SUPREME COURT
EN BANC

BENJAMIN VICTORIANO,
***Plaintiff-Appellee*,**

-versus-

G.R. No. L-25246
September 12, 1974

ELIZALDE ROPE WORKERS' UNION and ELIZALDE ROPE FACTORY, INC.,
***Defendants*,**

ELIZALDE ROPE WORKERS' UNION,
***Defendant-Appellant*.**
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D E C I S I O N

ZALDIVAR, *J.*:

Appeal to this Court on purely questions of law from the decision of the Court of First Instance of Manila in its Civil Case No. 58894.

The undisputed facts that spawned the instant case follow:

Benjamin Victoriano (hereinafter referred to as Appellee), a member of the religious sect known as the "Iglesia ni Cristo", had been in the employ of the Elizalde Rope Factory, Inc. (hereinafter referred to as

Company) since 1958. As such employee, he was a member of the Elizalde Rope Workers' Union (hereinafter referred to as Union) which had with the Company a collective bargaining agreement containing a closed shop provision which reads as follows:

> "Membership in the Union shall be required as a condition of employment for all permanent employees workers covered by this Agreement."

The collective bargaining agreement expired on March 3, 1964 but was renewed the following day, March 4, 1964.

Under Section 4(a), paragraph 4, of Republic Act No. 875, prior to its amendment by Republic Act No. 3350, the employer was not precluded "from making an agreement with a labor organization to require as a condition of employment membership therein, if such labor organization is the representative of the employees." On June 18, 1961, however, Republic Act No. 3350 was enacted, introducing an amendment to paragraph (4) subsection (a) of Section 4 of Republic Act No. 875, as follows: "but such agreement shall not cover members of any religious sects which prohibit affiliation of their members in any such labor organization".

Being a member of a religious sect that prohibits the affiliation of its members with any labor organization, Appellee presented his resignation to appellant Union in 1962, and when no action was taken thereon, he reiterated his resignation on September 3, 1974. Thereupon, the Union wrote a formal letter to the Company asking the latter to separate Appellee from the service in view of the fact that he was resigning from the Union as a member. The management of the Company in turn notified Appellee and his counsel that unless the Appellee could achieve a satisfactory arrangement with the Union, the Company would be constrained to dismiss him from the service. This prompted Appellee to file an action for injunction, docketed as Civil Case No. 58894 in the Court of First Instance of Manila to enjoin the Company and the Union from dismissing Appellee.[1] In its answer, the Union invoked the "union security clause" of the collective bargaining agreement; assailed the constitutionality of Republic Act No. 3350; and contended that the Court had no jurisdiction over the case, pursuant to Republic Act No. 875, Sections 24 and 9 (d) and

(e).[2] Upon the facts agreed upon by the parties during the pre-trial conference, the Court a quo rendered its decision on August 26, 1965, the dispositive portion of which reads:

> "IN VIEW OF THE FOREGOING, judgment is rendered enjoining the defendant Elizalde Rope Factory, Inc. from dismissing the plaintiff from his present employment and sentencing the defendant Elizalde Rope Workers' Union to pay the plaintiff P500 for attorney's fees and the costs of this action."[3]

From this decision, the Union appealed directly to this Court on purely questions of law, assigning the following errors:

"I. That the lower court erred when it did not rule that Republic Act No. 3350 is unconstitutional.

"II. That the lower court erred when it sentenced appellant herein to pay plaintiff the sum of P500 as attorney's fees and the cost thereof."

In support of the alleged unconstitutionality of Republic Act No. 3350, the Union contented, firstly, that the Act infringes on the fundamental right to form lawful associations; that "the very phraseology of said Republic Act 3350, that membership in a labor organization is banned to all those belonging to such religious sect prohibiting affiliation with any labor organization,"[4] "prohibits all the members of a given religious sect from joining any labor union if such sect prohibits affiliations of their members thereto;"[5] and, consequently, deprives said members of their constitutional right to form or join lawful associations or organizations guaranteed by the Bill of Rights, and thus becomes obnoxious to Article III, Section 1 (6) of the 1935 Constitution.[6]

Secondly, the Union contended that Republic Act No. 3350 is unconstitutional for impairing the obligation of contracts in that, while the Union is obliged to comply with its collective bargaining agreement containing a "closed shop provision," the Act relieves the employer from its reciprocal obligation of cooperating in the maintenance of union membership as a condition of employment;

and that said Act, furthermore, impairs the Union's rights as it deprives the union of dues from members who, under the Act, are relieved from the obligation to continue as such members.[7]

Thirdly, the Union contended that Republic Act No. 3350 discriminatorily favors those religious sects which ban their members from joining labor unions, in violation of Article III, Section 1 (7) of the 1935 Constitution; and while said Act unduly protects certain religious sects, it leaves no rights or protection to labor organizations.[8]

Fourthly, Republic Act No. 3350, asserted the Union, violates the constitutional provision that "no religious test shall be required for the exercise of a civil right," in that the laborer's exercise of his civil right to join associations for purposes not contrary to law has to be determined under the Act by his affiliation with a religious sect; that conversely, if a worker has to sever his religious connection with a sect that prohibits membership in a labor organization in order to be able to join a labor organization, said Act would violate religious freedom.[9]

Fifthly, the Union contended that Republic Act No. 3350, violates the "equal protection of laws" clause of the Constitution, it being a discriminatory legislation, inasmuch as by exempting from the operation of closed shop agreement the members of the "Iglesia ni Cristo", it has granted said members undue advantages over their fellow workers, for while the Act exempts them from union obligation and liability, it nevertheless entitles them at the same time to the enjoyment of all concessions, benefits and other emoluments that the union might secure from the employer.[10]

Sixthly, the Union contended that Republic Act No. 3350 violates the constitutional provision regarding the promotion of social justice.[11]

Appellant Union, furthermore, asserted that a "closed shop provision" in a collective bargaining agreement cannot be considered violative of religious freedom, as to call for the amendment introduced by Republic Act No. 3350;[12] and that unless Republic Act No. 3350 is declared unconstitutional, trade unionism in this country would be

wiped out as employers would prefer to hire or employ members of the Iglesia ni Cristo in order to do away with labor organizations.[13]

