THIRD DIVISION

[G.R. No. 224521, February 17, 2020]

BISHOP SHINJI AMARI OF ABIKO BAPTIST CHURCH, REPRESENTED BY SHINJI AMARI AND MISSIONARY BAPTIST INSTITUTE AND SEMINARY, REPRESENTED BY ITS DIRECTOR JOEL P. NEPOMUCENO, PETITIONERS, VS. RICARDO R. VILLAFLOR, JR., RESPONDENT.

D E C I S I O N

GESMUNDO, J.:

This is an appeal by *certiorari* seeking to reverse and set aside the October 27, 2015 Decision[1] and April 26, 2016 Resolution[2] of the Court of Appeals (*CA*) in CA-G.R. SP No. 08067. The CA reversed and set aside the July 15, 2013 Decision[3] and September 30, 2013 Resolution[4] of the National Labor Relations Commission (*NLRC*) and reinstated the February 12, 2013 Decision[5] of the Labor Arbiter (*LA*) with instructions to the latter to re-compute the monetary awards of backwages, separation pay, and attorney's fees based on the date of finality of the CA's Decision.

Antecedents

The controversy stemmed from the Letter dated November 24, 2011[6] where Ricardo R. Villaflor, Jr. (*respondent*) was informed of his removal as a missionary of the Abiko Baptist Church, cancellation of his American Baptist Association (*ABA*) recommendation as a national missionary, and exclusion of his membership in the Abiko Baptist Church in Japan.

Respondent believed that he was dismissed from his employment without the benefit of due process and valid cause; thus, he filed a complaint before the NLRC. He claimed that he was illegally dismissed from his work as missionary/minister because he refused to sign a resignation letter and vacate the property where he had already constructed a house and church building. Consequently, his salary was cut off.[7]

For their part, petitioners alleged that in 1999, respondent became a missionary sponsored by Bishop Shinji Amari of the Abiko Baptist Church (*BSAABC*). Respondent was appointed as an instructor at the Shinji Amari & Missionary Baptist Institute and Seminary (*MBIS; petitioner*) effective June 1999.[8] However, a Certification issued by MBIS Director Joel Nepomuceno states that sometime during the schoolyear 2006-2007, respondent told Bishop Shinji Amari that he cannot continue teaching due to the distance between San Carlos City, where his mission work was, and MBIS, Minglanilla, Cebu. His appointment as volunteer teacher was thereafter cancelled.[9]

Petitioners further claimed that since the Baptist Church was already successfully organized and established at San Carlos City, respondent's mission was already finished. Thus, BSAABC ordered him to be transferred to other areas of mission work; but in defiance to the order, respondent refused without justifiable reason. After investigation, it was discovered that respondent's refusal to leave San Carlos City was because he had built his personal house on the land owned by BSAABC without the latter's consent. On November 20, 2011, after earnest efforts of negotiating with respondent and giving him adequate opportunity to ventilate his side, the members of the BSAABC unanimously voted to remove him as missionary and cancel his ABA recommendation. He was informed of the decision in the November 24, 2011 Letter. In the same letter, BSAABC demanded respondent to vacate the property as soon as possible, and offered to buy the house erected thereon at the estimated cost of building materials.[10]

This prompted respondent to file a Complaint for Illegal Dismissal on September 10, 2012.[11]

The LA Ruling

The LA found respondent's dismissal illegal. Petitioners were ordered to pay backwages, separation pay, 13th month pay, moral and exemplary damages, and attorney's fees. [12]

The LA held that it has jurisdiction over the matter considering that respondent was appointed as instructor of MBIS. His being a member of the Abiko Baptist Church of Japan was only incidental to his main duties and responsibilities as instructor.[13] Respondent's Appointment Paper was considered sufficient evidence to establish the employer-employee relationship. It further ruled that considering respondent had attained regular status, he cannot be dismissed unless for a cause. The November 24, 2011 Letter was, in effect, a way of terminating the employment of respondent, hence, illegal. [14]

The NLRC Ruling

The NLRC reversed the LA's ruling and dismissed the complaint on the ground of lack of jurisdiction. It held simply that the expulsion of respondent from their church was an ecclesiastical affair, and as such, has no remedy in civil courts.[15]

The CA Ruling

On appeal to the CA, the NLRC's Decision and Resolution were reversed and set aside. Accordingly, the LA's ruling was reinstated.

The CA ruled that both the LA and NLRC had jurisdiction over the matter. It found that the November 24, 2011 Letter served as: (1) notice for the termination of respondent's employment, and (2) exclusion of his membership in the church. The tenor of the letter itself implicitly demonstrated that these incidents were distinct from each other. Respondent's status as a missionary on one hand, and his membership in the church on the other, were separate matters. The former was a purely secular matter, and the latter was an ecclesiastical affair; and one does not necessarily include the other.[16]

The CA recognized that there may be a scenario where a minister is removed from his employment as a consequence of his exclusion from the church. But in such situation, the church, as employer, can and should deal with the employment aspect separately and observe due process.[17]

It also held that respondent was an employee of BSAABC and MBIS because of the existence of the four (4) elements which determine an employment relationship. First, as to the selection and engagement of the employee, the CA said that the Appointment Paper was credible evidence of BSAABC and MBIS' power to select and engage him as an employee. Second, the payment of wages was shown through the "love gifts" given to respondent who was even described as a "salaried missionary." Third, the power of control was shown in the duties enumerated in the Appointment Paper, together with BSAABC's evident power to order him to areas of mission work. Finally, the November 24, 2011 Letter clearly established the power of dismissal.[18]

The CA found no just cause for the termination of respondent's employment. It dismissed the claim of BSAABC that respondent disobeyed it by building his own house, instead of a church, on its property without its consent. The Certification[19] presented by respondent disproves the claim that he was not authorized to build his own house thereon. It also appears that any misunderstanding was already settled between the parties citing the Agreement[20] between respondent and BSAABC dated February 23, 2010. Also, there was no credible proof of respondent's supposed refusal to be reassigned to another area.[21]

