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An Initial Comparative Inquiry of the Constitutional Provisions on Education and Related Provisions in the 1987 Philippine Constitution and the Constitution of Brazil

Praksis A. Miranda, Ph.D.



Executive Summary

This policy brief sought to fill the research gap on studies delving into a juxtaposition of the 1987 Philippine Constitution with the constitution of other countries. More specifically, this inquiry compared the 1987 Philippine Constitution with the current Constitution of Brazil, with much focus on the constitutional provisions on education and other related provisions. The key policy recommendations derived from this comparative study were: the need to review the 1987 Philippine Constitution in terms of its provisions on education and other related provisions towards a more pluralist, inclusive and transformative orientation, such as the Brazilian Constitution's provision of free, compulsory elementary education from 4 to 17 years, including assurance that it will be offered to people who did not have access to it at a proper age; the imperative to reexamine and recalibrate the teacher education curriculum to emphasize pluralist perspectives; the need to make explicit the integration of local and indigenous knowledge in the K to 12 curriculum; strengthening the research and extension arm of Teacher Education Institutions (TEIs) and State Universities and Colleges (SUCs) for the integration of local and indigenous knowledge in the curriculum; targeting research and funding collaboration among nuclear research institutions, farmer's or fisher's cooperatives, SUCs, and local or international donor



Educational Policy Research and Development Center (EPRDC)
317-1768 loc 751 | eprdc@pnu.edu.ph | www.pnuresearchportal.org

agencies; and increasing TEI or SUC funding for joint research and extension projects in order to advance national developmental aims. Thus, this initial comparative exploration of the two constitutions puts forward a rethinking of certain provisions of the 1987 Philippine Constitution that can be considered as ripe for amendments, as well as a reflexive paradigm towards the importance of the resonance in Philippine law of the role of teacher education and the education sector in the nation's progress.

This comparative research takes from the impetus generated by a recent study on the chronology of the 1987 Philippine Constitution, wherein surveys have revealed that most Filipinos are not aware of the contents of the 1987 Constitution, which means that many Filipinos do not have a full grasp regarding whether there is a need to revise the Constitution or to amend it (Atienza, 2019). Concomitantly, the Philippine education sector is currently facing the challenges brought about by learning loss as a result of the quarantines during the pandemic as well as pre-existing indications of learning poverty among Filipino children (Gomez, 2022). By providing a comparative inquiry, this paper hopes to contribute to the policy discussion by enlightening policymakers as to how our constitution would fare if compared with that of another country, especially in terms of constitutional provisions on education.

Studies on the Philippine constitution have often examined how the current and past Philippine constitutions were shaped by historical, cultural and socio-political factors during the milieu that each constitution was crafted. Other explorations delved into specific dimensions of the Philippine constitution such as the importance of the principles and precepts of democracy, nationalism, security, form of government, human rights, and education. The implicit link between promoting conviviality and the goals of basic education in the 1987 Philippine Constitution has also been established (Romero, 2008).

A recent examination of the 1987 Philippine Constitution assessed critical dimensions of the almost 30-year old Constitution in light of its endurance, so that it could be understood as to how well the Constitution is working, and how it might be improved (Atienza et al., 2020). The external criteria in the Constitution that were explored in this assessment were: democratization; decentralization; social justice, human rights and gender equality; peace and conflict resolution; and, economic development. The assessment primarily revealed that the technical requirements in the Constitution have been accomplished, especially in terms of establishing the necessary institutions, and undertaking processes such as elections and passing imperative laws. The study also found, however, that there were many goals stipulated in the Constitution that have not been substantially complied with (Atienza et al., 2020).

Studies delving into comparing the 1987 Philippine Constitution with that of another country's usually involved comparisons with specific provisions of the constitution of Indonesia (Sibuea et al., 2022; Sicat, 2019) and with the colonial institutions from which the Philippines has rooted from such as the constitution of the United States and Spain (Baer Reed, 2022; Brostoff, 2019; Comparison of Philippine Citizenship Laws, n.d.; Pangalangan, 2022). The philosophical and historical underpinnings of the present Bill of Rights as stipulated in the 1987 Philippine Constitution has also been examined as an input to the debates surrounding the theoretical foundations of Australian law (Santos, 2000).

