

EN BANC

[A.M. No. 10-4-19-SC, March 07, 2017]

RE: LETTER OF TONY Q. VALENCIANO, HOLDING OF RELIGIOUS RITUALS AT THE HALL OF JUSTICE BUILDING IN QUEZON CITY.

R E S O L U T I O N

MENDOZA, J.:

One of our fundamental differences lies in our chosen religion. Some put their faith in a god different from ours, while some may not believe in a god at all. Nevertheless, despite the inconveniences this difference may cause us, we must accept it unconditionally for only upon acceptance of the fact that we are different from each other will we learn to respect one another.

This controversy originated from a series of letters, written by Tony Q. Valenciano (*Valenciano*) and addressed to then Chief Justice Reynato S. Puno (*Chief Justice Puno*).

In his first Letter,^[1] dated January 6, 2009, Valenciano reported that the basement of the Hall of Justice of Quezon City (QC) had been converted into a Roman Catholic Chapel, complete with offertory table, images of Catholic religious icons, a canopy, an electric organ, and a projector. He believed that such practice violated the constitutional provision on the separation of Church and State and the constitutional prohibition against the appropriation of public money or property for the benefit of a sect, church, denomination, or any other system of religion.

Valenciano further averred that the holding of masses at the basement of the QC Hall of Justice showed that it tended to favor Catholic litigants; that the rehearsals of the choir caused great disturbance to other employees; that the public could no longer use the basement as resting place; that the employees and litigants of the Public Attorney's Office (PAO), Branches 82 and 83 of the Regional Trial Court (RTC), Legal Library, Philippine Mediation Center, and Records Section of the Office of the Clerk of Court (OCC) could not attend to their personal necessities such as going to the lavatories because they could not traverse the basement between 12:00 o'clock noontime and 1:15 o'clock in the afternoon; that the court employees became hostile toward each other as they vied for the right to read the epistle; and that the water supply in the entire building was cut off during the mass because the generator was turned off to ensure silence.

In his 1st Indorsement,^[2] dated February 6, 2009, Chief Justice Puno referred Valenciano's letter to then Deputy Court Administrator (DCA) and Officer-in-Charge of the Office on Halls of Justice, Antonio H. Dujua (*DCA Dujua*).

In turn, DCA Dujua, in his 1st Indorsement,^[3] dated February 11, 2009, referred

the letter to Executive Judge Teodoro A. Bay (*Judge Bay*) of the RTC and to Executive Judge Luis Zenon Q. Maceren (*Judge Maceren*) of the Metropolitan Trial Court (*MeTC*) for their respective comments.

In his March 6, 2009 Letter,^[4] addressed to DCA Dujua, Judge Maceren clarified that the basement of the QC Hall of Justice was known as the prayer corner. He opined that the use of the said area for holding masses did not violate the constitutional prohibition against the use of public property for religious purposes because the religious character of such use was merely incidental to a temporary use.

In his Memorandum,^[5] dated March 10, 2009, Judge Bay manifested that he was due to compulsorily retire on April 29, 2009, and he was taking a leave of absence prior to such date to concentrate in resolving cases submitted for decision before his sala and requested that then Vice-Executive Judge Jaime N. Salazar (*Judge Salazar*) be assigned to further investigate, study, and make recommendations on the matter raised by Valenciano.

In the meantime, Judge Bay recommended that, pending the final resolution of the case, daily masses be permitted to continue, provided that: (1) the mass be limited to thirty (30) minutes; (2) no loud singing be allowed so as not to disturb others; and (3) the inconveniences caused by the mass be addressed.

In his 1st Indorsement,^[6] dated May 27, 2009, Chief Justice Puno referred another letter of Valenciano, dated May 13, 2009, to DCA Dujua for appropriate action, as he complained that masses continued to be held at the basement of the QC Hall of Justice.

On March 23, 2010, Valenciano wrote another letter,^[7] praying that rules be promulgated by the Court to put a stop to the holding of Catholic masses, or any other religious rituals, at the QC Hall of Justice and in all other halls of justice in the country.

