

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



'22 AUG -4 P6 26

SENATE

RECEIVED BY: 

S. B. NO. 1043

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Introduced by SENATOR JOEL VILLANUEVA

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**AN ACT PROTECTING THE RIGHT OF THE PEOPLE  
TO FREEDOM OF RELIGION IN THE PHILIPPINES  
GUARANTEED UNDER SECTION 5, ARTICLE III OF THE  
1987 CONSTITUTION AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Our society is held together not only by law and its enforcement, but more importantly, by those who voluntarily obey the established laws as motivated by their internalized norms of righteous or correct behavior. Since time immemorial, religious belief has been a vital influence in man's knowledge of right and wrong and produces voluntary compliance to mankind.

However, even at recent times, it is undeniable that attacks on persons based on their religious identities have been recorded. In a 2018 study by Pew Research Center, 185 out of 198 countries reported at least one (1) incident of harassment against a religious group.<sup>1</sup> Christians and Muslims experienced harassment in more countries compared to other groups, with Christians reportedly harassed in 145 countries, while Muslims were reportedly harassed in 139 countries.<sup>2</sup> Additionally, Buddhists had the largest increase in number of states where they were harassed for religious reasons – from 19 to 24 countries – while religiously unaffiliated persons, including atheists, had the opposite, from 23 countries in 2017 to 18 countries in 2018.<sup>3</sup>

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<sup>1</sup> Pew Research Center, Harassment of religious groups continue to be reported in more than 90% of countries, accessible at <https://www.pewresearch.org/religion/2020/11/10/harassment-of-religious-groups-continues-to-be-reported-in-more-than-90-of-countries/#fn-33876-29> (last accessed August 4, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

Having recognized the significance of religion in human history and in view of factors such as the foregoing, democratic countries all over the world have long been implementing and improving substantial laws to protect and promote religious freedom. Examples of these are the *Religious Freedom Restoration Act* of the United States of America, the *Maintenance of Religious Harmony Act* of Singapore, and the *International Religious Freedom Act* of Canada – to name a few.

The Philippines, however, has not yet enacted a law that will give substance to the right of the people to religious freedom as guaranteed under Article III, Section 5 of our Constitution. Specifically, Section 5 states: “No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.”

In view of the foregoing, this bill seeks to provide for an implementing law that will protect and promote the right of Filipinos to religious freedom, subject to certain exceptions. With this measure, Filipinos will be encouraged to pursue spiritual growth by affording them the freedom to conduct their lives in accordance with their faith or religious belief without the fear of persecution, threat, or punishment.

Moreover, this measure also aims to promote a free market of religious ideas in the country where no religion is suppressed or quelled over the other. By leveling the playing field for the propagation of different religions, Filipinos are afforded the full spectrum of varying faiths and the freedom to choose the beliefs that they will subscribe to. This, in turn, will counter religious fanaticism which gives rise to many societal problems in the country.

Thus, the immediate passage of this bill is earnestly sought.

  
SENATOR JOEL VILLANUEVA

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**AN ACT PROTECTING THE RIGHT OF THE PEOPLE  
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UNDER SECTION 5, ARTICLE III OF THE 1987 CONSTITUTION  
AND FOR OTHER PURPOSES**

*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 "*Magna Carta*  
2           *on Religious Freedom Act.*"

3  
4           **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to  
5           protect and uphold the fundamental and inalienable right of every person to  
6           freely choose and exercise one's religion and beliefs, and to act and live  
7           according to one's conscience, as guaranteed under Section 5, Article III of the  
8           Constitution and other international human rights instruments, including the  
9           Universal Declaration of Human Rights, the International Covenant on Civil and  
10          Political Rights and the Declaration on the Elimination on All Forms of  
11          Intolerance and Discrimination Based on Religion and Belief, to which the State  
12          is a party or that it adheres to.

13  
14          The right of every Filipino to profess, practice and propagate religious  
15          beliefs must always be recognized, respected, allowed, and protected.

16  
17          Towards this end, the State must ensure that no act of the government  
18          or any of its agencies, instrumentalities, officers, or employees shall burden,  
19          curtail, impinge, or encroach on the person's right to exercise one's religious  
20          belief, freedom, and liberty of conscience. In addition, the government must  
21          also prohibit any act by a person, natural or juridical, or any group of persons,  
22          that burdens, curtails, impinges or encroaches on the said right.

