

**A Practical  
Guide to  
Religious  
Freedom  
in the  
Philippines**

# FINDING COMMON GROUND

All of us have the freedom to choose, share, and live what we believe. Because we value our own religion and beliefs, we should put high value on the right to religious freedom of all people. How do we go about sharing the principles of freedom of religion in our communities? Is there a way to find common ground?

*The following strategies may allow you to find common ground in your community:*

## **BECOME INFORMED**

It is important to be informed and understand the rights and basic principles of freedom of religion. This brochure contains some relevant information with regards to your rights and the basics of freedom of religion. Stay aware of what's happening in the news regarding religious freedom.

## **LISTEN TO ALL SIDES**

Listen and show concern for the religion and sincere beliefs of others. Though you may not share the beliefs or convictions of another, focus on seeking to understand each other's perspective and be respectful of differing opinions. Be wise in explaining and pursuing your positions and ask that others not be offended by your sincere religious beliefs.

## **PRACTICE CIVILITY**

In order to live with differences of opinion and beliefs, it is critical to know how to debate and not just what to debate. Your views and communications on controversial topics should not be contentious. Treat

all people with civility and respect while striving to be accurate and fair. When your positions or views do not prevail, you should accept unfavorable results graciously and practice civility. Remember to reject persecution and prejudice of any kind, including persecution and prejudice based on race, ethnicity, religious belief or nonbelief, and differences in sexual orientation.

## PROMOTE TOLERANCE

In relationships and circumstances in life, people must live with differences. Your side of those differences should not be denied or abandoned, but you should live peacefully with others who do not share your values or accept the teachings upon which they are based. Strive to teach values and standards of behavior to those around you without having them distance themselves or showing disrespect to any who are different.

## BUILD TRUSTED RELATIONSHIPS

Build trusted relationships in your community among people of diverse opinions. As you get to know more people and understand each other's beliefs you will be able to find ways to protect one another's rights in a way that benefits everyone. Concentrate on what you have in common with your neighbors and fellow citizens. Then, as you work together, speak out for religion and the importance of religious freedom.

# RELIGIOUS FREEDOM IN INTERNATIONAL LAW

In addition to the protection of religious freedom in each country, there are international instruments and legal documents that protect the right of religious freedom. In 1948, the right to freedom of religion and conscience was introduced by the Universal

Declaration of Human Rights. Since then, there have been additional covenants and conventions that establish and develop this right at the international level.

## What protections do I receive under international law?

International instruments establish that all people are equal before the law, regardless of their religion. Also, no one is to be discriminated against on the basis of religion as this is an offense against human dignity and is condemned as a violation of human rights and fundamental freedoms.

## What freedoms do these international instruments include?

### *Freedom of thought, conscience and religion.*

This freedom includes freedom of thought and personal conviction on all matters including commitment to religion and religious beliefs, as well as the freedom to adhere to and express beliefs. It allows no limitations on the freedom to have or adopt a religion or belief of one's choice. No one can be compelled to reveal his thoughts or adherence to a religion or belief.

### *Freedom to change religion or beliefs.*

All people have the right to leave one religion or belief and to adopt another, or to remain without any at all. The use of threats, physical force, penal sanctions, policies or practices to force a person to adopt, change, or maintain certain religion or belief is prohibited.

### *The freedom to manifest and profess your own religion or beliefs, individually and collectively, both publicly and privately.*

Everyone enjoys the right to peacefully manifest and share religion or belief with others, without the approval of the State or another religious community. This right is not limited to members of registered religious communities. Moreover,

compulsory registration for religious communities or organizations to enjoy their rights is prohibited.

***The freedom to manifest your religion through teaching, practice, worship and observance.***

**The freedom to manifest religion or belief in worship, observance, practice, and teaching includes a broad range of acts:**

- Worship and observance extend to ritual and ceremonial acts giving direct expression to belief, as well as practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.
- Practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their internal affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools, and the freedom to prepare and distribute religious texts or publications.

***The freedom of parents and guardians to have their children or pupils receive religious or moral education in accordance with their own convictions.***

Children enjoy the right to have access to religious education in accordance with the wishes, religion, or convictions of their parents or guardians. Likewise, children should not be forced to receive religious instruction that is contrary to the desires of their parents or guardians. In the best interests of each child, the State should encourage an atmosphere of religious tolerance in schools and promote respect for pluralism and religious diversity.

**Is there any limitation to these freedoms?**

Yes. There are certain limitations under law to protect fundamental rights and freedoms of others, including public safety, order, health, and morals. However,

restrictions may not be imposed for discriminatory or prejudicial purposes or applied in a discriminatory or prejudicial manner.