Appellee, assailing appellant's arguments, contended that Republic Act No. 3350 does not violate the right to form lawful associations, for the right to join associations includes the right not to join or to resign from a labor organization, if one's conscience does not allow his membership therein, and the Act has given substance to such right by prohibiting the compulsion of workers to join labor organizations;[14] that said Act does not impair the obligation of contracts for said law formed part of, and was incorporated into, the terms of the closed shop agreement;[15] that the Act does not violate the establishment of religion clause or separation of Church and State, for Congress, in enacting said law, merely accommodated the religious needs of those workers whose religion prohibits its members from joining labor unions, and balanced the collective rights of organized labor with the constitutional right of an individual to freely exercise his chosen religion; that the constitutional right to the free exercise of one's religion has primacy and preference over union security measures which are merely contractual;[16] that said Act does not violate the constitutional provision of equal protection, for the classification of workers under the Act depending on their religious tenets is based on substantial distinction, is germane to the purpose of the law, and applies to all the members of a given class;[17] that said Act, finally, does not violate the social justice policy of the Constitution, for said Act was enacted precisely to equalize employment opportunities for all citizens in the midst of the diversities of their religious beliefs.[18]

I. Before We proceed to the discussion of the first assigned error, it is necessary to premise that there are some thoroughly established principles which must be followed in all cases where questions of constitutionality as obtains in the instant case are involved. All presumptions are indulged in favor of constitutionality; one who attacks a statute, alleging unconstitutionality must prove its invalidity beyond a reasonable doubt; that a law may work hardship does not render it unconstitutional; that if any reasonable basis may be conceived which supports the statute, it will be upheld, and the challenger must negate all possible bases; that the courts are not concerned with the wisdom, justice, policy, or expediency of a statute;

and that a liberal interpretation of the constitution in favor of the constitutionality of legislation should be adopted.[19]

1. Appellant Union's contention that Republic Act No. 3350 prohibits and bans the members of such religious sects that forbid affiliation of their members with labor unions from joining labor unions appears nowhere in the wording of Republic Act No. 3350; neither can the same be deduced by necessary implication therefrom. It is not surprising, therefore, that appellant, having thus misread the Act, committed the error of contending that said Act is obnoxious to the constitutional provision on freedom of association.

Both the Constitution and Republic Act No. 875 recognize freedom of association. Section 1 (6) of Article III of the Constitution of 1935, as well as Section 7 of Article n of the Constitution of 1973, provide that the right to form associations or societies for purposes not contrary to law shall not be abridged. Section 3 of Republic Act No. 875 provides that employees shall have the right to self-organization and to form, join or assist labor organizations of their own choosing for the purpose of collective bargaining and to engage in concerted activities for the purpose of collective bargaining and other mutual aid or protection. What the Constitution and the Industrial Peace Act recognize and guarantee is the "right" to form or join associations. Notwithstanding the different theories propounded by the different schools of jurisprudence regarding the nature and contents of a "right", it can be safely said that whatever theory one subscribes to, a right comprehends at least two broad notions, namely: first, liberty or freedom, i e., the absence of legal restraint, whereby an employee may act for himself without being prevented by law; and second, power, whereby an employee may, as he pleases, join or refrain from joining an association. It is, therefore, the employee who should decide for himself whether he should join or not an association; and should he choose to join, he himself makes up his mind as to which association he would join; and even after he has joined, he still retains the liberty and the power to leave and cancel his membership with said organization at any time.[20] It is clear, therefore, that the right to join a union includes the right to abstain from joining any union.[21] Inasmuch as what both the Constitution and the Industrial Peace Act have recognized, and guaranteed to the employee, is the "right" to join associations of his choice, it would be absurd to say that the law

also imposes, in the same breath, upon the employee the duty to join associations. The law does not enjoin an employee to sign up with any association.

The right to refrain from joining labor organizations recognized by Section 3 of the Industrial Peace Act is, however, limited. The legal protection granted to such right to refrain from joining is withdrawn by operation of law, where a labor union and an employer have agreed on a closed shop, by virtue of which the employer may employ only members of the collective bargaining union, and the employees must continue to be members of the union for the duration of the contract in order to keep their jobs. Thus Section 4 (a) (4) of the Industrial Peace Act, before its amendment by Republic Act No. 3350, provides that although it would be an unfair labor practice for an employer "to discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization" the employer is, however, not precluded "from making an agreement with a labor organization to require as a condition of employment membership therein, if such labor organization is the representative of the employees". By virtue, therefore, of a closed shop agreement, before the enactment of Republic Act No. 3350, if any person, regardless of his religious beliefs, wishes to be employed or to keep his employment, he must become a member of the collective bargaining union. Hence, the right of said employee not to join the labor union is curtailed and withdrawn.

To that all embracing coverage of the closed shop arrangement, Republic Act No. 3350 introduced an exception, when it added to Section 4 (a) (4) of the Industrial Peace Act the following proviso: "but such agreement shall not cover members of any religious sects which prohibit affiliation of their members in any such labor organization". Republic Act No. 3350 merely excludes ipso jure from the application and coverage of the closed shop agreement the employees belonging to any religious sects which prohibit affiliation of their members with any labor organization. What the exception provides, therefore, is that members of said religious sects cannot be compelled or coerced to join labor unions even when said unions have closed shop agreements with the employers; that in spite of any closed shop agreement, members of said religious sects cannot be

refused employment or dismissed from their jobs on the sole ground that they are not members of the collective bargaining union. It is clear, therefore, that the assailed Act, far from infringing the constitutional provision on freedom of association, upholds and reinforces it. It does not prohibit the members of said religious sects from affiliating with labor unions. It still leaves to said members the liberty and the power to affiliate, or not to affiliate, with labor unions. If, notwithstanding their religious beliefs, the members of said religious sects prefer to sign up with the labor union, they can do so. If in deference and fealty to their religious faith, they refuse to sign up, they can do so; the law does not coerce them to join; neither does the law prohibit them from joining; and neither may the employer or labor union compel them to join. Republic Act No. 3350, therefore, does not violate the constitutional provision on freedom of association.

2. Appellant Union also contends that the Act is unconstitutional for impairing the obligation of its contract, specifically, the "union security clause" embodied in its Collective Bargaining Agreement with the Company, by virtue of which "membership in the union was required as a condition for employment for all permanent employees workers". This agreement was already in existence at the time Republic Act No. 3350 was enacted of June 18, 1961, and it cannot, therefore, be deemed to have been incorporated into the agreement. But by reason of this amendment, Appellee, as well as others similarly situated, could no longer be dismissed from his job even if he should cease to be a member, or disaffiliate from the Union, and the Company could continue employing him notwithstanding his disaffiliation from the Union. The Act, therefore, introduced a change into the express terms of the union security clause; the Company was partly absolved by law from the contractual obligation it had with the Union of employing only Union members in permanent positions. It cannot be denied, therefore, that there was indeed an impairment of said union security clause.

