

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. **7449**



Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

AN ACT
PROTECTING THE RIGHT OF THE PEOPLE TO FREEDOM OF RELIGION IN
THE PHILIPPINES GUARANTEED UNDER SECTION 5, ARTICLE III OF THE
CONSTITUTION

EXPLANATORY NOTE

Section 5, Article III of the 1987 Constitution guarantees that the “free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed,” while Section 6, Article II declares that the separation of Church and State shall be inviolable. Consistent with these twin commands, the Supreme Court has repeatedly affirmed that religious freedom enjoys a preferred status in our constitutional order, subject only to regulation of external acts when necessary to protect public welfare and the rights of others. “The right to religious profession and worship has a two-fold aspect, freedom to believe and freedom to act on one’s beliefs. The first is absolute as long as the belief is confined within the realm of thought. The second is subject to regulation where the belief is translated into external acts that affect the public welfare.”¹

In applying these constitutional principles, the Court has adopted the doctrine of benevolent neutrality accommodation, under which the State, while remaining secular, should, to the greatest extent constitutionally permissible, accommodate religious exercise, and may be required to recognize exemptions from generally applicable rules when religious liberty is substantially burdened, absent a sufficiently compelling and narrowly tailored justification. This approach reflects the constitutional commitment to mutual respect, the State does not establish religion, yet neither does it treat sincere religious exercise as a mere private preference that may be casually overridden. The Court likewise underscores that separation of Church and

¹ 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 March 7, 2017.

State rests on mutual restraint: the State may not prefer a religion, and religious institutions may not impose dogma as law upon the citizenry.²

This bill, therefore, seeks to provide a comprehensive statutory framework that: (1) affirms and operationalizes the constitutional protections of freedom of religion and liberty of conscience; (2) prohibits coercion, harassment, and discriminatory conduct on account of religion or conscience by both public and private actors; (3) enumerates protected religious acts, such as worship, observance, practice, teaching, propagation, and dissemination of religious publications; (4) safeguards institutional autonomy of religious groups, consistent with existing laws; and (5) defines narrow, constitutionally grounded limitations, allowing regulation only when the free exercise results in violence and when necessary to protect public safety, public order, health, property, and good morals, using the least restrictive means.

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



BIENVENIDO M. ABANTE, JR.

² Imbong, et al. v. Ochoa, et al. G.R. No. 204819 April 8, 2014.

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CONSTITUTION

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

SECTION 1. Short Title. - This Act shall be known as the “**Magna Carta on Religious Freedom Act.**”

SEC. 2. Declaration of Policy. - It is the declared policy of the State to protect and uphold the fundamental and inalienable right of every person to freely choose and exercise one’s religion and beliefs and to act and live according to one’s conscience as guaranteed under Section 5, Article III of the Constitution and other international human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, to which the State is a party or that it adheres thereto.

The right of every Filipino to profess, practice, and propagate religious beliefs must always be recognized, respected, allowed, and protected.

Towards this end, the State must ensure that no act of the government or any of its agencies, instrumentalities, officers or employees shall burden, curtail, impinge or encroach on the person’s right to exercise one’s religious belief, freedom and liberty of conscience. In addition, the government must also prohibit any act by a person, natural or juridical, or any group of persons that burdens, curtails, impinges, or encroaches on the said right.

SEC. 3. Definition of Terms. - As used in this Act:

- a. *Atheism* refers to the denial of the existence of a personal God or deity, and shall be treated as a form of religion for the purpose of entitlement to the protection of freedom of religion and conscience;

