

The Cable Tied

Vol. XXV

MANILA, PHILIPPINES, OCTOBER, 1950

No. 4

OFFICIAL ORGAN OF THE
GRAND LODGE OF FREE AND ACCEPTED MASONS
OF THE PHILIPPINE ISLANDS

Published for and in the interest of the Members of the Lodges
of this Jurisdiction

(Entered as second class mail matter at the Manila Post Office)



CHRISTIAN WILLIAM ROSENSTOCK

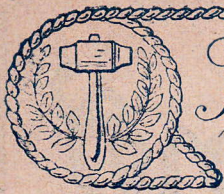
Grand Master 1925-1926

Born March 16, 1880

Died October 23, 1950

Plaridel Masonic Temple, 520 San Marcelino

Manila, Philippines



The Grand Master's Message



The Masonic Lodge

MANY A BROTHER, newly obligated, thinks that a Lodge is just a meeting place of members of the Masonic Fraternity. This is similar to the impression of the layman who considers a lodge as a cabin, temporary abode, or cottage.

Masons, however, should be the first to know what a Masonic Lodge consists of. Our Constitution is clear on this point; it refers to a Lodge as one consisting of "a Master, a Senior Warden, a Junior Warden, a Treasurer, a Secretary, a Senior Deacon, a Junior Deacon, a Tyler, and such other officers as its by-laws may provide; together with as many members at it may find convenient." We have also been taught that a Lodge is "a certain number of Brethren duly assembled with a Holy Bible, a Square and Compass, and a Charter or Dispensation authorizing them to meet."

Thus the officers alone can not carry on the program of a Lodge completely; nor could the members, without the guidance of the officers achieve much. Each group is impotent without the other. What is needed then is that every individual Mason regardless of his position should cooperate with the rest, fully and unselfishly in making the Lodge function smoothly and effectively. This is the prerequisite for the attainment of a mission, the reaching of a goal. Costly mistakes and bitter experiences could be avoided if only Masons make it a point to stick together in worthwhile undertakings. Let us remember that dissension separates and team work unites. The Brethren should feel that they are part and parcel of their Lodge and upon their shoulders depend its success or failure.

Grand Master

THE CABLETOW

EDITORIALS

Most Worshipful Brother Rosenstock

TODAY WE live. Tomorrow we pass away. Such is life. Only the other evening we met in the temple of Brotherhood to pay tribute to one of our dead, an officer of our Grand Lodge. But before the gloom encircling us could disappear, the cruel hand of Death has struck again, claiming Christian William Rosenstock as its victim. Words are inadequate to express our regret for his demise. To his loved ones and relatives, his company is irreplaceable; to his Brethren and friends, his loss is irreparable.

Our Most Worshipful Brother was raised as a Master Mason in Corregidor Lodge No. 386, Manila, in 1912; he helped form Bagumbayan Lodge No. 4, the first subordinate Lodge of the Philippine Islands, becoming Worshipful Master thereof in 1916; and nine years thereafter, he was elected Grand Master, the highest office in the Grand Lodge which is the Supreme Masonic Power and Authority in the Philippine Islands. Thus, on the occasion of his installation to the Oriental Chair, he appealed for cooperation and for the practice of man's virtues in this wise:

"Worshipful Brethren, I now ask you, and through you all Master Masons in this Grand Jurisdiction, for that cooperation. Neither this Grand Lodge nor its officers can accomplish the real aims and realize the wonderful ideals of Freemasonry without assistance. The active interest and aid of individual Masons must be obtained. It is through you, my Brethren, that I expect to have my petition brought to the attention of the membership of this Grand Jurisdiction."

"We can not be true Masons, unless we inculcate outside of the Lodge-room those great moral and social virtues which are taught in the Lodge. Inspiring lessons, exalted thoughts, and wonderful ideals, fill our ritual and enrich our teachings. But all these interpretations of moral truths are as naught if we leave them behind as when we walk out of our temples and join the busy throngs of the outside world."

During his incumbency as Grand Master, Subordinate Lodges were constituted; drive for funds for the Masonic hospital for crippled children, intensified; Lodge Directory for 1925 containing information

valuable to Brethren, published; activities in Plaridel Masonic Temple, multiplied; economy in unnecessary Lodge expenditures, discouraged; unemployed Brethren seeking employment, helped; series of Masonic lectures in Subordinate Lodges (i. e. "Bagumbayan Lectures") delivered; Philippine Anti-Leprosy Society, the Red Cross, and Anti-Tuberculosis Society, assisted; the Ward of the Masonic Hospital for Crippled Children at the Mary J. Johnston Hospital Memorial Hospital—with Mrs. Francisco A. Delgado, presenting the first patient—dedicated.

At the end of his term of office, the Brethren heartily congratulated him upon the success of his administration in spite of the many difficulties and dangers that beset his way.

His zeal for our Institution never waned through the years. Even during the period of his internment (1942-1945) by the Japanese in Sto. Tomas Internment Camp—where Mrs. Rosenstock died—he had the conviction that Masonry which was then prescribed in the Philippines, would live again, and with greater strength.

In 1946, the year after liberation, he was appointed Chairman, Committee on Relief, of the Grand Lodge. With enthusiasm, he carried on his work in Manila and the United States and was responsible in no small measure for the timely and effective financial aid to Masons in the Philippines, their families, widows, and orphans. Every year since, until he died, he was present at all Annual Communications of the Grand Lodge. Both in his capacity as Past Grand Master and Chairman of the important Committee on Jurisprudence, he was constantly with the Brethren and actively participated in their deliberations. At the Thirty-Fourth Annual Communication, he headed the list of Brethren who were awarded Diplomas of Merit "whose Masonic stature through the year proves them to be worthy of special recognition."

When it came to hard work and serious study, he was handy. Day in and day out he was seen in the Plaridel Masonic Temple solving Lodge problems, counselling Brethren and cheering up friends. His was a pleasant disposition, a contagious personality.

(Please turn to next page)

EDITORIALS ★ ★ ★

Wor. Bro. Fidel Ibanez

WE JOIN the well-wishers of Wor. Bro. Fidel Ibanez in congratulating him for his assignment to Manila as one of the judges of the Court of First Instance. His splendid record in the Bench is the envy of many and the regret of no one. For here is a humble individual with a pleasing personality who is at once a worthy Mason and an exemplary public servant.

As a Mason he pledged to be serviceable to his fellow creatures; to regulate his actions by the divine precepts contained in the Holy Writ; to perform the duties he owes to God, his neighbor, and himself. From our Fraternity he found that the excellent virtues of man are emphasized including Justice which enables him both as Mason and Judge "to render unto every man his just due, without distinction."

Wor. Bro. Ibanez is a public servant of which our people can be justly proud. When a person is brought before him at the Bar of Justice, the former is afforded the hearing guaranteed him by the supreme law of the land. In his numerous decisions, one can readily notice that they were rendered without fear or favor. To him, justice is truth in action. He believes like other liberated minds in "Equal and exact justice to all men, of whatever state or persuasion, religious or political." His judicial robe — which has kept many a judge aloof — has brought him closer to his people, for he too is one of them. As long as we have a Brother and a Judge of his type, we can expect



proper administration of justice.

A man of the highest integrity possessed with a passion to do the right as best he can, is a pillar of our Institution and a strength of the nation. Such is Wor. Brother Ibanez, a leading citizen and a trusted friend.—Mauro Baradi, M. P. S.

The sudden news of his demise was sad indeed. We console ourselves in the fact that he was Christian, in name, in character, in charity. The greater part of his seventy years—a mellow age—was spent for the welfare of others.

The poet's dream is that old age be accompanied by honour, love, obedience, troops of friends. Our Most Worshipful Brother was an answer to that dream.

The statesman's hope is that the heritage of old age is not despair because by and large, the disappointment of manhood succeeds to the delusion of youth. The patrimony of our dead was an unswerving faith in the triumph of good over evil, truth over falsehood, light over darkness.

The Holy Writ's injunction is that from the age of fifty, man shall minister with his Brethren in the temple and keep the charge . . . Our dead had done these and more, for he kept on serving until the end.

He was tried and tested; his achievements recounted; on the balance he was weighed and was not found wanting.

To us the living, we still hear the echo of his

voice—soft but challenging—saying:

"The Clock of Life is wound but once,

And no man has the power

To tell just when the hands will stop,

At late or early hour.

Now is the only time you own;

Live, Love, toil with a will;

Place no faith in tomorrow for

The Clock may then be still."

Our distinguished Brother has gone ahead. We have but a short while to mourn, for soon we too will follow the path he has tread. In cherishing his memory, let us on our part say to him:

To you, friend of man and worthy Brother

We say farewell and yet good bye.

"Thy work on earth is o'er,

And thou has 'passed'

Between the pillars,

Up the Winding Stair

of the Eternal Temple."

We say farewell and yet good bye

Friend of man and worthy Brother.

—Mauro Baradi, M.P.S.



Grand Lodge of Free and Accepted Masons of the Philippine Islands

Office of the Grand Secretary

Most Wor. Bro. C. W. Rosenstock (P.G.M.)

