

# Rethinking the Philippine flag, history and constitution: for a better, justice-based inclusion of the Bangsamoro

Monday 20 June 2011, by [SANTOS Soliman, Jr](#) (Date first published: 12 June 2011).

I second the motion of Juan Miguel Luz for a rethinking of the details of our Philippine flag in so far as it is a symbol of exclusion rather than inclusion of the diverse peoples (yes, with an “s”) of the Philippines, given the importance of key national symbols in the imagination of the nation-state or nations-state [1]. As historically and presently constituted, the Philippine flag, says Luz, “reflects a Tagalog-centric view of Philippine history that is not in accordance with the imagined community that we need to build.” That “Tagalog-centric view” derives from the prominent place in the flag of the white triangle representing the Katipunan, which led the Philippine Revolution of 1896 against Spanish colonial rule, and of the eight rays in the sun at the center of that triangle representing the eight mostly Tagalog (except for Pampanga) provinces that were declared in a state of war at the start of that Revolution.

The prominent place in the Philippine flag of such symbols of that Revolution, which led to its Proclamation of Independence of “these Philippine islands” from Spain on 12 June 1898, is only natural, given that revolutions, especially those leading to independence and nationhood/statehood, are standard historical high points. But if credit or recognition is to be given to effective resistance to Spanish colonialism, then it should be given to such resistance in all areas, not just Tagalog areas, of “these Philippine islands” as these contributed cumulatively to overthrowing the yoke of Spanish rule over several centuries (both the yoke and the resistance). If we might quote from a review of Philippine history that emphasizes a revolutionary tradition: “Throughout the Spanish colonial regime, revolts broke out sporadically all over the archipelago... There were at least 200 revolts of uneven scope and duration.... the Muslims in Mindanao as well as the mountain people in practically every island, especially the Igorots in Northern Luzon, kept up their resistance...” [2]

How might a new Philippine flag reflect that history, as well as “the imagined community that we need to build”? Luz’ own “modest proposal,” especially as regards the latter, “would be to add as many rays to the sun as there are regions in this country (16...)... eight large rays interspersed with eight smaller rays. The total number of 16 would represent the regions; the large eight could stand for the eight provinces in the current flag.” This proposal has its merit, which includes purposively avoiding a difficult charter change in its general provision (Art. XVI, Sec. 1) on the Philippine flag: “The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.” Unlike the country’s name, national anthem or national seal (under Art. XVI, Sec. 2), the quoted basic design of the flag, once called “The Sun and Stars,” cannot be changed by mere legislation, it would need a constitutional amendment. In both cases, a national referendum (on the proposed law adopting a new country name, national anthem or national seal) or a plebiscite (on the proposed constitutional amendment to change the flag) would be needed.

The Luz proposal highlights reflecting the present 16 administrative regions (including one autonomous region) as a manifestation of their inclusion as against the bias towards Manila and the Tagalog region. The said 16 regions have the particular merit of including those of Muslim Mindanao

and the Cordilleras which the Constitution recognizes (in Art. X, Sec. 15) for “sharing common and distinctive historical and cultural heritage.” Of course, the number of regions, now 16, might still change based on some reorganization of administrative regions or even political gerrymandering. But does reflecting the administrative regions suffice as being “truly reflective and symbolic of the ideals, history, and traditions of the people” (to quote Art. XVI, Sec. 2) or more precisely the culturally diverse peoples of the Philippines? Why not reflect the major ethno-linguistic groups instead of the administrative regions, which after all are much associated in its origins and institutionalization with the Marcos martial law regime? And how about reflecting, in order to recognize in particular, the historic role of the Bangsamoro and Igorot/Cordillera peoples in the resistance to colonialism and not only to Spanish colonialism?

Long-time Mindanao historian and former government peace panel member Prof. Rudy B. Rodil once pointed out that the Moros and for that matter the Igorots “cannot identify with the symbolisms of the Filipino flag. Their struggle is not reflected in the Filipino flag.” For example, one does not see here the kris (the classic Moro sword of resistance), or the crescent moon symbol and green color of Islam (which is integral to the Moro identity). It might be recalled that at the time of the 1986 Constitutional Commission, there were suggestions to add to the flag a crescent moon to represent the Muslim/Moro people and a budong cane to represent the Igorot/Cordillera people, aside from the seemingly perennial proposal of adding a ninth ray to the eight-ray sun in order to represent both, but none of these proposals prospered. It seemed that it was too much, as far as the majority was concerned, to ask for the (crescent) moon (because it was a religious symbol, thus violating the constitutional separation of Church and State?) to be added to the sun and three stars as the celestial bodies in our flag. As for the ninth ray, it would appear to be incongruous in the sense of ahistorical, as not doing justice to the Philippine Revolution of 1896, on one hand, and the centuries-old Moro and Igorot resistances, on the other hand, which had different geographies, time frames and contexts/orientations. The point is to consider, as Luz puts it, “rethink[ing] the details of our flag” – but this may entail “thinking out of the box” of the present above-quoted constitutionally-entrenched basic design of the Philippine flag.

