

REPUBLIC OF THE PHILIPPINES  
**SUPREME COURT**  
MANILA

WIKA NG KULTURA AT AGHAM, INC.  
(WIKA), represented by its President, ISAGANI  
R. CRUZ; LINANGAN SA RETORIKA AT  
ARTE INC. (LIRA), represented by BEVERLY  
SIY; FILIPINAS INSTITUTE OF TRANSLATION  
INC. (FIT), represented by ROMULO P. BAQUIRAN  
JR.; SAMAHAN NG MGA TAGASALIN (SALIN)  
INC., represented by AURORA E. BATNAG;  
EFREN R. ABUEG; VIRGILIO S. ALMARIO; Minors  
AMANSINAYA and IDYANALE AÑONUEVO,  
represented by their Father, ROBERTO T.  
AÑONUEVO; ABDON BALDE JR.; Minors MIKO  
IDYANALE, JEANNE HARAYA, MIGUEL  
BULAWAN, all surnamed COROZA, represented  
by their Father, MICHAEL M. COROZA;  
RANDOLF DAVID; MA. THERESA DE VILLA;  
FANNY A. GARCIA; JUAN T. GATBONTON;  
PATRICIA B. LICUANAN; BIENVENIDO  
LUMBERA; Minors DINAH PSALMA SIGLA,  
VICTOR EMMANUEL CARMELO II, DINAH  
PALMERA SULAT, all surnamed NADERA,  
represented by their Father, VICTOR EMMANUEL  
CARMELO D. NADERA JR.; VINA P. PAZ; JOVY  
M. PEREGRINO; NICANOR G. TIONGSON;  
ROSARIO TORRES-YU; and GALILEO S. ZAFRA,

Petitioners,

G.R. NO. \_\_\_\_\_  
FOR CERTIORARI, PROHIBITION

- versus -

with PRELIMINARY INJUNCTION

PRES. GLORIA MACAPAGAL-ARROYO,  
Executive Secretary EDUARDO ERMITA,  
and Sec. JESLI LAPUS,

Respondents.

x----- x.

**PETITION**

PETITIONERS, through counsel, respectfully file this Petition for Certiorari and  
Prohibition, with a Prayer for the issuance of a writ of Preliminary Injunction and/or  
Temporary Restraining Order, and allege:

**PARTIES**

1. Petitioner WIKA NG KULTURA AT AGHAM, INC. (WIKA), is an association of educators, writers, and cultural workers duly organized and existing under the laws of the Philippines, with address at Kolehiyo ng Arte at Literatura, Unibersidad ng Pilipinas, Diliman, Quezon City, and represented herein by its President, ISAGANI R. CRUZ; Petitioner LINANGAN SA RETORIKA AT ARTE, INC. (LIRA), an association of linguists and artists, is an organization existing under the laws of the Philippines, represented by its President, BEVERLY SIY, with address at No. 128 K-8<sup>th</sup> St., Kamias, Quezon City; Petitioner FILIPINAS INSTITUTE OF TRANSLATION, INC. (FIT), is an association of language translators and teachers, is also existing under the laws of the Philippines, and is represented by its President, ROMULO P. BAQUIRAN JR., with address at No. 29 E. Ramos St., Krus Na Ligas, UP Campus, Diliman, Quezon City; Petitioner SAMAHAN NG MGA TAGASALIN, INC. (SALIN), an association of language translators and teachers, is also existing under the laws of the Philippines, and is represented by its President, AURORA E. BATNAG, with address at Unit 21 North Point Townhomes, Seminary Road, Quezon City.

2. Individual Petitioners are all of legal age (except the minors who are represented herein by their fathers), citizens and taxpayers of the Philippines:

a. EFREN R. ABUEG, a resident of No. 57 Rodriguez St., Philamlife Village, Las Pinas City, is a writer in residence at De La Salle University, Dasmarias, Cavite;

b. VIRGILIO S. ALMARIO, residing at No. 5 Flametree Place, Ferndale Homes, Brgy. Pasong Tamo, Quezon City, who has been named National Artist in Literature, is presently the Dean of the College of Arts and Letters, University of the Philippines, Diliman, Quezon City;

c. Minor AMANSINAYA AÑONUEVO, aged 12, is a high school student at La Immaculada School; while Minor IDYANALE AÑONUEVO, aged 7, is an elementary

school student at La Immaculada School; both of them are represented herein by their Father, ROBERTO T. AÑONUEVO, who is the Chairman of UNYON NG MGA MANUNULAT SA PILIPINAS (UMPIL);

d. ABDON BALDE JR., a resident of No. 18 Dao St., Casimiro Village, Las Piñas City; is a Bikolano writer;