- b. *Child* refers to any person below eighteen (18) years of age or older but who is incapable of taking care or protecting oneself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition as defined under Republic Act No. 7610 as amended otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act;
- c. *Conscience* refers to a person's sense or conviction of right or wrong whether or not such sense or conviction comes from a well-defined religious belief;
- d. *Discrimination* refers to any distinction, exclusion, restriction or preference on the basis of a person's religion or conscience and which has the purpose or effect of burdening, curtailing, impinging or encroaching on the person's right to freedom of exercise of religion and liberality of conscience;
- e. *Expression of religious belief or conscience* refers to the outward or overt manifestation of one's religious belief or conscience, whether by speech, or action, sense or conviction of right or wrong, whether or not such sense or conviction comes from a well-defined religious belief;
- f. *Guardian* refers to a legal guardian or any person, other than the biological parents, who takes the responsibility of taking care of the personal and property rights of a child; *Religion* refers to a particular system of belief, faith, or "paniniwala" concerning God or Higher Authority, whether personal or otherwise, or a transcendent or divine deity or deities, as well as the recognition, worship, obedience, or submission to said God or Higher Authority, either by a fixed dogma, creed, set of doctrines or belief, or code of conduct or lifestyle, or by an individual's sense of appropriate or proper behavior, code, or lifestyle in relation to that God or Higher Authority;
- g. *Religious Belief* refers to a particular belief or set of beliefs held by a particular religion, or by an individual person;
- h. *Religious Freedom* refers to the freedom to change, adopt, or retain one's religion or belief; or from coercion that would impair one's freedom to have or adopt a religion or belief of one's choice, and to manifest one's religion or belief in worship, observance, practice and teaching, in public or private, either individually or in community with others;
- i. *Religious group* refers to a church, religious entity, religious organization or group of persons who have formed together into a congregation for the worship of a Higher Authority according to the group's established

doctrines and ceremonies whether or not the same is registered with the government. For purposes of this Act, the group does not need to be registered to be entitled to recognition as a religious group.

SEC. 4. *Freedom of Religion and Conscience Protected.* – The right of every person to freedom of religion and liberty of conscience, as well as the free exercise or expression thereof, as defined and enumerated in this Act, shall be protected by the State. It shall not be denied, burdened, regulated, or curtailed even if it is a result of the rule of general applicability of existing laws, except in the cases provided for in Section 6 hereof.

SEC. 5. *Scope.* – This Act shall not apply to the act of the Government in enacting laws in the exercise of its police power. If any such law is declared unconstitutional, the law shall be invalidated but the Government through its responsible officers, shall not be subjected to any prosecution under this Act.

SEC. 6. *Exception Clause.* – The right of every person to freedom of religion, or the free exercise thereof, and liberality of conscience can be denied, regulated, burdened, or curtailed only if it can be demonstrated

- a. the free exercise of religious freedom or conscience of a religious group or individual results to violence; and
- b. it is necessary to protect public safety, public order, health, property and good morals

Further, the State shall ensure that in burdening, regulating, or curtailing religious freedom or freedom of conscience in the circumstances above-mentioned, the State shall adopt the least restrictive means. It shall also ensure that the measures taken do not become a basis, reason, or excuse for the defamation, discrimination, or infliction of physical harm, hostility, violence, war, or dissemination of propaganda or advocacy against any such person or group of persons whose expression of religious freedom or conscience is subject of burden, regulation, or curtailment under conditions stated in this Act.

SEC. 7. *Right to Choose a Religion or Religious Group.* – The State shall protect and promote the right of a person to freely choose one's religion, belief or religious group.

SEC. 8. *Right to Exercise or Express Religious Belief, Practices, Acts or Activities.* – The State shall protect and promote the right of a person to freely profess, exercise, manifest, or express religious belief, practices, acts or activities, either individually or in community with others and in public or private, without fear of discrimination subject to exceptions provided for under this Act.

SEC. 9. *Right to Act in Accordance with Conscience.* - The State shall similarly protect and promote the right of a person to act, without any form of coercion, in accordance with one's conscience: Provided, That the act does not inflict physical or material harm to any person, does not infringe on the religious freedom of others or is not contrary to morals, and laws on health, property, public order and safety.

SEC. 10. *Right to Propagate Religious Beliefs.* - The State shall protect and promote the right of a person to propagate one's religious belief without any form of coercion, subject to the exceptions provided for under this Act.

SEC. 11. *Right to Disseminate Religious Publications.* - The State shall protect and promote the right of a person to disseminate religious information or publication, in whatever form, kind or nature and through any platform such as broadcast, print, social media or other online platforms, subject to the exceptions provided for under this Act.