This policy brief seeks to provide a new take on the 1987 Philippine Constitution by comparing it with the current Constitution of Brazil, focusing on the constitutional provisions on education and other related provisions of both constitutions. Though the Philippines and Brazil are different in terms of form of government, both have many shared historical, economic and socio-cultural realities which makes a comparative study applicable. A comparison of the constitutional provisions between the two countries has not yet been undertaken. It is the hope of this researcher that the initial comparative content analysis data that will be presented in this policy brief would incite interest and further inquiry into certain provisions of the 1987 Philippine Constitution that begs amending.

The shared history and culture of the Philippines and Brazil has made both countries comparable in various studies or inquiries (Saba, 2017). But among the shared cultural characteristics of the two countries, the most



striking of which are the Latin qualities (Maceda, 1964). In both Brazil and the Philippines, for instance, Christian-Mediterranean concepts were implanted among people with a long tradition of equatorial living which necessitated adapting temperate-zone habits to the local setting. Also, in both countries, Iberians found themselves getting used to tropical food and vegetation and indigenizing Christianity to the rituals and feasts of the natives. Iberians also learned to adjust to a tropical climate as well as to the local folks' customs and art renditions (Maceda, 1964).

In terms of comparative studies between the Philippines and Brazil, these have primarily delved into participatory governance processes (Poncin, 2012) and local development fiscal planning (Lee & Gilbert, 1999). City-level comparisons on participatory budgeting gains and challenges, specifically in Porto Alegre in Brazil and Naga City in the Philippines revealed how the path towards deepening democracy in the two local contexts have facilitated transparency and accountability at the local level as well as increased people's participation in local governance (Blair, 2013; Melgar, 2015).

This study utilized content analysis to scrutinize the most recent Constitution of the Philippines (National Printing Office, n.d.) and Brazil (Rosenn, K., n.d.) from secondary data sources such as online legal research repositories and other publicly available online content related to the two constitutions. Similarities and differences between the two constitutions were identified.

In terms of form and structure, the 1987 Philippine Constitution is around 27 years old and is rather old compared to the constitutions of other countries. On the other hand the 1988 Brazil Constitution has been amended through 2017. Also, the Brazilian constitution is more detailed (more number of pages), while the Philippine Constitution has broad or general stipulations. Below are the matrices of the similarities and differences of the two constitutions with reference to the focal themes of this inquiry.

Similarities

Common Theme	1987 Philippine Constitution (specific Article and/or Section)	Constitution of Brazil (specific Article and/or Section)	Nuances
Free and compulsory basic education	Article XIV, Section 2, (2)	Art 206, IV; Art 208, I	The 1987 Philippine Constitution states free basic and secondary education, and compulsory elementary education. Meanwhile, the Constitution of Brazil cites free, compulsory elementary education from 4 to 17 years, including assurance that it will be offered gratuitously for all who did not have access to it at a proper age.
Specific provision on educational planning	Article XIV, Section 5, (1)-(5)	Art 214, I-VI	The 1987 Philippine Constitution explicitly states highest budget priority to education as well as mentions local planning of educational policies and programs. The Constitution of Brazil on the other hand cites a 10-year National Educational Plan with clearly defined goals aligned with national development imperatives.
Teaching as a profession	Article XIV, Section 5, (1), (4) and (5)	Art 206, V; Art 214, III	Teaching has many provisions in the Constitution of Brazil as compared with the 1987 Philippine Constitution.



			In addition, the Constitution of Brazil explicitly states the valorization of teaching as a profession with much emphasis on merit and fitness, while the 1987 Philippine Constitution mentions that the State shall enhance the right of teachers to professional advancement, and that adequate remuneration and other means of job satisfaction and fulfilment must be ensured. The Constitution of Brazil also includes the improvement of the quality of teaching as one of the goals in their 10-year national education plan.
Disability	Article XIV, Section 2, (5)	Art 208, III; Art 227, II	The Constitution of Brazil mentions Special Education assistance for the handicapped, preferably within the regular school system. It also states job training for handicapped adolescents or youth. The 1987 Philippine Constitution on the other hand has articulations on providing training for the disabled on civics, vocational efficiency and other skills.
Science and technology research	Article XIV, Section 10, 11	Art 23, V; Art 218	Both constitutions give emphasis on science and technology research and cites government funding opportunities for these.
National language and other native languages	Article XIV, Section 6-9	Art 210, 2; Art 231	The 1987 Philippine Constitution cites Filipino as the medium of instruction in the educational system. There is also a stipulation that a national language commission with representatives from various regions and disciplines is tasked with promoting research, propagation and preservation of the Filipino language and other languages as well. Meanwhile, the Constitution of Brazil mentions Portuguese as the country's official language and particularly states that elementary education will be undertaken using the Portuguese language as well as allowing indigenous communities to utilize their native languages and learning procedures. There is also a stipulation on recognizing the languages of Indians.
Importance of research in the realm of	Article XIII, Section 5	Art 187, III	The 1987 Philippine Constitution includes a stipulation on government agricultural support through technology and research, among