Perhaps, there is a parallel here with the evidently necessary “thinking out of the box” of the present constitutionally-entrenched provisions (Art. X, Secs. 15-21) on autonomous regions, particularly in Muslim Mindanao, so as to be able “to find and reach a just, lasting and comprehensive solution to the Bangsamoro problem... with the end in view of establishing a system of life and governance suitable and acceptable to the Bangsamoro people,” as the Moro Islamic Liberation Front (MILF) articulates the general agenda for its peace talks with the Philippine government (GRP/GPH). This solution will necessarily have to be of a level of structural relationship (constitutional association) between the Philippine republic and whatever mutually agreed Bangsamoro self-governing entity that is better and higher than that of the existing Autonomous Region in Muslim Mindanao (ARMM) which has already proven over two decades of experience to be a “failed experiment.”

In this regard, we are glad to take note of a recent statement from one section of the Philippine Left represented by Partido ng Lakas ng Masa (PLM) chair Cesar “Sonny” Melencio, which is among the more sensible comments on the issue of postponing the ARMM elections for supposed reforms: “The ARMM itself is an imposition by the Philippines’ trapo elite and does not reflect the Bangsamoro people’s demand for genuine autonomy. PLM does not believe that genuine autonomy can be gained through reforms in the ARMM... PLM supports the continuation of the peace negotiations between the Philippine government and the MILF and any group fighting for self-determination in Mindanao. We believe that only by giving the Bangsamoro people genuine autonomy can prosperity and peace be attained in Mindanao.” [3] “Autonomy” here must be understood in a generic sense of self-rule, of which the ARMM is not the only possible form, though it is now what is constitutionally-entrenched.

But self-determination is not just a matter of “system of life and governance,” it is also just as

importantly and relatedly a matter of identity. And this is where symbols are important, such as those one may identify with in a flag, whether it is the national flag or a rebel flag (the public hoisting and display of which is usually banned by the government in the course of an armed conflict with the rebels, such as that now being played out in the Libyan civil war). In other words, not necessarily by changes in the national flag but by some other strong symbolic gesture like a historical apology for past wrongs against a minority people like the Bangsamoro, there must be some epiphany or enlightened realization in the national majority consciousness that amounts to no less than a new and better national narrative of the peoples of the Philippines. This new narrative means a correct basic historical understanding of the so-called Bangsamoro problem, what it is all about, why the bother to negotiate with the Moro rebels, and why the need for constitutional reform as part of a comprehensive solution. The charter change effort for the Mindanao peace process would thus be well-advised if it can be paralleled by an effort towards a new historical consciousness about the relations between the Filipino and Bangsamoro peoples.

That basic understanding is critical for the critical mass of a national political consciousness needed to support a negotiated political-constitutional settlement of the Bangsamoro problem. This new consciousness should ideally eventually dawn on the Philippine Congress which should agenda charter change, as it is re-starting to do, but not myopically limit it to just lifting the restrictive economic provisions in the Constitution. The economy will not improve and will even worsen if the Bangsamoro problem, and for that matter the communist insurgency, is not solved peacefully.

While the principle of self-determination calls for an appropriate and substantial degree of self-rule in terms of powers and area where the Bangsamoro people will have the opportunity and capability to effectively address their marginalization, the principle of social justice calls for the correction of the neglect of and injustices against the Bangsamoro people in the past (based on formulations of Mindanao State University Prof. and former Amb. Sukarno D. Tanggol). There should be both substantive and symbolic measures of transitional and restorative justice as well as national reconciliation to heal inter-people relationships, including special affirmative action for Muslims outside whatever Bangsamoro autonomous or self-governing entity. Actually, both the right to self-determination and social justice are important constitutional principles (Art. II, Secs. 7 & 10, respectively).

