

## **The Reopening of Bethany Hospital under Dr. Earl A. Viernes vs. The Reopening of Bethany Hospital under the United Church of Christ in the Philippines (UCCP)**

*(Second of two parts)*

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By Bishop Jaime R. Moriles

### **How would Bethany Hospital be reopened under the United Church of Christ in the Philippines (UCCP)?**

1. **As to timeline.** There are two timelines toward fuller appreciation of Bethany's restoration. First, was pre-2014 GA restoration and second, post-2014 GA restoration. This delineation is only for pedagogical purposes to bring to light the position of Dr. Viernes as against UCCP management as to the matter of restoring Bethany. The pre-2014 GA restoration which I will associate with UCCP management's timeline was done this way: In December of 2013 Bethany Hospital Board of Trustees sent the following resolutions to the National Executive Council (NEC)- Resolution to Temporarily Close down the Hospital; Resolution to create Tukdaw Task Force for clearing and cleaning operation and Appointment of Dr. Udtohan as Chair of the Task Force with CEO function. The post-2014 GA restoration which I will associate with Dr. Viernes's point of view is a battlecry of the latter on the basis of the 2014 GA mandate to reopen Bethany as soon as possible. Considering that the pre-2014 GA restoration has already begun right after typhoon Yolanda damaged the hospital, there is nothing new in the GA action to reopen it because the world knew (and I'm specifically referring to our funding partners in Europe and U.S.) that the closure was only temporary.

Let me hark back to the pre-2014 GA restoration narrative that temporarily closed down hospital operation based on the resolution submitted by the Bethany Board to NEC. When Dr. Viernes insisted from the beginning that we open Bethany Hospital immediately, he was insisting on a restored image that can only impede favorable assessment to our damage claim for the hospital's insurance. As to SSS, we need to promptly inform them the closure action to temporarily relieve us from our legal obligations to employees as to the latter's monthly premium. Suppliers have to be paid but collectibles to patients can no longer be established after hospital records were wiped out. The unprecedented damage was all to our disadvantage, none to our advantage. And the rank and file had seen it and consigned to the fact that no work is possible in the horizon. Immediately, the Local Conciliation and Mediation Board was activated to strike a compensation/separation package and the management offer that was accepted even went beyond what was required by law. This offer was lauded by DOLE on top of the offer to enroll them on TESDA courses to transition them to work elsewhere, some even went abroad. There were tranches of releases of the compensation package that were prepared and actually handed over to the workers before DOLE official/s. But just about when the last tranche is to be released, the remaining recipients refused to consummate the offer, instead filed a multi-million legal complaints to the NLRC (National Labor Relations Commission) for illegal dismissal. They were about 65 of them, and these include, Dr. Viernes, some middle managers, and several rank and file. This last group of recipients, I would vouch, was largely influenced by Dr. Viernes to not accept the offer and filed instead a labor case against UCCP. What transpired in the subsequent court proceedings will tell us that the case of illegal dismissal has no legs to stand

and the eventual closure on the basis of financial losses was upheld by the court. The case was elevated then to the Court of Appeals but plaintiff failed to get a favorable decision. Not satisfied, they filed a Motion for Reconsideration but same was denied by the Appellate Court. The resolution of the consolidated case was only reached last December of 2016 in favor of the UCCP.

But let me add the trouble that we ran into at the onset of this case. Technically, Bethany's bank account was garnished by the court. In legal parlance, garnishment is a court order to freeze money or property of the defendant as they are set aside for payment when the court determines how much the defendant owes to the plaintiff. In this case, garnishee (UCCP management), is no longer allowed to arbitrarily dispose of the funds under its possession. This even affected the National UCCP's normal operation like when it issued checks for the pensioners in the East Visayas, my Jurisdiction, for the retired clergies. Unaware, the garnishment caused great disappointment to them upon encashment only to be told by the bank that UCCP's bank account was frozen. So, the UCCP National office had to promptly inform BPI Tacloban that UCCP Bethany is different from UCCP 877 EDSA. Only then that our pensioners, after several days then, were able to encash their checks but not after being inconvenienced on the cumbersome trips to the city since most of them are living in remote barangays and some, as far as the province of Samar.

Of course, we cannot just sit idly while waiting for the case to be resolved before we can jumpstart hospital services. In spite of this foreboding legal obstacle (fund garnishment), protracted labor case, we managed to utilize other fund sources to commence restoration process of Bethany's healing facility. Following permit application to operate the laboratory, diagnostic and treatment facility granted by DOH was the level 1 hospital accreditation. In this light, the former was eventually reopened together with the Out Patient Department (OPD). In the OPD, we officially admitted 34 consultants and 1 Doctor in the Dialysis Department. The latter is the most viable. To date, the existing five (5) units dialyser can no longer absorb the number of patients in Tacloban coming in per day. Additional units are contemplated, and early in 2018, we were joined by a neurosurgeon in the person of Dr. Khalil Ibaoc who helped us organize forthcoming full hospital operation.