A TRIBUTE

OUR SPIRITUAL STRUCTURE to last forever must be erected on Love and kindness and founded on the eternal moral values of righteousness, justice, equity, fairness, fidelity, loyalty, truthfulness, helpfulness, mutual respect and understanding. The highest conception of virtues should be the motivating force in the upbuilding of the spiritual temple of character so that no faulty work or material may enter into its moral fabric. Such is the Man and the Mason: Most Wor. Bro. C. W. ROSENSTOCK.

The main purpose of the KEYSTONE is to complete the arch and to lock its component parts securely together. Masonry in the Philippines has the peculiarity of having different component elements of divers nationalities, idiosyncracies, traditions beliefs and practices, all forming an interesting arch that needs a strong keystone for its completion and endurance, a keystone locking the members together in harmony, peace and understanding, which no other association can afford. The KEYSTONE

of Masonry in the Philippines was our Most Worshipful Brother C. W. Rosenstock. The fruitful labors of his Masonic life have been ever locking all Masons together in Love, Concord and Unity so that our ideologies may ever prevail in this corner of the world.

For a painter to draw accurately on the canvass the ideal world conceived in his prolific imagination, he must possess a strong feeling of Love and Devotion for all mankind. Most Wor. Bro. C. W. ROSENSTOCK possessed such Love and Devotion. And so, without his realizing it on the canvass of his every day life he was drawing his ideal Masonic world that he has conceived in deep Love and dedicated and consecrated to the service of the one Living and True Supreme Being and His creatures.

ANTONIO GONZALEZ, P. G. M.
Grand Secretary

**MASONIC BIOGRAPHICAL SKETCH
CHRISTIAN WILLIAM ROSENSTOCK
Manila, Philippines**

CHRISTIAN WILLIAM ROSENSTOCK

Born in Salem, Oregon, March 16th, 1880
Arrived in Manila, Philippines on November 30, 1900, from San Francisco, California.

Name of Father: Gilbert C. Rosenstock
Name of Mother: Rebecca Jane Davis
Married to Ada May Chestmore in Oakland, California on July 21, 1899

- Wanda Dolores (now Mrs. Wallace W. Willard) born in Alameda, California, May 18, 1900.
- Dorothy May (now Mrs. Philip S. Crovat) born in Manila, Philippines, November 9, 1904.
- Virginia Evelyn (now Mrs. Homer L. Grosskoff) born in Manila, Philippines, November 23, 1906.

Educated in the Public Schools at Portland, Oregon.
Captain U.S. Army Officers Reserve Corps for eighteen years.
Was appointed Director of Real Estate U.S. Army, Philippines Division prior to World War II.
Was interned with Mrs. Rosenstock by the Japanese in Sto. Tomas Internment Camp during the occupation of the Philippines by the Japanese. Entered that camp on January 5, 1942 and was released by the American Armed Forces in February 3, 1945.

Mrs. Rosenstock died on January 6, 1943, while an internee in that Camp.

MEMBER OF THE FOLLOWING CLUBS:
Army & Navy Club of Manila

- Manila Polo Club
- Elks Club (BPOE No. 761) Manila
- Baguio Country Club, Baguio, Philippines
- University Club, Manila
- Union League Club, San Francisco

Was initiated in Corregidor Lodge No. 386 in Manila on April 15; passed on April 18, and raised on May 23, 1912.

Serve his mother Lodge as Junior Deacon in 1913, and demitted to form Bagumbayan Lodge No. 4, which was the first Subordinate Lodge of the Philippine Islands.

Was the Senior Warden of Bagumbayan Lodge No. 4 in 1914 and its Woshipful Master in 1916.

He was honored with offices in the Grand Lodge of the Philippine Islands as follows:

Junior Grand Steward	1915
Junior Grand Warden	1916
Grand Chaplain	1917
Grand Master of Ceremonies	1921
Junior Grand Warden	1922
Senior Grand Warden	1923
Deputy Grand Master	1924
Grand Master	1925
Chairman, Committee on Jurisprudence	

Grand Representative of Montana near our Grand Lodge
Deputy General Grand High Priest, General Grand Chapter,
Royal Arch Masons, for the Philippines, Guam and Japan.

(Continued on page 55)

PLEDGE OF SERVICE ❖ ❖ ❖

THE YORK OR OLD GOTHIC CONSTITUTIONS OF FREEMASONRY

By ANTONIO GONZALEZ, P.G.M.—F.P.S.

THE GRAND LODGE OF ENGLAND was organized in 1717. On September 29, 1921, Dr. James Anderson was requested to codify the YORK CONSTITUTIONS, which were then known as the OLD GOTHIC CONSTITUTIONS. This was done, and the CONSTITUTIONS as codified by Anderson were adopted by the Grand Lodge of England on March 25, 1722.

What are these York Constitutions? There was a tradition or rather a legend, regarded by some as history, that in the year 627 A. D., King EDWIN of Northumbria who was then made a Christian organized an assembly of Operative Masons at York for the purpose of better expediting the erection of Cathedrals and Houses of prayer. It is claimed that in said assembly a body of rules, laws or regulations was adopted which was known as constitutions. We have no record of said constitutions. It is said that the great builders in England, some of them coming from Rome, brought with them to England Operative Masons or Artificers thus perpetuating in that country the old Roman sodalities under the control of the Christians. It might be that these constitutions, rules or regulations were set forth just to organize these sodalities and govern the rights and duties of their members. All this is mere surmise, or conjecture as no historical fact can be gleaned from historical records or documents.

Legend has it that after this assembly met under Edwin, other assemblies had been held in different localities and on different times until the year 926 A.D., when, it is claimed, another General Assembly was held in York under the auspices of King Athelstane, the grandson of King Alfred. The legend further goes to say that King Athelstane issued a Charter to the Masons in assembly, and, that in this assembly, constitutions, laws and regulations were adopted for the government of Masons. But still there is no evidence that these constitutions, rules or regulations are the same constitutions known now as the YORK CONSTITUTIONS or THE OLD GOTHIC CONSTITUTIONS.

Clegg said the following as regards these York Constitutions:

"Are the Constitutions which were adopted by that General Assembly now extant? It is not to be doubted, that if a General Assembly was held, it must have adopted Constitutions or regulations for the Government of the Craft. Such would mainly be the object of the meeting. But there is no sufficient evidence that the Regulations now called the YORK CONSTITUTIONS, or the GOTHIC CONSTITUTIONS, are those that were adopted in 926. It is more probable that the original document and all genuine copies of it are lost, and that it formed the type from which all the more modern manuscript Constitutions have been formed. There is the strongest internal evidence that all the manuscripts, from the HALLIWELL to the PAPWORTH, had a common original, from which they were framed with more or less modification. And this original Doctor Mackey supposed to be the Constitution which must have been adopted at the General Assembly at York." And C. C. Hunt (P.G.H.P.) commented:

"None of the manuscripts we have are originals, but copies of some earlier forms. Whether they have actually been based on Athelstan's charter, we do not know, but they

were so considered when the Grand Lodge of London adopted Anderson's adaptation of them in the Constitutions of 1723. The Grand Lodge of Ireland followed Anderson under the impression that in so doing they were substantially adopting the Old York constitutions."

Ours at present is a York Rite Masonry not only in its Degree system, but also in its traditions, regulations and customs. For this reason it will be convenient for our members to have an idea of what are now regarded to be the YORK CONSTITUTIONS, or the OLD GOTHIC CONSTITUTIONS, of 926 A. D. They are as follows:

THE FIFTEEN ARTICLES:

1. The Master must be steadfast, trusty and true; provide victuals for his men, and pay their wages punctually.
 2. Every Master shall attend the Grand Lodge when duly summoned, unless he has a good and reasonable excuse.
 3. No Master shall take an Apprentice for less than seven years.
 4. The son of a bondman shall not be admitted as an Apprentice, lest, when he is introduced into the Lodge, any of the brethren should be offended.
 5. A candidate must be without blemish, and have the full and proper use of his limbs; for a maimed man can do the craft no good.
 6. The Master shall take especial care, in the admission of an Apprentice, that he do his lord no prejudice.
 7. He shall harbor no thief or thief's retainer, lest the craft should come to shame.
 8. If he unknowingly employ an imperfect man, he shall discharge him from the work when his inability is discovered.
 9. No Master shall undertake a work that he is not able to finish to his lord's profit and the credit of his Lodge.
 10. A brother shall not supplant his fellow in the work, unless he be incapable of doing it himself; for then he may lawfully finish it, that pleasure and profit may be the mutual result.
 11. A Mason shall not be obliged to work after the sun has set in the West.
 12. Nor shall he decry the work of a brother or fellow, but shall deal honestly and truly by him, under a penalty of not less than ten pounds.
 13. The Master shall instruct his Apprentice faithfully, and make him a perfect workman.
 14. He shall teach him all the secrets of his trade.
 15. And shall guard him against the commission of perjury, and all other offenses by which the craft may be brought to shame.
- The fifteen points:

1. Every Mason shall cultivate brotherly love and the love of God, and frequent Holy Church.
2. The workman shall labor diligently on work days, that he may deserve his holidays.

