot [Faculty Member sa Department of European Languages, University of the Philippines]; Prop. Laurence Marvin Castillo [Instructor sa Department of Humanities, University of the Philippines-Los Baños]; Dr. Antonio Contreras [Full Professor sa Political Science Department, De La Salle University/DLSU]; Prop. Ramilito Correa [Pangulo ng Sanggunian sa Filipino/SANGFIL]; Gerome Nicolas De la Peña [Pangulo ng Samahan ng mga Mag-aaral sa Asignaturang Filipino, SamFil-Pamantasan ng Lungsod ng Pasig/PLP]; Prop. Wennielyn Fajilan [Faculty Member ng Departamento ng Filipino, University of Santo Tomas]; Flody Fernandez [Pangulo ng Ramon Magsaysay High School (Cubao) Faculty Club]; Prop. Santiago Flora [Vice-President for Operations ng Quezon City Polytechnic University]; Prop. Melania Flores [National PRO ng All UP Academic Employees' Union, University of the Philippines/UP]; Dr. Lakandupil Garcia [Full Professor ng Departamento ng Filipino, De La Salle University-Dasmariñas]; Dr. Fanny Garcia [Palanca Awardee at Faculty Member ng Departamento ng Filipino, De La Salle University/DLSU]; Prop. Jonathan Geronimo [Coordinator ng KATAGA-Manila at Faculty Member ng Departamento ng Filipino ng University of Santo Tomas/UST]; Prop. Vladimeir Gonzales [Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas-University of the Philippines-Diliman]; Prop. Ferdinand Pisigan Jarin [Palanca Awardee at Pangulo ng KATAGA-Samahan ng mga Manunulat sa Pilipinas]; John Robert Magsombol [Pangulo ng University of Santo Tomas-Panulat]; Prop. Joel Malabanan [Tagapayo ng Kapisanang Diwa at Panitik/KADIPAN sa Philippine Normal University/PNU]; Prop. Dennis Mangubat [Faculty Member ng Departamento ng Filipino ng San Beda College-Manila]; Prop. Joanne Manzano [Faculty Member ng Departamento ng Filipino at Panitikan ng Pilipinas-University of the Philippines-Diliman]; Prop. Bernadette Neri [Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman]; Raymond Palatino [Tagapangulo ng Bagong Alyansang Makabayan/BAYAN-National Capital Region]; Prop. April Perez [Assistant Professor sa Departamento ng Filipino at Panitikan ng Pilipinas, University of the Philippines-Diliman]; Prop. Jayson Petras [Deputy Director ng Institute of Creative Writing, University of the Philippines-Diliman]; Prop. Crizel Sicat-de Laza [Katuwang ng Kalihim ng Sanggunian ng Filipino/SANGFIL at Faculty Member sa Departamento ng Filipino ng University of Santo Tomas/UST]; Prop. Dennis Joseph Raymundo [Faculty Member ng Kalayaan College]; Dr. Beverly Sarza [Faculty Member ng Philosophy Department, De La Salle University-Manila]; Dr. Raquel Sison-Buban [Associate Professor sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Vivencio M. Talegon,