To be sure, changing the Philippine flag's basic design, already constitutionally-entrenched, would be even harder than changing the constitutional provisions on autonomous regions. While we have been dealing mainly with Muslim Mindanao and the relevant peace process in this regard, any prospective charter change on autonomous regions should be looked into as a possible opportunity for something better as far as advocates of Cordillera autonomy are concerned, now that there is a renewed effort at this through a draft third bill creating a Cordillera Autonomous Region [4]. Changing the flag is harder because it historically pre-dated (circa 1898) the Constitution (1935, 1973 and 1987) – in the same way that the Bangsamoro problem pre-dated the latter by several centuries. But aside from the constitutional-legal provisions (inc. R.A. 8491, The Flag and Heraldic Code of the Philippines), there is the more lasting matter of the flag ***“as consecrated and honored by the people”*** over a century – just as the Bangsamoro resistance to colonialism over several centuries is consecrated and honored by its people.

Several Constitutions (starting with the 1899 Malolos Constitution) have come and gone but the Philippine flag remains basically the same since 1898, except for regularly raised issues about the right historical hue of blue/azure. The Philippine Historical Association once submitted a position paper that said “The Philippine flag is not a creation of law or of the constitution. It is a creation of inexorable historic forces in the crucible of revolution... The role of the Constitution is merely confirmatory of the fact of existence of the Philippine flag... Thus, as a sacred symbol of the people's historical experience, ideals, and aspirations, the flag lies beyond the reach of legislators and

administrators in government.”

National flags, as do constitutions, do indeed often change after successful revolutions. But there is also a Philippine-adopted-from-the-U.S. constitutional law concept that under a written constitution, “the people can do no act, except make a new constitution or make a revolution.” Constitution-making is thus put on a similar level as revolution-making. Stated otherwise, constitution-making can also be revolutionary, if its framers and the people want it to be. Like just asking: can there be a revolutionary or radical restructuring of Filipino-Bangsamoro structural relations (constitutional association)? Can there be a revolutionary or radical redesigning of the basic design of the Philippine flag? As just discussed immediately above, structural relationship change might be easier to effect, if ever, than flag change.

But while the Philippine flag has been more of an “immovable object” than the Constitution which confirms it as a sacred sort of symbol, it is interesting to note that certain sacred religious beliefs were not made to bow to the compulsory requirement on school pupils to salute the Philippine flag. The Philippine Supreme Court decision in *Ebralinag vs. The Division of Superintendent of Schools of Cebu*, following the U.S. Supreme Court decision in *Western Virginia State Board of Education vs. Barnette*, ruled that exemption from the flag ceremony may be accorded to the Jehovah’s Witnesses “out of respect for their religious beliefs... Forcing a small religious group, through the iron hand of the law, to participate in a ceremony that violates their religious beliefs, will be hardly conducive to love of country or respect for duly constituted authorities.” Just asking: how about when it comes to Islamic religious beliefs or the free exercise of an Islamic system? Another test case might be needed to answer that definitively but what is clear is the high value given to religious freedom in the hierarchy of constitutional values and human rights, “for it involves the relationship of man to his Creator.”

In another context, that of the 1901 U.S. Supreme Court decisions on the Insular cases relevant to the constitutional status of the Philippines (a century thence), U.S. War Secretary Elihu Root was quoted as saying “as near as I can make out the Constitution follows the flag but doesn’t quite catch up with it.” The U.S. Constitution, notably certain provisions of its Bill of Rights, was/were not (fully) applied in the Philippines after the U.S. flag, called “The Stars and Stripes,” was planted here (it was much later also planted on the moon, which is sometimes a crescent moon). Speaking of flag-planting, we recall the naturally triumphal hoisting of the Philippine flag over every MILF camp captured by the Armed Forces of the Philippines (AFP) during the “all-out war” of 2000. Then President Estrada was particularly emphatic that time in urging all Filipinos to display the Philippine flag from May 28 (National Flag Day) to June 12 (Independence Day), and in celebrating the latter, “more so now that the country was in crisis because of destabilization plots and the conflict in Mindanao.” It is easy to imagine how these various flag displays, from Malacanang all the way to Camp Abubakar when it fell on July 8, must have resonated with the Filipino majority even as it turned off the Moro minority. As modern Filipino historian and Inquirer columnist Ambeth R. Ocampo puts it, “A flag means many things to many people.... Perhaps the issue here is not the evolution of the flag, but the evolution of the meanings we read into the flag. As each generation writes its own history, it will continue to find new meanings in the flag, thus we move from history to semiotics [the study of symbols].”