❖ ❖ PLEDGE OF SERVICE ❖ ❖

3. Every Apprentice shall keep his Master's counsel, and not betray the secrets of his Lodge.
4. No man shall be false to the craft, or entertain a prejudice against his Master or Fellows.
5. Every workman shall receive his wages meekly, and without scruple; and should the Master think proper to dismiss him from the work, he shall have due notice of the same before H. xii.
6. If any dispute arise among the brethren, it shall be settled on a holiday, that the work be not neglected, and God's fulfilled.
7. No Mason shall debauch, or have carnal knowledge of the wife, daughter, or concubine of his Master or Fellows.
8. He shall be true to his Master, and a just mediator in all disputes or quarrels.
9. The Steward shall provide good cheer against the hour of refreshment, and each Fellow shall punctually defray his share of the reckoning, the Steward rendering a true and correct account.
10. If a Mason live amiss, or slander his Brother, so as to bring the Craft to shame, he shall have no further maintenance among the brethren, but shall be summoned to the next Grand Lodge, and if he refuses to appear, he shall be expelled.
11. If a Brother see his Fellow hewing a stone, and likely to spoil it by unskillful workmanship, he shall teach him to amend it, with fair words and brotherly speeches.
12. The General Assembly, or Grand Lodge, shall consist of Masters, and Fellows, Lords, Knights and Squires, Mayor and Sheriff, to make new laws, and to confirm old ones when necessary.
13. Every Brother shall swear fealty, and if he violate his oath, he shall not be succored or assisted by any of the Fraternity.
14. He shall make oath to keep secrets, to be steadfast and true to all the ordinances of the Gran Lodge, to the King and Holy Church, and to all the several points herein specified.
15. And if any Brother break his oath, he shall be committed to prison, and forfeit his goods and chattels to the King.

Additional Ordinance:

That a General Assembly shall be held every year, with the Grand Master at its head, to enforce these regulations, and to make new laws, when it may be expedient to do so, at which all the brethren are competent to be present; and they must renew their O. B. to keep these status and Constitutions, which have been ordained by King Athelstan, and adopted by the Grand Lodge of York. And this assembly further directs that, in all ages to come, the existing Grand Lodge shall petition the reigning Monarch to confer his sanction on their proceedings.

It is contended that the FIFTEEN ARTICLES refer to rules for the government of the Craft, and that the FIFTEEN POINTS are rules for individual members.

"The Masonry of the English speaking world still acknowledges the principles contained in the Old York Constitutions. They have been built upon and enlarged, but the fundamentals contained in the Old Manuscripts are still preserved."

It will be a grand thing for our members to be thoroughly acquainted with the foregoing OLD or GOTHIC YORK CONSTITUTIONS as part of the fundamentals of our present Masonic Law.

◆ ◆ OFFICIAL SECTION ◆ ◆

MASONIC BIOGRAPHICAL SKETCH . . .

(Continued from page 53)

- High Priest, Manila Chapter, U.D. R.A.M.
- Member, Oriental Chapter No. 1, R.S.M.
- Past Eminent Commander, Far East Commandry No. 1, K.T.
- Intendant General, Philippine Division, Red Cross of Constantine of the United States of America, Mexico and the Philippines.
- 320, K.C.C.H. Scottish Rite (Gautama Consistory), Manila
- Past Worthy Patron, Mayon Chapter No. 1, Order of the Eastern Star.

ANNOUNCEMENTS

Funeral services for the deceased will be held under the auspices of the Grand Lodge of Free and Accepted Masons of the Philippine Islands on Sunday, October 29, 1950 at 3:00 P.M. at the Plaridel Masonic Temple, 520 San Marcelino, Manila. All Master Masons and their friends are requested to attend. Funeral orations will be delivered by:

- W. Bro. Luis Meneses—Bagumbayan Lodge No. 4, F. & A. M.
- Bro. Edw. Selph—Red Cross of Constantine
- Rt. W. Bro. Mauro Baradi—Present Grand Lodge Officers
- M. W. Bro. Francisco A. Delgado, P.G.M.—Grand Lodge of the Philippine Islands; York Rite; Scottish Rite of the Republic of the Philippines

IRREGULAR, SPURIOUS AND CLANDESTINE BODIES IN THE PHILIPPINES

ORGANIZED — 1924-1927-1936

- Supremo Consejo del Grado 33 para Filipinas (Paez)
- Supremo Consejo del Grado 33 del Gran Oriente de Filipinas (Miranda) Calle Cavite
- Supremo Consejo del Grado 33 del Archipiélago Filipino (Casimiro) Pasay
- Gran Logia Nacional de Filipinas (Paez)
- Gran Logia del Archipiélago Filipino (Casimiro)
- Gran Logia "Soberana" del Archipiélago Filipino (Mendoza) (Miranda)

ORGANIZED — 1947

- Supremo Consejo del Gran Oriente Filipino (Ex Dimasalang) (J. Estella)
- Gran Logia de la Republica Filipina (Ex Dimasalang) (J. Estella)

Teofilo A. Abejo

LAWYER

208 Peoples Bank Building
Corner Dasmariñas & David, Manila

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PLEDGE OF SERVICE

AGAINST RELIGIOUS INSTRUCTION IN THE PUBLIC SCHOOLS

By Rt. Wor. Bro. MAURO BARADI

*Junior Grand Warden,
Grand Lodge of the Philippine Islands*

(Statement at the joint hearings held by the Committee on Codes of the Senate and Committee on Codification of Laws of the House of Representatives, Congress of the Philippines, Session Hall, Legislative Building, Manila, Philippines, July 13, 1950)

I. INTRODUCTION

For sometime now, the hearings on the various articles of Republic Act No. 386 known as the "Civil Code of the Philippines" have been going on. The patience and understanding evidenced by the Honorable Chairmen and Members of the Committee on Codes of the Senate and Committee on Codification of Laws of the House of Representatives, Congress of the Philippines, as conflicting opinions and even heated arguments on disputed provisions of the Civil Code of the Philippines were expressed, can not but evoke thankfulness from those appearing before these Committees and praise from the public as a whole.

On the part of Masons in the Philippines whom I have the honor to represent, we are truly grateful for the privilege of speaking at these joint hearings.

At the outset, it may be stated that the principal tenets of Masonry are Brotherly Love, Relief, and Truth. Masonry teaches "Liberty with obedience to law, Equality with subjection to authority, and Fraternity with subordination to the wisest and best." Masonry likewise, inculcates religious truths and appeals to its votaries to observe and practice them; but while it acknowledges the good and true in all creeds, this Universal Brotherhood considers no single creed as having a monopoly of all the virtues known to man. We, therefore, respectfully submit that as Masons we are inalterably opposed to religious instruction—as provided for in the Civil Code—in the public schools which are and ought to be, non-partisan and non-sectarian: the very schools where all the children of all the people may enter and obtain their education.

II. THE ARTICLE IN QUESTION

We question the propriety and wisdom of paragraph (1) of Art. 359 of the Civil Code which provides that:

"The government promotes the full growth of the faculties of every child. For this purpose, the government will establish, whenever possible:

"(1) Schools in every barrio, municipality and city where optional religious instruction shall be taught as part of the curriculum at the option of the parent or guardian;"

This article, like all the others (356 to 363) under "TITLE XII.—CARE AND EDUCATION OF CHILDREN", Book I, of the Civil Code, is a new codal provision. In effect, it requires the government to establish—whenever possible—schools in every barrio, schools in every municipality,

and schools in every city, and in all of these schools "optional religious instruction shall be taught as part of the curriculum at the option of the parent or guardian."

It is in order to define some of the terms involved in the codal provision above quoted. "Optional" means "left to one's choice"; "part" signifies "an essential or integral portion"; "curriculum" is the "specified or regular course of study" in a school. More specifically, the term, "curriculum" embraces "(1) a systematic group of courses or sequence of subjects required for graduation or certification in a major field of study, for example, social studies curriculum, physical education curriculum; (2) a general overall plan of the content or specific materials of instruction that the school should offer the student by way of qualifying him for graduation or certification or for entrance into a professional or a vocational field; (3) a body of prescribed educative experiences under school supervision, designed to provide an individual with the best possible training and experience to fit him for the society of which he is a part or to qualify him for a trade or profession." (*Good's Dictionary of Education*, 1st Edition, McGraw-Hill Book Company, Inc., 1945, p. 113.) "Option" denotes the "right of choice or election." Thus the clause in the disputed codal provision: "where optional religious instruction shall be taught as part of the curriculum at the option of the parent or guardian" may be stated: "where one may choose religious instruction to be taught as an essential or integral portion of the specified or regular course of study at the choice or election of the parent or guardian." It is manifestly clear that the terms "optional" and "option" as used in the disputed codal provision are misleading; for while "optional" and "option" appear therein they do not remove or change the compulsory character of the religious instruction to be given because the latter shall be taught "as part of the curriculum." And if that day comes when compulsory religious instruction shall be taught in our public schools, then the costly mistakes and tragic experiences of our past will be repeated; our public schools will cease to be really public for they would be converted as effective instruments for the propagation of religious beliefs and conflicting creeds—contrary to the constitutional provision that

"No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights." Paragraph (7), Section 1, Article III, Constitution of the Philippines.

❖ ❖ ❖ PLEDGE OF SERVICE

If in the United States where optional religious instruction is taught in the public schools, conflict has already arisen as a consequence thereof, how much more confusion would result if the religious instruction is compulsory as contemplated in paragraph (1) of Art. 359 of the Civil Code!