In its June 22, 2010 Resolution,^[8] the Court noted the March 23, 2010 letter of Valenciano and referred the matter to the Office of the Court Administrator (DCA) for evaluation, report and recommendation.

Thus, in its 1st Indorsement,^[9] dated September 6, 2010, the OCA, through then Assistant Court Administrator (ACA) Jenny Lind R. Aldecoa-Delorino (now Deputy Court Administrator), referred the letters of Valenciano to the incumbent RTC Executive Judge Fernando T. Sagun, Jr. (*Judge Sagun, Jr.*) and incumbent MeTC Executive Judge Caridad M. Walse-Lutero (*Judge Lutero*).

In his Letter-Comment,^[10] dated September 9, 2010, Judge Sagun, Jr. informed the Court that his office had already implemented measures to address Valenciano's complaints. He reported that masses were shortened to a little over thirty (30) minutes; that it was only during special holy days of obligation when the celebration of mass went beyond one (1) o'clock in the afternoon; that the pathways leading to the lavatories were open and could be used without obstruction; that there was never an instance where the actions of court personnel, who were vying to read the epistle during mass, caused back-biting and irritation among themselves; that the

water generator had been broken beyond repair and decommissioned since December 2009; and that the court employees prepared for the mass before the day officially started, so that the performance of their official duties in court was not hampered.

In her letter,^[11] Judge Lutero reported that Catholic masses were being held only during lunch breaks and did not disturb court proceedings; that the basement of the QC Hall of Justice could still be used as waiting area for the public; that court personnel and the public were never physically prevented from reaching the lavatories during mass as there was a clear path from the public offices leading to the comfort rooms; that water service interruptions were caused by maintenance problems and not because the water pump was being shut off during mass; and that the elevators could not be used during mass because elevator attendants took their lunch break from twelve (12) o'clock to one (1) o'clock in the afternoon.

Judge Lutero opined that it is not the conduct of masses in public places which the Constitution prohibited, but the passage of laws or the use of public funds for the purpose of establishing a religion or prohibiting the free exercise thereof. She conveyed the fact that no law or rule had been passed and that no public funds had been appropriated or used to support the celebration of masses. She added that the holding of Catholic masses did not mean that Catholics had better chances of obtaining favorable resolutions from the court.

Accordingly, Judge Lutero recommended that the holding of masses at the basement of the QC Hall of Justice be allowed to continue considering that it was not inimical to the interests of the court employees and the public.

The OCA Report and Recommendation

In its Memorandum,^[12] dated August 7, 2014, the OCA believed that the practical inconveniences cited by Valenciano were unfounded. It, thus, recommended that his letter-complaints, dated January 6, 2009, May 13, 2009 and March 23, 2010, be dismissed for lack of merit and that the RTC and MeTC Executive Judges of QC be directed to closely regulate and monitor the holding of masses and other religious practices within the premises of the QC Hall of Justice.

The OCA opined that the principle of separation of Church and State, particularly with reference to the Establishment Clause, ought not to be interpreted according to the rigid standards of separation; that the neutrality of the State on religion should be benevolent because religion was an ingrained part of society and played an important role in it; and that the State, therefore, instead of being belligerent (in the case of Strict Separation) or being aloof (in the case of Strict Neutrality) towards religion should instead interact and forbear.^[13]

The OCA advanced the view that the standard of Benevolent Neutrality/Accommodation was espoused because the principal religion clauses in our Constitution were not limited to the Establishment Clause, which created a wall between the Church and the State, but was quickly followed by the declaration of the Free Exercise Clause, which protected the right of the people to practice their religion. In effect, the standard of Benevolent Neutrality/Accommodation balanced the interest of the State through the Establishment Clause, and the interest and

right of the individual to freely exercise his religion as guaranteed by the Free Exercise Clause.^[14]

