

RECENT DOCUMENT

OPINION OF THE SECRETARY OF JUSTICE No. 386, Series of 1955

November 26, 1955

President Vidal A. Tan
University of the Philippines
Diliman, Quezon City

Sir:

This has reference to your letter of August 29, 1955, requesting opinion on the "constitutionality or unconstitutionality of allowing regular religious and sectarian lectures during the week in a room or building of the University of the Philippines." A second question raised is whether or not the answer to the first question would be different "if the lectures were not regular but given only from time to time with the permission of the President of the University as provided for by the University Code."

Chapter Eight, Article III, section 90 of the University Code provides:

"Any priest or minister of the gospel of any religious denomination may speak before student groups or organizations of the University: Provided, that in every case the written permission of the President shall have been previously secured: and Provided, further, that speakers do not discuss questions which might provoke dissension in the University."

I do not believe that the solution to your problem lies in the answers to the questions you have propounded. The provision just quoted from the University Code constitutes the President's sole guide in matters relating to the use of University halls or rooms by priests or ministers of the gospel. This provision is not, in my opinion, in conflict with the Constitution, and lectures or addresses that faithfully adhere to the norm it lays down would likewise be safe from successful attack on constitutional grounds.

Your sole concern is to see that the lectures or addresses to be delivered are such as not likely to cause dissension. This is a matter which the President of the University alone must determine. Nevertheless, it may not be amiss to cite the following rules and observations which may help in the implementation of the University Code:

"Sectarian has been held to mean denominational, devoted to, peculiar to, pertaining to, or promotive of the interest of a sect or sects; especially marked by attachment to a sect or denomination." (Gerhardt v. Heid 267 NW 127, 130, 66 ND 444; cf. Opinions of the Secretary of Justice, Op. No. 3, series of 1950.) Lectures therefore may be properly

characterized as "religious and sectarian" when they expound or inculcate doctrine and dogma peculiar to a particular religious sect and concerning which the various sects are in conflict. (State v. City of Edger-ton 44 NW 967, 978, 76 Wis. 177, 7 L.R.A. 830.) Such lectures, it is needless for me to say, would be apt to arouse dissension in a place like the University of the Philippines whose student population and faculties presently include militant adherents of different sects as well as articulate persons who have no sympathy for any religion whatsoever.

Respectfully,
PEDRO TUASON
Secretary of Justice