SEC. 12. *Right to Religious Worship and Ceremonies.* - The State shall protect and promote the right to religious worship and ceremonies, including that of indigenous cultural communities and indigenous peoples, and to be free from interruption, disturbance, violence, and threats thereto, subject to the exceptions provided for under this Act.

SEC. 13. *Right to Organizational Independence.* - The State shall protect and promote the right of a religious group to manage its own affairs independent from political influence or control, subject to existing laws, rules and regulations, and the exceptions provided under this Act.

SEC. 14. *Right Against Discrimination in Employment.* - The State shall protect and promote the right of a person to equal opportunity and treatment, and to be protected against discrimination in employment on account of one's religious affiliation or belief.

SEC. 15. *Right to Freedom Against Discrimination in Educational Institutions.* - The State shall protect and promote the right of a person against discrimination on the basis of one's religion, religious belief, religious group or moral sense or conviction in any educational institution: Provided, that educational institutions that are founded on religious beliefs or tenets shall be entitled to observe and oblige standards or codes of behavior pursuant to their religious beliefs and disciplines.

SEC. 16. *Right of Companies or Businesses to be Founded on Religious Belief.* - It shall be the right of business people and founders or operators of business outfits to establish the companies, offices, or operations, according to certain tenets of religious beliefs: Provided, That the same are contained in writing and shall form part of the company's vision and mission statements, in which case, such company or outfit shall be accorded the guarantees provided for under this Act.

SEC. 17. *Right of Parents or Legal Guardians to Rear Children.* - The State shall protect and promote the right of parents or guardians to be at liberty in rearing their children according to their religion, belief, or conscience: Provided, That the right of a child who has reached the age of majority to choose a religious belief or practice a religion shall be respected: Provided, further, That in such a case, parental authority under Republic Act No. 386, otherwise known as the "Civil Code of the Philippines, Executive Order No. 209, otherwise known as the "Family Code of the Philippines," or Presidential Decree No. 603, otherwise known as the "Child And Youth Welfare Code," as may be applicable, shall not be deemed diminished in any way.

SEC. 18. *Right to Tax Exemption.* - The State shall protect the right of churches or religious organizations formed and operating exclusively for religious purposes to be exempted from the payment of taxes on all its real properties that are actually, directly, and exclusively used for religious purposes, pursuant to the provisions of the Constitution, and as provided by law: Provided, however, that real properties of any church or religious organization which are used for religious and/or commercial and proprietary purposes shall be taxed accordingly with respect to the non-religious purpose for which they generate income.

SEC. 19. *Prohibited Acts.* - It shall be unlawful for any person, natural or juridical, to:

- a. Compel a person, by means of force, threat, intimidation or undue influence, to choose or not to choose a particular
- b. religious group, or to subscribe to a particular religious belief: Provided, That the practice of certain religious groups or faiths of requiring either or both couples to be a member thereof before marriage may be officiated shall not be prohibited;
- c. Threaten a person with harm or exert undue influence or pressure in order to prevent such person from changing one's religion or belief or from transferring from one religious group to another;
- d. Compel a person, by means of force, threat, intimidation or undue influence, to commit an act which is in violation of one's religious belief or conscience;
- e. Defame, harass, humiliate or offend a person by reason of one's religious belief or the practice of such belief;
- f. Obstruct, hinder or prevent the flow of and access to religious information;
- g. Hinder or prevent a person from exercising any act that is an expression of one's religious belief;

- h. Perform or threaten to perform any act that constitutes or promotes stigma, hate or persecution of a particular religious belief, religious practice, or religious community;
- i. Perform or threaten to perform any act that effectively impedes, obstructs, prohibits, prevents or inflicts any harm or threatens to cause harm, or in any manner, prevents any person from freely and lawfully expressing and exercising one's religious beliefs;
- j. Compel a person, by means of force, threat, intimidation or undue influence to lawfully express and exercise religious beliefs against one's will;
- k. Obstruct, hinder, cause undue delay or unjustifiably refuse the production, or the valid and free distribution of religious publications: Provided, that such publications do not contradict the religious beliefs of the publishing company, and they do not violate any existing law;
- l. Exert undue influence over the decisions made by any leader or leaders of a religious community through monetary, political, social and personal gains as well as parochial interest;
- m. Deny employment to qualified applicants solely on the basis of religion;
- n. Sever or terminate employment of a person solely on the basis of one's adherence to religious belief;
- o. Maliciously and deliberately deny a religious institution or a person employed by a religious entity the tax exemptions they are entitled to; and
- p. Commit any other act that curtails or violates the rights of a person to religious freedom as provided for under this Act.