agricultural development			others. On the other hand, the Constitution of Brazil mentions that agricultural policy shall take into account incentives for research and technology, among others.
Academic freedom	Article XIV, Section 5, (2)	Art 206, II	Academic freedom is stated in the 1987 Philippine Constitution as recognized in institutions of higher learning. Meanwhile, academic freedom in the Constitution of Brazil is mentioned in the context of teaching in a broad sense.
The youth as a whole person (including the intellectual dimension)	Article II, Section 12, 13; Article VI, Section 5, (2)	Art 227	The 1987 Philippine Constitution has a stipulation on the promotion and protection of the different dimensions of youth well-being, including intellectual well-being. Party-list representation is also ensured for the youth sector. On the other hand, the Constitution of Brazil assures that the government will prioritize the youth's education, among their other rights. A 10-year national youth plan is also mentioned.
Indigenous knowledge	Article XIV, Section 2, (4); Section 10	Art 210; Art 215	Indigenous knowledge in the case of the 1987 Philippine Constitution is stipulated in the encouragement of indigenous learning systems as contextualized in particular communities. The utilization of indigenous science or technology is also encouraged. Meanwhile, the Constitution of Brazil mentions indigenous language and learning procedures as embedded in the elementary education curriculum.
Indigenous rights and culture	Article XIV, Section 17	Art 129, V; Art 215, 1	Both constitutions have stipulations on respecting and protecting indigenous rights and culture.
Indigenous land	Article XII, Section 5; Article XIII, Section 6	Art 49, XVI; Art 176, 1; Art 231, 3, 5	The 1987 Philippine Constitution mentions upholding the rights of indigenous communities towards their ancestral lands. On the other hand, the Constitution of Brazil explicitly states the need for the approval of the National Congress after consultation with indigenous communities before raw materials are extracted and utilized from indigenous lands. There is also a specific stipulation on prohibiting the removal of indigenous groups from their lands except by referendum

			and/or deliberation of the National Congress.
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Differences

Thematic Divergence	1987 Philippine Constitution (specific Article and/or Section)	Constitution of Brazil (specific Article and/or Section)
The concept of pluralism is explicitly stated in the context of ideas and pedagogical concepts in the case of the Constitution of Brazil.	NONE	Art 206, III
The Constitution of Brazil makes mention of potential government funding for extension projects of universities.	NONE	Art 213, 2
Nuclear research and utilization are encouraged in the Constitution of Brazil.	NONE	Art 21, XXIII; Art 177, V
Research in fisheries is explicitly stated in the 1987 Philippine Constitution.	Article XII, Section 7	NONE

Key Findings of the Comparative Inquiry

It can be initially observed that the Constitution of Brazil is more detailed, pluralist, inclusive and transformative as compared with the 1987 Constitution of the Philippines. Though both the Philippine and Brazilian governments prioritize education and teaching as a profession, the free and compulsory elementary education for 4 to 17 years old in Brazil is a more inclusive and realistic approach to the provision of basic education. Also, the articulations in the Constitution of Brazil for a 10-year national education plan shows a strategic approach to education planning. Concomitant to this is Brazil's constitutional provision for a 10-year national youth plan. Both the constitution of the Philippines and Brazil have provisions on ensuring the education of the disabled, but it is interesting to note the inclusive education orientation of Brazil. The importance of a national language is significant in both countries through the existence of a national language commission in the Philippines which ensures the propagation and preservation of the Filipino language and other languages; and the utilization of Portuguese in Brazilian elementary education, as well as the preservation of other native languages and that of the Indians. Both the Philippines and Brazil have constitutional provisions on academic freedom, but the Brazilian constitution has a broader context of it.

