

CROSSING THE LINE: CHURCH USE OF POLITICAL THREATS AGAINST PRO-RH BILL LEGISLATORS

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The article critiques a tactic used by some representatives of the Philippine Church to pressure legislators to vote against House Bill 5043, commonly known as the Reproductive Health Bill (RH Bill). The tactic involves threatening politicians who support the RH Bill with a Church-organized campaign against them in the 2010 elections. In the author's assessment, such a tactic is inconsistent with the Church's way of proceeding and that it distorts the proper role of the Church in politics. Comparing the Church campaign against the RH Bill to warfare, the author draws from the "just war" tradition of the Church to argue that the use of political pressure is an unethical means to oppose the RH Bill.

A BRIEF INTRODUCTION TO THE REPRODUCTIVE HEALTH BILL

House Bill 5043 (An Act Providing for a National Policy on Reproductive Health, Responsible Parenthood and Population Development, and for Other Purposes)¹ was introduced during the first regular session of the 14th Congress by representatives Edcel C. Lagman, Janette L. Garin, Narciso D. Santiago III, Mark Llandro Mendoza, Ana Theresia Hontiveros-Baraquel and Elandro Jesus F. Madrona. It substitutes and consolidates four previous house bills on reproductive health, namely HB Nos. 17, 812, 2753 and 3970.

1. Edcel C. Lagman et al, *House Bill 5043: An Act Providing for a National Policy on Reproductive Health, Responsible Parenthood and Population Development, and for Other Purposes* in <http://jlp-law.com/blog/full-text-of-house-bill-no-5043-reproductive-health-and-population-development-act-of-2008/> (accessed July 25, 2009).

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The Bill states that it “upholds and promotes respect for life, informed choice, birth spacing and responsible parenthood in conformity with internationally recognized human rights standards” and it seeks to “guarantee universal access to medically-safe, legal and quality reproductive health care services and relevant information even as it prioritizes the needs of women and children.” The Bill’s rationale is based on the belief that “sustainable human development is better assured with a manageable population of healthy, educated and productive citizens” (Section, 2).

Some of the Bill’s provisions have been recognized by the Church as laudable, necessary, and non-controversial such as: the promotion of breast feeding and infant nutrition, the prevention of violence against women, and the provision of a minimum number of midwives and other skilled attendants for every city and municipality. The Church makes the claim, however, that a majority of the bill’s provisions compromise the sanctity of life, the health of women, and the welfare of the family.² The Church also argues that the bill violates the consciences of Catholics and that it will encourage unacceptable sexual behavior.

THE OBJECTIONABLE CONTENT

The Church has found some of the bill’s provisions objectionable. They are the following:

- a) The bill provides **Mandatory Age-Appropriate Reproductive Health Education** for both public and private schools starting from Grade 5 up to Fourth Year High School (Sec. 12). The Church sees this provision as a violation of the freedom of religion and freedom of conscience of Catholic educators as well as the freedom of catholic parents who prefer sex education based on catholic teachings for their children. There is also grave concern by the Church that this reproductive health education, which is to be coordinated by the Population Commission with the Department

2. Catholic Bishops’ Conference of the Philippines (CBCP), *Standing Up for the Gospel of Life*, November 14, 2008, in <http://www.cbcnews.com/?q=node/5829> (accessed July 31, 2009).

of Education, would simply focus on birth control and safe sex methods.

b) The bill provides that **Collective Bargaining Agreements** between labor unions and administrators should ensure the **provision of an adequate quantity of reproductive health care services, supplies and devices** (Sec. 17 & Sec. 21, c). The Church sees this as a violation of the conscience of Catholic employers who would object to providing company funds for contraception and sterilization.

c) The bill classifies **Contraceptives as Essential Medicines in Government Health Centers and Hospitals** (Sec. 10). Hormonal contraceptives, intrauterine devices, injectables and other allied reproductive health products and supplies are to be included in this classification. The Church has two strong objections against this provision. First, the proposal appears to treat pregnancy like a disease that needs to be cured. Second, intrauterine devices have the potential abortifacient effect of preventing the implantation of a fertilized ovum in the uterus. Although the bill recognizes that abortion is a punishable crime, it would appear to the Church that the bill provides a loophole for a particular kind of abortion, namely the prevention of implantation of a fertilized ovum.

d) The bill orders each congressional district to provide a **Mobile Health Care Service** to promote the full range of family planning methods using money from the Development Assistance Fund of the congressional districts. The Church objects to the use of catholic taxpayers' money to fund a service that would promote methods of family planning that violate church teaching.

e) **The bill penalizes willful disinformation** about its intent and provisions (Sec. 15, d). The Church sees this punitive measure as an attempt to suppress dissent against the bill. It could also violate the Church's right to teach its moral position on the issue of birth control.