23  
24          **SEC. 3. *Definition of Terms.*** – As used in this Act:  
25

- 1 a) **Atheism** refers to the denial of the existence of a personal God or  
2 deity, and shall be treated as a form of religion for the purpose of  
3 entitlement to the protection of freedom of religion and conscience;  
4
- 5 b) **Child** refers to any person below eighteen (18) years of age, or  
6 older but who is incapable of taking care of oneself, as defined  
7 under the Republic Act No. 7610, otherwise known as the Special  
8 Protection of Children against Abuse, Exploitation and  
9 Discrimination Act, as amended;  
10
- 11 c) **Conscience** refers to a person's sense or conviction of right or  
12 wrong, whether or not such sense or conviction comes from a well-  
13 defined religious belief;  
14
- 15 d) **Discrimination** refers to any distinction, exclusion, restriction or  
16 preference on the basis of a person's religion or conscience and  
17 which has the purpose or effect of burdening, curtailing, impinging  
18 or encroaching on the person's right to freedom of exercise of  
19 religion and liberality of conscience;  
20
- 21 e) **Expression of religious belief or conscience** refers to the  
22 outward or overt manifestation of one's religious belief or  
23 conscience, whether by speech, or action, sense or conviction of  
24 right or wrong, whether or not such sense or conviction comes  
25 from a well-defined religious belief;  
26
- 27 f) **Guardian** refers to a legal guardian or any person, other than the  
28 biological parents, who takes the responsibility of taking care of  
29 the personal and property rights of a child;  
30
- 31 g) **Religion** refers to a particular system of belief, faith, or "*paniniwala*",  
32 concerning God or a Higher Authority, whether personal or  
33 otherwise, or a transcendent or divine deity or deities, whether in  
34 the singular or plural, as well as the recognition, worship,  
35 obedience, or submission to said God or Higher Authority, either  
36 by a fixed dogma, creed, set of doctrines or belief, or code of  
37 conduct or lifestyle, or by an individual's sense of appropriate or  
38 proper behavior, code, or lifestyle in relation to that God or Higher  
39 Authority;  
40
- 41 h) **Religious belief** refers to a particular belief or set of beliefs held by  
42 a particular religion, or by an individual person;  
43
- 44 i) **Religious Freedom** refers to the freedom to change, adopt, or  
45 retain one's religion or belief; or freedom from coercion that would  
46 impair one's freedom to have or adopt a religion or belief of one's  
47 choice, and to manifest one's religion or belief in worship,  
48 observance, practice and teaching, in public or private, either  
49 individually or in community with others; and  
50

- 1           j) **Religious group** refers to a church, religious entity, religious  
2 organization or group of persons who have formed together into a  
3 congregation for the worship of a Higher Authority according to the  
4 group's established doctrines and ceremonies, whether or not the  
5 same is registered with the government. For purposes of this Act,  
6 the group does not need to be registered to be entitled to  
7 recognition as a religious group.  
8

9           **SEC. 4. Freedom of Religion and Conscience Protected.** - The right  
10 of every person to freedom of religion and liberty of conscience, as well as the  
11 free exercise or expression thereof, as defined and enumerated in this Act,  
12 shall be protected by the State. It shall not be denied, burdened, regulated, or  
13 curtailed even if it is a result of the rule of general applicability of existing laws,  
14 except in the cases provided in Section 6 hereof.  
15

16           **SEC. 5. Exception Clause.** – The right of every person to freedom of  
17 religion, or the free exercise thereof and liberality of conscience can be denied,  
18 regulated, burdened, or curtailed only if it can be demonstrated that:  
19

- 20           a) The free exercise of religious freedom or conscience of a religious  
21 group or individual results in violence, or inflicts or poses to inflict  
22 direct or indirect physical or material harm or danger on other  
23 people, or infringe on their own freedom of religion or conscience;  
24 and  
25  
26           b) It is necessary to protect public safety, public order, health,  
27 property and good morals.  
28

29           Further, the State shall ensure that in burdening, regulating, or curtailing  
30 religious freedom or freedom of conscience in the circumstances  
31 abovementioned, the State shall adopt the least restrictive means. It shall also  
32 ensure that the measures taken do not become a basis, reason, or excuse for  
33 the defamation, discrimination, or infliction of physical harm, hostility, violence,  
34 war, or dissemination of propaganda or advocacy against any such person or  
35 group of persons whose expression of religious freedom or conscience is  
36 subject of burden, regulation, or curtailment under conditions stated in this Act.  
37

