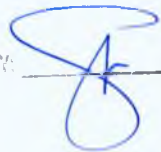


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 DEC 12 P1 :40

SENATE
S. No. 1609

RECEIVED BY: 

Introduced by Senator Robinhood Padilla

AN ACT
PROTECTING FREE EXERCISE AND ENJOYMENT OF RELIGION OF
STUDENTS IN EDUCATIONAL INSTITUTIONS AND PROVIDING PENALTIES
FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

The Constitution protects and forever allows the free exercise and enjoyment of religious profession and worship without discrimination or preference. (Section 5, Article III, Constitution) The Constitution allows religion to be taught in public elementary and high schools within the regular class hours by instructors designated or approved by the religious authorities of the religion to which the children or wards belong, at the option expressed in writing by the parents or guardians. (Section 3 (3), Article XIV, Constitution)

Likewise, the Constitution provides that the State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions. (Section 4 (1), Article XIV, Constitution)

Universal Declaration of Human Rights, Article 18 states that [e]veryone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance."

The Supreme Court, in the case of Islamic Da'wah Council of the Philippines, Inc. vs. Office of the Executive Secretary of the Office of the President (G.R. No. 153888, 9 July 2003), said that freedom of religion is "designed to protect the broadest possible liberty of conscience, to allow each man to believe as his conscience directs, to profess his beliefs, and to live as he believes he ought to live, consistent with the liberty of others and with the common good." It puts emphasis on two important facets: the freedom to believe and the freedom to act on one's beliefs.

Over the years, there have been accounts of how educational institutions fall short, if not totally fail, in distinguishing students by the basis of religion and similarly, prescribing religious classes in their curriculum that are offered to all students in general.

However, the problem arises when students are compelled to enroll in religious classes and attend academic activities that interfere with their religious tenets and practices. Without the discretion to excuse themselves or exemption from these religious classes, students are inclined to practice and engage in religious beliefs different from their faith.

Students must be given the liberty to disassociate and excuse themselves from participating in any religious classes and activities that interfere with his religious tenets or faith without the fear of expulsion, sanction or reprimand. This bill provides that educational institutions guarantee religious freedom and create a learning environment respectful and protective of students' religious beliefs.

In view of the foregoing, the passage of this bill is earnestly sought.



ROBINHOOD PADILLA
Senator

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* — This Act shall be known as the "Protection of Students'
2 Religious Belief Act".

3 Sec. 2. *Declaration of Policy.* — The State shall guarantee the free exercise and
4 enjoyment of religious profession and worship without discrimination or preference. It
5 is also the policy of the State to recognize the role of public and private institutions in
6 the educational system and to exercise reasonable supervision and regulation of all
7 educational institutions.

8 Sec. 3. *Definition of Terms.* — As used in this Act:

- 9 a) *Educational institution* refers to a public or private educational institution
10 which includes basic, higher, technical, and other learning institutions.
- 11 b) *Religious subject* refers to a subject that pertains to religious teachings,
12 values, beliefs, behaviors, and institutions;
- 13 c) *Religious activities* refer to activities and performances pursuant to
14 religious teachings and beliefs;

1 d) *Religious premises* refer to an area used for religious purposes. They
2 include areas that may not have been previously used for religious
3 purposes; and

4 e) *Students* are those who are enrolled in basic, higher, technical, and other
5 learning institutions.

6 **Sec. 4. *Students Free Exercise of Religious Belief.*** — Educational institutions
7 shall respect the right of a student to freely exercise and enjoy his or her religious
8 belief without discrimination or preference.

9 **Sec. 5. *Protection of Students' Religious Beliefs.*** — Educational institutions:

10 a) Shall ensure that all students are not discriminated against on account
11 of their religious belief, affiliation, or engagement in any religious
12 activity;

13 b) Shall respect every student's right to express or wear their respective
14 religious clothing inside their educational campus or during school-
15 related activities outside the school premises; and

16 c) Shall be prohibited from requiring students to participate and attend any
17 religious activity or their performance.

18 **Sec. 6. *Teaching of a Different Religion.***— No student shall be required to be
19 taught with, to be enrolled in, or to take a religious value, lesson, subject, or course
20 different from his or her religion by an educational institution without the written
21 consent of the student. In cases wherein the student is a minor, the parent or legal
22 guardian shall execute the written consent on behalf of the minor or ward.

23 **Sec. 7. *Penalty.*** — Any person violating Sections 4, 5, or 6 of this Act shall pay
24 a fine of Five Hundred Thousand Pesos (Php500,000.00), or suffer a penalty
25 imprisonment of not less than six (6) years, or both, at the discretion of the court.

26 If an offender is a public official, officer, or employee, he or she shall pay a fine
27 of Five Hundred Thousand Pesos (Php500,000.00), and imprisonment of not less than
28 six (6) years.

29 If the offender is a corporation, organization, or any similar entity, the officials
30 or employees directly involved shall pay a fine of Two Million Pesos (Php2,000,000.00),
31 or suffer a penalty of imprisonment of eight (8) years, or both, at the discretion of the
32 court.

1 *Sec. 8. Awareness and Educational Activities.* — The Department of Education
2 (DepEd), Commission on Higher Education (CHED), Technical Education and Skills
3 Development Authority (TESDA), and the Commission on Human Rights (CHR) shall
4 conduct awareness and educational activities in order to promote this Act.

5 *Sec. 9. Implementing Rules and Regulations.* — Within ninety (90) days from
6 the effectivity of this Act, DepEd, CHED, and TESDA, in consultation with the CHR and
7 stakeholders, shall promulgate the rules and regulations to effectively implement the
8 provisions of this Act.

9 *Sec. 10. Separability Clause.* — If any portion or provision of this Act is declared
10 unconstitutional, the remainder of this Act or any provisions not affected shall thereby
11 remain in force and effect.

12 *Sec. 11. Repealing Clause.* — Any law, presidential decree or issuance,
13 executive order, ordinance, rule, or regulation inconsistent with the provisions of this
14 Act is hereby repealed or modified accordingly.

15 *Sec. 12. Effectivity Clause.* — This Act shall take effect after fifteen (15) days
16 following its complete publication in the Official Gazette or a newspaper of general
17 circulation.

Approved,