Jr. [Full-Time Faculty sa University of Asia and the Pacific, Ortigas Center, Pasig]; Isaac Ali Tapar [Pangulo ng Manila Science High School Faculty Association]; Dr. Dolores Taylan [Associate Professor sa Departamento ng Filipino, De La Salle University-Manila]; Dr. Alita Tepace [Propesor sa Philippine Normal University-Manila]; Prop. Om Narayan Velasco [Instructor sa University of the Philippines-Los Baños]; Andrea Jean Yasoña [Pangulo ng Kapisanang Diwa at Panitik-PNU]; Prop. Reynele Bren Zafra [Faculty Member ng Departamento ng Filipino ng University of Santo Tomas]; Dr. Ruby Alunen [Faculty Member ng Departamento ng Filipino ng De La Salle University-Manila]; Prop. Bayani Santos, Jr. [Faculty Member ng Departamento ng Filipino ng Manuel Luis Quezon University/MLQU]; Prop. Christo Rey Albason [Guro sa Sining ng Bayan/GUSI]; Prop. Lilibeth Oblena-Quiore [Faculty Member ng Departamento ng Filipino ng De La Salle University-Manila]; Prop. Danim Majerano [Direktor ng Pananaliksik at Edukasyon, Samahang Saliksik Pasig, Inc.]; Rustum Casia [KM 64 Poetry Collective]; Charisse Bernadine Bañez [Tagapagsalita ng League of Filipino Students/LFS]; Dr. Jennifor Aguilar [Chairperson ng Department of Elementary and Secondary Education ng Polytechnic University of the Philippines/PUP]; Prop. Moreal Nagarit Camba [Tagapangulo ng Departamento ng Filipino, University of Asia and the Pacific – Pasig]; Prop. Cleve Arguelles [Chairperson ng Political Science Program, Department of Social Sciences, University of the Philippines-Manila]; Dr. Maria Lucille Roxas [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Voltaire Villanueva [Faculty Member sa Philippine Normal University]; Dr. Josefina Mangahis [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Emma Sison [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Ayleen Ortiz [manunulat]; Prop. Efren Domingo [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Leslie Anne Liwanag [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Lakangiting Garcia [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Prop. Mirylle Calindro [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Lakandupil Garcia [Faculty Member sa Departamento ng Filipino ng De La Salle University-Dasmariñas]; Dr. Dexter Cayanes [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Teresita Fortunato [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Ma. Rita Aranda [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila]; Dr. Emma Basco [Faculty Member sa Departamento ng Filipino ng De La Salle University-Manila] vs. Pangulong Benigno Simeon “Noynoy” C. Aquino III at Punong Komisyoner ng Komisyon sa Lalong Mataas na



Edukasyon/Commission on Higher Education [CHED] Dr. Patricia Licuanan).- On June 28, 2013, the Commission on Higher Education (CHED) issued Memorandum No. 20, series of 2013 (*CMO No. 20*) prescribing the new General Education Curriculum (*GEC*) for college. The GEC was reduced to a minimum of 36 units, distributed as follows: 24 units of core courses; 9 units of elective courses; and 3 units on the life and works of Rizal, as mandated by law. The list of "core courses" include: Understanding the Self, Readings in Philippine History, Purposive Communication, Art Appreciation, The Contemporary World, Mathematics in the Modern World, Science, Technology and Society, and Ethics. Filipino, as a subject, was not included.

Petitioners aver that the CHED failed to conduct consultative sessions with colleges and universities in the country prior to the issuance of CMO No. 20. This prompted members of the academe and other organizations, to establish the Alyansa ng mga Tagapagtanggol ng Wikang Filipino (*TANGGOL WIKA*) with the aim of expressing their objections to CMO No. 20 through dialogues, protests and a signature campaign. Consequently, the Commission on the Filipino Language issued a resolution opposing the deletion of "Filipino" in the new curriculum.

On November 27, 2014, respondent CHED Commissioner Dr. Patricia Licuanan (*Commissioner Licuanan*), nonetheless, issued a press statement, supporting the new GEC and declining to make any changes therein.

Hence, this PETISYON PARA SA CERTIORARI AT PROHIBITION (MAY KASAMANG KAHILINGAN PARA SA TEMPORARY RESTRAINING ORDER AT/O WRIT OF PRELIMINARY INJUNCTION), filed by concerned citizens and taxpayers who are professors/instructors, students, and representatives of various associations and party-list organizations, respectively, as a class suit against President Benigno Simeon "Noynoy" C. Aquino (*President*) and Commissioner Licuanan for having approved and implemented CMO No. 20, despite its constitutional infirmities.

Specifically, the petitioners assail the following features of CMO No. 20 as violative of the 1987 Constitution: 1] There are no "Filipino" subjects included in the GEC, as opposed to the 6 to 9 units devoted to the said subject in the previous issuances by the CHED; 2] Section 3 of CMO No. 20 expressly states that the general education courses *may* be taught in English or Filipino (this provision explicitly makes the teaching of "Filipino," as merely discretionary); and 3] CMO No. 20 also deleted "Panitikan" (*literature*) and "Philippine Government and Constitution" as core subjects in the new curriculum.

According to the petitioners, the respondents committed grave abuse of discretion when they approved and implemented CMO No. 20 despite its glaring violations of constitutional provisions under Article XIV (Education, Science and Technology, Arts, Culture and Sports),¹ Article II (Declaration of Principles and State Policies)² and Article XIII (Social Justice and Human Rights).³

¹ **Section 2.** The State shall:

- (1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;
- (2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age;
- (3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;
- (4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs; and
- (5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

Section 3. (1) All educational institutions shall include the study of the Constitution as part of the curricula. (2) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.

(3) At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools within the regular class hours by instructors designated or approved by the religious authorities of the religion to which the children or wards belong, without additional cost to the Government.

Section 6. The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.

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

Section 14. The State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Section 15. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Section 18. (1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues. (2) The State shall encourage and support researches and studies on the arts and culture.

² **Section 17.** The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

Section 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

³ **Section 3.** The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.

They contend that the Constitution expressly states that the Filipino is the national language of the Philippines. The State must lead and sustain its usage as the medium of official communication and as the language of instruction in the educational system. This holds true without distinction as to education level. Hence, "Filipino" as our language deserves a place of honor and usage in the educational system, from pre-school to higher education. For petitioners, rendering the usage of the Filipino language as a medium of instruction in schools as merely discretionary is a direct violation of the constitutional protection afforded to "Filipino." In the same vein, the deletion of "Panitikan" (*literature*) and "Philippine Government and Constitution" as subjects in CMO No. 20 reflects its non-compliance with the State policies to preserve not only the teaching of literature as a part of cultural heritage but to the very constitutional mandate to instill nationalism and patriotism in all levels of education. Worse, the deletion of the said subjects in the new curriculum would cause unemployment for more or less 78,000 teachers and employees in educational institutions. To date, the CHED has offered neither a plan nor a mechanism to cushion the blow of sudden unemployment in the education sector. Finally, CMO No. 20 likewise violates several statutory acts, namely: Republic Act No. 7104 (Commission on the Filipino Language Act); Batas Pambansa Bilang 232 (Education Act of 1982); and Republic Act No. 7356 (An Act Creating the National Commission for Culture and the Arts).

Acting on the Petition for Review on *Certiorari* with Prayer for Temporary Restraining Order and Writ of Preliminary Injunction, the Court Resolved, without giving due course to the petition, to

(a) **REQUIRE** the petitioners to comply with the rules relative to the filing of copies of the petition and its annexes in printed and soft copies;

(b) **REQUIRE** the respondents to **COMMENT** on the petition within a **NON-EXTENDIBLE** period of ten (10) days from notice hereof; and

(c) **ISSUE** a **TEMPORARY RESTRAINING ORDER**, effective immediately and continuing until further orders from this Court, enjoining the respondents from implementing and enforcing the provision of Commission on Higher Education Memorandum No. 20, series of 2013, insofar as it excluded from the curriculum for college Filipino and Panitikan as core courses.

Let copies of this resolution and the temporary restraining order be immediately and/or personally served on the parties.”

NOW, THEREFORE, effective immediately and continuing until further orders from this Court, You, respondents, your agents, representatives, or persons acting in your place or stead, are hereby **ENJOINED** from implementing and enforcing the provision of Commission on Higher Education Memorandum No. 20, series of 2013, insofar as it excluded from the curriculum for college Filipino and Panitikan as core courses.

GIVEN by the Supreme Court of the Philippines, this 21st day of April 2015.


ENRIQUETA E. VIDAL
Clerk of Court

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Supreme Court

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* Already furnished with copy of petition