e. Minors MIKO IDYANALE COROZA, aged 12, is a high school student at Marikina Science High School; Minor JEANNE HARAYA COROZA is an elementary school student at Nangka Elementary School; and Minor MIGUEL BULAWAN COROZA, aged 4, is in pre-school; all the minors herein are represented by their Father, MICHAEL M. COROZA, residing at Blk. 7, Lot 30, Ateneo Ville, Nangka, Marikina City, and is Assistant Professor in the Department of Filipino, in the School of Humanities, Ateneo de Manila University, Loyola Heights, Quezon City;

f. RANDOLF DAVID, a resident of No. 17 Gomburza St., UP Campus, Diliman, Quezon City, is Professor in the Department of Sociology, College of Social Sciences and Philosophy, University of the Philippines, Diliman, Quezon City;

g. MA. THERESA DE VILLA, a resident of No. 38 Viola St., U.P. Campus, Diliman, Quezon City, is Professor of English, UP Integrated School, University of the Philippines, Diliman, Quezon City;

h. FANNY A. GARCIA, a resident of No. AB-2-102 Hardin ng Rosas, UP Campus, Diliman, Quezon City, is Associate Professor and Chairman, Department of Filipino, De la Salle University, Taft Avenue, Manila;

i. JUAN T. GATBONTON, a resident of No. 5A Col. Martelino St., Heroes Hill, Quezon City, is a freelance writer;

j. PATRICIA B. LICUANAN, a resident of No. 6 Gaddang St., La Vista, Loyola Heights, Quezon City, is President of Miriam College, Loyola Heights, Quezon City;

k. BIENVENIDO LUMBERA, who has been named National Artist in Literature, resides at No. 56 Caimito St., Mapayapa Vill., Quezon City, and is Professor Emeritus, Departamento ng Filipino at Panitikan ng Pilipinas, Kolehiyo ng Arte at Literatura, University of the Philippines, Diliman, Quezon City;

l. Minors DINAH PSALMA SIGLA NADERA, aged 9, is an elementary school student at University of the Philippines – Integrated School; Minor VICTOR EMMANUEL CARMELO NADERA II, aged 7, is an elementary school student at Claret School; while Minor DINAH PALMERA SULAT, aged 3, is in pre-school; all these minors are presented by their Father, VICTOR EMMANUEL CARMELO D. NADERA JR., a resident of Unit 613, Sikatuna BLISS, Phase II, Quezon City, is Director of the Institute of Creative Writing, Kolehiyo ng Arte at Literatura, University of the Philippines, Diliman, Quezon City;

m. VINA P. PAZ, a resident of No. 601 6<sup>th</sup> St., Martin Subd., Angono, Rizal, is Head, Departamento ng Filipino at Panitikan ng Pilipinas, Kolehiyo ng Arte at Literatura, University of the Philippines, Diliman, Quezon City;

n. JOVY PEREGRINO, a resident of No. E-105 Hardin ng Bougainvillea, Aguinaldo St., UP Campus, Diliman, Quezon City, is Associate Professor, Departamento ng Filipino at Panitikan ng Pilipinas, Kolehiyo ng Arte at Literatura, University of the Philippines, Diliman, Quezon City;

o. NICANOR G. TIONGSON, a resident of 28F, 8 Wack-wack Road, Mandaluyong City, is Professor, UP Film Institute, College of Mass Communications, University of the Philippines, Diliman, Quezon City;

p. ROSARIO TORRES-YU, a resident of No. 5 Pook Aguinaldo, UP Campus, Diliman, Quezon City, is Professor, Departamento ng Filipino at Panitikan ng Pilipinas, Kolehiyo ng Arte at Literatura, University of the Philippines, Diliman, Quezon City; and

q. GALILEO S. ZAFRA, residing at No. 52 Agoncillo St., Area 1, UP Campus, Diliman, Quezon City, holds office as Director, Sentro ng Wikang Filipino, University of the Philippines, Diliman, Quezon City;

All the Minor Petitioners herein, represented by their parents, and aware of their intergenerational responsibility to the generations yet to come, are numerous and representative enough of all elementary and high school students, and file the instant Petition in behalf of all children who are now attending, or who in the future will attend, public and private elementary and high schools all over the country.

3. Respondent GLORIA MACAPAGAL-ARROYO is impleaded in her capacity as President of the Republic of the Philippines, and Respondent EDUARDO R. ERMITA is impleaded in his capacity as Executive Secretary. Both Respondents can be served with summons in Malacañang Palace, Manila.

4. Respondent JESLI R. LAPUS is impleaded in his capacity as Secretary of the Department of Education, Culture and Sports, and he may be served with summons at the Department of Education, Meralco Ave., Pasig City.