THE OBJECTIONABLE MANNER

Apart from the contents of the bill, the Church has also objected to the manner by which the bill had been introduced in the legislature. There were four original House Bills on reproductive health (HB

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Nos. 17, 812, 2753 and 3970). Three of these bills were subjected to an initial hearing by a legislative joint committee on April 29, 2008. The fourth bill had not been discussed. On May 21, 2008, when the second hearing on the bills was to occur, it was announced by the joint committee that all four bills have been consolidated into a substitute bill which needed no further hearing. The consolidated bill was declared open for second reading and floor debates.³ The Church objects to the way the bill was elevated to second reading without benefit of public hearing and without consultation with the country's religious leaders.

CHURCH RESPONSE TO HB 5043

The Catholic community has utilized a variety of methods to campaign against the passage of HB 5043. At the diocesan level, signature campaigns, rallies, and forums have been organized. Individual bishops have issued pastoral letters to their flocks while lay organizations and communities have released their own statements to the press expressing their strong objections to the bill.

Although there had been much discussion on the parish and diocesan level on HB 5043 as early as May 2008, the Catholic Bishops' Conference of the Philippines only met on the bill for the first time on November 2008. The result of this meeting was a pastoral statement "Standing Up For the Gospel of Life." Unlike most of the statements and press releases from anti-RH Bill activists which focused mainly on the flaws and evils of HB 5043, the CBCP statement used a balanced approach that pointed out both the good and bad aspects of the bill. The bishops expressed their objections to specific provisions of the bill and they admonished legislators to seriously consider the Church's moral position. The statement called for "a more widespread dialogue" on the bill.⁴

Since the release of the bishops' statement, no successful plenary dialogue between legislators and bishops' representatives has taken

3. CBCP Open Letter to Legislators, *CBCP Monitor* Vol. 12, No. 21 (October 27 - November 9, 2008), B1.

4. CBCP, *Standing Up for the Gospel of Life* (November 14, 2008), in <http://www.cbcnews.com/?q=node/5829> (accessed July 31, 2009).

place. Even before the publication of the bishops' statement, the local bishops had agreed to dialogue with their respective congressional representatives at the diocesan level. In these dialogues the individual bishops intend to present the Church's reasons for objecting to the RH Bill and convince the legislators that it is their moral duty to oppose the bill.⁵ While the Church has indicated openness to dialogue, it has also made it clear that it would not compromise its position on abortion, sterilization, and contraception. Although a number of legislators have declared their opposition to the bill, there are some legislators who have remained strong supporters of HB 5043 and have been actively campaigning for its passage into law. Some members of the Church have chosen to use political means to pressure these pro-bill legislators to change their position.

An official of the Episcopal Commission on Family and Life (ECFL) of the CBCP warned that "as the 2010 elections are getting nearer, politicians should not afford to disregard the Catholic Church's stand on the pro-life issues. Otherwise, the Catholic Church knows how to mobilize its members not to vote for anti-life politicians."⁶ One archbishop asked the faithful in his archdiocese not to vote for politicians who would support the RH Bill.⁷ Such a threat is not to be taken lightly because while bishops have not been consistently effective in influencing the outcomes of national elections, they are able to significantly influence the results of local elections where the margin for victory is smaller.

5. Quote from Fr. Melvin Castro, executive secretary of the Episcopal Commission on Family and Life (ECLF): "During their last Plenary (Assembly) they have agreed that they will individually talk to their legislators. To dialogue with them and tell them that this is the church's position," Castro said. "We pray (that they will listen). There is nothing impossible with God. I'm sure our legislators, who are men and women of good will, will listen to the voice of reason and morality in the end," added the priest. See, "CBCP Hit Over Family Planning", *Sun Star Manila* (July 16, 2008) in <http://www.sunstar.com.ph/static/man/2008/07/16/news/cbcp.hit.over.family.planning.html>.