According to Black, any statute which introduces a change into the express terms of the contract, or its legal construction, or its validity, or its discharge, or the remedy for its enforcement, impairs the contract. The extent of the change is not material. It is not a question of degree or manner or cause, but of encroaching in any respect on its

obligation or dispensing with any part of its force. There is an impairment of the contract if either party is absolved by law from its performance.[22] Impairment has also been predicated on laws which, without destroying contracts, derogate from substantial contractual rights.[23]

It should not be overlooked, however, that the prohibition to impair the obligation of contracts is not absolute and unqualified. The prohibition is general, affording a broad outline and requiring construction to fill in the details. The prohibition is not to be read with literal exactness like a mathematical formula, for it prohibits unreasonable impairment only.[24] In spite of the constitutional prohibition, the State continues to possess authority to safeguard the vital interests of its people. Legislation appropriate to safeguarding said interests may modify or abrogate contracts already in effect.[25] For not only are existing laws read into contracts in order to fix the obligations as between the parties, but the reservation of essential attributes of sovereign power is also read into contracts as a postulate of the legal order. All contracts made with reference to any matter that is subject to regulation under the police power must be understood as made in reference to the possible exercise of that power.[26] Otherwise, important and valuable reforms may be precluded by the simple device of entering into contracts for the purpose of doing that which otherwise may be prohibited. The policy of protecting contracts against impairment presupposes the maintenance of a government by virtue of which contractual relations are worthwhile — a government which retains adequate authority to secure the peace and good order of society. The contract clause of the Constitution must, therefore, be not only in harmony with, but also in subordination to, in appropriate instances, the reserved power of the state to safeguard the vital interests of the people. It follows that not all legislations, which have the effect of impairing a contract, are obnoxious to the constitutional prohibition as to impairment, and a statute passed in the legitimate exercise of police power, although it incidentally destroys existing contract rights, must be upheld by the courts. This has special application to contracts regulating relations between capital and labor which are not merely contractual, and said labor contracts, for being impressed with public interest, must yield to the common good.[27]

In several occasions this Court declared that the prohibition against impairing the obligations of contracts has no application to statutes relating to public subjects within the domain of the general legislative powers of the state involving public welfare.[28] Thus, this Court also held that the Blue Sunday Law was not an infringement of the obligation of a contract that required the employer to furnish work on Sundays to his employees, the law having been enacted to secure the well-being and happiness of the laboring class, and being, furthermore, a legitimate exercise of the police power.[29]

In order to determine whether legislation unconstitutionally impairs contract obligations, no unchanging yardstick, applicable at all times and under all circumstances, by which the validity of each statute may be measured or determined, has been fashioned, but every case must be determined upon its own circumstances. Legislation impairing the obligation of contracts can be sustained when it is enacted for the promotion of the general good of the people, and when the means adopted to secure that end are reasonable. Both the end sought and the means adopted must be legitimate, i.e., within the scope of the reserved power of the state construed in harmony with the constitutional limitation of that power.[30]

What then was the purpose sought to be achieved by Republic Act No. 3350? Its purpose was to insure freedom of belief and religion, and to promote the general welfare by preventing discrimination against those members of religious sects which prohibit their members from joining labor unions, confirming thereby their natural, statutory and constitutional right to work, the fruits of which work are usually the only means whereby they can maintain their own life and the life of their dependents. It cannot be gainsaid that said purpose is legitimate.

The questioned Act also provides protection to members of said religious sects against two aggregates of group strength from which the individual needs protection. The individual employee, at various times in his working life, is confronted by two aggregates of power — collective labor, directed by a union, and collective capital, directed by management. The union, an institution developed to organize labor into a collective force and thus protect the individual employee from the power of collective capital, is, paradoxically, both the champion of

employee rights, and a new source of their frustration. Moreover, when the Union interacts with management, it produces yet a third aggregate of group strength from which the individual also needs protection — the collective bargaining relationship.[31]

The aforementioned purpose of the amendatory law is clearly seen in the Explanatory Note to House Bill No. 5859, which later became Republic Act No. 3350, as follows:

> "It would be unthinkable indeed to refuse employing a person who, on account of his religious beliefs and convictions, cannot accept membership in a labor organization although he possesses all the qualifications for the job. This is tantamount to punishing such person for believing in a doctrine he has a right under the law to believe in. The law would not allow discrimination to flourish to the detriment of those whose religion discards membership in any labor organization, Likewise, the law would not commend the deprivation of their right to work and pursue a modest means of livelihood, without in any manner violating their religious faith and/or belief."[32]

It cannot be denied, furthermore, that the means adopted by the Act to achieve that purpose — exempting the members of said religious sects from coverage of union security agreements — is reasonable.

It may not be amiss to point out here that the free exercise of religious profession or belief is superior to contract rights. In case of conflict, the latter must, therefore, yield to the former. The Supreme Court of the United States has also declared on several occasions that the rights in the First Amendment, which include freedom of religion, enjoy a preferred position in the constitutional system.[33] Religious freedom, although not unlimited, is a fundamental personal right and liberty,[34] and has a preferred position in the hierarchy of values. Contractual rights, therefore, must yield to freedom of religion. It is only where unavoidably necessary to prevent an immediate and grave danger to the security and welfare of the community that infringement of religious freedom may be justified, and only to the smallest extent necessary to avoid the danger.

3. In further support of its contention that Republic Act No. 3350 is unconstitutional, appellant Union averred that said Act discriminates in favor of members of said religious sects in violation of Section 1(7) of Article III of the 1935 Constitution, and which is now Section 8 of Article 8 of the 1973 Constitution, which provides:

> "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without. discrimination and preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights."

The constitutional provision not only prohibits legislation for the support of any religious tenets or the modes of worship of any sect, thus forestalling compulsion by law of the acceptance of any creed or the practice of any form of worship,[35] but also assures the free exercise of one's chosen form of religion within limits of utmost amplitude. It has been said that the religion clauses of the Constitution are all designed to protect the broadest possible liberty of conscience, to allow each man to believe as his conscience directs, to profess his beliefs, and to live as he believes he ought to live, consistent with the liberty of others and with the common good.[36] Any legislation whose effect or purpose is to impede the observance of one or all religions, or to discriminate invidiously between the religions, is invalid, even though the burden may be characterized as being only indirect.[37] But if the stage regulates conduct by enacting, within its power, a general law which has for its purpose and effect to advance the state's secular goals, the statute is valid despite its indirect burden on religious observance, unless the state can accomplish its purpose without imposing such burden.[38]

In Aglipay vs. Ruiz,[39] this Court had occasion to state that the government should not be precluded from pursuing valid objectives secular ID character even if the incidental result would be favorable to a religion or sect. It has likewise been held that the statute, in order to withstand the strictures of constitutional prohibition, must have a secular legislative purpose and a primary effect that neither advances nor inhibits religion.[40] Assessed by these criteria, Republic Act No.