### **CAUSES OF ACTION**

5. On May 17, 2003, Respondents President of the Philippines and Executive Secretary promulgated Executive Order No. 210 entitled “Establishing the Policy to Strengthen English as a Second Language in the Educational System”. The salient points of the said EO are:

(a) English should be taught as a second language at all levels of the educational system, starting with the First Grade;

(b) English should be used as the medium of instruction for English, Mathematics, and Science from at least the Third Grade Level;

(c) The English language shall be used as a primary medium of instruction in all public institutions of learning at the secondary level;

(d) As the primary medium of instruction, the percentage of time allotment for learning areas conducted in the English language in high school is expected to be not less than seventy (70%) of the total time allotment for all learning areas; and

(e) The Filipino language shall continue to be the medium of instruction in the learning areas of Filipino and Araling Panlipunan.

A true copy of EO No. 210 is herewith attached as **Annex “A”**.

6. While the title of the EO purports to strengthen the use of English as a second language, an analysis of the contents show that the EO actually strengthens English as the **primary** medium of instruction.

7. On August 22, 2006, Respondent Secretary of Education implemented EO 210 by promulgating Department of Education Memorandum Order No. 36, Series of 2006 (DepEd Order No. 36), providing as follows:

a. English shall be taught as a second language starting with Grade I;

b. As provided for in the 2002 Basic Education Curriculum, English shall be used as the medium of instruction for English, Mathematics and Science and Health starting Grade III; and

c. The English language shall be used as the primary medium of instruction in all public and private schools in the secondary level, including those established as laboratory and/or experimental schools, and vocational and technical institutions. As the primary medium of instruction, the percentage of time allotment for learning areas conducted in the English language should not be less than seventy (70%) of the total time allotment for all learning areas in all year levels.

A true copy of DepEd Order No. 36 is attached as **Annex “B”**.

8. Both EO 210 and DepEd Order No. 36 patently violate the Constitution which provides in Article XIV:

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

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

Section 7. For the purpose of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.

The regional languages are the auxiliary official languages in the regions and shall serve as **auxiliary media of instruction therein.**

- 8.1. The provisions of EO 210 and DepEd Order No. 36 that English shall be taught as a second language starting with the First Grade violates the above-quoted provisions of the Constitution since Filipino is actually only the second language in non-Tagalog areas. The EO thus subverts the present status of Filipino in non-Tagalog areas, and violates the constitutional injunction that the regional languages shall serve as auxiliary media of instruction.
- 8.2. The provision of the EO that the English language shall be used as a primary medium of instruction for English, Mathematics and Science from at least the Third Grade level is a clear violation of the constitutional duty of Respondents “to initiate and sustain the use of Filipino as language of instruction in the educational system.
- 8.3. The provision of the EO that the English language shall be used as the primary medium of instruction in all public and private institutions of learning in the secondary level, and the provision that encourages the use of English as the primary medium in the tertiary level, undermine both the letter and the spirit of the Constitution on the national language, which has prescribed Filipino as the

medium of instruction on pedagogical grounds.

8.4. Indeed, in the 1991 Report of the Congressional Commission on Education, it was recommended that the vernacular and Filipino should be the medium of instruction for basic education. It enjoined the Department of Education to develop a plan such that between 1991 and 1998, a program for the development of instructional materials in Filipino is adopted and implemented and that, by the year 2000, all subjects, except English and other languages, shall be taught in Filipino.

8.5. In 1998, the results of a World Bank/ADB education research demonstrate that the use of the vernacular in the first years of school provides the necessary bridge for a child to learn a second language (in this case Filipino or English), and that children are less likely to drop out of school during the first years of school when instruction is in the language spoken at home.

8.6. Thus, in 1998, an attempt was made to revive vernacular teaching through the use of the three major local lingua francae of the Philippines (Ilokano, Cebuano, Tagalog) as media of instruction until Grade 3 and in English thereafter, under the bilingual scheme. The pilot project was conceptualized with the help of specialists from the Summer Institute of Linguistics. The initial feedback from the pilot schools set up was overwhelmingly positive (pupils were active, not passive; they asked questions spontaneously instead of answering in monosyllables and phrases in a language they hardly understood, conceptualization especially in mathematics took place almost from the first day in school).

8.7. In 2000, the Philippine Commission on Educational Reforms, while reaffirming the bilingual policy and the improvement in the teaching of English, proposed the introduction of the use of the lingua franca or vernacular as the medium of instruction in Grade One. Studies have shown that this change will make students stay in school longer, learn better, quicker and more permanently, and will in fact be able to use the first language as a bridge to more effective

learning in English and Filipino.

9. The promulgation of EO 210 and its implementation by means of DepEd Order No. 36 by Respondents operates to the disadvantage of a suspect class and impinges on the fundamental right to education protected by the Constitution (Art. XIV, section 1) and thus violates the due process and equal protection clause of the Constitution (Art. III, sec. 1).