Indigenous knowledge is both important to the Philippine and Brazilian governments. The Philippines recognizes its role in the larger context of indigenous learning systems and its application to science and technology, while Brazil explicitly states integrating indigenous language and learning procedures in elementary education. Indigenous rights, culture and land are integral to both the Philippines and Brazil, but it is interesting to note that Brazil has constitutional provisions on the need for the approval of the Brazilian National Congress after consultation with indigenous communities before raw materials are extracted and utilized from indigenous lands. There is also a specific provision on prohibiting the removal of indigenous groups from their lands except by referendum and/or deliberation of the Brazilian National Congress.

In terms of the thematic divergence between the two constitutions, the Constitution of Brazil emphasizes pluralism in the context of ideas and pedagogical concepts. Moreover, the Brazilian Constitution mentions the



support of the government for extension projects of higher education institutions. It is also evident in the Constitution of Brazil that the country is aiming towards innovation in science and technology as the basis for propelling the country's economy (e.g. nuclear research) as compared with the Constitution of the Philippines which is still in the process of innovating the fisheries sector.

Policy Recommendations

The following are the policy recommendations that can be derived from the initial comparative inquiry:

- 1) A review of the 1987 Philippine Constitution is necessary as well as making the imperative amendments to its provisions on education and other related provisions towards a more pluralist, inclusive and transformative orientation. An excellent example of this is the creation of a similar provision as that of the Constitution of Brazil that stipulates free, compulsory elementary education from 4 to 17 years, including assurance that it will be offered to people who did not have access to it at a proper age. This can be accompanied by a new law that puts into detail the funding and implementing agencies that will ensure its sustainability. Such enactment will greatly alleviate the lack of literacy and numeracy skills among Filipino adults.
- 2) The imperative to reexamine and recalibrate the teacher education curriculum to emphasize pluralist perspectives.
- 3) The need to make explicit the integration of local and indigenous knowledge in the K to 12 curriculum.
- 4) The research and extension arm of Teacher Education Institutions (TEIs) and State Universities and Colleges (SUCs) can serve as a vantage point for the integration of local and indigenous knowledge in the curriculum. For example, a TEI or SUC can partner with an indigenous people's (IP) group or community in a research and extension project that aims to preserve the language and culture of a particular IP group. A museum of local history and culture can contain the outputs of the research and extension projects. The museum can be managed by and located within the TEI or SUC, or can also be found within the local government unit of the IP community. The LGU can also fund and manage the museum in cooperation with the TEI or SUC and the IP group.
- 5) Since the utilization of nuclear energy as applied in relation to forwarding the agricultural and fisheries development aims of the country is not yet maximized to its full potential, it is recommended that targeted research and funding collaboration be established among the following institutions/organizations: Philippine Nuclear Research Institute (PNRI), a farmer's or fisher's cooperative or organization, a State University or College (SUC) and a local or international donor agency. For instance, a research and extension proposal on the utilization of radioisotopes in agriculture by an SUC and a partner farmer's cooperative through the assistance of the PNRI can be initially funded by the SUC. To ensure that the innovative technology is sustainable, the farmer's cooperative can be taught by the partner SUC on how to utilize the innovation in the long-run. The second phase of the research and extension project can subsequently be funded by a local or international donor agency, which will include a small and medium enterprise training for the farmer's cooperative so that the farmers can turn the project into a profitable business that can start as a small sustainable enterprise and can eventually be expanded to include other farmer's cooperatives in the region. A similar research and extension program that utilizes nuclear energy as initiated by SUCs can also be undertaken alongside fisher's cooperatives.
- 6) Given the relatively untapped potential of joint research and extension projects to utilize TEI or SUC expertise to create innovations and technologies that are sustainable among local communities, there is a need for the Philippine government to increase TEI and/or SUC funding for joint research and extension projects in order to advance national developmental aims.



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About the Author

Praxis A. Miranda, Ph.D. is a faculty member of the Graduate Teacher Education Faculty and Educational Policy Research and Development Center of the Philippine Normal University (PNU).

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