3350 cannot be said to violate the constitutional inhibition of the "no-establishment" (of religion) clause of the Constitution.

The purpose of Republic Act No. 3350 is secular, worldly, and temporal, not spiritual or religious or holy and eternal. It was intended to serve the secular purpose of advancing the constitutional right to the free exercise of religion, by averting that certain persons be refused work, or be dismissed from work, or be dispossessed of their right to work and of being impeded to pursue a modest means of livelihood, by reason of union security agreements. To help its citizens to find gainful employment whereby they can make a living to support themselves and their families is a valid objective of the state. In fact, the state is enjoined, in the 1935 Constitution, to afford protection to labor, and regulate the relations between labor and capital and industry.[41] More so now in the 1973 Constitution where it is mandated that "the State shall afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relation between workers and employers."[42]

The primary effects of the exemption from closed shop agreements in favor of members of religious sects that prohibit their members from affiliating with a labor organization, is the protection of said employees against the aggregate force of the collective bargaining agreement, and relieving certain citizens of a burden on their religious beliefs; and by eliminating to a certain extent economic insecurity due to unemployment, which is a serious menace to the health, morals, and welfare of the people of the State, the Act also promotes the well-being of society. It is our view that the exemption from the effects of closed shop agreement does not directly advance, or diminish, the interests of any particular religion. Although the exemption may benefit those who are members of religious sects that prohibit their members from joining labor unions, the benefit upon the religious sects is merely incidental and indirect. The "establishment clause" (of religion) does not ban regulation on conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions.[43] The free exercise clause of the Constitution has been interpreted to require that religious exercise be preferentially aided.[44]

We believe that in enacting Republic Act No. 3350, Congress acted consistently with the spirit of the constitutional provision. It acted merely to relieve the exercise of religion, by certain persons, of a burden that is imposed by union security agreements. It was Congress itself that imposed that burden when it enacted the Industrial Peace Act (Republic Act 875), and, certainly, Congress, if it so deems advisable, could take away the same burden. It is certain that not every conscience can be accommodated by all the laws of the land; but when general laws conflict with scruples of conscience, exemptions ought to be granted unless some "compelling state interest" intervenes.[45] In the instant case, We see no such compelling state interest to withhold exemption.

Appellant bewails that while Republic Act No. 3350 protects members of certain religious sects, it leaves no right to, and is silent as to the protection of, labor organizations. The purpose of Republic Act No. 3350 was not to grant rights to labor unions. The rights of labor unions are amply provided for in Republic Act No. 875 and the new Labor Code. As to the lamented silence of the Act regarding the rights and protection of labor unions, suffice it to say, first, that the validity of a statute is determined by its provisions, not by its silence;[46] and, second, the fact that the law may work hardship does not render it unconstitutional.[47]

It would not be amiss to state, regarding this matter, that to compel persons to join and remain members of a union to keep their jobs in violation of their religious scrupples, would hurt, rather than help, labor unions. Congress has seen it fit to exempt religious objectors lest their resistance spread to other workers, for religious objections have contagious potentialities more than political and philosophic objections.

Furthermore, let it be noted that coerced unity and loyalty even to the country, and a fortiori to a labor union - assuming that such unity and loyalty can be attained through coercion — is not a goal that is constitutionally obtainable at the expense of religious liberty.[48] A desirable end cannot be promoted by prohibited means.

4. Appellants' fourth contention, that Republic Act No. 3350 violates the constitutional prohibition against requiring a religious

test for the exercise of a civil right or a political right, is not well taken. The Act does not require as a qualification, or condition, for joining any lawful association membership in any particular religion or in any religious sect; neither does the Act require affiliation with a religious sect that prohibits Its members from joining a labor union as a condition or qualification for withdrawing from a labor union. Joining or withdrawing from a labor union requires a positive act. Republic Act No. 3350 only exempts members with such religious affiliation from the coverage of closed shop agreements. So, under this Act, a religious objector is not required to do a positive act — to exercise the right to join or to resign from the union. He is exempted ipso jure without need of any positive act on his part. A conscientious religious objector need not perform a positive act or exercise the right of resigning from the labor union — he is exempted from the coverage of any closed shop agreement that a labor union may have entered into. How then can there be a religious test required for the exercise of a right when no right need be exercised?

We have said that it was within the police power of the State to enact Republic Act No. 3350, and that its purpose was legal and in consonance with the Constitution. It is never an illegal evasion of a constitutional provision or prohibition to accomplish a desired result, which is lawful in itself, by discovering or following a legal way to do it.[49]

5. Appellant avers as its fifth ground that Republic Act No. 3350 is a discriminatory legislation, inasmuch as it grants to the members of certain religious sects undue advantages over other workers, thus violating Section 1 of Article III of the 1935 Constitution which forbids the denial to any person of the equal protection of the laws.[50]

The guaranty of equal protection of the laws is not a guaranty of equality in the application of the laws upon all citizens of the state. It is not, therefore, a requirement, in order to avoid the constitutional prohibition against inequality, that every man, woman and child should be affected alike by a statute. Equality of operation of statutes does not mean indiscriminate operation on persons merely as such, but on persons according to the circumstances surrounding them. It guarantees equality, not identity of rights. The Constitution does not require that things which are different in fact be treated in law as

though they were the same. The equal protection clause does not forbid discrimination as to things that are different.[51] It does not prohibit legislation which is limited either in the object to which it is directed or by the territory within which it is to operate.

The equal protection of the laws clause of the Constitution allows classification. Classification in law, as in the other departments of knowledge or practice, is the grouping of things in speculation or practice because they agree with one another in certain particulars. A law is not invalid because of simple inequality.[52] The very idea of classification is that of inequality, so that it goes without saying that the mere fact of inequality in no manner determines the matter of constitutionality.[53] All that is required of a valid classification is that it be reasonable, which means that the classification should be based on substantial distinctions which make for real differences; that it must be germane to the purpose of the law; that it must not be limited to existing conditions only; and that it must apply equally to each member of the class.[54] This Court has held that the standard is satisfied if the classification or distinction is based on a reasonable foundation or rational basis and is not palpably arbitrary.[55]

In the exercise of its power to make classifications for the purpose of enacting laws over matters within its jurisdiction, the state is recognized as enjoying a wide range of discretion.[56] It is not necessary that the classification be based on scientific or marked differences of things or in their relation.[57] Neither is it necessary that the classification be made with mathematical nicety.[58] Hence legislative classification may in many cases properly rest on narrow distinctions,[59] for the equal protection guaranty does not preclude the legislature from recognizing degrees of evil or harm, and legislation is addressed to evils as they may appear.