Issue

Petitioners raise the sole issue of whether the CA erred in ruling that respondent was illegally dismissed despite the fact that the dispute involves an ecclesiastical affair as the latter was a member of the Abiko Baptist Church.[22]

The Court's Ruling

At the outset, the Court finds the need to distinguish a purely ecclesiastical affair from a secular matter. While the State is prohibited from interfering in purely ecclesiastical affairs, the Church is likewise barred from meddling in purely secular matters.[23]

An ecclesiastical affair is '"one that concerns doctrine, creed, or form of worship of the church, or the adoption and enforcement within a religious association of needful laws and regulations for the government of the membership, and the power of excluding from such associations those deemed unworthy of membership.' Based on this definition, an ecclesiastical affair involves the relationship between the church and its members and relate[s] to matters of faith, religious doctrines, worship and governance of the congregation. To be concrete, examples of these so-called ecclesiastical affairs in which the State cannot meddle are proceedings for excommunication, ordinations of religious ministers, administration of sacraments and other activities with attached religious significance."[24] Secular matters, on the other hand, have no relation whatsoever with the practice of faith, worship or doctrines of the church.[25]

In this case, there were three (3) acts which were decided upon by the Abiko Baptist Church against respondent in its November 24, 2011 Letter, to wit: (1) removal as a missionary of Abiko Baptist Church; (2) cancellation of the ABA recommendation as a national missionary; and (3) exclusion of membership from Abiko Baptist Church in Japan.

To the mind of the Court, the exclusion of membership from Abiko Baptist Church in Japan and the cancellation of ABA recommendation as a national missionary are ecclesiastical matters which this jurisdiction will not touch upon. These matters are exclusively determined by the church in accordance with the standards they have set. The Court cannot meddle in these affairs since the church has the discretion to choose members who live up to their religious standards. The ABA recommendation as a national missionary is likewise discretionary upon the church since it is a matter of governance of congregation.

We are left to determine whether respondent's removal as a missionary of Abiko Baptist Church is an ecclesiastical affair.

Indeed, the matter of terminating an employee, which is purely secular in nature, is different from the ecclesiastical act of expelling a member from the religious congregation.[26] Petitioners insist that this case is an ecclesiastical affair as there is no employer-employee relationship between BSAABC/MBIS and respondent.

In order to settle the issue, it is imperative to determine the existence of an employer-employee relationship. We have previously ruled that "[i]n an illegal dismissal case, the *onus probandi* rests on the employer to prove that its dismissal of an employee was for a valid cause. However, before a case for illegal dismissal can prosper, an employer-employee relationship must first be established. Thus, in filing a complaint before the LA for illegal dismissal, based on the premise that he was an employee of [petitioners], it is incumbent upon [respondent] to prove the employer-employee relationship by substantial evidence."[27]

Although based on the Rule 45 parameters, the Court cannot generally touch factual matters, We allow certain exceptions in the exercise of our discretionary appellate jurisdiction, all in the interest of giving substance and meaning to the justice We are sworn to uphold and give primacy to.[28] Thus, We deem it appropriate to re-examine the records and analyze the appreciation on of evidence by the lower tribunals.

The lower tribunals used the "four-fold test" in determining the existence of an employer-employee relationship, to wit: (a) the selection and engagement of the employee; (b) the payment of wages; (c) the power of dismissal; and (d) the power to control the employee's conduct.[29]

First, the LA and the CA anchored their findings of employer-employee relationship on the Appointment Paper presented by respondent. This evidence, however, refers to his appointment as an instructor, as well as his duties and responsibilities as such; but, to emphasize, respondent as removed as a missionary of Abiko Baptist Church, not as an instructor of MBIS. There is no evidence or allegation to show that respondent's status as a missionary is the same or dependent on his appointment as an instructor of MBIS.

True, the removal as a missionary may have affected respondent's status as instructor of MBIS, but the Court is not convinced that there was an illegal dismissal.

In this relation, We find the statement of the LA, that respondent's membership with Abiko Baptist Church of Japan as merely incidental to his main duties and responsibilities as an instructor,[30] misplaced. On the contrary, it is more appropriate to say that being an instructor of MBIS was part of respondent's mission work as a missionary/minister of BSAABC.

Respondent's removal as a missionary of Abiko Baptist Church is different from his status as an instructor of MBIS. The Mission Policy Agreement[31] shows that the mission was accepted by respondent as early as September 15, 1998, while the appointment as an instructor was made on a different instrument, an Appointment Paper made effective in June 1999.[32] These two (2) instruments establish two (2) different positions held by respondent, and means that being a missionary of BSAABC is separate from being an instructor of MBIS, though they may be completely related.

Be that as it may, petitioners' unrebutted claim that respondent voluntarily excused himself sometime in 2007 from teaching in MBIS, due to the distance of the school from his missionary work in San Carlos City,[33] raises doubt on the allegation of illegal dismissal.

Second, We do not find in the records concrete evidence of the alleged monthly compensation of respondent amounting to $550. Respondent is not even consistent in claiming the exact amount of his supposed salary as he claims he was receiving $650 in his Motion for Reconsideration[34] with the NLRC and Petition[35] before the CA. Although petitioners do not deny that respondent was receiving "love gifts" in the amount of $550, they aver that these came from ABA and Abiko Baptist Church in Japan. Respondent also admitted that the "main bulk of the fund [came] from donor American Baptist Association[.]"[36] Thus, there may be merit in petitioners' claim that funds given to missionaries like respondent come from the ABA, not BSAABC or MBIS. In fact, the document from which the CA based its conclusion that there was payment of wages and the recipient thereof called a "salaried missionary" is the Mission Policy as contained in the ABA yearbook. In addition, the designation of "salaried missionary" is not determinative of the existence of an employer-employee relationship. "Salary" is a general term defined as remuneration for services given,[37] but the term does not establish a certain kind of relationship.

Absent any clear indication that the amount respondent was allegedly receiving came from BSAABC or MBIS, or at the very least that ABA, Abiko Baptist Church of Japan and BSAABC and MBIS are one and the same, We cannot concretely establish payment of wages.