6. CBCP News (July 15, 2008) <http://www.cbcpnews.com/?q=node/3729> (accessed August 12, 2009).

7. GMA News TV, <http://www.gmanews.tv/story/121869/Bishop-tells-public-Dont-vote-for-pro-RH-bill-politicians> (accessed August 12, 2009).

THE USE OF POLITICAL PRESSURE

Although the bishops have made compelling arguments why the RH Bill in its present form is unacceptable and should not be passed into law, there are several reasons why Church leaders should refrain from using political pressure in its campaign against the bill.

a.) The Church will be perceived as inappropriately engaging in partisan politics. Pope Benedict XVI emphasized in *Deus Caritas Est* that the formation of a just society as a political task is not a direct duty of the Church; this task belongs properly to the laity. The role of the Church is indirect: to purify reason and inspire ethical political participation leading to the building of a more just society.⁸ A concrete exercise of this indirect duty is the formation of conscience of citizens to help them in their choice of candidates. The Church respects the legitimate autonomy of the democratic order⁹ and is careful not to show partiality to a specific political structure, party, or candidate.

In the Philippines, the CBCP has regularly provided guidance for conscientious voting during election periods¹⁰ but it has refrained from directly endorsing any candidate.¹¹ The Second Plenary Council of the Philippines (PCP II) states that clergy cannot be actively involved in partisan politics. The Council warns that for pastors “to take active part in partisan politics, in the wheeling and dealing it entails, would tend to weaken their teaching authority and destroy the unity they

8. Benedict XVI, *Deus Caritas Est*, 29.

9. *Gaudium et Spes*, 76.

10. CBCP, *Blessing or Curse: CBCP Statement on the Coming 2001 Elections* (March 24, 2001) in <http://www.cbcponline.net/documents/2000s/html/2001-election.html> (accessed August 12, 2009); *Pastoral Statement on the Coming 2004 Elections* (January 26, 2004) in <http://www.cbcponline.net/documents/2000s/html/2004-comingelections.html> (accessed August 11, 2009); *Nation Building Through Elections: Pastoral Statement on Elections 2004* (April 21, 2004) in <http://www.cbcponline.net/documents/2000s/html/2004-statementonelections.html> (accessed August 12, 2009).

11. See the *CBCP Monitor*, Vol. 11, No. 6 (March 19 - April 1, 2007), 1 and 4.

12. *Second Plenary Council of the Philippines*, 340 and 342.

represent and protect.”¹² The former president of the CBCP, Archbishop Lagdameo, in anticipation for the May 2007 elections, stated that he expects voters to “discern, discuss, and personally decide whom to vote.” He also added that “to dictate on them whom to vote is as bad as buying their votes.”¹³

The CBCP has allowed, however, individual bishops to endorse or disapprove candidates in election.¹⁴ The CBCP does not see any inconsistency when it says that as a plenary body it does not endorse or disapprove candidates while at the same time it allows individual bishops to do so. Such a two-level approach to granting or denying political blessings to candidates may prove to be confusing for Filipino Catholic voters who usually identify the statements and actions of individual bishops with the moral position of the entire hierarchy. When a bishop writes a pastoral letter to his diocese urging that pro-RH Bill politicians should not be voted into office, his act will more likely be perceived as a partisan political intervention by the Church as an institution.

When a bishop threatens a pro-RH Bill legislator with political defeat, he can give the impression that there is a Catholic vote and that the Church exercises bloc voting like the Iglesia ni Cristo (INC). The CBCP, in its *Catechism on Church and Politics* for the 1998 elections, has denied the existence of a Catholic vote: “there is generally no such thing as a ‘Catholic vote’ or ‘the Bishops’ candidates’. This is simply a myth. The Bishops do not endorse any particular candidate or party but leave to the laity to vote according to their enlightened and formed consciences in accordance with the Gospel.”¹⁵ Those who support the move to pressure legislators deny that they are mobilizing a Catholic vote. They do not acknowledge the reality that a Church-initiated campaign against a political candidate is effectively an organized Catholic vote.