We believe that Republic Act No. 3350 satisfies the aforementioned requirements. The Act classifies employees and workers, as to the effect and coverage of union shop security agreements, into those who by reason of their religious beliefs and convictions cannot sign up with a labor union, and those whose religion does not prohibit membership in labor unions. The classification rests on real or substantial, not merely imaginary or whimsical, distinctions. There is such real distinction in the beliefs, feelings and sentiments of

employees. Employees do not believe in the same religious faith and different religions differ in their dogmas and cannons. Religious beliefs, manifestations and practices, though they are found in all places, and in all times, take so many varied forms as to be almost beyond imagination. There are many views that comprise the broad spectrum of religious beliefs among the people. There are diverse manners in which beliefs, equally paramount in the lives of their possessors, may be articulated. Today the country is far more heterogenous in religion than before, differences in religion do exist, and these differences are important and should not be ignored.

Even from the psychological point of view, the classification is based on real and important differences. Religious beliefs are not mere beliefs, mere ideas existing only in the mind, for they carry with them practical consequences and are the motives of certain rules of human conduct and the justification of certain acts.[60] Religious sentiment makes a man view things and events in their relation to his God. It gives to human life its distinctive-character, its tone, its happiness, or unhappiness, its enjoyment or irksomeness. Usually, a strong and passionate desire is involved in a religious belief. To certain persons, no single factor of their experience is more important to them than their religion, or their not having any religion. Because of differences in religious belief and sentiments, a very poor person may consider himself better than the rich, and the man who even lacks the necessities of life may be more cheerful than the one who has all possible luxuries. Due to their religious beliefs people, like the martyrs, became resigned to the inevitable and accepted cheerfully even the most painful and excruciating pains. Because of differences in religious beliefs, the world has witnessed turmoil, civil strife, persecution, hatred, bloodshed and war, generated to a large extent by members of sects who were intolerant of other religious beliefs. The classification, introduced by Republic Act No. 3350, therefore, rests on substantial distinctions.

The classification introduced by said Act is also germane to its purpose. The purpose of the law is precisely to avoid those who cannot, because of their religious belief, join labor unions, from being deprived of their right to work and from being dismissed from their work because of union shop security agreements.

Republic Act No. 3350, furthermore, is not limited in its application to conditions existing at the time of its enactment. The law does not provide that it is to be effective for a certain period of time only. It is intended to apply for all times as long as the conditions to which the law is applicable exist. As long as there are closed shop agreements between an employer and a labor union, and there are employees who are prohibited by their religion from affiliating with labor unions, their exemption from the coverage of said agreements continues.

Finally, the Act applies equally to all members of said religious sects; this is evident from its provision.

The fact that the law grants a privilege to members of said religious sects cannot by itself render the Act unconstitutional, for as We have adverted to, the Act only restores to them their freedom of association which closed shop agreements have taken away, and puts them in the same plane as the other workers who are not prohibited by their religion from joining labor unions. The circumstance, that the other employees, because they are differently situated, are not granted the same privilege, does not render the law unconstitutional, for every classification allowed by the Constitution by its nature involves inequality.

The mere fact that the legislative classification may result in actual inequality is not violative of the right to equal protection, for every classification of persons or things for regulation by law produces inequality in some degree, but the law is not thereby rendered invalid. A classification otherwise reasonable does not offend the constitution simply because in practice it results in some inequality.[61] Anent this matter, it has been said that whenever it is apparent from the scope of the law that its object is for the benefit of the public and the means by which the benefit is to be obtained are of public character, the law will be upheld even though incidental advantage may occur to individuals beyond those enjoyed by the general public.[62]

6. Appellant's further contention that Republic Act No. 3350 violates the constitutional provision on social justice is also baseless. Social justice is intended to promote the welfare of all the people.[63] Republic Act No. 3350 promotes that welfare insofar as it looks after the welfare of those who, because of their religious belief, cannot join

labor unions; the Act prevents their being deprived of work and of the means of livelihood. In determining whether any particular measure is for public advantage, it is not necessary that the entire state be directly benefited — it is sufficient that a portion of the state be benefited thereby.

Social justice also means the adoption by the Government of measures calculated to insure economic stability of all component elements of society, through the maintenance of a proper economic and social equilibrium in the inter-relations of the members of the community.[64] Republic Act No. 3350 insures economic stability to the members of a religious sect, like the Iglesia ni Cristo, who are also component elements of society, for it insures security in their employment, notwithstanding their failure to join a labor union having a closed shop agreement with the employer. The Act also advances the proper economic and social equilibrium between labor unions and employees who cannot join labor unions, for it exempts the latter from the compelling necessity of joining labor unions that have closed shop agreements, and equalizes, in so far as opportunity to work is concerned, those whose religion prohibits membership in labor unions with those whose religion does not prohibit said membership. Social justice does not imply social equality, because social inequality will always exist as long as social relations depend on personal or subjective proclivities. Social justice does not require legal equality because legal equality, being a relative term, is necessarily premised on differentiations based on personal or natural conditions.[65] Social justice guarantees equality of opportunity,[66] and this is precisely what Republic Act No. 3350 proposes to accomplish — it gives laborers, irrespective of their religious scrupples, equal opportunity for work.