As to the third element, We find that dismissal is inherent in religious congregations as they have the power to discipline their members. Admittedly, the nature of respondent's position as a missionary calls on the exercise of supervision by the church of which he is a member considering that the basis of the relationship between a religious corporation and its members is the latter's absolute adherence to a common religious or spiritual belief.[38] Although respondent's removal is clear from the

November 24, 2011 Letter, this alone cannot establish an employer-employee relationship.

Lastly, as to the power of control, the CA ruled that the duties enumerated in the Appointment Paper, together with BSAABC's power to order respondent to areas of mission work, as well as the Mission Policy Agreement, all indicated the exercise of control.

We do not agree. The use of the LA and CA of the Appointment Paper, as basis of the employer-employee relationship in this case, is misplaced considering that respondent failed to establish that such duties enumerated therein are the duties only of a missionary. Again, the said document refers to respondent's status as an instructor of MBIS.

Even then, this Court sees that respondent's appointment as instructor of petitioners' own educational institution was by virtue of his membership with Abiko Baptist Church. It is one of his duties as a missionary/minister of the same. He himself admitted that he was teaching "bible history, philosophy, Christian doctrine, public speaking, English and other religious subjects to seminarians in [MBIS intending] to be [a] pastor/minister[.]"[39] These subject matters and how they prepare or educate their ministers are ecclesiastical in nature which the State cannot regulate unless there is clear violation of secular laws. It follows, therefore, that even his alleged exclusion as instructor is beyond the power of review by the State considering that this is purely an ecclesiastical affair. It is up to the members of the religious congregation to determine whether their minister still lives up to the beliefs they stand for, continues to share his knowledge, and remains an exemplar of faith to the members of their church.

True, the Mission Policy Agreement may show badges of control over its members and missionaries; nevertheless, respondent, as member of the religious congregation, must be subjected to a certain sense of control for the church to achieve the ends of its belief. As to the power to order respondent to areas of mission work, the Court deems it appropriate not to expound on this because aside from the fact that it is a mere allegation, it is also an ecclesiastical matter as it concerns governance of the congregation.

Other than the Appointment Paper (as an instructor), no other evidence was adduced by respondent to show an employer-employee relationship. Respondent, as the one alleging an employer-employee relationship, failed to establish with clear and convincing evidence that such relationship exists. With this, We do not see the need to discuss whether the dismissal as a missionary was illegal as it is clearly an ecclesiastical affair.

Respondent is trying to confuse the Court in claiming that his appointment as instructor of MBIS is basis of an employer-employee relationship while at the same time, claiming the benefits accorded him as a missionary of BSAABC, such as the privilege to live on the latter's property and the financial support he was receiving. Respondent obviously filed the instant case to protect his property rights over the house he built on the land of BSAABC, which is not within the ambit of a labor case. Then again, he was not able to sufficiently prove the existence of an employer-employee relationship which is the first requirement to claim relief in a labor case.

Admittedly, there is a thin line between secular and ecclesiastical matters with regard to respondent's status as a missionary. Respondent's claim of illegal dismissal is dependent on the existence of the employer-employee relationship. Unfortunately, respondent failed to prove his own affirmative allegation.

WHEREFORE, premises considered, the instant Petition is hereby **GRANTED**. The October 27, 2015 Decision and April 26, 2016 Resolution of the Court of Appeals in CA-G.R. SP No. 08067 are **REVERSED** and **SET ASIDE**. Accordingly, the July 15, 2013 Decision of the National Labor Relations Commission dismissing the case for lack of jurisdiction is hereby **REINSTATED**.

SO ORDERED.

Carandang and *Gaerlan, JJ.*, concur.
Leonen and *Zalameda, JJ*., see separate concurring opinions.

---

[1] *Rollo*, pp. 21-34; penned by Associate Justice Marilyn Lagura-Yap, with Associate Justices Gabriel T. Ingles and Marie Christine Azcarraga-Jacob, concurring.

[2] Id. at 35-36; penned by Associate Justice Marilyn Lagura-Yap, with Associate Justices Gabriel T. Ingles and Pamela Ann Abella Maxino, concurring.

[3] CA *rollo*, pp. 27-33, penned by Commissioner Julie C. Rendoque, with Presiding Commissioner Violeta Ortiz-Bantug and Commissioner Jose G. Gutierrez, concurring.

[4] Id. at 35-36.

[5] Id. at 101-115, penned by Acting Executive Labor Arbiter Romulo P. Sumalinog.

[6] Id. at 58.

[7] Id. at 39-54, Complainant's Position Paper.

[8] Id. at 55.

[9] Id. at 78.

[10] Id. at 61-71, Position Paper for Respondents.

[11] Id. at 37.

[12] Id. at 114-115.

[13] Id. at 110.

[14] Id. at 110-112.

[15] Id. at 32-33.

[16] *Rollo*, pp. 26-28.

[17] Id. at 28.

[18] Id. at 29-30.

[19] CA *rollo*, p. 57, which reads:

> "This is to certify that Pastor Ricardo N. Villaflor, Jr. is a Missionary Pastor under the authority of Abiko Baptist Church in Chiba, Japan. Presently, he is laboring as missionary in San Carlos City, Negros Occidental, Philippines.
>
> Being a missionary, Pastor Ricardo Villaflor, Jr. has been commissioned to preach the Gospel and Baptize converts.
>
> This is to certify further that he is authorized to build his own Pastoral house on the portion of acquired lot of Bishop Shinji Amari of Abiko Baptist Church Inc., known as lot No. 2 Block 1 containing an area of 208 Sq. meters. Located at St. Vincent subdivision, San Carlos City, Philippines.
>
> This certification was issues upon the request of Pastor Ricardo Villaflor, Jr."

[20] Id. at 145.

[21] *Rollo*, pp. 30-31.

[22] Id. at 10-11.

[23] *Austria v. National Labor Relations Commission*, 371 Phil. 340, 353 (1999).

[24] Id.

[25] Id.

[26] Id. at 353-354.

[27] See *Reyes v. Glaucoma Research Foundation, Inc.*, 760 Phil. 779, 789 (2015).

[28] *Philman Marine Agency, Inc. v. Cabanban*, 715 Phil. 454, 471 (2013).