13. CBCP, *Freedom to Choose the Candidates* (March 13, 2007) in <http://www.cbcnews.com/?q=node/15> (accessed August 20, 2009).

14. See the report in <http://www.newsflash.org/2004/02/hl/hl105073.htm> (accessed August 12, 2009).

15. CBCP, *Catechism on Church and Politics* (February 1998) in http://www.cbcponline.net/documents/1990s/1998_church_politics.html (accessed August 12, 2009).

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The CBCP Catechism provided for an extraordinary exception when a prelate can order the lay faithful to vote for one concrete political option:

This happens when a political option is clearly the only one demanded by the Gospel. An example is when a presidential candidate is clearly bent to destroy the Church and its mission of salvation and has all the resources to win, while hiding his malevolent intentions behind political promises. In this case the Church may authoritatively demand the faithful, even under pain of sin, to vote against this particular candidate. But such situations are understandably very rare.¹⁶

The CBCP intended this exception to be used only on rare and grave occasions such as when the survival of the Church and its mission would be at stake. It is debatable that such an exception would be applicable to a bishop's desire to apply political pressure on a legislator to vote against the RH Bill.

The impulse among some members of the local church to use pressure politics betrays a misunderstanding of the proper role of the Church in the political sphere. Those who threaten legislators with political punishment are acting in a manner that represents the Church as a partisan strategist and power broker no different from other interest groups in the country seeking to influence national policy. This is inconsistent with the Church's primarily spiritual role in the modern world.¹⁷ In politics, the Church can and should exhort the faithful to vote according to their formed consciences for the common good. The Church can provide voters with specific criteria that a qualified candidate should have. It can even actively participate in ensuring clean and honest elections. However, the use of political threats goes beyond what can be considered appropriate activity of the Church. Such threats do not use the language of Gospel values; they use the worldly language of power and coercion.

16. Ibid.

17. *Gaudium et Spes*, 42.

b) The primacy of conscience of voters could be compromised. The presumption that a prelate can direct his flock to punish politicians who do not abide by Catholic norms is contrary to the Church's teaching on the primacy of conscience. Although the Church has a duty to help a person form his or her conscience when choosing among electoral candidates, it is not to be presumed that a prelate can bind a Catholic voter's conscience on whom to vote for.

A recent case after the 2008 US presidential elections would be illustrative. The diocese of Charleston, South Carolina had publicly rebuked one of its pastors, for telling his parishioners that any Catholic who voted for Barak Obama should refrain from going to Communion unless they have gone to confession first. The pastor was implying that those who have voted for Obama had committed a grave sin. The Administrator of the diocese issued a public rebuke repudiating the pastor's statement. Below is an excerpt of the public statement of the Diocesan Administrator of the Diocese of Charleston:

This past week, the Catholic Church's clear, moral teaching on the evil of abortion has been pulled into the partisan political arena. The recent comments of Father Jay Scott Newman, pastor of St. Mary's Catholic Church in Greenville, S.C., have diverted the focus from the Church's clear position against abortion. As Administrator of the Diocese of Charleston, let me state with clarity that Father Newman's statements do not adequately reflect the Catholic Church's teachings. Any comments or statements to the contrary are repudiated.

The Catechism of the Catholic Church states, 'Man has the right to act in conscience and in freedom so as personally to make moral decisions.' The Catechism goes on to state: 'In the formation of conscience the Word of God is the light for our path; we must assimilate it in faith and prayer and put it into practice. We must also examine our conscience before the Lord's Cross. We are assisted by the gifts of the Holy Spirit, aided by the witness or advice of others and guided by the authoritative teaching of the Church.'

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Christ gives us freedom to explore our own conscience and to make our own decisions while adhering to the law of God and the teachings of the faith. Therefore, if a person has formed his or her conscience well, he or she should not be denied Communion, nor be told to go to confession before receiving Communion.¹⁸

Respect for the Catholic's right to vote according to his or her conscience is also affirmed by the Congregation for the Doctrine of the Faith when it declares that "the Church's Magisterium does not wish to exercise political power or eliminate the freedom of opinion of Catholics regarding contingent questions. Instead, it intends — as is its proper function — to instruct and illuminate the consciences of the faithful, particularly those involved in political life, so that their actions may always serve the integral promotion of the human person and the common good."¹⁹

