

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5170



Introduced by Rep. Edcel C. Lagman

EXPLANATORY NOTE

Carlos Celdran, the cultural activist and patriot, died a freeman.

The Supreme Court failed to resolve with finality before he died on October 8, 2019 his latest pending motion for reconsideration which sought the reversal of the High Court's initial upholding of his improvident conviction by the lower court for purported violation of Article 133 of the Revised Penal Code which provides:

Art. 133. *Offending the religious feelings.* – The penalty of *arresto mayor* in its maximum period to *prision correctional* in its minimum period shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.

It is now for the Congress of the Philippines to render justice and redress to Celdran by repealing the aforequoted archaic provision which is an odious remnant of the Dark Ages.

Article 133 is anathema to freedom of speech and expression which is guaranteed under the Bill of Rights in the 1935, 1973 and the present 1987 Constitution.

The Bill of Rights is a compendium of individual rights which are protected from transgressions principally by the State, not by private persons.

Unlike Article 132 which penalizes interruption of religious worship by any public officer and employee, Article 133 is not even explicitly protective of the freedom of religion because it sanctions the acts of anyone which are "notoriously offensive to the feelings of the faithful". This is utterly subjective and leaves to the undue discretion of the court to divine the inculpatory element of "wounded religious feelings". It is an amorphous offense which is offensive to the freedom of expression and fails to set any objective standards on the gravamen of the crime.


It will be recalled that during the height of the arduous crusade for the enactment of the Reproductive Health Bill, now Republic Act No. 10354, on September 30, 2010, Celdran, dressed as national hero Jose Rizal, meandered towards the main altar of the Manila Cathedral where an ecumenical service on bible distribution by Catholic and

Protestant leaders was being held. He raised a placard with the name "Damaso" in reference to the villainous friar from Rizal's novel *Noli Me Tangere*. He made a political statement, not a religious one, that unlike Padre Damaso, the Catholic hierarchy must not interfere in secular affairs like the passage of the Reproductive Health Bill even as Protestant bishops did not oppose the measure.

He also made an apt reminder of St. Matthew's invocation that "Render to Caesar the things that are Caesar's; and to God the things that are God's".

The repeal of Article 133 of the Revised Penal Code will forever foreclose similar prosecutions and travails of well-meaning critics which Carlos Celdran unjustifiably suffered and endured.

Accordingly, the approval of this bill is earnestly sought.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a small flourish.

EDCEL C. LAGMAN

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**AN ACT
REPEALING ARTICLE 133 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE "REVISED PENAL CODE",
AND FOR OTHER PURPOSES**

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

SECTION 1. – *Repeal of Article 133 of Act No. 3815.* – Article 133 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, which reads:

*"Art. 133. Offending the religious feelings. – The penalty of *arresto mayor* in its maximum period to *prision correctional* in its minimum period shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful."*

is hereby repealed.

SECTION 2. Retroactive effect. – All pending criminal cases, and related civil cases, if any, for violation of Article 133 of the Revised Penal Code shall be dismissed upon the effectivity of this Act.

SECTION 3. Effectivity. – This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,