It would help to reiterate then, that the UCCP management timeline has already begun since day one after typhoon Yolanda damaged Bethany Hospital. While there is good reason to technically refute the temporary closure of the hospital by seeking mandate from GA to reopen it, totally closing down the healing ministry in Tacloban was never in the minds of the UCCP management. The restoration process of the hospital since day one was never compromised except in the intervening months when the labor cases were lodged against the Church that extremely affected management's succeeding strategic decisions.

- 2. As to resources.** Our partnership covenant in mission from Europe and U.S. has been characterized not only by sending mission coworkers abroad or by hosting foreign mission coworkers in the country, but oftentimes, marked by support- human, technical and financial- in times of calamity. In the case of Bethany's devastation, UCCP has communicated to these mission partners, particularly, to UEM and Bread for the World in Germany, the need to rehabilitate Bethany Hospital.

In January of 2014, about two (2) months after the devastation in November 2013, there was an assessment and planning session of our Church held at Happy Nest in Mandaluyong (Garcia Family residence) attended by the different Commissions and officers of our Church. It was at that time that the funding proposal written by Dr. Mike T. Udtohan, Tukdaw Task Force member in Tacloban, to rehabilitate Bethany was received and discussed by the CSRD. I was the Bishop assigned to sit down with this Commission. In fact, Dr. Everett Mendoza and Dr. Noriel Capulong were around in that gathering but both were sitting as members of the Faith and Order Commission. It was in the CSRD discussion and recommendation that the first official cognizance of the Church's proposal for funding to rehabilitate Bethany Hospital was adopted. The urgency to rehabilitate Bethany then was reflected in the smooth approval of several recommendations of this nature that went through the bureaucratic mill of the Church. To be honest, even before the 2014 GA's mandate to rehabilitate Bethany and up until 2016, everyone was on board with NEC's effort to jump start the rehabilitation plan.

I told everyone I met that the uproar in the social media concerning actions coming from the UCCP national leadership stemmed from the opposition of some members of the Faith and Order Commission to put up a Holding and Realty Company of the Church in spite of the fact that this proposal was already approved at Magugpo National Council in Tagum City, Davao del Norte. This was originally the bone of contention raised by FOC, never the ongoing effort to rehabilitate Bethany Hospital and ensuing property development plan in Malate. The latter was an important move to address the perennial concerns of the Church as to operation, long-established Church Workers Benefit program that the incumbent leadership has moral obligation to carry them over like mortuary, medical and pension. In fact, I bewailed over the fact that when the 2014 GA mandated NEC to rehabilitate Bethany Hospital, there was no corresponding budget to carry out such huge rehabilitation plan. We always do this even in the Local Church level where we approve certain activity and no discussion where to get the money leaving the Treasurer in a quandary where to get sources to implement such. Against this background, I would like to believe that recommendation coming from NEC relative to fund generation like the Gaisano lease agreement confirmed by the National Council, was completely and absolutely part of NEC's ingenuity and resourcefulness to raise funds in reviving the healing ministry in Tacloban not otherwise provided for by the General Assembly. The current questions, therefore, on the propriety or legality of the lease contract entered into by the NEC with Gaisano must be weighed heavily on the side of the rehabilitation mandate.

In the meantime, the implementation of the action to put up a Holding and Realty Company was incidentally forgotten but the fund generation component (foremost, VistaLand Joint Venture) that was essentially needed for the church to fund its ministries became the collateral damage in the ensuing discourse.

3. **As to legal personality.** As Dr. Earl E. Viernes will retain the name Bethany Hospital and continue running it without being registered with the Securities and Exchange Commission (SEC), the United Church of Christ in the Philippines' leadership, by all means, will not allow to let this compromised existence continue. So, Bethany Hospital must, first things first, be officially registered with the Securities and Exchange Commission.

The existence of Bethany Hospital has to be legally remedied. The remedy is: for the UCCP healing ministry to rise again in Tacloban, it must be registered with the Securities and Exchange Commission (SEC). With all candor, retaining the name Bethany was foremost in the minds of every member of NEC. Personally, Bethany Hospital was preeminent. This is the hospital that saved my mother from a tumor surgery in the uterus and a hospital that converted my father to Protestantism (his dramatic conversion can pass upon as blockbuster for MMK). Thus, from the beginning, the National Executive Council (NEC) through CEO, Dr. Miguel T. Udtohan, proposed names that sentimentally wish to retain the glorious name, Bethany, with additional modification to avoid hitting possible names similarly registered with SEC. These are: "UCCP Bethany Hospital" and the other one "Bethany Medical Center." Unfortunately, both were rejected by the SEC. In fact, even the newer compromise, "UCCP Integrated Health Ministry," was also rejected. The reason given by SEC was that the name "UCCP" is similar to the corporate name of UCCP (877 EDSA) and the endeared name "Bethany" is already an existing one. Let us remember that we have another Bethany Hospital in La Union (UCCP owned) which is also currently the subject of a legal controversy because the Medical Director is virtually running it like he owns it. Finally, from the several names that were presented to the SEC, it was the name United Shalom Medical Center (USMC) that was officially admitted and approved.