# FREEDOM OF RELIGION AND WORSHIP IN PHILIPPINES

**What is the right to freedom of religion?**

It is the fundamental right to adhere to your own beliefs and convictions without unreasonable restrictions. This right protects people from unwarranted demands, intrusions, or prohibitions in the development of their personal religious life.

The Philippine Supreme Court has ruled 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 has a two-fold aspect - the freedom to believe and the freedom to act on one’s beliefs.<sup>1</sup>

The Philippine Constitution provides for the free exercise of religious expression and religious worship. No religious test is required for the exercise of civil or political rights. The constitution provides for the separation of religion and state. Intentional attacks directed against buildings dedicated to religion are war crimes or crimes against international humanitarian law.

**What is the freedom to believe and the freedom to act on one’s beliefs?**

The freedom to believe is the right and privilege of an individual to believe (or disbelieve) as he pleases.

<sup>1</sup> Re: Letter of Tony Q. Valenciano, Holding of Religious Rituals at the Hall of Justice Building in Quezon City, A.M. No. 10-4-19-SC.

He may have his own theories about life and death, worship any god he chooses, or none at all, embrace or reject any religion or religious conviction as he and he alone sees fit.<sup>2</sup> This freedom is absolute as long as it is within one's thoughts.<sup>3</sup>

The freedom to act on one's beliefs is the right and privilege of an individual to manifest his beliefs through external acts or omissions, provided such actions do not interfere with public safety, health, peace, or another compelling interest of society.

### What are the laws that protect religious freedom?

**The Philippine laws that defend religious freedom are:**

- Articles II, III, XIV, XV of the Philippines Constitution.
- The Civil Code of the Philippines, Articles 26 (4), 32 (1)
- The Revised Administrative Code of 1987, Book I, Chapter 7, Section 26
- The Revised Penal Code of the Philippines, Articles 132 and 133 (Phil.).
- The Labor Code of the Philippines, Articles 3, 91, 94
- Republic Acts No. 9177 and 9849, or the laws declaring the Islamic holidays of Eid'1 Fitr and Eid'1 Adha as national holidays
- Presidential Decree No. 1083, or the Code of Muslim Personal Laws of the Philippines
- Republic Act No. 9054, or the Organic Act for the Autonomous Region of Muslim Mindanao
- Republic Act No. 9997, or the National Commission on Muslim Filipinos Act of 2009

- Republic Act No. 9851, or the Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity
- Republic Act No. 11054 or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao

### Is there an official religion of the Philippines?

The Philippines has no official or state religion. The government must respect all religions without discrimination. In fact, the Philippine Constitution prohibits the establishment of a state religion by law.

### What can I do when my right to freedom of religion and worship is violated?

Religious freedom is a human right and the State has the obligation to promote, respect, protect, and guarantee such right to all. If it is violated, the State must prevent, punish, and remedy the violations of this human right.

Civil and/or criminal cases may be filed by the injured party against the persons violating his right to freedom of religion. Also, complaints concerning violation of rights of freedom of religion and worship may be made to the Commission on Human Rights (CHR) or the Presidential Task Force on Interreligious and Intercultural Concerns. These agencies monitor issues relating to religious freedom.

## RELIGION IN THE PUBLIC SQUARE

### Can I express my religious views in public?

Yes. The right to religious freedom, as established in the Constitution, allows all Filipinos to have their own religious beliefs or not, as well as to change them. It also allows a person to share these beliefs

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

individually or in association with other individuals. Public authorities or persons who profess different religions are not allowed to interfere with this right/privilege. However, the exercise of this right may be limited by rules to maintain public order, welfare, health, and safety.

### Can I share or preach my beliefs to others?

Yes. Along with the right to make known a person's religious beliefs, there is also the freedom to practice and disseminate religion. This right allows people to direct their lives, decide how they want to participate in their community, and make their religion's doctrine, teachings, and practices known to others. It is also permissible to exchange these beliefs peacefully with others in order to gain adherents to their creed.

It is important to recognize that this right protects the worship of a deity and the observance of religious practices, but also includes the expressions of atheist groups, unorthodox religious groups, and associations that promote religious aspects of its adherents. However, the practice of religious beliefs are subject to the rules of conduct established for promoting justice, peace, good manners, and other values that must be preserved in the society.

### Can I be part of a religious entity or organization?

Yes. People have the right to associate and participate in religious activities as groups and communities, which includes the right to establish places of worship or gathering, to freely exercise their own ministry, to establish their own structure and hierarchy, and to direct their own institutes of theological studies, among others.

### What are the government authorities that regulate religious entities?

No religious entity is subject to regulation by any governmental authority. However, if a religious entity wishes to operate as a corporation, it will be subject to regulation by the Philippine Securities and Exchange Commission.