- 9.1. The said EO and the implementing Order absolutely deprives school children coming from the lower socio-economic classes of the desired benefits in education for it has been shown that due to poverty, such school children receive very little public education, or a poorer quality of education than that available to rich families, and they end up as functional illiterates because of the use of English as a medium of instruction,
- 9.2. Government research and studies show that for every ten children entering Grade 1, only five get to Grade 6, two get to high school, and only one finishes college education. All drop-outs from elementary school become illiterates.
- 9.3. This points out the need for effective teaching in the grade schools so that a good number of school children can become literate after primary school. They have to learn to read and write in grade school, to acquire basic knowledge and experience so that even if they drop out in the elementary grades, they already have acquired the foundation of literacy and basic knowledge.
- 9.4. Government and institutional studies have shown that children in the grade schools cannot learn how to read and write in English. Instead, it is the vernacular or Filipino, which is easy for them to understand, which will enable them to learn how to read and write and enable them to acquire the foundations of knowledge in the first few years of education.
- 9.5. The failure of Respondents to implement Filipino and the regional languages as the primary media of instruction has led to serious difficulties in learning among school children in elementary and high school, including herein Petitioner

Minors, which has led to ineffective communication in the classrooms, low academic achievement, and high drop-out rate.

- 9.6. The harmful effects of using a foreign language for learning are not just limited to low academic achievement and cognitive growth; it also impairs the emotional security and the sense of self-worthiness and the ability to participate meaningfully in the educational process by lower class children who develop inferiority complex as they are stigmatized by their use of the native tongue.
- 9.7. Doubtless, a sense of inferiority affects the motivation of children to learn (McLaurin v. Oklahoma State Regents, 339 U.S. 637); it affects his ability to study, to engage in discussions and exchange views with other students; such considerations apply with added force to children in grade and high schools (Brown v. Board of Education, 347 U.S. 483). And all of this is the result of social and economic differences in status or in the environment of the students.
- 9.8. The implementation of EO 210 and DepEd Order No. 36, as well as other relevant implementing orders of the Department of Education, are designed to operate to the peculiar disadvantage of the comparatively poor children in elementary and high schools, thus creating a “suspect classification” subject to strict judicial scrutiny by the Honorable Court.
- 9.9. Furthermore, the use in education of English alienates children from their own cultural heritage and will produce a generation of young people who have no cultural values and who lack the traditions that make for a nation's identity. This has beclouded the responsibility of Petitioner Minors to pass on the cultural heritage of our nation to the next generations. Such a grave responsibility can only be accomplished through the use of the national language in school.

10. In prescribing English as the primary medium of instruction Respondents have acted *ultra vires* and in excess of their jurisdiction and in violation of the Constitution, and Petitioners have no other plain, speedy and adequate remedy at law, and by way of -

**PETITION FOR A WRIT OF PRELIMINARY INJUNCTION**  
**OR TEMPORARY RESTRAINING ORDER**

11. Petitioners replead the above allegations.

12. Petitioners, and most specially Minor Petitioners representing their class, now suffer and will continue to suffer irreparable injury as mentioned above, resulting in stunted cognitive growth and low intellectual achievement as well as impairment of the thinking process, which has wrought incalculable damage to the intellectual development of said Petitioners;

13. This wholesale violation of the human right to education and deprivation of the right to equal protection of the law of Petitioners can only be abated by the equity power of the Honorable Court;

14. Petitioners are willing to post a bond in such reasonable amount as may be set by the Honorable Court to answer for any damages Respondents may suffer as a result of the issuance of a writ of preliminary injunction/TRO.

**PRAYER**

WHEREFORE, it is respectfully prayed that --

- (1) Upon the filing of this Petition, a writ of preliminary injunction/TRO issue, ordering Respondents and any person acting under them, to cease and desist from implementing EO 210 and any of its implementing orders/regulations, specially DepEd Order No. 36, s. 2006, and
- (2) After hearing, EO 210 and DepEd Order No. 36, s. 2006, and any other implementing order or regulations be declared null and void in violation of the Constitution.

PETITIONERS pray for such other and further relief as may be just and equitable in the premises.

Makati City for Manila, April 27, 2007.

**AGABIN VERZOLA HERMOSO &  
LAYAOEN LAW OFFICES**

Counsel for Petitioners  
26<sup>th</sup> Floor, Pacific Star Building  
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Makati City

By:

**PACIFICO A. AGABIN**

Roll No. 16609/06.07.61  
PTR No. 0385207/01.31.07/Makati  
IBP Life Roll No. 251

**VERIFICATION AND CERTIFICATION**