7. As its last ground, appellant contends that the amendment introduced by Republic Act No. 3350 is not called for - in other words, the Act is not proper, necessary or desirable. Anent this matter, it has been held that a statute which is not necessary is not, for that reason, unconstitutional; that in determining the constitutional validity of legislation, the courts are unconcerned with issues as to the necessity for the enactment of the legislation in question.[67] Courts do inquire into the wisdom of laws.[68] Moreover, legislatures, being chosen by the people, are presumed to understand

and correctly appreciate the needs of the people, and it may change the laws accordingly.[69] The fear is entertained by appellant that unless the Act is declared unconstitutional, employers will prefer employing members of religious sects that prohibit their members from joining labor unions, and thus be a fatal blow to unionism. We do not agree. The threat to unionism will depend on the number of employees who are members of the religious sects that control the demands of the labor market. But there is really no occasion now to go further and anticipate problems We cannot judge with the material now before Us. At any rate, the validity of a statute is to be determined from its general purpose and its efficacy to accomplish the end desired, not from its effects on a particular case.[70] The essential basis for the exercise of power, and not a mere incidental result arising from its exertion, is the criterion by which the validity of a statute is to be measured.[71]

II. We now pass on the second assignment of error, in support of which the Union argued that the decision of the trial court ordering the Union to pay P500 for attorney's fees directly contravenes Section 24 of Republic Act No. 875, for the instant action involves an industrial dispute wherein the Union was a party, and said Union merely acted in the exercise of its rights under the union shop provision of its existing collective bargaining contract with the Company; that said order also contravenes Article 2208 of the Civil Code; that, furthermore, Appellee was never actually dismissed by the defendant Company and did not therefore suffer any damage at all.[72]

In refuting appellant Union's arguments, Appellee claimed that in the instant case there was really no industrial dispute involved in the attempt to compel Appellee to maintain its membership in the union under pain of dismissal, and that the Union, by its act, inflicted intentional harm on Appellee; that since Appellee was compelled to institute an action to protect his right to work, appellant could legally be ordered to pay attorney's fees under Articles 1704 and 2208 of the Civil Code.[73]

The second paragraph of Section 24 of Republic Act No. 875 which is relied upon by appellant provides that:

> "No suit, action or other proceedings shall be maintainable in any court against a labor organization or any officer or member thereof for any act done by or on behalf of such organization in furtherance of an industrial dispute to which it is a party, on the ground only that such act induces some other person to break a contract of employment or that it is in restraint of trade or interferes with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or labor." (Emphasis supplied)

That there was a labor dispute in the instant case cannot be 'disputed for appellant sought the discharge of respondent by virtue of the closed shop agreement and under Section 2 (j) of Republic Act No. 875 a question involving tenure of employment is included in the term "labor dispute."[74] The discharge or the act of seeking it is the labor dispute itself. It being the labor dispute itself, that very same act of the Union in asking the employer to dismiss Appellee cannot be "an act done in furtherance of an industrial dispute". The mere fact that appellant is a labor union does not necessarily mean that all its acts are in furtherance of an industrial dispute.[75] Appellant Union, therefore, cannot invoke in its favor Section 24 of Republic Act No. 875. This case is not intertwined with any unfair labor practice case existing at the time when Appellee filed his complaint before the lower court.

Neither does Article 2208 of the Civil Code, invoked by the Union, serve as its shield. The article provides that attorney's fees and expenses of litigation may be awarded "when the defendant's act or omission has compelled the plaintiff to incur expenses to protect his interest"; and "in any other case where the court deems it just and equitable that attorney's fees and expenses of litigation should be recovered". In the instant case, it cannot be gainsaid that appellant Union's act in demanding Appellee's dismissal caused Appellee to incur expenses to prevent his being dismissed from his job. Costs according to Section 1, Rule 142, of the Rules of Court, shall be allowed as a matter of course to the prevailing party.

WHEREFORE, the instant appeal is dismissed, and the decision, dated August 26, 1965, of the Court of First Instance of Manila, in its

Civil Case No. 58894, appealed from is affirmed, with costs against appellant Union.

IT IS SO ORDERED.

Makalintal, *C.J.*, Castro, Teehankee, Barredo, Makasiar, Antonio, Esguerra, Muñoz Palma and Aquino, *JJ.*, concur.

Fernandez, *J.*, did not take part because he was co-author, when he was a Senator, of Rep. Act No. 3350.

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[1] Record on Appeal, pages 2-7.
[2] Record on Appeal, pages 14-17.
[3] Record on Appeal, pages 27-35.
[4] Quoted from Brief for Appellant, page 3.
[5] Quoted from Brief for Appellant, page 2.
[6] Brief for Appellant, pages 2-3.
[7] Brief for Appellant, pages 3-5.
[8] Brief for Appellant, pages 5-6.
[9] Brief for Appellant, page 6.
[10] Brief for Appellant, pages 7-8.
[11] Brief for Appellant, pages 8-9.
[12] Appellant cites in support thereof Otten vs. Baltimore & Or., et al., 205 F 2d 58, and Wieks vs. Southern Pacific Co., D.C. Cal., 121 F. Supp. 454; Jenson vs. Union Pacific R. Co., et al., 121 F. Supp. 454.
[13] Brief for Appellant, pages 9-11.
[14] Brief for Plaintiff-Appellee, pages 6-8.
[15] Brief for Plaintiff-Appellee, pages 8-11.
[16] Brief for Plaintiff-Appellee, pages 11-28.
[17] Brief for Plaintiff-Appellee, pages 28-32.
[18] Brief for Plaintiff-Appellee, pages 32-36.
[19] Danner vs. Hass, 194 N.W. 2d 534, 539; Spurbeek vs. Statton, 106 N.W. 2d, 660, 63.
[20] Pagkakaisa Samahang Manggagawa ng San Miguel Brewery vs. Enriquez, et al., 108 Phil., 1010, 1019.
[21] Abo, et al. vs. PHILAME (KG) Employees Union, et al., L-19912, January 30, 1965, 13 SCRA 120, 123, quoting Rothenberg, Labor Relations.
[22] Black's Constitutional Law, 2nd ed., page 607.
[23] Home Building & Loan Association vs. Blaisdell, 290 U.S. 398, 78 L Ed 413, 425.
[24] Re People (Title & Mort. Guar. Co.) 264 N.Y. 69, 190 N.E., 153, 96 ALR 297, 304.