As a practical illustration, let us take the comparatively recent case—among many others—of *People of the State of Illinois ex rel. Vashti McCollum v. Board of Education of School District No. 71, Champaign County, Illinois, et al.*

The Supreme Court of the United States through Justice Black delivered the opinion of the Court (March 8, 1948), viz.:

"This case relates to the power of a state to utilize its tax-supported public school system in aid of religious instruction insofar as that power may be restricted by the First and Fourteenth Amendments to the Federal Constitution.

"The appellant, Vashti McCollum, began this action for mandamus against the Champaign Board of Education in the Circuit Court of Champaign County, Illinois. Her asserted interest was that of a resident and taxpayer of Champaign and of a parent whose child was then enrolled in the Champaign public schools. Illinois has a compulsory education law which, with exceptions, requires parents to send their children, aged seven to sixteen, to its tax-supported public schools where the children are to remain in attendance during the hours when the schools are regularly in session. Parents who violate this law commit a misdemeanor punishable by fine unless the children attend private or parochial schools which meet educational standards fixed by the State. District boards of education are given general supervisory powers over the use of the public school buildings within the school districts, Ill. Rev. Stat. ch. 122, Secs. 123, 301 (1943).

"Appellant's petition for mandamus alleged that religious teachers, employed by private religious groups, were permitted to come weekly into the school buildings during the regular hours set apart for secular teaching; and then and there for a period of thirty minutes substitute their religious teaching for the secular education provided under the compulsory education law. The petitioner charged that this joint public-school religious-group program violated the First and Fourteenth Amendments to the United States Constitution. The prayer of her petition was that the Board of Education be ordered to "adopt and enforce rules and regulations prohibiting all instruction in and teaching of all religious education in all public schools in Champaign District Number 71, . . . and in all public school houses and buildings in said district when occupied by public schools."

"Although there are disputes between the parties as to various inferences that may or may not properly be drawn from the evidence concerning the religious program, the following facts are shown by the record without dispute. In 1940 interested members of the Jewish, Roman Catholic, and a few of the Protestant faiths formed a voluntary association called the Champaign Council of Religious Edu-

cation. They obtained permission from the Board of Education to offer classes in religious instruction to public school pupils in grades four to nine inclusive. Classes were made up of pupils whose parents signed printed cards requesting that their children be permitted to attend; they were held weekly, thirty minutes for the lower grades, forty-five minutes for the higher. The council employed the religious teachers at no expense to the school authorities, but the instructors were subject to the approval and supervision of the superintendent of schools. The classes were taught in three separate religious groups by Protestant teachers, Catholic priests, and a Jewish rabbi, although for the past several years there have apparently been no classes instructed in the Jewish religion. Classes were conducted in the regular classrooms of the school building. Students who did not choose to take the religious instruction were not released from public school duties; they were required to leave their classrooms and go to some other place in the school building for pursuit of their secular studies. On the other hand, students who were released from secular study for the religious instruction were required to be present at the religious classes. Reports of their presence or absence were to be made to their secular teachers.

"The foregoing facts, without reference to others that appear in the record, show the use of tax-supported property for religious instruction and the close cooperation between the school authorities and the religious council in promoting religious education. The operation of the state's compulsory education system thus assists and is integrated with the program of religious instruction carried on by separate religious sects. Pupils compelled by law to go to school for secular education are released in part from their legal duty upon the condition that they attend the religious classes. This is beyond all question a utilization of the tax-established and tax supported public school system to aid religious groups to spread their faith. And it falls squarely under the ban of the First Amendment (made applicable to the States by the Fourteenth) as we interpreted it in *Everson v. Board of Education*, 330 U.S. 1. There we said: 'Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force or influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or for professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups, and *vice versa*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state.'

"To hold that a state cannot consistently with the First and Fourteenth Amendments utilize its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals does not, as counsel urge, manifest a governmental hostility to religion or religious

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teachings. A manifestation of such hostility would be at war with our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion. For the First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere. Or, as we said in the *Everson* case, the First Amendment has created a wall between Church and State which must be kept high and impregnable.

"Here not only are the state's tax-supported public school buildings used for the dissemination of religious doctrines. The State also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state's compulsory public school machinery. This is not separation of Church and State.

"The cause is reversed and remanded to the State Supreme Court for Proceedings not inconsistent with this opinion.

We have quoted extensively from the decision of the Supreme Court of the United States with a view to giving a complete picture of the danger arising from allowing various faiths to use the public schools for released-time religious training. In the instant case, eight out of the nine Justices held that local American school boards can not use public class-rooms for "released time" religious classes; and the doctrine that "the First Amendment has erected a wall between Church and State" was reiterated.

The proponents of the teaching of religion as part of the curriculum in the public schools may argue that because the religious instruction is optional, pupils who do not desire to attend classes for the purpose are not forced to do so. This is good in theory but injurious in practice. The children not in the religious classes consider themselves separated from their classmates by religious barriers and feel ostracized. Instead of strengthening the tie that binds them with the rest of the pupils, separate and various religious classes held in the same school building will weaken that tie.

On this point, it is fitting to cite once more the *Vashti McCollum* case, *supra*, and quote from the concurring opinion delivered by Justice Frankfurter in which Justice Jackson, Rutledge, and Burton joined. Says the opinion:

"Religious education so conducted on school time and property is patently woven into the working scheme of the school. The Champaign arrangement thus presents powerful elements of inherent pressure by the school system in the interest of religious sects. The fact that this power has not been used to discriminate is beside the point. Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally. That a child is offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain. The law of imitation operates, and non-conformity is not an outstanding characteristic of children. The result is an obvious pressure upon children to attend. Again, while the Champaign school population represents only a fraction of the more than two hundred and fifty sects of the nation, not even all the practicing sects in Champaign are willing or able to provide religious instruction. The children belonging to these non-participating sects will thus have inculcated in them a feeling of separatism when the school should be the training ground for habits of community, or they will have religious instruction in

a faith which is not that of their parents. As a result, the public school system of Champaign activity furthers inculcation in the religious tenets of some faiths, and in the process sharpens the consciousness of religious differences at least among some of the children committed to its care. These are consequences not amenable to statistics. But they are precisely the consequences against which the Constitution was directed when it prohibited the Government common to all from becoming embroiled, however innocently in the destructive religious conflicts of which the history of even this country records some dark pages.

"Mention should not be omitted that the integration of religious instruction within the school system as practiced in Champaign is supported by arguments drawn from educational theories as diverse as those derived from Catholic conceptions and from the writings of John Dewey. Movements like 'released time' are seldom single in origin or aim. Nor can the intrusion of religious instruction into the public school system of Champaign be minimized by saying that it absorbs less than an hour a week; in fact, that affords evidence of a design constitutionally objectionable. If it were merely a question of enabling a child to obtain religious instruction with a receptive mind the thirty or forty-five minutes could really be found on Saturday or Sunday. If that were all, Champaign might have drawn upon the French system, known in its American manifestation as 'dismissed time,' whereby one school day is shortened to allow all children to go where they please, leaving those who desire to go to a religious school. The momentum of the whole school atmosphere and school planning is presumably put behind religious instruction, as given in Champaign, precisely in order to secure for the religious instruction such momentum and planning. To speak of 'released time' as being only half or three quarters of an hour is to draw a thread from a fabric.

"We do not consider, as indeed we could not, school programs not before us which, though colloquially characterized as 'released time,' present situations differing in aspects that may well be constitutionally crucial. Different forms which 'released time' has taken during more than thirty years of growth include programs which, like that before us, could not withstand the test of the Constitution; others may be found unexceptionable. We do not now attempt to weigh in the Constitutional scale very separate detail or various combination of factors which may establish a valid 'released time' program. We find that the basic Constitutional principle of absolute separation was violated when the State of Illinois speaking through its Supreme Court, sustained the school authorities of Champaign in sponsoring and effectively furthering religious beliefs by its educational arrangement.

"Separation means separation, not something less. Jefferson's metaphor in describing the relation between Church and State speaks of a "wall of separation," not of a fine line

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easily overstepped. The public school is at once the symbol of our democracy and the most pervasive means of promoting our common destiny. In no activity of the State is it more vital to keep out divisive forces than in its schools, to avoid confusing, not to say, fusing, what the Constitution sought to keep strictly apart. 'The great American principle of eternal separation'—Elihu Root's phrase bears repetition—is one of the vital reliances of our Constitutional system for assuring unities among our people stronger than our diversities. It is the Court's duty to enforce this principle in its full integrity.

"We renew our conviction that 'we have staked the very existence of our country on the faith that complete separation between the state and religion is best for the state and best for religion.' *Everson v. Board of Education*, 330 U.S. at 59. If no where else, in the relation between Church and State, 'good fences make good neighbors.'"

Referring again to the clause "where optional religious instruction shall be taught as part of the curriculum", we may mention here some of the problems that may arise in connection therewith. These problems are: (1) fixing the curriculum in order to make religious instruction an essential or integral portion thereof; (2) preparation, printing, and purchase of religious textbooks; (3) additional appropriation and ever-increasing expenditure of public money for propagating the different faiths of our people; (4) training and reorientation of duly qualified teachers; (5) employment of laymen, preachers, pastors, ministers and priests of different sects, denominations, and churches; and (6) enforcing the discipline of the public schools as to teachers of religion.

