

CMO 46 s. 2012 and the Missions of Catholic Schools

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Commission on Higher Education (CHED) Memorandum Order (CMO) 46, s. 2012 violates academic freedom. In so doing, its validity as a CHED issuance is questionable. It is violative especially of the academic freedom of private Higher Education Institutions (HEIs), including Catholic HEIs. In this article, I will explain why CMO 46 violates the academic freedom of Catholic HEIs.

First, some quick historical remarks. After the Philippine Association of Accredited Schools, Colleges and Universities (PAASCU) General Assembly of November 23, 2012 asked CHED to postpone the approval of its proposed outcomes and typology-based quality assurance program, the Board of Trustees of the Catholic Educational Association of the Philippines (CEAP) resolved similarly on December 11, 2012 to request CHED to postpone the approval of the program. Both PAASCU and CEAP's member schools wanted to focus on the implementation of K-12. Dr. Patricia Licuanan, Chair of CHED, rejected PAASCU's request in a letter to its President; CEAP's request was ignored. It may either be because it was too late to merit the reconsideration of the Commissioners or because the request was already moot and academic for on the same date that CEAP issued its request to postpone, CHED approved Memorandum Order 46.²

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² See CMO 46 s. 2012, "Policy-Standard to Enhance Quality Assurance (QA) in Philippine Higher Education through an Outcomes-Based and Typology Based QA."

PAASCU objects to CMO 46 both as a violation of the academic freedom of Philippine HEIs and as a disaster for Quality Assurance (QA) in the Philippines. Through CMO 46 CHED intends to subject all accreditation to its senselessly cumbersome and globally unprecedented vertical and horizontal system. In fact, it does not enhance QA in the Philippines. It harms it.

But let us now focus on CMO 46 and Catholic Higher Education. CEAP objects to CMO 46 primarily as a violation of its academic freedom guaranteed by R.A. 7722³, the law that creates CHED. Section 2⁴ of R.A. 7722 mandates CHED to “ensure and protect academic freedom.” Section 13⁵ guarantees it and CMO 46 violates it. Why?

First, CMO 46 arrogates to itself a definition of the mandate of all HEIs in the Philippines. In CMO 46, Quality Assurance (QA) is a shibboleth whose invocation magically allows it to do many remarkable things. Article I, Section 1⁶, in the guise of a “Rationale for Enhancing QA,” CHED defines the mandate of all higher education in the Philippines. The mandate is then broken down into “multiple missions” in Section 2⁷.

³ See R.A. 7722, “An Act Creating the Commission on Higher Education, Appropriating Funds Thereof And For Other Purposes.”

⁴ Section 2. *Declaration of Policy.* The State shall protect, foster and promote the right of all citizens to affordable quality education at all levels and shall take appropriate steps to ensure that education shall be accessible to all. The State shall likewise ensure and protect academic freedom and shall promote its exercise and observance for the continuing intellectual growth, the advancement of learning and research, the development of responsible and effective leadership, the education of high-level and middle-level professionals, and the enrichment of our historical and cultural heritage.

State-supported institutions of higher learning shall gear their programs to national, regional or local development plans. Finally, all institutions of higher learning shall exemplify through their physical and natural surroundings the dignity and beauty of, as well as their pride in, the intellectual and scholarly life.

⁵ Section 13. *Guarantee of Academic Freedom.* Nothing in this Act shall be construed as limiting the academic freedom of universities and colleges. In particular, no abridgment of curricular freedom of the individual educational institutions by the Commission shall be made except for: (a) minimum unit requirements for specific academic programs; (b) general education distribution requirements as may be determined by the Commission; and (c) specific professional subjects as may be stipulated by the various licensing entities. No academic or curricular restriction shall be made upon private educational institutions which are not required for chartered state colleges and universities.

⁶ Article, Section 1. Philippine higher education is mandated to contribute to building a quality nation capable of transcending the social, political, economic, cultural and ethical issues that constrain the country’s human development, productivity and global competitiveness.

⁷ Article 1, Section 2. This mandate translates to multiple missions for the Philippine higher education system.

As admirable as this mandate may seem, and as desirable as the multiplicity of missions may appear, CHED is not empowered by RA 7722 to define this mandate and its consequent missions. CHED is instead mandated to ensure and protect academic freedom. In defining this omnibus mandate for all HEIs in the Philippines, it re-defines all the missions and visions of the HEIs that guide their program and institutional activity in their exercise of academic freedom. In this single mandate, CHED denigrates all academic activity that falls short of its fulfillment, and disqualifies all academic activities that exceed it. In imposing this mandate on all HEIs, CHED violates the latter’s ability to pursue their own self-imposed, self-mandated missions that is the heart of academic freedom responsibly exercised. In academic freedom, an HEI does not submit itself to another’s mandate, it obeys its own mandate set in academic freedom; it remains free in responsibility for the rationality with which it is set.