[25] Stephenson vs. Binford, 287 U.S. 251, 176, 77 L. ed. 288, 301, 53 S. Ct. 181, 87 A.L.R. 721.
[26] 16 Am. Jur. 2d, pages 584-585.
[27] Art. 1700, Civil Code of the Philippines.
[28] Ilusorio, et al. vs. Court of Agrarian Relations, et al., L-20344, May 16, 1966, 17 SCRA 25, 29; Ongsiako vs. Gamboa, et al., 86 Phil., 50, 54-55.
[29] Asia Bed Factory vs. National Bed and Kapok Industries Workers' Union, 100 Phil., 837, 840.
[30] Re People (Title & Mort. Guar. Co.), 264 N.Y. 69, 190 N.E. 153, 96 ALR 297, 304.
[31] "Individual Rights in Industrial Self-Government - A 'State Action' Analysis", Northwestern University Law Review, Vol. 63, No. 1, March-April, 1968, page 4.
[32] Congressional Record of the House, Vol. IV, Part II, April 11 to May 18, 1961, pages 3300-3301.
[33] Jones vs. Opelika, 316 U.S. 584, 86 L. ed. 1691, 62 S. Ct. 117; Follet vs. McCormick, 321 U.S. 158, 88 L. ed. 938, 64 S. Ct. 717.
[34] Schneider vs. Irgington, 308 U.S. 147, 161, 84 L. ed. 155, 164, 60 S. Ct. 146.
[35] U.S. vs. Ballard, 322 U.S. 78, 88 L. ed. 1148, 1153.
[36] William A. Carroll, "The Constitution, the Supreme Court, and Religion", The American Political Science Review, LXI: 657-674, page 663, Sept., 1967.
[37] Sherbert vs. Verner, 374 U.S. 398, 10 L.ed. 2d 965, 83 S. Ct. 1970.
[38] Braunfeld vs. Brown, 366 US 599, 6 L ed. 2d. 563, 81 S. Ct. 1144; McGowan vs. Maryland, 366 U.S. 420, 444-5 and 449.
[39] 64 Phil. 201, 209-210.
[40] Board of Education vs. Allen, 392 US 236, 20 L. ed. 2d, 1060, 88 S. Ct. 1923.
[41] Art. XIV, Section 6, 1935 Constitution of the Philippines.
[42] Article II, Section 9, 1973 Constitution.
[43] McGowan vs. Maryland, 366 U.S. 420, 422, 6 L. ed. 2d 393, 408, 81 S. Ct. 1101.
[44] Alan Schwartz, "No Imposition of Religion: The Establishment Clause Value", Yale Law Journal, 1968 Vol. 77, page 692.
[45] Sherbert vs. Verner, 374 U.S. 398, 10 L. ed. 2d 965, 970, 83 S. Ct. 1790.
[46] People ex rel. Ryan vs. Sempek, 147 N.E. 2d 295, 298.
[47] Diamond Auto Sales Inc. vs. Erbe, 105 N.W. 2d 650, 652; Spurbeck vs. Statton, 106 N.W. 2d 660, 663; Danner vs. Hass, 134 N.W. 2d 534, 539.
[48] Cf. Meyer vs. Nebraska, 262 U.S. 390, 67 L. ed. 1042, 1046.
[49] Book vs. State Office Bldg. Commission, 149 N.E. 2d 273, 278.
[50] Now Section 1, Article IV, 1973 Constitution.
[51] 16 Am Jur. 2d, page 850.
[52] International Harvester Co. vs. Missouri, 234 U.S. 199, 58 L. ed. 1276, 1282.
[53] Atchison, T.S.F.R. Co. vs. Missouri, 234 U.S. 199, 58 L. ed. 1276, 282.
[54] People vs. Vera, 65 Phil. 56, 126.
[55] People vs. Carlos, 78 Phil. 535, 542, citing 16 C.J.S. 997.
[56] 16 Am. Jur. 2d, page 862.
[57] Continental Baking Co. vs. Woodring, 286 U.S. 352, 76 L. ed. 1155, 1182.

[58] Great Atlantic & Pacific Tea Co. vs. Grosjean, 301 U.S. 412, 81 L. ed. 1193, 1200.
[59] German Alliance Ins. Co. vs. Lewis, 233 U.S. 389, 58 L. ed., 1011, 1024.
[60] Charles Dubray, Introductory Philosophy, 1923, page 132.
[61] Great Atlantic & Pacific Tea Co. vs. Grosjean, 301 U.S. 412, 81 L. ed. 1193, 1200.
[62] State vs. Stinson Canning Co., 211 A. 2d 553, 555.
[63] Calalang vs. Williams, 70 Phil. 726, 734.
[64] Ibid.
[65] Speech delivered by Jose P. Laurel before the Constitutional Convention on November 19, 1934, In Malcolm and Laurel, Philippine Constitutional Law, page 534.
[66] Guido vs. Rural Progress Administration, 84 Phil. 847, 852.
[67] 16 Am Jur. 2d. page 378.
[68] Province of Pangasinan vs. Hon. Secretary of Public Works, et al., L-27861, October 31, 1969, 30 SCRA 134.
[69] Arizona Copper Co. vs. Hammer, 250 U.S. 400, 63 L. ed. 1058, 1066.
[70] Sanitation Dist. vs. Campbell, 249 SW 2d 767, 770; City of Rochester vs. Gutberlett, 211 NW 309, 105 NE 548, 550.
[71] Hammond Packing Co. vs. Arkansas, 212 U.S. 322, 53 L. ed. 530, 545.
[72] Brief for Appellant, pages 12-14.
[73] Brief for Plaintiff-Appellee, pages 48-49.
[74] Seno vs. Mendoza, L-20565, Novs. 29, 1967, 21 SCRA 1124, 1129.
[75] Abo vs. PHILAME (kg) Employees and Workers Union, L-19912, January 30, 1965, 13 SCRA 120, 124.

SEPARATE OPINIONS

FERNANDO, J ., concurring:

The decision arrived at unanimously by this Court that Republic Act No. 3350 is free from the constitutional infirmities imputed to it was demonstrated in a manner well-nigh conclusive in the learned, scholarly, and comprehensive opinion so typical of the efforts of the ponente, Justice Zaldivar. Like the rest of my brethren, I concur fully. Considering moreover, the detailed attention paid to each and every objection raised as to its validity and the clarity and persuasiveness with which it was shown to be devoid of support in authoritative doctrines, it would appear that the last word has been written on this

particular subject. Nonetheless, I deem it proper to submit this brief expression of my views on the transcendent character of religious freedom[1] and its primacy even as against the claims of protection to labor,[2] also one of the fundamental principles of the Constitution.

1. Religious freedom is identified with the liberty every individual possesses to worship or not a Supreme Being, and if a devotee of any sect, to act in accordance with its creed. Thus is constitutionally safeguarded, according to Justice Laurel, that "profession of faith to an active power that binds and elevates man to his Creator."[3] The choice of what a man wishes to believe in is his and his alone. That is a domain left untouched, where intrusion is not allowed, a citadel to which the law is denied entry, whatever be his thoughts or hopes. In that sphere, what he wills reigns supreme. The doctrine to which he pays fealty may for some be unsupported by evidence, devoid of rational foundation. No matter. There is no requirement as to its conformity to what has found acceptance. It suffices that for him such a concept holds undisputed sway. That is a recognition of man's freedom. That for him is one of the ways of self-realization. It would be to disregard the dignity that attaches to every human being to deprive him of such an attribute. The "fixed star on our constitutional constellation," to borrow the felicitous phrase of Justice Jackson, is that no official, not excluding the highest, has it in his power to prescribe what shall be orthodox in matters of conscience — or to mundane affairs, for that matter.