The documents of the Second Plenary Council of the Philippines warned against the abuse of moral authority in public debate by lay leaders and clergy:

The public defense of gospel values, however, especially when carried into the arena of public policy formulation, whether through the advocacy of lay leaders or the moral suasion by pastors, is not without limit. It needs emphasizing, that, although pastors have the liberty to participate in policy debate and formulation, that liberty must not be exercised to the detriment of the religious freedom of non-communicants, or even of dissenting communicants. This is a clear implication of Vatican II's *Dignitatis Humanae*. This is not just a matter of prudence; it is a matter of justice.²⁰

18. Michael Paulson, *Diocese: Priest wrong about Obama voters* (Novem. 15, 2008) in http://www.boston.com/news/local/articles_of_faith/2008/11/diocese_priest.html (accessed August 12, 2009).

19. Congregation for the Doctrine of the Faith, *Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life* (November 24, 2002), No. 571 in http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20021124_politica_en.html (accessed August 14, 2009).

20. *Second Plenary Council of the Philippines*, 358.

PCP II clearly defends the right of Catholics to act according to their conscience even if in doing so they would choose to act contrary to the teaching of the magisterium:

There may even be some Catholic believers who in all honesty do not see the truth the way the Church's magisterium discerns, interprets, and teaches it. In such a situation, the Church must clearly and firmly teach what it believes is the truth and require its members to form their consciences accordingly. Yet the church must also, with all charity and justice, hold on to its doctrine on religious freedom — that the human person is bound to follow his or her conscience faithfully, and must not be forced to act contrary to it.²¹

Therefore, if a Filipino Catholic, after a discernment of conscience to the best of his or her capacity, decides to vote for a candidate for public office, even if that candidate supports legislation contrary to Church teaching, such as the RH Bill, that Catholic is obliged to follow his conscience.²² No authority may violate this person's conscience²³ and his or her political exercise of conscience must be respected.

c) Political threats reinforce bad politics. When a bishop tells his pro-RH Bill congressional representative that his diocese will campaign against him or her in future elections, the bishop is no longer seeking to persuade the legislator about the reasonableness of the Church's position but rather the bishop is simply appealing to the legislator's sense of self-preservation. Such a tactic is counter productive to the formation of a kind of politics that is based on principles because it reinforces a way of practicing politics that values expediency rather than service, justice, and the common good.

The CBCP has urged lay Catholics to engage themselves in "principled partisan politics."²⁴ The Compendium of the Social

21. *Ibid.*, 362-363.

22. *Catechism of the Catholic Church*, 1800.

23. *Dignitatis Humanae*, 16.

24. CBCP, *Statement on Lay Participation in Politics and Peace* (July 12, 2009) in <http://cbcnews.com/?q=node/9622> (accessed August 12, 2009).

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Doctrine of the Church enumerates the proper motivations for lay participation in politics:

The pursuit of the common good in a spirit of service, the development of justice with particular attention to situations of poverty and suffering, respect for the autonomy of earthly realities, the principle of subsidiarity, the promotion of dialogue and peace in the context of solidarity: these are the criteria that must inspire the Christian laity in their political activity (#565)²⁵.

These exhortations for a principled politics would be undermined if bishops use pressure politics on legislators. If the bishops are able to force some legislators to vote against the RH Bill out of concern for political survival, the bishops may have achieved a short-term goal of defeating a controversial bill but they would also have contributed to the longer-lasting deformation of Philippine politics. Rather than teach politicians how to stand up for their beliefs even under pressure and to vote on legislation according to their conscience, the bishops are teaching politicians to submit to powerful interest groups and to care for their political survival above anything else.

It is ironic, therefore, that while the CBCP denounces the growth of political dynasties that concentrate power and economic opportunities in the hands of a few families,²⁶ some members of the Church would use the motivation of protecting one's access to political power as a basis for voting against the RH Bill. A congress representative whose family wishes to preserve political power in their district would heed their bishop's threat to vote against the RH Bill or else face defeat in future elections. In their use of coercion in their campaign against the RH Bill, some church leaders actually contribute to reinforcing bad politics in the country.

25. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, 245.

26. CBCP, *Reform Yourselves and Believe in the Gospel* (January 27, 2008) in <http://www.cbcnews.com/?q=node/618> (accessed August 14, 2009).