[29] See *Alilin v. Petron Corporation*, 735 Phil. 509, 527 (2014).

[30] CA *rollo*, p. 110.

[31] Id. at 137-138.

[32] Supra note 8.

[33] Supra note 9.

[34] CA *rollo*, p. 152.

[35] Id. at 8.

[36] Id. at 40, Complainant's Position Paper.

[37] *Reyes v. Glaucoma Research Foundation*, supra note 27 at 792.

[38] *Long v. Basa*, 418 Phil. 375, 397 (2001).

[39] Supra note 36.

SEPARATE CONCURRING OPINION

LEONEN, *J.*:

I concur in the result of the *ponencia* written by Justice Alexander G. Gesmundo. The exclusion of respondent Ricardo Villaflor (Villaflor), Jr. as a member of Abiko Baptist Church in Japan is an ecclesiastical affair and is, therefore, beyond the ambit of this Court's jurisdiction to resolve. However, I am of the view that his removal as a missionary was likewise ecclesiastical in nature, having been done in the exercise of Abiko Baptist Church's right to select and control who to minister its faithful.

As discussed in the *ponencia*, an ecclesiastical affair is "one that concerns doctrine, creed or form or worship of the church, or the adoption and enforcement within a religious association of needful laws and regulations for the government of the membership, and the power of excluding from such associations those deemed unworthy of membership."[1] All that has no relation with the practice of faith, worship, or doctrine is considered secular.[2]

Determining whether a controversy involves an ecclesiastical affair or a secular matter is, in turn, essential in determining whether civil courts may take cognizance of it. If the controversy involves an ecclesiastical affair, civil courts must yield to the decision of the ecclesiastical tribunal, in deference to two key provisions of the Constitution. In Article II, Section 6, the Constitution declares that "[t]he separation of Church and State shall be inviolable." The Bill of Rights in Article III, Section 5 provides for the non-establishment and free exercise clauses, thus:

ARTICLE III
Bill of Rights

> Section 5. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. 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.

Under Article III, Section 5, it is the State's duty to respect the free exercise of any religious faith. The State is likewise forbidden from establishing, endorsing, or favoring

any religion, in contrast with the Spanish crown which established a national religion during the colonial period. Strictly reading Article III, Section 5 ensures the inviolability of the separation of Church and State, which separation is notably unqualified and should therefore be absolute.

The exclusion of Villaflor from membership in Abiko Baptist Church is clearly ecclesiastical in nature. It involves "the relationship between the church and its members and relates to matters of. . . worship and governance of the congregation."[3] The free exercise clause, in as much as it guarantees the right of individuals to freely exercise any religion of their own choosing, equally guarantees the right of religious institutions to determine who may personify their doctrines and beliefs.

However, I am of the opinion that the removal of Villaflor as missionary/minister was not purely secular; rather, it was an ecclesiastical decision. It is true that employer-employee relationships are covered by the Labor Code, and that a religious institution like Abiko Baptist Church may form employer-employee relationships.

Still, more than an employment decision, removing a missionary/minister inevitably involves the governance of a religious congregation. Being a minister is a position of leadership in the church, involving the teaching of religious doctrine to the faithful. Mission work requires evangelizing non-believers, equally involving matters of religious doctrine and worship. Necessarily, employment decisions of churches with respect to their ministers are ecclesiastical in nature. The State cannot compel a church to reinstate a minister that it has decided to remove, for not only will it inevitably and excessively entangle itself with matters of religion, it will be effectively dictating to a religious institution who its officials should be.

I am aware of this Court's decision in *Austria v. National Labor Relations Commission*.[4] In that case, Dionisio V. Austria (Austria) served, first, as a literature evangelist; then, as an Assistant Publishing Director before becoming a pastor in Central Philippine Union Mission Corporation of the Seventh-Day Adventists. He served the Seventh-Day Adventists for 28 years until his services were terminated for failing to account for church tithes and offerings collected by his wife. This caused Austria to file an illegal dismissal complaint, and the Labor Arbiter ruled in his favor and ordered his reinstatement. Reversing the Labor Arbiter, the National Labor Relations Commission dismissed the complaint for lack of jurisdiction.[5]

Austria, who appealed before this Court, and the Office of the Solicitor General, while appearing for the National Labor Relations Commission, interestingly argued that the Commission wrongly dismissed Austria's illegal dismissal complaint. According to the Office of the Solicitor General, the validity of the termination of Austria's employment was a controversy within the National Labor Relations Commission's jurisdiction, as it was secular in nature.[6]

This Court agreed with the Office of the Solicitor General, holding that the "principle of separation of church and state finds no application in [the] case."[7] It found that "the matter of terminating an employee''[8] is "purely secular in nature"[9] and does not involve "the practice of faith, worship 9r doctrines of the church,"[10] matters traditionally regarded as ecclesiastical affairs. The Labor Code, said the Court, is

"comprehensive enough to include religious corporations"[11] such as the Central Philippine Union Mission Corporation of the Seventh-Day Adventists. The Court found that the Seventh-Day Adventists failed to prove that Austria pocketed tithes an offerings from its faithful; hence, Austria was deemed illegally dismissed. The Seventh-Day Adventists was thus ordered to reinstate Austria to his former position as pastor and to even pay him backwages, among others.[12]

In my view, *Austria* too conveniently disposed of an important constitutional issue by framing the case as a labor dispute. *Austri*a involved a pastor removed by his church. He then appealed his dismissal to the secular courts, praying that his church be ordered to reinstate him. The principle of separation of Church and State was certainly applicable, if not central, in *Austria*.

The very controversy that the religion clauses bar secular courts from resolving is whether or not a church followed its internal procedure for removing its pastors, ministers, and all those of equivalent authority. Taking cognizance of such cases will directly violate the separation of Church and State. If secular courts are to reverse the decision of the ecclesiastical tribunal, it will be infringing on a church's freedom to choose who its religious leaders should be. If the State orders a church to retain a dismissed minister, it will be interfering with ecclesiastical affairs.