## RELIGIOUS FREEDOM IN THE WORKPLACE

### What is the relationship between religious freedom and working hours?

Under the Labor Code, an employee's working hours are part of an employee's working conditions. The law does not recognize any particular distinction for religious reasons. However, when based on religious grounds, the Labor Code requires an employer to respect the employee's preference as to his weekly rest day.

### Can I wear religious clothing to work or refuse to wear a uniform because of my religious beliefs?

There is no specific Philippine law or regulation on wearing religious clothing in the workplace. Nevertheless, in recognition of a person's right to freely exercise his religion, an employee is generally allowed to wear religious clothing to work, or refuse to wear certain clothing as a uniform. However, an employee may be required to wear appropriate work attire if it is essential to his safety, health, public order, or welfare (e.g., protective helmets / headgear, sanitary scrubs, etc.).

## RELIGIOUS FREEDOM IN SCHOOLS

### Can there be religion classes in public schools?

Yes. At the written option of the parents or guardians, religious instruction can be taught to their children or wards in public elementary and high schools during regular school hours. The instructors shall be designated or approved by the authorities of the religion to which the children or wards belong, without additional cost to the government.<sup>4</sup>

<sup>4</sup> Constitution, Article XIV, Section 3(3).

The religion class is separate and distinct from the values education instruction prescribed by the school curriculum. Religious groups may also distribute religious literature in public schools.

With respect to public schools in Muslim communities, the regulations require that Arabic language and Islamic values education classes be offered to students.

### **Is it mandatory for students to participate in the religious education offered in their schools?**

Participation in religious classes offered in public schools is optional on the part of the students' parents or guardians.

### **Can students refrain from taking saluting the flag, singing the national anthem and reciting the patriotic pledge?**

Yes. The Supreme Court has ruled that students of a religious group may not be expelled or sanctioned for refusing to salute the flag, sing the national anthem, and recite the patriotic pledge.

According to the Supreme Court, religious freedom as a fundamental right deserves the highest priority and amplest protection among human rights. The Supreme Court further ruled that expulsion orders based on failure to participate violate both the free exercise of religion clause and the right of citizens to education under the 1987 Constitution. However, those choosing not to participate in these activities must be respectful and not disrupt the activities.<sup>5</sup>

### **Can students refrain from participating in activities established in the academic calendar because of their religious beliefs?**

Yes. The Supreme Court has ruled that a student may be exempted from academic activities if such activities interfere with his religious tenets or practices. Such exemption may be allowed provided

the student submits an appropriate certification signed by his pastor, priest, minister or religious leader.

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Thus, schools should be respectful of students who, because of their religious beliefs, may not regularly attend all of the scheduled activities or other student obligations. For example, students who do not participate in activities scheduled for Saturday, Sunday, or any other day on which to refrain from performing certain activities is established by their religion.

## **MILITARY SERVICE**

### **Is there any exemption for religious ministers in regards to mandatory military service?**

Yes. Unless they volunteer, members of the clergy of any religious order or sect are exempted from compulsory military training and service.<sup>7</sup>

## **RELIGION AND JUSTICE**

### **Can I refrain from taking an oath in legal proceedings because of my religious beliefs?**

Philippine law does not provide an express

<sup>5</sup> *Ebralinag v. Division Superintendent of Schools of Cebu*, G.R. No. 95770, 1 March 1993.

<sup>6</sup> *Valmores v. Achacoso*, *supra*.

<sup>7</sup> *Republic Act No. 7077, Section 15(1) in relation to Section 32.*

exemption from taking an oath in legal proceedings because of religious beliefs. However, it has been recognized that persons can take a solemn affirmation, in lieu of an oath, for religious reasons.<sup>8</sup>

### Can judges make decisions based on their religious beliefs?

No. Judges must decide cases based on law, regardless of their religious beliefs.<sup>9</sup>

### Is there any protection for statements made in confidence to religious ministers?

Yes. A minister, priest or presiding elder cannot, without the consent of the person making a confession, be examined as to any confession made or any advice given by him in his capacity as a minister, priest or presiding elder.<sup>10</sup>

### For the protection to apply, the following must be established:

- a) There must be a clergyman or priest and a penitent;
- b) There must be a confession of a penitential character;
- c) The confession must have been made to the priest in his professional character; and
- d) The confession is sanctioned by the church to which the religious minister or priest belongs.

<sup>8</sup> See Revised Penal Code, Article 183. An affirmation is a solemn and formal declaration of the truth of a statement that takes the place of an oath. It is also used when a person cannot take an oath because of religious convictions (West's Encyclopedia of American Law, edition 2 (2008)).

<sup>9</sup> *People v. Veneration*, G.R. No. 119987-88, 12 October 1995.

<sup>10</sup> *Rules of Court*, Rule 130, Section 24 (d).





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