It is natural that religious teachers will serve the interest of their religion first and the welfare of public school children later; even the wearing of their pastoral garb or priestly habit will have decided impression on the minds of the children. And the possibility of heated discussion and unwholesome competition among the different religious teachers with their respective followers or flock taking sides, can not be avoided. Results: suspicion, misunderstanding, and enmity, instead of mutual trust, fellowship, and harmony.

III. THE CONSTITUTION ON OPTIONAL RELIGIOUS INSTRUCTION

Even granting for the sake of argument only that the provision in question—paragraph (1) of Art. 359 of the Civil Code of the Philippines—is desirable; yet it may not be legally enforced as being violative of the Constitution of the Philippines.

In the first place, when optional religious instruction is made part of the curriculum, there can be no doubt that it is an essential or integral portion of said curriculum, and as such it contravenes Sec. 5, Article XIV of the Constitution of the Philippines which provides that:

"... Optional religious instruction shall be maintained in the public schools as now authorized by law."

This provision in the Constitution was approved by the Constitutional Convention after vigorous debates and discussion among the framers of the fundamental law of our country. The fight involving the public schools was three-cornered: (1) those who advocated compulsory religious instruction; (2) those who insisted on the prohibition of religious teaching; and (3) those who favored optional reli-

gious instruction. To be more specific, the following propositions were among those submitted: (1) that "in all public schools there . . . be prescribed a course in moral ethics or the religion of the parents of the school children, at the option of the parents;" (2) that "in all the public schools there shall be included among the subjects moral or religious instruction at the option of the parents or guardians of the pupils;" and (3) that religious instruction should be optional "as now authorized by law." The outcome was the maintenance in the public schools of optional religious instruction "as now authorized by law."

The phrase "as now authorized by law" has reference to Section 927 and 928 of the Revised Administrative Code of 1917 which was the law on the subject in 1935 when the Constitution was adopted. These Sections became part of the Constitution by reference. Section 927 prohibits a teacher or other persons engaged in any public school to teach or criticize the doctrines of any church . . . Section 928 allows a priest or minister . . . to teach religion in the public school to children whose parents or guardians request the instruction in writing.

Nowhere do we find in the Constitution or in the Sections of the Revised Administrative Code of 1917 above referred to, any word, phrase, or sentence which directly or indirectly refer to the public schools as institutions where optional religious instruction shall be taught "as part of the curriculum" at the option of the parent or guardian. The fixing of the curricula for all public schools under the jurisdiction of the Director of Public Schools is among the legally-prescribed duties (Sec. 910(d), Revised Administrative Code of 1917) of the said Director. He may not, therefore, devote part of his time and duties to matters sectarian or religious in his capacity as such.

In the second place, because teachers giving religious instruction as part of the curriculum may be paid out of public money. This too, runs counter to paragraph (3), Sec. 23 of Article VI of the Constitution which states 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, 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."

There can be no doubt then that in the Philippines, government funds can not be used to spread the gospel of any sect or religion.

When the article under discussion went further by providing that in schools in every barrio, municipality and city "optional religious instruction shall be taught as part of the curriculum . . ." (paragraph (1) of Art. 359), it violated

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the specific provision of our own Constitution that "optional religious instruction shall be maintained as now authorized by law."

"If an act of the legislature is held illegal, it is not because the judges have any control over the legislative power, but because the act is forbidden by the fundamental laws of the land and because the will of the people, as declared by such fundamental laws, is paramount and must be obeyed even by the legislature." (Johnson, J., in U.S. v. Ten Yu, 24 Phil. 1, 11.)

"We disclaim the right to assert a judgment against that of the legislature, of the expediency of the laws, or the right to oppose the judicial power to the legislative power to define crimes and fix their punishment, unless the power encounters in its exercise a constitutional prohibition. In such case, not our discretion, but our legal duty, strictly defined and imperative in its discretion, is invoked. Then the legislative power is brought to the judgment of a power superior to it for the instant. And for the proper exercise of such power there must be a comprehension of all that the legislature did or could take into account.—that is, a consideration of the mischief and the remedy. However, there is a certain subordination of the judiciary to the legislature. The function of the legislature is primary, its exercise fortified by presumptions of right and legality, and is not to be interfered with lightly, nor by any judicial conception of its wisdom or propriety. They have no limitation, we repeat, but constitutional ones, and what those are the judiciary must judge." (Weems v. U. S., 217 U. S. 378.)

"It is the duty of the court to sustain the constitutionality of a legislative act when it can be done without violating some express provision of the Organic Law."

"The constitutionality of a law is not tested by what has been done, but it is tested by what can or may be done under the law." (Olsen & Co. v. Aldanese and Trinidad, 43 Phil. 259.)

IV. A SUGGESTION

Farbeit from us to show a way—and the only safe method—by which these constitutional objections may be overcome. But a remedy is wide open for those who sincerely believe that optional religious instruction shall be taught as part of the curriculum in our public schools, namely by modifying the Constitutional amendment. Indeed, Section I, Article XV of the Constitution of the Philippines says that

"The Congress in joint session assembled, by a vote of three-fourths of all the Members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification."

If this is not accomplished and paragraph (1), Art. 359 of the Civil Code remains, we will have a law which is at once unconstitutional; a provision repugnant to democracy as a way of life, fidelity to which the very same Civil Code expressly seeks to imbue the child with (Art. 358).

V. OUR RECOMMENDATION

Therefore, it is respectfully urged that the article under discussion—paragraph (1), Art. 359—be changed by striking out from said paragraph (1), the phrase "where

optional religious instruction shall be taught as part of the curriculum at the option of the parent or guardian," since the Constitution already provides for optional religious instruction in the public schools. In other words, the article just referred to should read:

"The government promotes the full growth of the faculties of every child. For this purpose, the government will establish, whenever possible:

"(1) Schools in every barrio, municipality and city;"

The phrase "Schools in every barrio, municipality and city" is the very same phrase proposed in the draft of the Civil Code by the Code Commission.

VI. FACTS OF HISTORY

With the indulgence of the Honorable the Chairmen and Members of the Committees conducting these hearings, permit us now to illucidate in detail our stand on the important and serious national question of religious instruction in the public schools. We say, important, because it affects the education of the Filipino youth—and as much as possible free from sectarian bias and religious prejudice—and serious, because it is aimed at nullifying the well-established principle of the separation of Church and State which, for half a century has taken deep root in our native land.

In dealing further with the question of religious instruction in the public schools, it is necessary to remind our selves with a few important facts. This would necessitate a brief review of the history of the Philippines in the distant past.

One of Spain's objectives when her colonizers first came to the Philippines was to convert the people to Christianity. The Spaniards were so zealous in this regard that they stopped at nothing to attain their goal.

Among the early measures enforced in this country was the Royal Decree of 1863 containing a provision for the teaching of religion in the schools. At the time, the Church and the State were combined; both complemented each other in carrying out this particular provision of the Decree. No school could be established without incorporating religious instruction in its curriculum. In spite of the supposed advantages expected out of the set-up the results proved the contrary. Instead of enlightenment, there was bigotry; hand in hand with the spirit of goodwill and neighborliness, there came about greater persecution and religious intolerance; the Filipinos far from being satisfied with the conditions then obtaining under Spanish domination showed signs of discontent and anxiety. There was the inevitable persecution, prosecution, and execution of countless men notably members of the Masonic Fraternity; others still were dispossessed of their properties if not exiled to foreign lands. The people fought many a revolution to

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improve the chaotic situation and to rid themselves of the ruling power's tyranny and oppression.

VII. LEGISLATIVE ENACTMENT AND CONSTITUTIONAL PROVISIONS

It is not therefore surprising that every important step taken since the end of the Spanish regime here has been toward the separation of the Church and the State and the freedom of worship.

For our purpose it is sufficient to quote pertinent provisions from various sources to emphasize this naked fact.

1. *The Malolos Constitution* (January 20, 1899):

"The state recognizes the freedom and equality of all religious worships as well as the separation of the church and the state." (Art. 5)

"Any Filipino can found and maintain establishments of instruction or of education, in accordance with the provisions which are established.

"Popular education shall be obligatory and gratuitous in the schools of the nation." (Art. 23)

2. *The President's Instructions to the Philippine Commission* dated April 7, 1900:

"... It will be the duty of the Commission to make a thorough investigation into the titles of the large tracts of land held or claimed by individuals or religious orders; ... In the performance of this duty the commission is enjoined to see that no injustice is done; that no form of religion and no minister of religion shall be forced upon any community or upon any citizen of the Islands; that, upon the other hand, no minister of religion shall be interfered with or molested in following his calling and that the separation between state and church shall be real, entire, and absolute.

"It will be the duty of the Commission to promote and extend and, as they find occasion, to improve the system of education already inaugurated by the military authorities. In doing this they should regard as of first importance the extension of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community..."

3. *Act 74 of the Philippine Commission* approved January 21, 1901:

"No teacher or other person shall teach or criticize the doctrines of any church, religious sect or denomination, or shall attempt to influence the public for or against any church or religious sect in any public school established under this Act. If any teacher shall intentionally violate this section, he or she shall, after due hearing, be dismissed from the public service.

"Provided, however, that it shall be lawful for the priest or minister of any church established in the pueblo where a public school is situated, either in person or by a designated teacher of religion, to teach religion for half an hour three times a week in the school building to those public school pupils whose parents or guardians desire it and express their desire therefore in writing filed with the principal teacher of the school, to be forwarded to the Division Superintendent, who shall fix the hours and rooms for such teaching. But no public school teacher shall either conduct religious exercises or teach religion or act as a designated religious teacher in the school building under the foregoing authority, and no pupil shall be required by any public school teacher to attend and receive the religious instruction herein permitted. Should the op-

portunity thus given to teach religion be used by the priest, minister or religious teacher for the purpose of arousing disloyalty to the United States, or of discouraging the attendance of pupils at such public school creating a disturbance of public order, or of interfering with the discipline of the school, the Division Superintendent of Public Instruction, may after due investigation and hearing, forbid such offending priest, minister or religious teacher from entering the public school building thereafter."

(Sec. 16)

4. *Philippine Autonomy Act*—Act of Congress of August 29, 1916:

"That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference shall forever be allowed; and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, 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 teachers or dignitary as such."

(Sec. 3, Paragraph 13)

5. *Revised Administrative Code of 1917*:

"Sec. 927. *Discussion of religious doctrines to be eschewed.*—No teacher or other person engaged in any public school, whether maintained from insular, provincial, or municipal funds, shall teach or criticize the doctrines of any church, religious sect, or denomination, or shall attempt to influence the pupils for or against any church or religious sect. If any teacher shall intentionally violate this section he or she shall, after due hearing, be dismissed from the public service.

"Sec. 928. *Provision for religious instruction by local priest or minister.*—It shall be lawful, however, for the priest or minister of any church established in the town where a public school is situated, either in person or by a designated teacher of religion, to teach religion for one-half hour three times a week, in the school building, to those public school pupils whose parents or guardians desire it and express their desire therefor in writing filed with the principal teacher of the school, to be forwarded to the division superintendent, who shall fix the hours and rooms for such teaching. But no public school teacher shall either conduct religious exercise or teach religion or act as a designated religious teacher in the school building under the foregoing authority, and no pupils shall be required by any public school teacher to attend and receive the religious instruction herein permitted. Should the opportunity thus given to teach religion be used by the priest, minister, or religious teacher for the purpose of arousing disloyalty to the United States, or of discouraging the attendance of pupils at such public school, or creating a disturbance of public order, or of interfering with the discipline of the school, the division superintendent, subject to the approval of the Director of Education, may after due investigation and hearing, forbid such offending priest, minister, or religious teacher from entering the public school building thereafter."

6. *Public Act of the United States Congress* commonly known as the *Tycings-McDuffie Law*—March 24, 1934:

In its Mandatory Provisions, this Law specifically provides that

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"Section 2(a), (3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship."

7. *The Constitution of the Philippines* (adopted February 8, 1935):

"No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights." [Article III,—Bill of Rights—Sec. 1 (7).]

"All educational institutions shall be under the supervision of and subject to regulation by the State . . . Optional religious instruction shall be maintained in the public schools as now authorized by law." (Article XIII, Sec. 5.) (This is now Article XIV, Sec. 5, of the present Constitution of the Philippines.)

Thus the provisions above quoted are clear and unmistakable; thus the tendency not to have compulsory religious instruction in the public schools has been both consistent and persistent.

VIII. REVIVING AN ISSUE LONG SETTLED

There have been repeated and systematic attempts to teach compulsory religious instruction in the public schools, one way or the other. Among the reasons advanced by supporters of this move is "the people's need for moral regeneration"; besides, "religion is a potent factor in any crusade for moral regeneration", and that today's need, more than anything else is "religious instruction, a national revival of religious faith to indoctrinate our people with the golden rules of Christianity." Then there is still the indictment that the necessary religious instruction is utterly lacking today in our public schools; that a great number of boys and girls therein have become irreligious, godless, and irresponsible. This simply implies that the public schools in our country charged by the Constitution (Sec. 5, Article XIV) "to develop moral character . . ." have failed on this account, hence the necessity of utilizing public schools in a religious crusade for moral regeneration.

We make no apology for being a product of the Philippine public schools; if given another chance, we would again join the millions of school children in the public schools where they learn to respect not despise, trust not suspect, love not hate, and cooperate with and not fight against one another. If by religious instruction is meant the teaching of the dogma of a particular church, then such does not exist in the public schools. But it can not be denied that there is abundant subject matter for religious teachings; to mention a few, we have: All Saints' Day, Thanksgiving, Christmas, Easter, and the Ten Commandments in the form of pictures, songs, stories, and poems. It has been estimated that of the contents of five books in use in the public schools, 6% of the number of pages thereof are devoted to religious material. The course in social studies includes character-development, love of country and fellow men, and an appreciation of the democratic way of life. Why blame the public schools when the rearing of the youth for civic efficiency is "the natural right and duty of parents"; and when the primary right or capacity to teach children in the way they should go—so it is claimed—belongs

to the church? Have the home and the church so neglected or failed to make good use of these rights that they now look to the public schools for help in lightening their burdens or in realizing their objectives?

Let us remember 1935 when our Constitution was adopted by the Constitutional Convention (February 8). On June 20 of that year, Honorable Manuel L. Quezon, then the foremost spokesman and leader of the Filipino people, in his formal acceptance of his nomination to the presidency of the Commonwealth before a mammoth audience at the Rizal Memorial Stadium, made the following solemn pledge:

"I will hold inviolate and defend to the utmost the individual rights and liberties . . . I shall insure for every citizen of the Philippines, from Luzon to Mindanao and Sulu, the right to worship God as his own conscience dictates."

This pledge he strongly emphasized in a dinner given at Malacanán on September 4, 1936, honoring the late Archbishop Michael J. O'Doherty on the prelate's anniversary consecration as Bishop. Said President Quezon on that significant occasion:

". . . Nothing can stir up the passions and prejudices of men more effectively than religious intolerance, bigotry and narrow-mindedness. History is replete with telling evidences of this fact, and we should not lightly disregard its lessons.

"Under the present Constitution of the Philippine Commonwealth, just as under the Jones Act, and in fact ever since the American flag was first hoisted over these Islands, the separation of the Church and the State, and the freedom of worship are guaranteed. The State has nothing to do with the Church, nor the Church with the State. I am a Catholic as everybody knows, I, who, for the time being, is at the head of this Government. As an individual, I worship God in accordance with my own religious belief. But as the head of the State I can have no more to do with the Catholic than I can with a Protestant denomination, the Aglipayan, the Mohammedan, or any other religious organization or sect in the Philippines. And no authority of any church has any right to interfere with the affairs of the Government."

One attempt worthwhile mentioning regarding religious instruction in the public schools, was that made before World War II. During the First National Assembly (1938), Bill No. 3307 was introduced and later, passed. The title of the Bill reads: "An Act to carry out more effectively the provisions contained in section 928 of Act No.

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2711, known as the Administrative Code, and in Section 5, Article XIII, of the Constitution."

A cursory reading of the debates on the issue in the National Assembly, the numerous articles, comments, editorials, and speeches which appeared in the press at the time, and the attacks and counter-attacks of those who took sides in the controversy, shows the danger in which the people will find themselves whenever a "religious war" is fought. The strife engendered and the bitter feeling aroused can not but lead to disunion among the Filipinos.

Those on the side of religious instruction argued:

"(1) That religious instruction in the public and private schools is necessary for character building, religion being the foundation of character and morality;

"(2) That religious instruction will promote love of God, which is so patently needed now because of the deplorable condition of the times;

"(3) That although religious instruction led to the exploitation of the masses during the Spanish regime, such a thing can never happen now because our people today are more enlightened and educated;

"(4) That religious education was imparted to our heroes and martyrs like Burgos, Gomez, Zamora, Mabini, Lopez-Jaena, and Rizal.

"(5) That since only the rich can send their children to aristocratic private schools where religion is taught, it is unfair for the government to deprive the poor people of religious instruction; and

"(6) That it is the best measure to prevent the spread of Communism."

Those against, emphasized that

"(1) Compulsory teaching of religion is unconstitutional because it violates the principle of separation of the Church and State;

"(2) It would be a divisive force in our national life when solidarity and unity are badly needed;

"(3) If the primary object of the bill is to make religious instruction effective, it is unnecessary because there is already a provision for such instruction in our Constitution;

"(4) The presence or absence of religious instruction is not a determining factor in the commission or increase of crime;

"(5) Experience in America has proved that religious instruction in the public schools produces antagonism and dissension among the people and religious instruction is a function of the home and the church, and not of the school;

"(6) The school should teach things that unite and not divide the people;

"(7) The schools of the State should not be made a tool of religious sects;

"(8) It would be a repudiation of the writings and principles of Rizal;

"(9) It would permit outside interference in the affairs of the school and the ministers of the church may obstruct its orderly administration;

"(10) It would be a reversal of our national policy and the beginning of the end of liberty."

On the part of the Grand Lodge of Free and Accepted Masons of the Philippine Islands, the following resolution was adopted (1938):

"RESOLVED by the M. W. Grand Lodge of Free and Accepted Masons of the Philippines, in its annual communication assembled, that it express, as it does hereby express, its most emphatic disapproval and opposition to the plan of certain members of the National Assembly to introduce religious instruction of a denominational character in all public schools of the Philippines during the regular school hours.

"We believe the adoption of such a plan would be a gross violation of the fundamental principle of our Constitution regarding the separation of Church and State.

"We are not opposed to religious teaching, but the public schools, being the common heritage of all citizens of this country, should not become instruments for the dissemination of sectarian teachings for such would be detrimental to the larger interests of the nation.

"We believe that there already exist numerous denominational and sectarian schools in this country which can give religious instruction to children should their parents desire it.

"We should not countenance, therefore, any tax-supported institution, and much less our public schools, to be made the center of propaganda of any sectarian doctrine or teaching."

In order to be binding, said Bill No. 3307 needed the approval of the Chief Executive. He, therefore, had the final say before the measure became law and the entire Filipino people awaited with anxiety his verdict. What the statesman Quezon, then President of the Philippines did, is now history. He vetoed Bill No. 3307 after long and conscientious deliberation, knowing as he did know the dire consequences that would have befallen the Philippines had he approved it.

In his message to the First National Assembly in connection with the veto, dated June 4, 1938, he said:

"After a conscientious study of Bill No. 3307 of the National Assembly . . . I have come to the conclusion that it is unconstitutional, and therefore I deem it my duty to veto same."

"As already stated, optional religious instruction was prescribed by law as early as 1901. Under said law and conformably to its provisions, rules and regulations were issued by the Bureau of Education which has been in force without charge until 1934, prior to the approval of the Constitution. The members of the Constitutional Convention were cognizant of the provisions of the law and the rules and regulations promulgated thereunder. Attempts were made to change the law. The Constitutional Convention rejected these attempts and went to the extent of

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specifically confirming and ratifying the legislation then in force.

"To me, it is very clear that the National Assembly can in no manner amend the present law without violating section 5, Article XIII, of the Constitution. Any attempt, directly or indirectly, to give the religious teaching in the school an importance lesser or greater than is now accorded to it by law, would be unconstitutional. Even without recurring to the statements of Mr. Taft above adverted to, the letter and spirit of sections 927 and 928 of the Administrative Code which, by reference, have been made a part of the Constitution, clearly indicate, in my opinion, that the intent and purpose thereof, is merely to tolerate the teaching of religion in the public schools and not to give it such prominence or encouragement, as contemplated in the bill under consideration."

Thus ended the controversy on this bill on religious instruction. And the leaders and their respective supporters became more conscious than ever that unity is the best policy.

Another attempt made was shortly after the liberation of the Philippines from the enemy occupation. That was in 1948. Senate Bill No. 315 entitled "An Act Prescribing the procedure to be followed in carrying into effect the Optional Religious instruction provision of the Constitution and of Section Nine Hundred and Twenty-Eight of the Revised Administrative Code and Penalizing intentional violation thereof." This measure was introduced during the third session of the First Congress of the Republic of the Philippines. There are six (6) sections of the bill, to wit:

"Section 1. Whenever ten or more parents and/or guardians, belonging to a religious sect or denomination, shall file with the principal teacher of a public school or a branch of a public school, written request for religious instruction of their children or wards, the principal teacher shall forward the same to the division superintendent within five days from the receipt of the request of the tenth parent or guardian, or from the receipt of a request if it is signed by ten or more parents or guardians.

"Section 2. The division superintendent shall, within fifteen days from the receipt of the requests referred to in the preceding section, notify the corresponding parish priest or minister and the parents or guardians concerned, of the rooms, days and time designated by him for religious teaching. The time shall be the half-hour immediately preceding or immediately following the regular class sessions, or preferably during class sessions on the days designated by the division superintendent and at the rooms within the school building. *Provided, however,* that the total number of half hours per week for one class shall not be more than five times nor less than three.

"Section 3. The parents or guardians shall not be required more than once to file petitions for their children's religious instruction.

"Section 4. No pupil shall be required to attend any class in religious instruction to which objection is raised by his parent or guardian.

"Section 5. Any school official who shall intentionally violate any provisions of this act shall, after due investigation be fined by the Secretary of Public Instruction with one month's salary and if the violation be repeated, the official shall be dismissed from the service.

"Section 6. This act shall take effect from the opening

of the academic year following its approval."

While pressure was brought to bear for the passage of this bill, it did not even reach the Senate floor for deliberation.

We desire to put on record the further fact that a number of entities and organizations opposed the Bill. The Bureau of Public Schools was emphatic in its objection to the passage of Senate Bill No. 315.

IX. LEST WE FORGET

Any man who values the freedoms guaranteed to him by the Constitution can not and should not tolerate the compulsory teaching of religion in the public schools. This will lead, sooner or later, to a violent conflict between the Church and the State, the consequences of which are not difficult to imagine.

Let it be clearly understood and we reiterate that we are not opposed to religious instruction. We should have it as much as we can in our homes, churches, private schools and other institutions of learning; but what is objected to is teaching it as part of the curriculum in the public schools.

We have not forgotten the historic speech of President Quezon in Cebu when the Provincial Capitol there was inaugurated. Said President Quezon:

"... That I believe in religious instruction, I have demonstrated by sending my own children to colleges where they receive religious instruction. But it is one thing to teach religion as a part of the curriculum in a religious college and it is another thing to teach it in the public schools. If we are going to amend the Constitution in order that the work that has been accomplished so far may not be wasted, and for that amendment to amount to something, rel-



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gious instruction should be made part of the curriculum in the public schools, otherwise we will be doing nothing more than what we are doing now.

"In a country like the Philippines, where we have many religions, and where every religion is entitled to an equal recognition by the Government, to make religious instruction a part of the curriculum will be to bring chaos to the school. In the first place, it is true that when it comes to religion the people are not very tolerant whether in the Philippines or anywhere else. This is especially true in the Philippines, for the reason that we are a new nation. We have only thirty-five or forty years behind us on this question of religious tolerance. Well, imagine five different ministers teaching five different religions at the same time under the same building. If that would be the case, everybody would devote himself only to the teaching of his religion. Nobody would interfere with the other's religion. That is all right only in theory, but not in practice."

"And I say this: if the teaching of the Catholic religion is made a part of the curriculum, the final power and responsibility for conducting class will be, in the last resort in the hands of the government. If there are complaints from the priest of one church or of another, the decision will be rendered by the Executive Department of the Government, and this department may decide the questions in favor of his own religion regardless of the merits of the case. Now, what would be the consequence of that? The consequence would be that Catholics, being in the majority would want their religion protected in the schools and always make that question an issue whether a candidate is a Catholic or not. That means that a religious strife will always be involved in every election.

"And now, I want to ask every Filipino, whether he is a Catholic, a Protestant, an Aglipayan or of whatever sect he may be, these questions: Do you want religion to be discussed in politics? Do you want to mix religion with Government? I am sure you will answer 'No.' Yes, you don't want that to happen.

"My countrymen, it will be a sad and tragic day when the Filipino people begin to make religion a political issue. The entire history of the human race shows in letters of blood how terrible was the fight for religion. If we are Catholics, and only Catholics, I will say, all right, let us keep the unity of the Filipino people in their religion. But we are not all Catholics in the Philippines. The few, even if only a few, who do not profess the Catholic religion, are much entitled to respect as we are.

"We must, therefore, maintain in all its integrity the doctrine of the separation of Church and State. In the old days, in the early years of Christianity when the sovereigns were Catholics who recognized the supreme authority of the Pope over them, the unity of the Church and State simply means the control or attempted control of the Church by the Government. So it is better to keep the Church and State separate."

We can not too strongly stress the point that the public schools should be as free as possible from the interference of any religion no matter how rich, influential, and powerful. The contrary effect would ensue "where optional religious instruction shall be taught as part of the curriculum" even if it were at the option of the parent or guardian.

In the words of President Quezon—when he addressed the National Assembly in a special session on July 25, 1938 and submitting thereto an agenda including the religious-instruction-bill which he had vetoed:

"... I regard the controversies that have arisen in relation to the bill on religious instruction of such seriousness and importance, that it would be well for the whole nation and all the parties involved that they be settled now and forever. These controversies are pregnant with the seeds of popular dissension and I trust that the National Assembly will cooperate with me in my earnest endeavor to guard our country against the bitter strifes that have arisen in other nations due to similar or allied causes. Let us not by our refusal to face these dangers merely postpone the inevitable conflict which, notwithstanding the sound and patriotic purposes of those engaged therein, will inevitably degenerate into a religious struggle with all its accompanying evils..."

X. CONCLUSION

In view of the foregoing considerations and bearing in mind not only the welfare of a sect, church, class or group of individuals but the good of all the people, it is our considered judgment:

1. That we adhere to the provisions of the Constitution of the Philippines that "Optional religious instruction in the public schools shall be maintained as now authorized by law." (Article XIV, Sec. 5); and
2. That the Civil Code provision in question should be changed so as to read:

"Art. 359. The government promotes the full growth of the faculties of every child. For this purpose, the government will establish, whenever possible:

- (1) Schools in every barrio, municipality and city;
- (2) Puericulture and similar centers;
- (3) Councils for the Protection of Children; and
- (4) Juvenile courts."