Distinguishing between an ecclesiastical affair and a secular matter is theoretically and conceptually understandable. In actuality, however, employment disputes between churches and their ministers will necessarily involve matters traditionally regarded as secular. As a leadership position, being a minister will involve administrative functions such as handling of church funds as well as managing personnel. The approach taken by the Court in *Austria* avoids the reality that the duties of a minister cannot be purely ecclesiastical.

While not controlling in this jurisdiction, *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*[13] is notable for introducing the concept of "ministerial exception." Under this concept, secular courts are barred from taking cognizance of employment controversies between churches and their ministers on the basis of the First Amendment.

Hosanna-Tabor Evangelical Lutheran Church and School employed Cheryl Perich (Perich) as one of its "called teachers." "Called" teachers, as opposed to "lay" ones, had to undergo a "colloquy" program at a Lutheran college or university. "Called" teachers were required to take courses in theology, in addition to the endorsement of their local Synod district and an oral examination.[14] It took six (6) years for Perich to finish the program.[15]

Into her fifth year of teaching in Hosanna-Tabor, Perich developed narcolepsy, which required her to take a one-year disability leave. When she notified the school of her return, the school replied that it had already contracted a "lay" teacher, one who need not undergo the "colloquy" program or to even be Lutheran, to teach in her place. Perich insisted on returning and to not resign, informing the school that she had already sought legal counsel and would be asserting her rights. This led the local Synod

to rescind Perich's "call," and her employment was terminated for "insubordination and disruptive behavior."[16]

Perich filed a charge before the Equal Employment Opportunity Commission, claiming that she was discriminated on the ground of disability. The Equal Employment Opportunity Commission agreed and sued Hosanna-Tabor before the district court. It prayed that Perich be reinstated to her former position.[17]

Hosanna-Tabor moved for summary judgment and argued that the First Amendment barred the suit filed by the Equal Employment Opportunity Commission. According to Hosanna-Tabor, it fired Perich for a religious reason given that her threat to sue the church was contrary to the Christian teaching of resolving disputes internally.[18]

The District Court granted summary judgment and dismissed the complaint, agreeing with Hosanna-Tabor that the suit was barred by the First Amendment. It held that allowing the suit would infringe upon the religious freedom of Hosanna-Tabor to choose those who could teach Lutheran doctrine in its school. Reversing the District Court, the Court of Appeals for the Sixth Circuit remanded the case. While recognizing that the First Amendment barred suits filed by ministers whose employment were terminated by their churches, the Court of Appeals held that the "ministerial exception" did not apply considering that Perich was not a minister.[19]

The United States Supreme Court disagreed with the Court of Appeals and held that the "ministerial exception" applied in the case. First, it discussed the history and development of the religion clauses and how they were formulated to primarily bar the Federal Government from meddling with ecclesiastical affairs, unlike the English Crown which established a national church and at times imposed its preferences as to the religious officers to be appointed. Specifically on the non-establishment clause, its purpose is to "[prevent] the Government from appointing ministers."[20] As for the free exercise clause, it "prevents [the Government] from interfering with the freedom of religious groups to select their own."[21]

It had yet to decide a case involving government interference with the employment choices of religious groups, so the United States Supreme Court, instead, discussed cases involving disputes over church properties and found that it usually declined jurisdiction by virtue of the First Amendment" *Hosanna-Tabor*, decided in 2012, was the first case where it had to squarely resolve the issue of whether or not secular courts may resolve employment discrimination suits filed by ministers against the religious institutions that employed them. On this issue, the United States Supreme Court said that secular courts have no such jurisdiction, citing the "ministerial exception" anchored on the First Amendment. Essentially, the ministerial exception bars suits involving "the employment relationship between a religious institution and its ministers," because taking cognizance of such cases infringes on the right of religious organizations to choose who to personify and teach their beliefs. In *Hosanna-Tabor*:

> The members of a religious group put their faith in the hands of their ministers. Requiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision. Such action interferes with the internal governance of

> the church, depriving the church of control over the selection of those who will personify its beliefs. By imposing an unwanted minister, the state infringes the Free Exercise Clause, which protects a religious group's right to shape its own faith and mission through its appointments. According the state the power to determine which individuals will minister to the faithful also violates the Establishment Clause, which prohibits government involvement in such ecclesiastical decisions.[22]

The purpose of the "ministerial exception" is not to determine whether the dismissal was indeed done on religious grounds, but to ensure that the decision to dismiss the minister exclusively belongs to the religious institution. It is "not to safeguard a church's decision to fire a minister only when it is made for a religious reason. The exception instead ensures that the authority to select and control who will minister to the faithful—a matter 'strictly ecclesiastical'—is the church's alone."[23]

The United States Supreme Court conceded that Perich was not a minister. Nevertheless, Hosanna-Tabor held her out as one, especially since being a "called" teacher required a significant amount of religious training and even a formal process of commissioning. Even Perich held herself out as a minister, accepting tax concessions available to employees earning compensation "in the exercise of the ministry." After she was terminated, she wrote the Synod and said that "I feel that God is leading me to serve in the teaching ministry. . . I am anxious to be in the teaching ministry again soon."[24]

Moreover, like a minister, she taught religion in Hosanna Tabor, "reflecting a role in conveying the Church's message and carrying out its mission."[25] Her duties included "lead[ing] others toward Christian maturity"[26] and "teach[ing] faithfully the Word of God, the Sacred Scriptures, in its truth and purity and as set forth in all the symbolical books of the Evangelical Lutheran Church."[27] Ultimately, the decision of the Court of Appeals was reversed, and the summary dismissal of Perich's employment discrimination case was upheld. *Hosanna-Tabor* concludes with:

> The interest of society in the enforcement of employment discrimination statutes is undoubtedly important. But so too is the interest of religious groups in choosing who will preach their beliefs, teach their faith, and carry out their mission. When a minister who has been fired sues her church alleging that her termination was discriminatory, the First Amendment has struck the balance for us. The church must be free to choose those who will guide it on its way.[28]

The right to work is imbued with public interest, so much that the Constitution affords full protection to labor.[29] Employer-employee relations between religious institutions and their ministers, however, will involve matters inherently religious in nature. Considering that the Constitution prohibits the State from entangling itself in religious disputes, resolving the issue of who to employ as ministers and who to personify their beliefs is best left to religious institutions. After all, in ministry and missionary work, the right to wage should only be incidental.

