



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

20th CONGRESS
2nd Regular Session

HOUSE BILL NO. **10387**



Introduced by Representative SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

AN ACT
TO ENFORCE THE CONSTITUTIONAL RIGHT TO THE FREE EXERCISE OF RELIGION BY STUDENTS OF PUBLIC SCHOOLS

EXPLANATORY NOTE

Article III, Section 5 of the 1987 Philippine Constitution provides that "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination and preference, shall forever be allowed."

Article 32 of the Civil Code of the Philippines further provides that any public officer or employee, or any private individual, who directly or indirectly obstructs, defeats, violates, or in any manner impedes or impairs the exercise of another person's freedom of religion shall be liable to the latter for damages.

The above mandate, however, does not include any law that would enforce the right to the free exercise of religion by students in public schools. This bill seeks to enforce students' right to the free exercise of religion in public schools by imposing civil liability on violators of this Act.

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

SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

Representative

Lone District, Maguindanao del Norte with Cotabato City



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

SECTION 1. Short Title. – This Act may be cited as the “Student Freedom of Religious Expression Act”.

SEC. 2. *Declaration of Policy.* – It is hereby declared a policy of the State to develop the moral character and personal discipline of the people. Toward this end, it shall encourage certain activities in the exercise of religious freedom upon the condition that all religious sects shall be accorded the same privileges and opportunities.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the term religious freedom means the free exercise and enjoyment of religious profession and worship, without discrimination and preference.

SEC. 4. *Free Exercise Rights Protected.* – Students in public schools –

- a) Have the same right to engage in individual or group prayer and religious discussions in or connected with schools as they do to engage in other comparable activities;
- b) May express their beliefs about religion in the form of homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions;
- c) Have the right to distribute religious literature to their schoolmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities; and
- d) May display or otherwise communicate religious messages, including on items of clothing, to the same extent that they are permitted to display or communicate other messages.

SEC. 5. *Civil Action.* – Any person aggrieved by a violation of Section 4 hereof may in a civil action obtain appropriate relief. Such an action may be instituted against a governmental entity as against any person engaging in the violation.

SEC. 6. *Establishment of a 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 questions regarding the rights protected by this Act.

SEC. 7. *Appropriation.* – The amount necessary to carry out the provisions of this Act shall be charged against the appropriations of the Department of Education and the Department of Justice not yet earmarked for the fiscal year this Act shall take effect. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act (GAA).

SEC. 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 9. *Repealing Clause.* – All laws, decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby amended, repealed or modified accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.