CMO 46 mandates all HEIs to “the building of a quality nation.” What the difference between “nation” and “quality nation” is, is unexplained. Is there a “quantity nation” or a “weak nation” or a “nation of shortcomings” that is contemplated in the subjection of all higher education activity to the “quality nation”? Is the notion of transcendence of social, political, and cultural issues that hinder human development and global competitiveness to end in the achievement of the “quality nation”? Is the listing of sub-missions adequate? As attractive as some

- To produce thoughtful graduates imbued with 1) values reflective of a humanist orientation (e.g., fundamental respect for others as human beings with intrinsic rights, cultural rootedness, an avocation to serve); 2) analytical and problem solving skills; 3) the ability to think through the ethical and social implication of a given course of action; and 4) the competency to learn continuously throughout life – that will enable them to live meaningfully in a complex, rapidly changing, and globalized world while engaging their community and the nation’s development issues and concerns;
- To produce graduates with high levels of academic, thinking, behavioral and technical skills/competencies that are aligned with national academic and industry standards and needs and international standards, when applicable;
- To provide focused support to the research required for technological innovation, economic growth and global competitiveness, on the one hand, and for crafting the country’s strategic directions and policies, on the other; and
- To help improve the quality of human life of Filipinos, respond effectively to changing society needs and condition; and provide solutions to the problems at the local community, regional and national levels.

may seem, like the “production of thoughtful, skilled graduates of a humanist orientation and research for technological innovation” and “Filipinos living quality lives responding to social and national needs”, is that it? Is that it for higher education in the Philippines?

Is this nondescript “quality nation” adequately the mandate of higher education in the Philippines, even though in history the notion of the nation and the nation-state – no matter the quality – has been long criticized as militating against the achievement of universal human community? From the Christian theist position, the nation is overcome in the Kingdom of God; from the Hegelian pantheistic position, the nation is overcome in concretized Spirit; and from atheistic historical-materialistic position the nation is overcome in Communism. In the contemporary notion of the nation-state, what is the “quality nation”? Is this where the “quality” nation is governed by “quality” whites or “quality” browns, where democratic processes can be undermined by the power of certain “quality voters.” Is a nation of quality because of its people’s goodness or power? Do quality nations have rights over non-quality nations, so that quality nations are immune from external aggression, internal disintegration, and the nation-disruptive powers of globalization? Can quality nations exploit the environment more than non-quality nations?

Many Catholic schools in the Philippines, whose various missions proceed *ex corde ecclesiae*, from the heart of the Church (cf. Encyclical of John Paul II, 1990), not from a CHED Memo, include the service of the nation in their missions, even though this does not exhaust their mission.

Every Catholic University, as a university, is an academic community which, in a rigorous and critical fashion, assists in the protection and advancement of human dignity and of a cultural heritage through research, teaching and various services offered to the local, national and international communities. It possesses that institutional autonomy necessary to perform its functions effectively and guarantees its members academic freedom, so long as the rights of the individual persona and of the community are preserved within the confines of the truth and of the common good” (JP II, ECE, 12).

The Catholic understanding of the university and its activity is much larger than CHED’s mandate of all HEIs to a quality nation. The Catholic college or university sets its own mission in exercise of the academic freedom that the Church recognizes in the original essence of the university itself.

Born from the heart of the Church, a Catholic University is located in the course of tradition which may be traced back to the very origin of the University as an institution. It has always been recognized as an incomparable center of creativity and dissemination of knowledge for the good of humanity. By vocation, the *Universitas magistrorum et scholarium* is dedicated to research, to teaching and to the education of students who freely associate with teachers in a common love of knowledge...” (ECE, Intro).

In trying to provide a rationale for enhancing its QA in its horizontal and vertical program, it has posited *gratis* a mandate to all HEIs in the Philippines that violates the mandate imposed on CHED by RA 7722. Where academic freedom precisely affords HEIs the space and privilege to search for truth, to think thoughts yet unthought-of, to venture out of the box, to think the systems that have not yet been systematized – the critical activity that preserves humankind from ignorance, tyranny, arbitrariness and the arrogance of the powerful – CHED has locked HEIs into a box of merely its notion of “quality nation” and of “thoughtful graduates” thinking its thoughts and of “ethical systems” and social arrangements and human culture that shall serve the determinations of “the quality nation” powerful set by itself, no more, no less.

This, I contend, is not a venial sin against the essence of higher education.

Second, in its insistence on Outcomes-Based Quality Assurance, it must insist on outcomes meaningful in the context of its re-defined mission of Philippine HEIs. It cannot thereby systemically recognize and much less evaluate the outcomes that private HEIs in academic freedom may consider valid.

By locking itself in its “quality nation” box as a “rationale” for enhancing QA through outcomes, it must draw out the desired outcomes of higher education from within that box. The National Qualifications Framework of E.O. 83⁸, that is in fact material for legislation based on widespread consensus, needs to fit this box if it is to influence CHED’s determination of valid outcomes. This involves not only the outcomes of “disciplines of making” (“*techne*”) such as engineering, nursing, architecture, and navigation, which lend themselves easily to outcomes. It also involves disciplines such as philosophy, theology, literature, history, anthropology, political science, and developmental studies. It involves not only the outcomes of HEIs in obedience to minimum standards but also the outcomes of HEIs exceeding minimum standards in academic freedom. But when you begin with the general CHED set mandate to “the quality nation,” how do you evaluate outcomes of philosophy which demolish the rationality of the nation, or outcomes of theology which advocate a notion of the sanctity of life unacceptable to the profane gods of the quality nation, or outcomes of literature which tell the stories of love and infidelity in love which may be human but have arguably little to do with edifying a quality nation. How do you evaluate outcomes in the arts, in dancing and singing? Are the outcomes such that we can rejoice in more than the *tinikling* and the *cariñosa* or that those singers in a quality nation need to be confined to modern rap? Once CHED has set outcomes in the context of any *a priori* notion of the end of the higher education as the QA basis for higher education programs or institutions, it commits itself to outcomes that cannot be rationally evaluated. What it evaluates as good from within its conceptual box is ultimately arbitrary – since it closes its eyes to the thoughts and insights coming from beyond the box.

Third, there are valid higher education activities that do not end in meaningful “outcomes.” Not all disciplines lend themselves to evaluation in outcomes, and to force this model on the whole of higher education because it is important for such engineering, places all of education in this Procrustean bed. When Procrustes, the carpenter, saw that his

⁸ See Executive Order (EO) 83, “Institutionalization of the Philippine Qualifications Framework”.

Prince’s legs were too long for his bed, he sawed off the protruding lengths of the Prince’s legs, so that he would finally fit in the bed. When one creates a conceptual system and reality does not fit in it, one can insist on the system, destroy reality, and declare, “Too bad for reality!” CMO 46 is a Procrustean bed. Much of higher education just does not fit, despite its 70 pages of implementing guidelines. The danger is that in the powerful implementation of the imperfect system, higher education will be harmed.

Higher education deals with problem areas whose outcomes are admittedly not “outcomes,” but an ongoing attempt to continue a search for truth essentially contested. For example, disciplines which deal with the notions of “the common good.” From the vantage point of “the quality nation” will the acceptable learning outcome be one who fights coal-fired power plants as harmful for the environment based on the common good, or one who accepts them as necessary today for the economy? Will the acceptable learning outcome be one that preserves the indigenous peoples in their ancestral domains as a demand of the common good, or one that educates them to be productive in the mainstream of the life of the quality nation? Will the acceptable learning outcome be one which promotes an orderly quality-assured monolithic educational system managed by the State as demanded by the common good, or a system participated in by the State and by private partners in institutions of learning in academic freedom that are complementary to each other?

Because certain concepts like the common good are perennially contested, whereby one group’s notion of the common good contends against others’, the notion of the common good itself when “right” and backed up by the “might” of arms, becomes a notion that is repressive, coercive, and dangerous. In this context of perennially contested concepts, the presence of HEIs exercising academic freedom is vital to peace that is achieved and preserved precisely through ongoing discussion of perennially contested notions.

The mission and vision of Catholic schools that proceed validly *ex corde ecclesiae* have many such perennially contested concepts that cannot be evaluated by a state regulative system committed ideologically

to a “quality nation.” These include “integral human formation” in the Christian community, the pursuit of justice and peace in a global world, environmental stewardship, poverty reduction, transformative education, and the like. Where the schools in their exercise of academic freedom set mission and vision, it is also in academic freedom that they must voluntarily assure their own quality. When a government regulative body takes this over, as it seeks to do in CMO 46, it imposes its system, categories and ends on the HEIs, truncating their academic freedom. This is not only inappropriate. It is illegal.