All told, Villaflor's exclusion as a member of Abiko Baptist Church *and* his removal as minister are matters ecclesiastical in nature. These matters are outside the jurisdiction of secular courts, including this Court.

IN VIEW OF THE FOREGOING, I vote to **GRANT** the Petition for Review on Certiorari and **REVERSE** and **SET ASIDE** the Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 08067. The Decision of the National Labor Relations Commission dismissing the illegal dismissal complaint filed by respondent Ricardo Villaflor, Jr. for lack of jurisdiction must be **REINSTATED**.

---

[1] *Ponencia*, p. 5, *citing Austria v. National Labor Relations Commission*, 371 Phil. 340, 353 (1999) [Per J. Kapunan, First Division].

[2] Id.

[3] Id.

[4] 371 Phil. 340 (1999) [Per J. Kapunan, En Banc].

[5] Id. at 347-350.

[6] Id. at 352.

[7] Id.

[8] Id. at 353.

[9] Id. at 354.

[10] Id. at 353.

[11] Id. at 354.

[12] Id. at 362.

[13] 132 S. Ct. 694 (2012) [Per C.J. Roberts, United States Supreme Court].

[14] Opinion of the United States Supreme Court in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, p. 2. Available at <https://www.supremecourt.gov/opinions/11pdf/10-553.pdf>. (Last accessed on February 11, 2020).

[15] Id. at 16.

[16] Id. at 3-4.

[17] Id. at 4-5.

[18] Id. at 5.

[19] Id.

[20] Id. at 9.

[21] Id.

[22] Id. at 13-14.

[23] Id. at 20.

[24] Id. at 17.

[25] Id.

[26] Id.

[27] Id.

[28] Id. at 21-22.

[29] CONST., Art. XIII, sec. 3 partly provides:

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

SEPARATE CONCURRING OPINION

ZALAMEDA, *J.*:

> *[W]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them.*[1]

I agree with the *ponencia* which reinstated the ruling of the National Labor Relations Commission and declared that "being an instructor of [Missionary Baptist Institute and Seminary (MBIS)] was part of [Ricardo Villaflor, Jr.'s (Villaflor)] mission work as a missionary/minister of [Abiko Baptist Church (ABC)]." Villaflor's "removal as a missionary of [ABC] is different from his status as an instructor of MBIS." Villaflor failed to prove that he was an employee of ABC and MBIS; hence, there can be no finding of illegal dismissal. The clash between ABC's right to exercise its religious freedom in the choice of its members and Villaflor's property rights to income and abode was more apparent than real.

To be sure, the *ponencia* recognizes the distinction between ecclesiastical and secular matters, and the corresponding exercise of jurisdiction of the civil courts. This underscores the Philippine Constitution's commitment to the separation of Church and State, as well as the preferential treatment it gives to the right to exercise one's religion.

The provision on religion in Section 5, Article III of the 1987 Constitution is substantially the same as in the 1935[2] and 1973[3] Constitutions: "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. 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." The 1934 Constitutional Convention accepted the basic provision without debate,[4] and paved the way for the adoption of interpretations of this provision from the United States (US), its country of origin.

In *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*[5] (*Hossana-Tabor*), the US Supreme Court provided the historical backdrop for the adoption of the First Amendment's Non-Establishment and Free Exercise clauses.[6] *Hossana-Tabor* traced the beginnings of the Non-Establishment clause from the first clause of the Magna Carta.[7] In 1215, King John of England agreed with the Archbishop of Canterbury's proposal that the English Church shall be free, there will be no diminution of the English Church's rights nor impairment of its liberties, and there shall be freedom in the elections in the English Church. This freedom, however, existed only in theory. For example, through the First Act of Supremacy in 1534,[8] King Henry VIII declared himself "the only supreme head in earth of the Church of England." Thus, the founding generation of the US institutionalized its desire to remove the government from church matters in their Constitution:

> By forbidding the "establishment of religion" and guaranteeing the "free exercise thereof," the Religion Clauses ensured that the new Federal Government—unlike the English Crown—would have no role in filling ecclesiastical offices. The Establishment Clause prevents the Government from appointing ministers, and the Free Exercise Clause prevents it from interfering with the freedom of religious groups to select their own.[9]

This exclusion of government participation in church matters was subsequently challenged in court. The deference test was initially articulated by the US Supreme Court in *Watson v. Jones*.[10] The property dispute in *Watson* arose from a difference in the positions of the church authorities about slavery. The General Assembly of the Presbyterian Church was against slavery. Watson, on the other hand, was a member of the Walnut Street Church Session, which was the governing body of the Walnut Street Presbyterian Church, and was for slavery. Majority of the members of the Walnut Street Presbyterian Church took the view of the General Assembly. The General Assembly removed Watson as an elder of the church and filed a case against Watson and his followers to prevent them from possessing church property.

The US Supreme Court formulated the deference test to resolve the dispute in *Watson*. The Court deferred to the decision of the General Assembly when it removed Watson as

an elder. The General Assembly, as the highest deciding body in the church's structure, had the authority, procedure, and organization to resolve the church's internal disputes. *Watson* further underscored the lack of jurisdiction of Civil courts over ecclesiastical matters:

> But it is a very different thing where a subject matter of dispute, strictly and purely ecclesiastical in its character - a matter over which the civil courts exercise no jurisdiction - a matter which concerns theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them - becomes. the subject of its action. It may be said here also that no jurisdiction has been conferred on the tribunal to try the particular case before it, or that, in its judgment, it exceeds the powers conferred upon it, or that the laws of the church do not authorize the particular form of proceeding adopted, and, in a sense often used in the courts, all of those may be said to be questions of jurisdiction. But it is easy to see that if the civil courts are to inquire into all these matters, the whole subject of the doctrinal theology, the usages and customs, the written laws, and fundamental organization of every religious denomination may and must be examined into with minuteness and care, for they would become in almost every case the criteria by which the validity of the ecclesiastical decree would be determined in the civil court. This principle would deprive these bodies of the right of construing their own church laws, would open the way to all the evils which we have depicted as attendant upon the doctrine of Lord Eldon, and would, in effect, transfer to the civil courts where property rights were concerned the decision of all ecclesiastical questions.[11]