Then we would be avoiding possible internecine strife and sharp division in the rank and file of our people.

We are living in a sick world. Our people are confronted with all kinds of difficulties; they are undergoing many trials and hardships. The cold as well as the shooting wars are upon us and we are still suffering from their evil influences; together, let us pool our resources and together, let us minimize their disastrous effects upon our individual and national lives.

Let us not dissipate our energies in order to wage still another fight—a religious war which will cause us incalculable harm and lead us to ultimate ruin.

We can not afford now to be divided as it were and face our battles separately. These critical times demand a Philippine Republic, strong and sovereign; and behind it, our people, united and determined to sacrifice for the preservation of their hard-earned freedom and liberty and thus insure for themselves and their children the blessings of happiness and prosperity.

Prisco N. Evangelista
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TO THE YOUNG IN MASONRY

By JOSE T. MABINIT, P.M.

(A Speech at the last Grand Visitation at
Olongapo, Zambales)

THE FIRST TIME I stood on this broad platform of brotherly love, I was a substitute. I substituted for our Worshipful Master then. This time I am again a substitute. I am substituting for our Worshipful Master now. It now seems that I am good at substituting only, and I have grown the feeling of substitute. But I aspire for the real thing too. I wish to aspire for the true Light which makes Masonry a leavening, a stabilizing factor in our lives and in the happiness of our people.

After welcoming in the name of Zambales Lodge No. 103, the Most Worshipful Grand Master, the Grand Officers and Members of the Grand Lodge who are with us tonight, I wish to direct my thoughts to the young members in the fraternity. In the first degree, you were blind candidates who desired to see the light by which Masons do their work. In the second degree, it was explained to you that Masonry is a progressive moral science, an institution that requires constant effort in search not of benefits and advantages, not of conveniences and lucre, not of gains and positions, but of that purity of life which is essentially necessary in gaining admission to the Celestial Lodge above where the Supreme Grand Master forever presides. In the third degree you received all the light that can be granted in a Lodge of Master Masons. What are the imports and the implications of that light, my Brethren? What are the responsibilities that fall on the shoulders of the man who receives that light? What came I here to do? To learn to subdue my passions and improve myself in Masonry.

My Brethren, you have put on the habiliment of manhood which demands of you knowledge and application in your life of the tenets, principles, and practices of Masonry, those tenets, principles, and practices that have made our honorable institution enduring throughout the ages no matter what, no matter who, no matter how many are its detractors. Of what are you in search? Of that which was lost. You have assumed the responsibilities of the man who desires to live according to what the Lord said in His Holy Book, which is our Masonic Trestle Board.

*"Lay not up treasure on earth where thief
approacheth and moth doth corrupt;
But lay up treasure in heaven where no thief
approacheth neither moth doth corrupt."*

I wish to think of a Mason whose life is dedicated to a high ideal in these times of turmoil, greed, and moral debasement. I wish to raise my feeble voice with the men crying in the wilderness of strife for the return of peace among us and our people. I wish to add my feeble effort for the return of understanding

FROM OTHER GRAND JURISDICTIONS

DID YOU KNOW THAT ...

JAMES HOBAN, the man who built the U.S. Capitol and the White House was a devout Catholic and an ardent Mason? Federal Lodge No. 1, Washington, D. C., was formed under his leadership by a group of Irish Catholics and Scotch Presbyterians, and Bro. Hoban was the first Master.

Lodges in England give no publicity to their meetings and a visitor must have an invitation before he can attend. The brethren wear no emblems.

Grand Lodge of Minnesota disapproved use of Masonic emblem or Masonic insignia on private automobiles belonging to members of Masonic fraternity.

Each Worshipful Master has three votes, plus one for each 50 members over the first 50. This gives the Worshipful Masters about 7000 votes while Grand Lodge officers can muster only about 300.

Records show that the application of Adolph Hitler for membership in a Masonic lodge in Austria was rejected. Ex.

There are nine Blue Lodges working under the English Constitution on the Island of Gibraltar, and this Masonic district was created in 1752.

Alexander Hamilton was born on Nevis Island, one of the British West Indies, January 11, 1757, and died in 1804. When and where he was made a Mason is not known. He attended with Brother George Washington the celebration of St. John the Evangelist day by American Union Lodge (Connecticut Line) at Morristown, New Jersey, December 27, 1779. This Lodge was a military traveling Lodge during the Revolution and met wherever the fortunes of war carried its soldier members. Ex.

The Muskogee Masonic Monthly May 5, 1950

among us and our people amidst the conflict of ideologies and mighty forces of the world. But I feel crushed though not without hope altogether. When the king felt helpless before the task confronting him, he asked, "my worthy Brother of Tyre, what shall we do?" He received the answer, "Let us pray." That is my hope. That is what I can do. I can pray. When human strength and wisdom fail, we should ever remember Divine assistance is vouchsafed us through the medium of prayer.

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NOTAS EDITORIALES

El Ven. Hermano Fidel Ibañez

CON UNANIME APLAUSO del pueblo en general y de la clase profesional de abogados en Manila ha sido acogido el nombramiento del Ven. Hermano Fidel Ibañez como uno de los Jueces del Juzgado de primera instancia de Manila. Honramos este número con su fotografía.

El Ven. Hermano Fidel Ibañez es de Cavite pueblo de las grandes revoluciones sociales é ideológicas, pueblo que ha dado a la madre patria caudillos de intenso patriotismo y de sublimes sacrificios. Nacido en ese ambiente, crecido en el fragor de las luchas por el mejoramiento de las clases sociales y del individuo, no podía menos de moverse al compás de los tiempos, y acomodarse a las varias situaciones y exigencias del desarrollo evolutivo a que estaba sujeto el país.

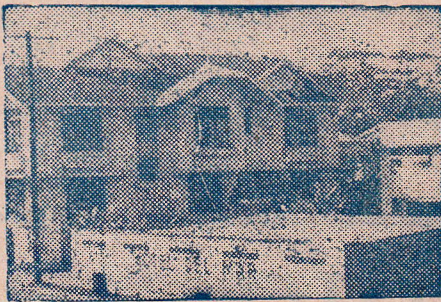
Y fue por eso porque se hizo parte en las luchas políticas en su provincia, y fue por eso porque se unió a la gran legión de los hombres en el servicio público del Gobierno Filipino, escañando importantes puestos en el escalafón gubernamental. En todos ellos aportó las grandes luces de su privilegiada mentalidad y en todos ellos marcó su elevado idealismo.

Fue un servidor público como pocos. Y continua siéndolo. En las alturas olímpicas de la judicatura no se deja llevar del vértigo. Es tan sencillo como sencilla es su simpática personalidad, como sencilla es su alma, como sencillos son todos sus actos y todos sus actuaciones.

Hombre dotado de tan bellas cualidades no podía menos de ser un fervoroso masón. Se unió a nuestras filas por el deseo de servir a sus semejantes, y sirviendo está a la institución y a sus miembros. No es de extrañar, pues, que en tan poco tiempo haya sido elegido Venerable Maestro de su Logia, y sea considerado como uno de los mejores caudillos de la Masonería en Filipinas.

A él y a la institución masónica van nuestras felicitaciones. (Antonio González, P.G.M.—F.P.S.)

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El Muy Ilustre

Hermano C. W. Rosenstock Ha Muerto

NUESTRO MUY QUERIDO Y VENERADO Hermano C. W. Rosenstock ha muerto! Ha muerto y nos ha dejado en medio de la confusión! Apenas estábamos principiando un nuevo capítulo en los anales de la masonería en Filipinas con la inauguración del Capítulo MANILA U. D. de la Royal Arch, y ya la impiacable nos ha arrebatado tan valiosa vida!

Hablar del Muy Ilustre Hermano C. W. Rosenstock es hablar de la misma Gran Logia de las Islas Filipinas, es hablar de sus luchas, de sus triunfos, es hablar de una institución que creció y se fortifico con sus esfuerzos y sus entusiasmos.

No contento con organizar su propia Logia BAGUMBAYAN No. 4, no contento con sus trabajos en la intensificación de las labores de la Gran Logia, inició el movimiento de crear el capítulo MANILA U. D. de la Royal Arch, dando así un empuje avasallador al Rito York en Filipinas, Japón, y Marianas.

Fue hasta el momento de su muerte el Delegado del Rito en Filipinas, y su visión y sus talentos y esfuerzos dieron por resultado la admirable labor que ahora despliega la Royal Arch.

Fue el que armonizó voluntades, el que encontró siempre la clave de toda desaveniencia, el amigo de todos, y el consejero de amigos y enemigos. No conoció rencores, ni guardó en su pecho malquerencia alguna. Invitó a todos a ser francos, a exponer sobre la mesa sus mejores intenciones, a no guardar nada que disimulara diferentes sentimientos. Con eso ganó el aprecio y cariño de sus Hermanos.

Hasta su muerte fue el presidente del Comité de Jurisprudencia de la Gran Logia, donde aportó la crema de su conocimientos jurídicos masónicos, y su intensa experiencia de Masón.

En este mismo número publicamos su obituario, como tributo a su memoria. Séale la tierra leve! (Antonio González, P.G.M.—F.P.S.)

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