Gerona vs. Secretary of Education[4] speaks similarly. In the language of its ponente, Justice Montemayor: "The realm of belief and creed is infinite and limitless bounded only by one's imagination and thought. So is the freedom of belief, including religious belief, limitless and without bounds. One may believe in most anything, however strange, bizarre and unreasonable the same may appear to others, even heretical when weighed in the scales of orthodoxy or doctrinal standards."[5] There was this qualification though: "But between the freedom of belief and the exercise of said belief, there is quite a stretch of road to travel. If the exercise of said religious belief clashes with the established institutions of society and with the law, then the

former must yield and give way to the latter. The Government steps in and either restrains said exercise or even prosecutes the one exercising it."[6] It was on that basis that the daily compulsory flag ceremony in accordance with a statute[7] was found free from the constitutional objection on the part of a religious sect, the Jehovah's Witnesses, whose members alleged that their participation would be offensive to their religious beliefs. In a case not dissimilar, West Virginia State Board of Education vs. Barnette,[8] the American Supreme Court reached a contrary conclusion. Justice Jackson's eloquent opinion is, for this writer, highly persuasive. Thus: "The case is made difficult not because the principles of its decision are obscure but because the flag involved is our own. Nevertheless, we apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds. We can have intellectual individualism and the rich cultural diversities that we owe to exceptional minds only at the price of occasional eccentricity and abnormal attitudes. When they are so harmless to others or to the State as those we deal with here, the price is not too great. But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."[9]

There is moreover this ringing affirmation by Chief Justice Hughes of the primacy of religious freedom in the forum of conscience even as against the command of the State itself: "Much has been said of the paramount duty to the state, a duty to be recognized, it is urged, even though it conflicts with convictions of duty to God. Undoubtedly that duty to the state exists within the domain of power, for government may enforce obedience to laws regardless of scruples. When one's belief collides with the power of the state, the latter is supreme within its sphere and submission or punishment follows. But, in the forum of conscience, duty to a moral power higher than the state has always been maintained. The reservation of that

supreme obligation, as a matter of principle, would unquestionably be made by many of our conscientious and law-abiding citizens. The essence of religion is belief in a relation to God involving duties superior to those arising from any human relation."[10] The American Chief Justice spoke in dissent, it is true, but with him in agreement were three of the foremost jurists who ever sat in that Tribunal, Justices Holmes, Brandeis, and Stone.

2. As I view Justice Zaldivar's opinion in that light, my concurrence, as set forth earlier, is wholehearted and entire. With such a cardinal postulate as the basis of our polity, it has a message that cannot be misread. Thus is intoned with a reverberating clang, to paraphrase Cardozo, a fundamental principle that drowns all weaker sounds. The labored effort to cast doubt on the validity of the statutory provision in question is far from persuasive. It is attended by futility. It is not for this Court, as I conceive of the judicial function, to restrict the scope of a preferred freedom.

3. There is, however, the question of whether such an exception possesses an implication that lessens the effectiveness of state efforts to protect labor, likewise, as noted, constitutionally ordained. Such a view, on the surface, may not be lacking in plausibility, but upon closer analysis, it cannot stand scrutiny. Thought must be given to the freedom of association, likewise an aspect of intellectual liberty. For the late Professor Howe, a constitutionalist and in his lifetime the biographer of the great Holmes, it even partakes of the political theory of pluralistic sovereignty. So great is the respect for the autonomy accorded voluntary societies.[11] Such a right implies at the very least that one can determine for himself whether or not he should join or refrain from joining a labor organization, an institutional device for promoting the welfare of the working man. A closed shop, on the other hand, is inherently coercive. That is why, as is unmistakably reflected in our decisions, the latest of which is Guijarno vs. Court of Industrial Relations,[12] it is far from being a favorite of the law. For a statutory provision then to further curtail its operation, is precisely to follow the dictates of sound public policy.

The exhaustive and well-researched opinion of Justice Zaldivar thus is in the mainstream of constitutional tradition. That, for me, is the channel to follow.

FERNANDO, J., concurring:

[1] Article IV, Section 8 of the Constitution provides: "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." There is thus a reiteration of such freedom as found in Article III, Section 1, par. 7 of the 1935 Constitution.

[2] Article II, Section 9 of the Constitution provides: "The State shall afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration." The above is an expanded version of what is found in Article XIV, Section 6 of the 1935 Constitution.

[3] Aglipay vs. Ruiz, 64 Phil. 201, 206 (1937).

[4] 106 Phil. 2 (1959).

[5] Ibid, 9-10.

[6] Ibid, 10.

[7] Republic Act No. 1265 (1955).

[8] 319 US 624 (1943). Minersville School District vs. Gobitis, 310 US 586 (1940) was thus overruled.

[9] Ibid, 641-642.

[10] United States vs. MacIntosh, 283 US 605, 633-634 (1931).

[11] Cf. Howe, Political Theory and the Nature of Liberty, 67 Harvard Law Review, 91, 94 (1953). He was reflecting on the radiations to which Kedroff vs. St. Nicholas Cathedral, 344 US 94 (1952) and Barrows vs. Jackson, 346 US 249 (1953) might give rise to.

[12] L-28791, August 27, 1973, 52 SCRA 307. Cf. Confederated Sons of Labor vs. Anakan Lumber Co., 107 Phil. 915 (1960); Freeman Shirt Manufacturing Co., Inc. vs. Court of Industrial Relations, L-16561, Jan. 28, 1961, 1 SCRA 353; Findlay Millar Timber Co. vs. Phil. Land-Air-Sea Labor Union, L-18217, Sept. 29, 1962, 6 SCRA 227; Kapisanan Ng Mga Manggagawa Ng Alak vs. Hamilton Distillery Company, L-18112, Oct. 30, 1962, 6 SCRA 367; United States Lines Co. vs. Associated Watchmen & Security Union, L-15508, June 29, 1963, 8 SCRA 326; National Brewery & Allied Industries Labor Union of the Phil. vs. San Miguel Brewery, Inc., L-18170, Aug. 31, 1963, 8 SCRA 805;

Phil. Steam Navigation Co. vs. Phil. Marine Officers Guild, L-20667, Oct. 29, 1965, 15 SCRA 174; Rizal Labor Union vs. Rizal Cement Co., Inc., L-19779, July 30, 1966, 17 SCRA 857.