It is in this light that the issue of closure of Bethany Hospital due to financial losses and labor problem becomes secondary in relation to the overarching necessity to register the healing facility as a legal entity with the Securities and Exchange Commission (SEC). Put differently, the closure of Bethany Hospital is only incidental from the original position of the Church that a reconstituted healing ministry in Tacloban must, first of all, be registered with the Securities and Exchange Commission (SEC).

**On a more personal note.** Bethany's non-registration with SEC more than ninety (90) years had passed was unbelievable to many. Thus, when I first unravel this fact in a PAGMATA forum in Tacloban on March 16, 2018, I was booed and jeered by well-meaning participants inside the Church, UCCP Tacloban. They cannot believe what they heard. Ignorance is sometimes mean. It can easily lead well-meaning ones toward inordinate behavior. But protagonist, Dr. Viernes, couldn't just betray his knowledge and conscience on this matter. It would appear that he rose on my behalf to reiterate confirmation of the fact that Bethany, indeed, was not registered with the SEC. Because of this, gratuitously, the well-meaning and upright mob calmed down and behaved.

However, the importance of including this episode cannot be overstated. Unknown to many that time was the presence of a prominent Tacloban UCCP member and leader in the person of Mr. Lolong Velasquez. He was a long-time friend, we grew up together in Sunday School in Ormoc City UCCP, migrated to Tacloban where he became an active UCCP Tacloban member and just recently returned from a missionary trip to Vietnam. In said PAGMATA forum, he was the one passing around microphones for speakers taking turns to speak in a highly sensitive, tense and frequently offensive exchanges. Just about when the forum was going to wind up, and I believe, he was waiting for this right time to come, he stood up and challenged the people gathered to pray- pray for the current situation of our Church and even inquired whether or not we have prayed before we opened the forum. While everyone confirmed that we formally opened the forum with a prayer, he doggedly pursued his agenda on prayer and its importance in addressing

the unity of the Church. As he was behind me standing he approached me without me knowing and tapped my shoulder while simultaneously announcing, “I will pray for the Bishop, I will pray for you (pointing to Ms. Nancy Estoloso), I will pray for each one of you, I will pray for the Church, etc, etc...” After saying all these he sat in the pew across the aisle where I was sitting and before a minute had gone by he had seizure and succumb to cardiac arrest.

His feelings at that moment can be validated by what he uttered. Never did he mention that he was sad because of what the national leadership is doing. What I was certain, though, that as a person who knew me, he pitied me because of the mob’s treatment against a Bishop of the Church and a friend. I was personally humiliated and offended by the kind of treatment heaped against me by the throng. The same humiliation and shocked I got in the PAGMATA forum that I followed in Maasin UCCP while I was speaking when Dr. Everett Mendoza yelled at me in front of Church officers and members to “stop defending the national leadership!” Unbelievable! As Bishop of the Church, I am part of the national leadership! How could I keep silent when the Church is being attacked maliciously and without basis? Back in Tacloban UCCP, absolutely, no one knew in that forum my deep friendship with Lolong, family ties and devotion to Church activities that date back on our Sunday school days. Dr. Viernes, his wife and myself were one at that moment trying to physically revive Lolong. I was elevating a little his head using three Church Hymnals, Dr. Viernes massaging his mouth and taking turns with his wife to administer CPR. We were at that moment united, silently praying, before the rescue team arrived. When Lolong was brought to the hospital, people in the assembly who were still around in the sanctuary gathered together at the prodding of Mrs. Anecita Villanueva, one of Tacloban UCCP’s Church Elders and requested me to pray. I gave the closing prayer and asked for God’s intervention upon Lolong. That was about 5:30 in the afternoon. At past 8:00 P.M. news reached to us from the hospital that Lolong died.

I am not in a position to pass judgment the agony that our Church constituents endured over PAGMATA’s success of inciting disgruntled Church people to indiscriminately attack the national leadership that brought them to limelight and stardom in the social media. But I will wholeheartedly embrace the challenge of Lolong to continually pray for the unity of the Church.  
*(End of 2 parts series)*