Serbian Orthodox Diocese v. Milivojevich[12] another case decided by the US Supreme Court, quoted *Watson's* formulation of the deference test when it ruled in favor of the Holy Assembly of Bishops and the Holy Synod of the Serbian Orthodox Church (Mother Church). The Mother Church suspended and subsequently removed Milivojevich as Bishop of its American-Canadian Diocese. Milivojevich sought relief from the Illinois Circuit Court to prevent the Mother Church from interfering with the assets of his diocese, and to declare himself as the diocese's true Bishop. The Illinois Supreme Court ruled in favor of Milivojevich because it found that the proceedings for Milivojevich's removal were procedurally and substantively defective under the Mother Church's own internal regulations. The US Supreme Court reversed the Illinois Supreme Court and declared that the Illinois Supreme Court made inquiries into matters of ecclesiastical cognizance and polity. Thus, the Illinois Supreme Court's actions pursuant to its inquiry ran contrary to the US Constitution's First [13] and Fourteenth[14] Amendments. The US Supreme Court concluded:

> In short, the First and Fourteenth Amendments permit hierarchical religious organizations to establish their own rules and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over these matters. When this choice is exercised and ecclesiastical tribunals are created to decide disputes over the government and direction of subordinate bodies, the Constitution requires that civil courts accept their decisions as binding upon them.[15]

Aside from the deference test, the US Supreme Court also articulated the ministerial exception. *Hossana-Tabor* explained that the ministerial exception removes religious organizations from the application of employment discrimination laws. Like the deference test, the ministerial exception is also anchored on the First Amendment:

> The members of a religious group put their faith in the hands of their ministers. Requiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision. Such action interferes with the internal governance of the church, depriving the church of control over the selection of those who will personify its beliefs. By imposing an unwanted minister, the state infringes the Free Exercise Clause, which protects a religious group's right to shape its own faith and mission through its appointments. According the state the power to determine which individuals will minister to the faithful also violates the Establishment Clause, which prohibits government involvement in such ecclesiastical decisions.
>
> x x x x
>
> The purpose of the exception is not to safeguard a church's decision to fire a minister only when it is made for a religious reason. The exception instead ensures that the authority to select and control who will minister to the faithful—a matter "strictly ecclesiastical,"—is the church's alone.
>
> x x x x
>
> The interest of society in the enforcement of employment discrimination statutes is undoubtedly important. But so too is the interest of religious groups in choosing who will preach their beliefs, teach their faith, and carry out their mission. When a minister who has been fired sues her church alleging that her termination was discriminatory, the First Amendment has struck the balance for us. The church must be free to choose those who will guide it on its way.

In *Hossana-Tabor*, the US Supreme Court considered the circumstances of Perich's employment and found her to be a minister as defined by the Evangelical Lutheran Church. In its application of the ministerial exception to Perich, the Court considered the formal title accorded to Perich by the Church (Minister of Religion, Commissioned), the substance reflected in the formal title (Perich had to complete extensive religious training, apply for endorsement from her local Synod, pass an oral examination, and be elected by the congregation to become a minister), Perich's use of the title (these included Perich's acceptance of the formal call to religious service, claim to special housing allowance on her taxes, and reference to herself as a minister), and Perich's religious functions for the Church (Perich was a teacher of religion and conducted religion-related activities outside of her teaching hours). The Court dismissed the employment discrimination suit filed by Perich against Hossana-Tabor Evangelical Lutheran Church and School.

Needless to say, this Court has also found the occasion to rule on the apparent clashes between the exercise of religious freedom and the property rights to income.

In *Austria v. National Labor Relations Commission*[16] (*Austria*), this Court reached a conclusion which is different from that of the *ponencia*. The difference in conclusion, however, lies in the allegations put forward by the church to justify the removal of its employee-minister. In *Austria,* the employee-minister received a letter terminating his services on the grounds of misappropriation of denominational funds, willful breach of trust, serious misconduct, gross and habitual neglect of duties, and commission of an offense against the person of employer's (the church) duly authorized representative. This Court found that the church removed the minister as its employee and not as its church official or even its church member. Moreover, the church belatedly questioned the jurisdiction of the administrative bodies and actively participated in the hearings. *Austria's* distinction between secular and ecclesiastical affairs provides an enlightening discussion:

> The rationale of the principle of the separation of church and state is summed up in the familiar saying, "Strong fences make good neighbors." The idea advocated by this principle 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 Ceasar [sic] the things that are Ceasar's [sic] and unto God the things that are God's." The Church is likewise barred from meddling in purely secular matters.
>
> The case at bar does not concern an ecclesiastical or purely religious affair as to bar the State from taking cognizance of the same. An ecclesiastical affair is "one that concerns doctrine, creed or form or worship of the church, or the adoption and enforcement within a religious association of needful laws and regulations for the government of the membership, and the power of excluding from such associations those deemed unworthy of membership." Based on this definition, an ecclesiastical affair involves the relationship between the church and its members and relate to matters of faith, religious doctrines, worship and governance of the congregation. To be concrete, examples of this so-called ecclesiastical affairs to which the State cannot meddle are proceedings for excommunication, ordinations of religious ministers, administration of sacraments and other activities which attached religious significance. The case at bar does not even remotely concern any of the abovecited examples. While the matter at hand relates to the church and its religious minister it does not *ipso facto* give the case a religious significance. Simply stated, what is involved here is the relationship of the church as an employer and the minister as an employee. It is purely secular and has no relation whatsoever with the practice of faith, worship or doctrines of the church. In this case, petitioner was not excommunicated or expelled from the membership of the SDA but was terminated from employment. Indeed, the matter of terminating an employee, which is purely secular in nature, is different from the ecclesiastical act of expelling a member from the religious congregation.
>
> As pointed out by the OSG in its memorandum, the grounds invoked for petitioner's dismissal, namely: misappropriation of denominational funds,