HOLY WAR VS. JUST WAR

If the campaign of the Church against the RH Bill is something analogous to warfare, the Church's just war tradition can provide another basis to say that the use of political coercion to defeat the proposed RH Bill is not justifiable. The just war tradition would insist that "the end does not justify the means" and that a just war can only be waged by just means. Applying the principle of proportionality, the just war tradition rejects any means of war whose evil effects are disproportionate to the good effects that it seeks to achieve. That is the reason why the just war tradition would disqualify certain weapons and methods (e.g., torture, nuclear weapons, land mines, and rape) from warfare because of the harm they cause to non-combatants and their damaging effect on the common good.

In a similar way, one can say that in the campaign to stop the RH Bill, the Church must also use just and ethical means and should avoid causing harm. As mentioned, the use of political threats by the Church damages a number of important goods: the non-partisan image of the Church, the primacy of conscience, and the integrity of local politics. The availability of more constructive, non-coercive and non-harmful ways to defeat the current RH-Bill (e.g. negotiating amendments to objectionable provisions, proposing an alternative bill, appealing to the Supreme Court on constitutional grounds, etc.) makes the use of political coercion not only unnecessary but also irresponsible.

It is unfortunate that some representatives of the Church have analogously waged a holy war (or crusade) rather than a just war against the RH Bill. In waging a just war, one practices prudence and responsibility when choosing the means to wage war. Just war refrains from seeking the total destruction of the opponent. On the other hand, one who wages a holy war claims to have God on his side and would justify any means to achieve victory for the sake of the glory of God. A holy war is more destructive in this regard because it sets no limits to what it can use to defeat its enemy. By using political threats against legislators, some members of the Church have ignored the long-term harm this tactic may cause to the Church and society, making the immediate goal of defeating the RH Bill as the end that can justify any means.

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Apart from political coercion, legislators have also complained about other unethical methods used by some church-based anti-RH Bill activists such as demonization of opponents (e.g., calling legislators “abortionists” or “demons”), distortion of data (e.g., selective use of surveys, dismissal of contrary data, misleading use of statistics) and false accusations (e.g., the RH Bill will legalize abortion and force a two-child policy on parents). These methods have given the impression that the Church aims to win at all costs. A victory against the RH Bill using unethical and irresponsible methods will ultimately be a hollow victory because of the damage it would cause to the credibility of the Church as a moral authority.

CONCLUSION

The use of political threats against pro-RH Bill politicians reveals a dangerous fundamentalist mindset among some church leaders who are convinced that only they hold the truth on the RH Bill issue and that there can be no room for dialogue with those who are perceived to be in error.²⁷ Such a mindset also lacks trust in the capacity of ordinary Filipino Catholics to make prudent conscience choices about their stand on the RH Bill and how to vote in the 2010 elections. As long as teachers and shepherds of the local church continue to perceive themselves as the sole possessors of truth and view the individual conscience with suspicion, real dialogue between the Church and the secular state will not be achieved and a disconnection will continue to exist between the moral discernment of ordinary Filipino Catholics and official church responses to public issues.

The local hierarchy must publicly and decisively distance itself from the unethical use of political threats by some church leaders. The non-partisan position of the church leadership would be compromised if bishops would remain silent and allow the local church be identified with the acts of political coercion by a few of

27. Georges De Schrijver, SJ, “Fundamentalism: A Refusal to Recognize a Religious Dimension in ‘Secular Existence’,” in Dennis Gonzalez, ed., *Fundamentalism and Pluralism in the Church* (Manila: Dakateo/De La Salle University, 2004) 1-28; here, 15.

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its members. Trained ethicists and moderate members of the church leadership must also work together to formulate cogent moral arguments and constructive proposals that can better express the Church's concerns about the RH Bill, opening once more the possibility for dialogue as intended by the CBCP statement.

The Catholic social document *Justice in the World* states that "while the Church is bound to give witness to justice, she recognizes that anyone who ventures to speak to people about justice must first be just in their eyes."²⁸ In order to truly fulfill its prophetic role to be a mirror of justice, the Church must consistently strive to speak and act justly even when in disagreement with those in public authority.

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28. Synod of Bishops, *Justice in the World*, 40.