SEC. 20. *Penalties.* - Any person, natural or juridical, who violates Section 19 of this Act shall suffer the following penalties:

- a. For the first violation:
 - 1. For a private individual - a fine of not less than one hundred thousand pesos (P100,000.00) but not exceeding five hundred thousand pesos (P500,000.00), or imprisonment of not less than six

(6) years and one (1) day but not more than eight (8) years, or both, at the discretion of the court;

2. For a juridical person - a fine of not less than one hundred thousand pesos (P1 00,000.00) but not exceeding Five hundred thousand pesos (P500,000.00), or imprisonment of not less than Six (6) years and one (1) day but not more than eight (8) years, or both, at the discretion of the court, on the official or employee directly liable and responsible for the prohibited act.

Provided, that for the juridical entity, a fine of Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00) shall be imposed on officers directly running the operations of the juridical entity.

b. For any subsequent violation:

- 1 . For a private individual - a fine of not less than five hundred thousand pesos (P500,000.00) but not exceeding Two million pesos (P2,000,000.00) or imprisonment of not less 25 than eight (8) years but not more than ten (10) years, or both, at the discretion of the court;
2. For a juridical person - a fine of not less than five hundred thousand pesos (P500,000.00) but not exceeding Two million pesos (2,000,000.00), or imprisonment of not less than eight (8) years but not more than ten (10) years, or both, at the discretion of the court, on the official or employee directly liable and responsible for the prohibited act.

Provided, That for the juridical entity, a fine of Two hundred thousand pesos (200,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed on officers directly running the operations of the juridical entity: Provided, further, That if the violation is committed by a corporation or other juridical entity, the penalty provided in this Act shall be imposed upon the directors, officers, employees or other officials or persons therein responsible for the offense without prejudice to civil liabilities arising from the criminal offense.

If the offender is a government employee or official, the accessory penalty of perpetual disqualification from public office or employment shall also be imposed.

If a violation of any of the acts prohibited herein is also an act prohibited under the Revised Penal Code, the imposition of the higher penalty shall apply.

SEC. 21. *Establishment of Religious Freedom Hotline.* - The Secretary of the Department of Justice (DOJ) shall establish, maintain and publicize a toll-free number to provide timely and accurate information and respond to queries regarding the rights protected under this Act.

SEC. 22. *Prohibition Against the Establishment of a Religion by the State.* - Nothing in this Act shall be construed to affect or diminish, in any way, the meaning and intent of Section 5, Article 3 of the Constitution, which prohibits the State from establishing any religion.

SEC. 23. *Implementing Rules and Regulations.* - Within ninety (90) days from after the effectivity of this Act, the Secretary of the Department of Justice, Department of Labor and Employment, Department of Education, Commission on Higher Education, Legal Education Board, Chairperson of the Commission on Human Rights, Commissioner of the Bureau of Internal Revenue, Philippine Commission on Women, National Commission on Indigenous Peoples, and the National Commission on Muslim Filipinos shall, in coordination with other concerned government agencies and in consultation with the stakeholders, jointly formulate rules and regulations to implement the provisions of this Act. The Chairperson of the CHR and the Secretary of the DOJ shall act as the co-Chairpersons of the body that shall formulate the IRR.

SEC. 24. *Separability Clause.* - If any provision or part hereof is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

SEC. 25. *Repealing Clause.* - All laws, decrees, executive orders, memorandum orders, memorandum circulars, administrative orders, ordinances, or parts thereof, which are inconsistent with the right to freedom of religion and liberty of conscience and the provisions of this Act, are hereby deemed repealed or modified accordingly.

SEC. 26. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,