> willful breach of trust, serious misconduct, gross and habitual neglect of duties and commission of an offense against the person of his employer's duly authorized representative, are all based on Article 282 of the Labor Code which enumerates the just causes for termination of employment. By this alone, it is palpable that the reason for petitioner's dismissal from the service is not religious in nature. Coupled with this is the act of the SDA in furnishing NLRC with a copy of petitioner's letter of termination. As aptly stated by the OSG, this again is an eloquent admission by private respondents that NLRC has jurisdiction over the case. Aside from these, SDA admitted in a certification issued by its officer, Mr. Ibesate, that petitioner has been its employee for twenty eight (28) years. SDA even registered petitioner With the Social Security System (SSS) as its employee. As a matter of fact, the worker's records of petitioner have been submitted by private respondents as part of their exhibits. From all of these it is clear that when the SDA terminated the services of petitioner, it was merely exercising its management prerogative to fire an employee which it believes to be unfit for the job. As such, the State, through the Labor Arbiter and the NLRC, has the right to take cognizance of the case and to determine whether the SDA, as employer, rightfully exercised its management prerogative to dismiss an employee. This is in consonance with the mandate of the Constitution to afford full protection to labor.[17]

Long v. Basa,[18] on the other hand, involved church members who questioned their expulsion from the church before the Securities and Exchange Commission. Their expulsion was predicated on acts that "espous[e] doctrines inimical or injurious to the faith of the church."[19] The church members sought the annulment of the membership list that excluded their names on the ground of lack of prior notice and hearing. In upholding the church members' expulsion, this Court made a distinction between a religious corporation and a corporation that is organized for profit, as well as underscored the importance of adherence to a common religious belief as a qualification for church membership. We declared:

> The CHURCH By-law provision on expulsion, as phrased, may sound unusual and objectionable to petitioners as there is no requirement of prior notice to be given to an erring member before he can be expelled. But that is how peculiar the nature of a religious corporation is *vis-à-vis* an ordinary corporation organized for profit. It must be stressed that the basis of the relationship between a religious corporation and its members is the latter's absolute adherence to a common religious or spiritual belief. Once this basis ceases, membership in the religious corporation must also cease. Thus, generally, there is no room for dissension in a religious corporation. And where, as here, any member of a religious corporation is expelled from the membership for espousing doctrines and teachings contrary to that of his church, the established doctrine in this jurisdiction is that such action from the church authorities is conclusive upon the civil courts. As far back in 1918, we held in United *States vs. Canete* that:
>
> > ". . . in matters purely ecclesiastical the decisions of the proper church tribunals are conclusive upon the civil tribunals. A church

> member who is expelled from the membership by the church authorities, or a priest or minister who is by them. deprived of his sacred office, is *without remedy in the civil courts, which will not inquire into the correctness of the decisions of the ecclesiastical tribunals*." (Emphasis ours)

Obviously recognizing the peculiarity of a religious corporation, the Corporation Code leaves the matter of ecclesiastical discipline to the religious group concerned.

Section 91 of the Corporation Code, which has been made explicitly applicable to religious corporations by the second paragraph of Section 109 of the same Code, states:

> "SECTION 91. *Termination of membership.* — Membership shall be terminated *in the manner and for the causes provided in the articles of incorporation or the by-laws*: Termination of membership shall have the effect of extinguishing all rights of a member in the corporation or in its property, unless otherwise provided in the articles of incorporation or the by-laws." (Emphasis ours)

Moreover, the petitioners really have no reason to bewail the lack of prior notice in the By-laws. As correctly observed by the Court of Appeals, they have waived such notice by adhering to those By-laws. They became members of the CHURCH *voluntarily*. They entered into its covenant and subscribed to its rules. By doing so, they are bound by their consent.[20]

Indeed, upon showing of sufficient proof, the Court will not hesitate to uphold the exercise of religious freedom over property rights to income and even to abode, once the church hierarchy has made its. decision involving ecclesiastical matters. Accordingly, an intrusion into the church's religious freedom in disciplining and in expelling its missionaries cannot be countenanced, as in this case. Hence, I concur with the *ponencia* and vote to **GRANT** the Petition.

---

[1] *Watson v. Jones*, 80 U.S. 679, 722 (1871).

[2] Section 1(7), Article III.

[3] Section 8, Article IV.

[4] Joaquin G. Bernas, SJ, THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY 318 (2003).

[5] 565 U.S. 171 (2012).

[6] The First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the

freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

[7] The First Clause of the Magna Carta reads: "First, that we have granted to God, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity."

[8] The First Act of Supremacy reads: "Albeit the king's Majesty justly and rightfully is and ought to be the supreme head of the Church of England, and so is recognized by the clergy of this realm in their convocations, yet nevertheless, for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of England, and to repress and extirpate all errors, heresies, and other enormities and abuses heretofore used in the same, be it enacted, by authority of this present Parliament, that the king, our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted, and reputed the only supreme head in earth of the Church of England, called *Anglicana Ecclesia*; and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honors, dignities, preeminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of the supreme head of the same Church belonging and appertaining; and that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, record, order, correct, restrain, and amend all such errors, heresies, abuses, offenses, contempts and enormities, whatsoever they be, which by any manner of spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered; redressed, corrected, restrained, or amended, most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquility of this realm; any usage, foreign land, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding."

[9] *Hossana-Tabor* collectively refers to the Non-Establishment and Free Exercise clauses as the Religion Clauses.

[10] *Supra* at note 1.

[11] *Id.*

[12] 426 U.S. 696 (1976).

[13] Supra at note 1.

[14] The Fourteenth Amendment is composed of five sections, which read as follows:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having-previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to The enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[15] 426 US 696, 724-725 (1976).

[16] G.R. No. 124382, 371 Phil. 340 (1999).

[17] *Id.* at 352-354; citations omitted.

[18] G.R. Nos. 134963-64, 135152-53 & 137135, 418 Phil. 375 (2001).

[19] *Id.* at 389.

[20] *Id.* at 396-398; citations omitted.