We would all do well, however, not to leave history even as we move to deal with and even change or bring in new symbols and structures. For one, the Filipino majority would do well to review the Proclamation of Independence of 12 June 1898 in so far as this is the authoritative historical official document on the flag’s meaning and on the nature of that independence, as may be gleaned in particular from its following three excerpted passages (translated from the original Spanish, bold face type supplied):

*“And having as witness to the rectitude of our intentions the Supreme Judge of the Universe, and **under the protection of the Powerful and Humanitarian Nation, the United States of America**, we do hereby proclaim and declare solemnly in the name and by authority of the people of these Philippine Islands, That they are and have the right to be free and independent...”*

*“We recognize, approve, and ratify, with all the orders emanating from the same, the **Dictatorship established by Don Emilio Aguinaldo** whom we revere as the Supreme Head of this Nation, which today begins to have a life of its own, in the conviction that he has been the instrument chosen by God, in spite of his humble origin, to effectuate the **redemption of this unfortunate country as foretold by Dr. Don Jose Rizal in his magnificent verses which he composed in his prison cell prior to his execution**, liberating it from the Yoke of Spanish domination”*

*“And, lastly, it was resolved unanimously that this Nation, already free and independent as of this day, must use the same flag which up to now is being used, whose design and colors are found described in the attached drawing, ... and **the colors Blue, Red, and White, commemorating the flag of the United States of North America, as a manifestation of our profound gratitude towards this Great Nation for its disinterested protection** which it lent us and continues lending us.” (end of quote)*

Of course, we know from the clear hindsight of history that the “disinterested protection” of the newly free and independent Philippine Islands, but apparently a U.S. “protectorate,” soon turned into the “manifest destiny” of direct colonial aggression within only eight months, come February 1899. With due respect to the new independent Philippine government led by Aguinaldo, another section of the Philippine Left today might have referred to it, if it could revisit that past by time travel, as the “U.S.-Aguinaldo Dictatorship (USAD).” Well, to each political force its own version of Philippine (or Moro) history.

Mindanao historian and former GRP peace panelist Prof. Rodil credits the MILF’s political or negotiating position for its constructive challenging of the very colonial foundations of our present sovereign state. The embodiment of this sovereignty, the Philippine Constitution or more precisely its constitutional tradition, however, upholds the questionable legitimacy of the Treaty of Paris of 10 December 1898 by which Spain ceded the Philippine Islands to the U.S. even though those Philippine Islands were already six months independent from Spain, and did not include the Bangsamoro sultanates of Sulu and Maguindanao, among others — which were long independent from Spain but which were eventually colonized by the U.S. and then incorporated into the Philippine republic with the U.S. grant of independence on 4 July 1946. Says Rodil:

*“This is the very constitution that upholds the primacy of colonial logic in the formation of our Philippine republic. This is the very same logic that led to the marginalization of the indigenous peoples of Mindanao. And now, is the government saying that we should use the same tool and the same colonial logic to correct the historical injustice perpetrated upon the Bangsamoro and the Lumad (indigenous highlander tribes)?... To solve the Bangsamoro problem, it seems that we have to make a number of major decisions. One, we have to complete the decolonization of the country and declare the Treaty of Paris as a colonial legacy that must go. Two, uphold the legitimacy of the Sultanates of Sulu, Sultanates of Maguindanao as de facto states in their own right at the time of the Treaty of Paris. Three, reorganize the Philippine republic on the basis of consent of the governed. Needless to say, we have to adopt a new constitution.” [5]*

And with that, also adopt a new history. Maybe adopt a new flag, or at least allow the flag of a Bangsamoro “sub-state” to be publicly hoisted and displayed with due respect to the flag of the Philippine state. This is decidedly bold and daring “thinking (aloud) out of the box” – meant to encourage (all right, provoke) some necessary rethinking and reimagining of our flag, our history

and our constitution in the context of seeking and pursuing peace, justice and healing in Mindanao and the rest of the country. In the process of building this substantive, relational and symbolic peace, we would be also no less rebuilding the state in a way that accommodates and does better justice to the aspirations of identity, way of life and self-rule of the culturally diverse peoples of Mindanao and the Philippines, in turn serving as a more solid foundation for national unity.

**by Soliman M. Santos, Jr.**, Naga City, 12 June 2011

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## **Footnotes**

[1] See his "The dilemma that is the Philippine flag," *Philippine Daily Inquirer*, 6/11/11, p. A13

[2] Amado Guerrero, *Philippine Society and Revolution*.

[3] Letter to the Editor, *PDI*, 6/10/11, p. A14. Available on ESSF (article 22002): [Philippines: An elitist, 'trapo' ARMM concern](#).

[4] See Vincent Cabreza, "How not to advocate autonomy," *PDI*, 6/8/11, p. A18. Available on ESSF (article 22003): [Philippines/Cordillera: How not to advocate autonomy](#).

[5] See MindaNews Commentary, 19 March 2010. Available on ESSF (article 22004): [Decolonize the Philippines, adopt a new constitution](#).