The OCA observed that the present controversy did not involve a national or local law or regulation in conflict with the Free Exercise Clause. On the contrary, Valenciano was merely questioning the propriety of holding religious masses at the basement of the QC Hall of Justice, which was nothing more than an issue of whether the said religious practice could be accommodated or not. It ended up concluding that based on prevailing jurisprudence, as well as the interpretations given to the religion clauses of the 1987 Constitution, there was nothing constitutionally abhorrent in allowing the continuation of the masses.^[15]

The OCA added that by allowing or accommodating the celebration of Catholic masses within the premises of the QC Hall of Justice, the Court could not be said to have established Roman Catholicism as an official religion or to have endorsed the said religion, for the reason that it also allowed other religious denominations to practice their religion within the courthouses.^[16]

ISSUE

WHETHER THE HOLDING OF MASSES AT THE BASEMENT OF THE QUEZON CITY HALL OF JUSTICE VIOLATES THE CONSTITUTIONAL PRINCIPLE OF SEPARATION OF CHURCH AND STATE AS WELL AS THE CONSTITUTIONAL PROHIBITION AGAINST APPROPRIATION OF PUBLIC MONEY OR PROPERTY FOR THE BENEFIT OF ANY SECT, CHURCH, DENOMINATION, SECTARIAN INSTITUTION, OR SYSTEM OF RELIGION.

The Court's Ruling

The Court agrees with the findings and recommendation of the OCA and denies the prayer of Valenciano that the holding of religious rituals of any of the world's religions in the QC Hall of Justice or any halls of justice all over the country be prohibited.

The Holding of Religious Rituals in the Halls of Justice does not Amount to a Union of Church and State

As earlier stated, Valenciano is against the holding of religious rituals in the halls of justice on the ground that it violates the constitutional provision on the separation of Church and State and the constitutional prohibition against the appropriation of public money or property for the benefit of a sect, church, denomination, or any other system of religion. Indeed, Section 6, Article II of the 1987 Constitution provides:

The separation of Church and State shall be inviolable.^[17]

The Court once pronounced that "our history, not to speak of the history of mankind, has taught us that the union of church and state is prejudicial to both, for occasions might arise when the state will use the church, and the church the state, as a weapon in the furtherance of their respective ends and aims."^[18]

Justice Isagani Cruz expounded on this doctrine, viz.:

The rationale of the rule is summed up in the familiar saying, "Strong fences make good neighbors." The idea is to delineate the boundaries between the two institutions and, thus, avoid encroachments by one against the other because of a misunderstanding of the limits of their respective exclusive jurisdictions. The demarcation line calls on the entities to "render therefore unto Caesar the things that are Caesar's and unto God the things that are God's."^[19]

This, notwithstanding, the State still recognizes the inherent right of the people to have some form of belief system, whether such may be belief in a Supreme Being, a certain way of life, or even an outright rejection of religion. Our very own Constitution recognizes the heterogeneity and religiosity of our people as reflected in *Imbong v. Ochoa*,^[20] as follows:

At the outset, it cannot be denied that we all live in a heterogeneous society. It is made up of people of diverse ethnic, cultural and religious beliefs and backgrounds. History has shown us that our government, in law and in practice, has allowed these various religious, cultural, social and racial groups to thrive in a single society together. It has embraced minority groups and is tolerant towards all - the religious people of different sects and the non-believers. The undisputed fact is that our people generally believe in a deity, whatever they conceived Him to be, and to Whom they called for guidance and enlightenment in crafting our fundamental law. Thus, the preamble of the present Constitution reads:

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society, and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity, the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution.

The Filipino people in "*imploring the aid of Almighty God*" manifested their spirituality innate in our nature and consciousness as a people, shaped by tradition and historical experience. As this is embodied in the preamble, it means that the State recognizes with respect the influence of religion in so far as it instills into the mind the purest principles of morality. Moreover, in recognition of the contributions of religion to society, the 1935, 1973 and 1987 Constitutions **contain benevolent and accommodating provisions** towards religions such as tax exemption of church property, salary of religious officers in government institutions, and optional religious instructions in public schools. [Emphases supplied]

In *Aglipay v. Ruiz*^[21] (*Aglipay*), the Court acknowledged how religion could serve as a motivating force behind each person's actions: