

**HON. ISIDRO CARIÑO, IN HIS CAPACITY AS SECRETARY OF THE
DEPARTMENT OF EDUCATION, CULTURE & SPORTS, DR.
ERLINDA LO-LARGA, IN HER CAPACITY AS SUPERINTEND-ENT OF
CITY SCHOOLS OF MA...**

G.R. No. 96681. December 02, 1991

Ponente: NARVASA, J.

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NARVASA, J.:

The issue raised in the special civil action of certiorari and prohibition at bar, instituted by the Solicitor General, may be formulated as follows: where the relief sought from the Commission on Human Rights by a party in a case consists of the review and reversal or modification of a decision or order issued by a court of justice or government agency or official exercising quasi-judicial functions, may the Commission take cognizance of the case and grant that relief? Stated otherwise, where a particular subject-matter is placed by law within the jurisdiction of a court or other government agency or official for purposes of trial and adjudgment, may the Commission on Human Rights take cognizance of the same subject-matter for the same purposes of hearing and adjudication?

The facts narrated in the petition are not denied by the respondents and are hence taken as substantially correct for purposes of ruling on the legal questions posed in the present action. These facts,[1] together with others involved in related cases recently resolved by this Court,[2] or otherwise undisputed on the record, are hereunder set forth.

1. On September 17, 1990, a Monday and a class day, some 800 public school teachers, among them members of the Manila Public School Teachers Association (MPSTA) and Alliance of Concerned Teachers (ACT) undertook what they described as "mass concerted actions" to "dramatize and highlight" their plight resulting from the alleged failure of the public authorities to act upon grievances that had time and again been brought to the latter's attention. According to them they had decided to undertake said "mass concerted actions" after the protest rally staged at the DECS premises on September 14, 1990 without disrupting classes as a last call for the government to negotiate the granting of demands had elicited no response from the Secretary of Education. The "mass actions" consisted in staying away from their classes, converging at the Liwasang Bonifacio, gathering in peaceable assemblies, etc. Through their representatives, the teachers participating in the mass actions were served with an order of the Secretary of Education to return to work in 24 hours or face dismissal, and a memorandum directing the DECS officials concerned to initiate dismissal proceedings against those who did not comply and to hire their replacements. Those directives notwithstanding, the mass actions continued into the week, with more teachers joining in the days that followed.[3]

Among those who took part in the "concerted mass actions" were the eight (8) private respondents herein, teachers at the Ramon Magsaysay High School, Manila, who had agreed to support the non-political demands of the MPSTA.[4]

2. "For failure to heed the return-to-work order, the CHR complainants (private respondents) were

administratively charged on the basis of the principal's report and given five (5) days to answer the charges. They were also preventively suspended for ninety (90) days 'pursuant to Section 41 of P.D. 807' and temporarily replaced (unmarked CHR Exhibits, Annexes F, G, H). An investigation committee was consequently formed to hear the charges in accordance with P.D. 807." [5]

3. In the administrative case docketed as Case No. DECS 90-082 in which CHR complainants Graciano Budoy, Jr., Julieta Babaran, Luz del Castillo, Apolinario Esber were, among others, named respondents, [6] the latter filed separate answers, opted for a formal investigation, and also moved "for suspension of the administrative proceedings pending resolution by ** (the Supreme) Court of their application for issuance of an injunctive writ/temporary restraining order." But when their motion for suspension was denied by Order dated November 8, 1990 of the Investigating Committee, which later also denied their motion for reconsideration orally made at the hearing of November 14, 1990, "the respondents led by their counsel staged a walkout signifying their intent to boycott the entire proceedings." [7] The case eventually resulted in a Decision of Secretary Cariño dated December 17, 1990, rendered after evaluation of the evidence as well as the answers, affidavits and documents submitted by the respondents, decreeing dismissal from the service of Apolinario Esber and the suspension for nine (9) months of Babaran, Budoy and del Castillo. [8]

4. In the meantime, the "MPSTA filed a petition for certiorari before the Regional Trial Court of Manila against petitioner (Cariño), which was dismissed (unmarked CHR Exhibit, Annex I). Later, the MPSTA went to the Supreme Court (on certiorari, in an attempt to nullify said dismissal, grounded on the) alleged violation of the striking teachers' right to due process and peaceable assembly docketed as G.R. No. 95445, supra. The ACT also filed a similar petition before the Supreme Court ** docketed as G.R. No. 95590." [9] Both petitions in this Court were filed in behalf of the teacher associations, a few named individuals, and "other teacher-members so numerous similarly situated" or "other similarly situated public school teachers too numerous to be impleaded."

5. In the meantime, too, the respondent teachers submitted sworn statements dated September 27, 1990 to the Commission on Human Rights to complain that while they were participating in peaceful mass actions, they suddenly learned of their replacement as teachers, allegedly without notice and consequently for reasons completely unknown to them. [10]

6. Their Complaints -- and those of other teachers also "ordered suspended by the ** (DECS)," all numbering forty-two (42) -- were docketed as "Striking Teachers CHR Case No. 90-775." In connection therewith the Commission scheduled a "dialogue" on October 11, 1990, and sent a subpoena to Secretary Cariño requiring his attendance therein. [11]

On the day of the "dialogue," although it said that it was "not certain whether he (Sec. Cariño) received the subpoena which was served at his office, ** (the) Commission, with the Chairman presiding, and Commissioners Hesiquio R. Mallillin and Narciso C. Monteiro, proceeded to hear the case;" it heard the complainants' counsel (a) explain that his clients had been "denied due process and suspended without formal notice, and unjustly, since they did not join the mass leave," and (b) expatiate on the grievances which were "the cause of the mass leave of MPSTA teachers, (and) with which causes they (CHR complainants) sympathize." [12] The Commission thereafter issued an Order [13] reciting these facts and making the following disposition:

"To be properly apprised of the real facts of the case and be accordingly guided in its investigation and resolution of the matter, considering that these forty two teachers are now suspended and deprived of their wages, which they need very badly, Secretary Isidro Cariño, of the Department of Education, Culture and Sports, Dr. Erlinda Lolarga, school superintendent of Manila and the Principal of Ramon Magsaysay High School, Manila, are hereby enjoined to appear and enlighten the Commission en banc on October 19, 1990 at 11:00 A.M. and to bring with them any and all documents relevant to the allegations aforestated herein to assist

the Commission in this matter. Otherwise, the Commission will resolve the complaint on the basis of complainants' evidence.

* * * "

7. Through the Office of the Solicitor General, Secretary Cariño sought and was granted leave to file a motion to dismiss the case. His motion to dismiss was submitted on November 14, 1990 alleging as grounds therefor, "that the complaint states no cause of action and that the CHR has no jurisdiction over the case." [14]

8. Pending determination by the Commission of the motion to dismiss, judgments affecting the "striking teachers" were promulgated in two (2) cases, as aforesaid, viz.:

a) The Decision dated December 17, 1990 of Education Secretary Cariño in Case No. DECS 90-082, decreeing dismissal from the service of Apolinario Esber and the suspension for nine (9) months of Babaran, Budoy and del Castillo; [15] and

b) The joint Resolution of this Court dated August 6, 1991 in G.R. Nos. 95445 and 95590 dismissing the petitions "without prejudice to any appeals, if still timely, that the individual petitioners may take to the Civil Service Commission on the matters complained of," [16] and inter alia "ruling that it was prima facie lawful for petitioner Cariño to issue return-to-work orders, file administrative charges against recalcitrants, preventively suspend them, and issue decision on those charges." [17]

9. In an Order dated December 28, 1990, respondent Commission denied Sec. Cariño motion to dismiss and required him and Superintendent Lolarga "to submit their counter-affidavits within ten (10) days ** (after which) the Commission shall proceed to hear and resolve the case on the merits with or without respondents counter affidavit." [18] It held that the "striking teachers" "were denied due process of law; * * they should not have been replaced without a chance to reply to the administrative charges;" there had been a violation of their civil and political rights which the Commission was empowered to investigate; and while expressing its "utmost respect to the Supreme Court ** the facts before ** (it) are different from those in the case decided by the Supreme Court" (the reference being unmistakably to this Court's joint Resolution of August, 6, 1991 in G.R. Nos. 95445 and 95590, supra).

It is to invalidate and set aside this Order of December 28, 1990 that the Solicitor General, in behalf of petitioner Cariño, has commenced the present action of certiorari and prohibition.

The Commission on Human Rights has made clear its position that it does not feel bound by this Court's joint Resolution in G.R. Nos. 95445 and 95590, supra. It has also made plain its intention "to hear and resolve the case (i.e., Striking Teachers HRC Case No. 90-775) on the merits." It intends, in other words, to try and decide or hear and determine, i.e., exercise jurisdiction over the following general issues:

- 1) whether or not the striking teachers were denied due process, and just cause exists for the imposition of administrative disciplinary sanctions on them by their superiors; and
- 2) whether or not the grievances which were "the cause of the mass leave of MPSTA teachers, (and) with which causes they (CHR complainants) sympathize," justify their mass action or strike.

The Commission evidently intends to itself adjudicate, that is to say, determine with character of finality and definiteness, the same issues which have been passed upon and decided by the Secretary of Education, Culture & Sports, subject to appeal to the Civil Service Commission, this Court having in fact, as aforementioned, declared that the teachers affected may take appeals to the Civil Service Commission on said matters, if still timely.

The threshold question is whether or not the Commission on Human Rights has the power under the Constitution

to do so; whether or not, like a court of justice,[19] or even a quasi-judicial agency,[20] it has jurisdiction or adjudicatory powers over, or the power to try and decide, or hear and determine, certain specific type of cases, like alleged human rights violations involving civil or political rights.

The Court declares the Commission on Human Rights to have no such power; and that it was not meant by the fundamental law to be another court or quasi-judicial agency in this country, or duplicate much less take over the functions of the latter.

The most that may be conceded to the Commission in the way of adjudicative power is that it may investigate, i.e., receive evidence and make findings of fact as regards claimed human rights violations involving civil and political rights. But fact-finding is not adjudication, and cannot be likened to the judicial function of a court of justice, or even a quasi-judicial agency or official. The function of receiving evidence and ascertaining therefrom the facts of a controversy is not a judicial function, properly speaking. To be considered such, the faculty of receiving evidence and making factual conclusions in a controversy must be accompanied by the authority of applying the law to those factual conclusions to the end that the controversy may be decided or determined authoritatively, finally and definitively, subject to such appeals or modes of review as may be provided by law.[21] This function, to repeat, the Commission does not have.[22]

The proposition is made clear by the constitutional provisions specifying the powers of the Commission on Human Rights.

The Commission was created by the 1987 Constitution as an independent office.[23] Upon its constitution, it succeeded and superseded the Presidential Committee on Human Rights existing at the time of the effectivity of the Constitution.[24] Its powers and functions are the following:[25]

- "(1) Investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights;
- (2) Adopt its operational guidelines and rules of procedure, and cite for contempt for violations thereof in accordance with the Rules of Court;
- (3) Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection;
- (4) Exercise visitorial powers over jails, prisons, or detention facilities;
- (5) Establish a continuing program of research, education, and information to enhance respect for the primacy of human rights;
- (6) Recommend to the Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;
- (7) Monitor the Philippine Government's compliance with international treaty obligations on human rights;
- (8) Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;
- (9) Request the assistance of any department, bureau, office, or agency in the performance of its functions;
- (10) Appoint its officers and employees in accordance with law; and
- (11) Perform such other duties and functions as may be provided by law."

As should at once be observed, only the first of the enumerated powers and functions bears any resemblance to adjudication or adjudgment. The Constitution clearly and categorically grants to the Commission the power to investigate all forms of human rights violations involving civil and political rights. It can exercise that power on its own initiative or on complaint of any person. It may exercise that power pursuant to such rules of procedure as it may adopt and, in cases of violations of said rules, cite for contempt in accordance with the Rules of Court. In the course of any investigation conducted by it or under its authority, it may grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth. It may also request the assistance of any department, bureau, office, or agency in the performance of its functions, in the conduct of its investigation or in extending such remedy as may be required by its findings.[26]

But it cannot try and decide cases (or hear and determine causes) as courts of justice, or even quasi-judicial bodies do. To investigate is not to adjudicate or adjudge. Whether in the popular or the technical sense, these terms have well understood and quite distinct meanings.

"Investigate," commonly understood, means to examine, explore, inquire or delve or probe into, research on, study. The dictionary definition of "investigate" is "to observe or study closely: inquire into systematically: "to search or inquire into: * * to subject to an official probe ** : to conduct an official inquiry;"[27] The purpose of investigation, of course, is to discover, to find out, to learn, obtain information. Nowhere included or intimated is the notion of settling, deciding or resolving a controversy involved in the facts inquired into by application of the law to the facts established by the inquiry.

The legal meaning of "investigate" is essentially the same: "(t)o follow up step by step by patient inquiry or observation. To trace or track; to search into; to examine and inquire into with care and accuracy; to find out by careful inquisition; examination; the taking of evidence; a legal inquiry;"[28] "to inquire; to make an investigation," "investigation" being in turn described as "(a)n administrative function, the exercise of which ordinarily does not require a hearing. 2 Am J2d Adm L Sec. 257; * * an inquiry, judicial or otherwise, for the discovery and collection of facts concerning a certain matter or matters."[29]

"Adjudicate," commonly or popularly understood, means to adjudge, arbitrate, judge, decide, determine, resolve, rule on, settle. The dictionary defines the term as "to settle finally (the rights and duties of the parties to a court case) on the merits of issues raised: ** to pass judgment on: settle judicially: ** act as judge."[30] And "adjudge" means "to decide or rule upon as a judge or with judicial or quasi-judicial powers: ** to award or grant judicially in a case of controversy ** ."[31]

In the legal sense, "adjudicate" means: "To settle in the exercise of judicial authority. To determine finally. Synonymous with adjudge in its strictest sense;" and "adjudge" means: "To pass on judicially, to decide, settle or decree, or to sentence or condemn. ** Implies a judicial determination of a fact, and the entry of a judgment."[32]

Hence it is that the Commission on Human Rights, having merely the power "to investigate," cannot and should not "try and resolve on the merits" (adjudicate) the matters involved in Striking Teachers HRC Case No. 90-775, as it has announced it means to do; and it cannot do so even if there be a claim that in the administrative disciplinary proceedings against the teachers in question, initiated and conducted by the DECS, their human rights, or civil or political rights had been transgressed. More particularly, the Commission has no power to "resolve on the merits" the question of (a) whether or not the mass concerted actions engaged in by the teachers constitute a strike and are prohibited or otherwise restricted by law; (b) whether or not the act of carrying on and taking part in those actions, and the failure of the teachers to discontinue those actions and return to their classes despite the order to this effect by the Secretary of Education, constitute infractions of relevant rules and

regulations warranting administrative disciplinary sanctions, or are justified by the grievances complained of by them; and (c) what were the particular acts done by each individual teacher and what sanctions, if any, may properly be imposed for said acts or omissions.

These are matters undoubtedly and clearly within the original jurisdiction of the Secretary of Education, being within the scope of the disciplinary powers granted to him under the Civil Service Law, and also, within the appellate jurisdiction of the Civil Service Commission.

Indeed, the Secretary of Education has, as above narrated, already taken cognizance of the issues and resolved them,[33] and it appears that appeals have been seasonably taken by the aggrieved parties to the Civil Service Commission; and even this Court itself has had occasion to pass upon said issues.[34]

Now, it is quite obvious that whether or not the conclusions reached by the Secretary of Education in disciplinary cases are correct and are adequately based on substantial evidence; whether or not the proceedings themselves are void or defective in not having accorded the respondents due process; and whether or not the Secretary of Education had in truth committed "human rights violations involving civil and political rights," are matters which may be passed upon and determined through a motion for reconsideration addressed to the Secretary of Education himself, and in the event of an adverse verdict, may be reviewed by the Civil Service Commission and eventually by the Supreme Court.

The Commission on Human Rights simply has no place in this scheme of things. It has no business intruding into the jurisdiction and functions of the Education Secretary or the Civil Service Commission. It has no business going over the same ground traversed by the latter and making its own judgment on the questions involved. This would accord success to what may well have been the complaining teachers strategy to abort, frustrate or negate the judgment of the Education Secretary in the administrative cases against them which they anticipated would be adverse to them.

This cannot be done. It will not be permitted to be done.

In any event, the investigation by the Commission on Human Rights would serve no useful purpose. If its investigation should result in conclusions contrary to those reached by Secretary Cariño, it would have no power anyway to reverse the Secretary's conclusions. Reversal thereof can only be done by the Civil Service Commission and lastly by this Court. The only thing the Commission can do, if it concludes that Secretary Cariño was in error, is to refer the matter to the appropriate Government agency or tribunal for assistance; that would be the Civil Service Commission.[35] It cannot arrogate unto itself the appellate jurisdiction of the Civil Service Commission.

WHEREFORE, the petition is granted; the Order of December 29, 1990 is ANNULLED and SET ASIDE, and the respondent Commission on Human Rights and the Chairman and Members thereof are prohibited "to hear and resolve the case (i.e., Striking Teachers HRC Case No. 90--775) on the merits."

SO ORDERED.

Melencio-Herrera, Cruz, Feliciano, Bidin, Griño-Aquino, Medialdea, Regalado, Davide, Jr., and Romero, JJ., concur.

Gutierrez, Jr., J., in the result.

Paras, J., see separate concurring opinion.

Padilla, J., in his dissent.

[1] Rollo, pp. 6-13

[2] G.R. No. 95445 (Manila Public School Teachers Association, et al. v. Hon. Perfecto Laguio, Jr., etc., et al) and G.R. No. 95590 (Alliance of Concerned Teachers [ACT], et al. v. Hon. Isidro Cariño, etc., et al.)

[3] (Joint) Resolution, G.R. Nos. 95445 and 95590, prom. Aug. 6, 1991, pp. 3-4

[4] Rollo, p. 7

[5] Id., p. 7

[6] Also impleaded as respondents were other teachers, Adelaida dela Cruz, Ma. Teresa Rizado, Rita Atabelo and Digna Operiano (Rollo, p. 77)

[7] Rollo, pp. 77-78

[8] Id., pp. 77-81

[9] Id., pp. 7-8, and 47-50 (Annex "I," petition: Decision of Judge Perfecto A. S. Laguio in Civil Case No. 90-54468 of the RTC of Manila [Branch 18] entitled 'Manila Public School Teachers Association, et al. v. Hon. Isidro Cariño and Hon. Erlinda Lolarga)

[10] Id., pp. 8; 51-52 (Annex J, Petition: Pinagsamang Sinumpaang Salaysay of 7 affiants including respondents Budoy, Babaran, and del Castillo), and 53-54 (Annex K, petition: sworn statement given by Apolinario Esber under questioning by Nicanor S. Agustin, CHR)

[11] Id., p. 56: Order in Striking Teachers CHR Case No. 90-775, 1st par., p. 1

[12] Id., 1st and 2nd pars., p. 1

[13] Id., pp. 56-57

[14] Id., pp. 11, 58-76 (Annex M, petition)

[15] SEE footnote 8 and related text, supra

[16] SEE footnote 3, supra

[17] Rollo, p.11

[18] Id., pp. 12-13

[19] Including Regional Trial Courts designated and acting as Special Agrarian Courts, and the Court of Tax Appeals. SEE Supreme Court Circular No. 1-91 eff. April 1, 1991.

[20] Vested with judicial authority or quasi-judicial powers are such agencies, boards or officers like the Securities & Exchange Commission, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform, Government Service Insurance System, Employees Compensation Commission, Philippine Atomic Energy Commission. SEE Circular No. 1-91, supra Also possessed of quasi-judicial authorities are department heads and heads of office under the Civil Service Law, and the Ombudsman

[21] The nature of a "judicial function" was inter alia described in Republic of the Philippines (PCGG) v. Sandiganbayan, et al., G.R. No. 90478 as follows: "The resolution of controversies is, as everyone knows, the *raison d'etre* of courts. This essential function is accomplished by first, the ascertainment of all the material and

relevant facts from the pleadings and from the evidence adduced by the parties, and second, after that determination of the facts has been completed, by the application of the law thereto to the end that the controversy may be settled authoritatively, definitively and finally."

" * * 'It may be said generally that the exercise of judicial functions is to determine what the law is, and what the legal rights of parties are, with respect to a matter in controversy; and whenever an officer is clothed with that authority, and undertakes to determine those questions, he acts judicially.' * * ." Mun. Council of Lemery v. Prov. Board of Batangas, 56 Phil. 260, 270, citing *State ex rel. Boards of Commrs. v. Dunn*, 86 Minn. 301, 304.

It has been held that a special civil action of certiorari "would not lie to challenge action of the 'Integrity Board' set up by Executive Order No. 318 of May 25, 1950, because that board, like the later Presidential Complaints and Action Commission, was not invested with judicial functions but only with power to investigate charges of graft and corruption in office and to submit the record, together with findings and recommendations, to the President." *Ruperto v. Torres*, G.R. No. L-8785, Feb. 25, 1957 (Unrep., 100 Phil. 1098) (Rep. of the Phil. Digest, Vol. 1, Certiorari, Sec. 22, p. 430)

Ballentine's Law Dictionary, 3rd Ed., treating of "jurisdiction" in relation to a criminal case, states it to be "the power of a court to inquire into the fact, to apply the law, and to declare the punishment, in a regular course of judicial proceeding * * ." In Black's Law Dictionary, 5th Ed., "adjudge" is defined as: "To pass on judicially, to decide, settle or decree, or to sentence or condemn. * * Implies a judicial determination of a fact, and the entry of a judgment (italics supplied)."

[22] A distinguished Member of the Constitutional Commission that drew up the 1987 Constitution, Fr. Joaquin Bernas, S.J., citing the Commission's official records, states that the "principal function of the Commission (on Human Rights) is investigatory. In fact, in terms of law enforcement, this pretty much is the limit of its function. Beyond investigation, it will have to rely on the Justice Department which has full control over prosecutions. Thus, under Section 18 (9) it can only request assistance from executive offices." (Bernas, *The Constitution of the Republic of the Philippines, a Commentary*, 1988 ed., Vol, II p. 503/)

[23] ART. XIII, Sec. 17. (1)

[24] Id., Sec. 17. (3)

[25] Id., Sec. 18

[26] E.g.: the prosecution of persons guilty of crimes, or institution of civil or administrative proceedings; exercise of visitorial powers over jails, prisons, or detention facilities; the submission of recommendations to the Congress of measures to promote human rights and provide for compensation to victims of violations thereof, etc.

[27] Webster's Third New International Dictionary. The Oxford English Dictionary (2d ed., 1961) definition is: "To search or inquire into; to examine (a matter) systematically or in detail; to make an inquiry or examination into." The American College Encyclopedic Dictionary (1959 ed.) defines (a) "investigate" as "to search or examine into the particulars of; examine in detail;" and (b) "investigation," an act or process of investigating; a searching inquiry in order to ascertain facts; a detailed or careful examination."

[28] Black's Law Dictionary, 5th ed.

[29] Ballentine's Law Dictionary, 3rd Ed.

[30] Webster's Third New International Dictionary. The Oxford English Dictionary (2d ed., 1961) definition is "To adjudge; to award; 'to give something controverted to one of the litigants, by a sentence or decision. * * To try and determine judicially; to pronounce by sentence of court. * * To sit in judgment and pronounce sentence; to

act as a judge, or court of judgment.”

[31] Id.; the Oxford English Dictionary (2d ed., 1961) definition is "To settle, determine, or decide judicially; to adjudicate upon; ** To pronounce or decree by judicial sentence **. ** To award judicially; to grant, bestow, or impose by judicial sentence **. "

[32] Black's Law Dictionary, 5th ed.; in Ballentine's Law Dictionary, "adjudicate" is defined as: "To give judgment; to render or award judgment," and "adjudge" as: "To give judgment; to decide, to sentence." In Bouvier's Law Dictionary Third Revision (8th Ed.), "adjudication" is defined as "A judgment; giving or pronouncing judgment in a case. Determination in the exercise of judicial power."

[33] SEE footnotes 6 to 8, and 15, and related text, supra

[34] SEE footnotes 16 and 17 and related text, supra

[35] SEE footnote 26, supra

Cariño vs Commission on Human Rights : 96681 : December 2, 1991 : En Banc : Concurring Opinion 6 pt 6 pt 0
 3 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal";
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CONCURRING OPINION

PARAS, J.:

I concur with the brilliant and enlightening decision of Chief Justice Andres R. Narvasa.

I wish to add however that the Commission on Human Rights should concern itself in this case and in many other similar cases:

- (1) not only with the human rights of striking teachers but also the human rights of students and their parents;
- (2) not only with the human rights of the accused but also the human rights of the victims and the latter's families;
- (3) not only with the human rights of those who rise against the government but also those who defend the same;
- (4) not only the human rights of striking laborers but also those who as a consequence of strikes may be laid off because of financial repercussions.

The defense of human rights is not a monopoly of a government agency (such as the Commission on Human Rights) nor the monopoly of a group of lawyers defending so-called "human rights" but the responsibility of ALL AGENCIES (governmental or private) and of ALL LAWYERS, JUDGES, and JUSTICES.

Finally, the Commission should realize that while there are "human rights", there are also corresponding "human obligations."

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