38           **SEC. 6. Right to Choose a Religion or Religious Group.** – The State  
39 shall protect and promote the right of a person to freely choose one's religion,  
40 belief or religious group.  
41

42           **SEC. 7. Right to Exercise or Express Religious Belief, Practices,**  
43 **Acts or Activities.** – The State shall protect and promote the right of a person  
44 to freely profess, exercise, manifest, or express religious belief, practices, acts  
45 or activities, either individually or in community with others and in public or  
46 private, without fear of discrimination and punishment, subject to exceptions  
47 provided under this Act.  
48

49           **SEC. 8. Right to Act in Accordance with Conscience.** – The State  
50 shall similarly protect and promote the right of a person to act, without any form

1 of coercion, in accordance with one's conscience: *Provided*, That the act does  
2 not inflict physical or material harm to any person, does not infringe on the  
3 religious freedom of others or is not contrary to morals, health, property, public  
4 order and safety.

5  
6 **SEC. 9. *Right to Propagate Religious Beliefs.*** – The State shall protect  
7 and promote the right of a person to propagate one's religious belief without  
8 any form of coercion subject to the exceptions provided under this Act.

9  
10 **SEC. 10. *Right to Disseminate Religious Publications.*** – The State  
11 shall protect and promote the right of a person to disseminate religious  
12 information or publication, in whatever form, kind or nature and through any  
13 platform, such as broadcast, print, social media or other online platforms,  
14 subject to the exceptions provided under this Act.

15  
16 **SEC. 11. *Right of Religious Worship and Ceremonies.*** – The State  
17 shall protect and promote the right to religious worship and ceremonies,  
18 including that of indigenous cultural communities and indigenous peoples, free  
19 from discrimination, punishment, interruption, disturbance, violence, and  
20 threats thereto, subject to the exceptions provided under this Act.

21  
22 **SEC. 12. *Right to Organizational Independence.*** – The State shall  
23 protect and promote the right of a religious group to manage its own affairs  
24 independent from political influence or control, subject to existing laws, rules  
25 and regulations, and the exceptions provided under this Act.

26  
27 **SEC. 13. *Right to Freedom against Discrimination in Employment.***  
28 – The State shall protect and promote the right of a person to equal opportunity  
29 and treatment, and non-discrimination in employment, by virtue of one's  
30 religious affiliation or belief.

31  
32 **SEC. 14. *Right to Freedom against Discrimination in Educational***  
33 ***Institutions.*** – The State shall protect and promote the right of a person to be  
34 free from discrimination on the basis of one's religion, religious belief, religious  
35 group or moral sense or conviction in any educational institution: *Provided*, That  
36 educational institutions that are founded on religious beliefs or tenets shall be  
37 entitled to standards or codes of behavior pursuant to their religious beliefs and  
38 disciplines.

39  
40 **SEC. 15. *Right of Companies or Businesses to be Founded on***  
41 ***Religious Belief.*** – It shall be the right of business people and founders or  
42 operators of business outfits to establish the companies, offices, or operations,  
43 according to certain tenets of religious beliefs: *Provided*, That the same are  
44 contained in writing and form part of the company's vision and mission  
45 statements, in which case, such company or outfit shall be accorded the  
46 guarantees provided for under this Act.

47  
48 **SEC. 16. *Right of Parents or Legal Guardians to Rear Children.*** –  
49 The State shall protect and promote the right of parents or guardians to be at  
50 liberty in rearing their children according to their religion, belief, or conscience:

1 *Provided*, That a child who comes to the age of majority shall be respected in  
2 his or her choice of religious belief: *Provided, further*, That in such a case,  
3 parental authority under existing laws, such as the Civil Code of the  
4 Philippines, the Family Code, or the Child And Youth Welfare Code as may be  
5 applicable, shall not be deemed diminished in any way.

6  
7 **SEC. 17. *Prohibited Acts.*** – It shall be unlawful for any person, natural  
8 and or juridical, to:

- 9  
10 a) Compel a person, by means of force, threat, intimidation,  
11 punishment, or undue influence, to choose or not to choose a  
12 particular religious group, or to subscribe to a particular religious  
13 belief: *Provided*, That the practice of certain religious groups or  
14 faiths of requiring either or both couples to be a member thereof  
15 before marriage may be officiated shall not be prohibited;  
16  
17 b) Threaten a person with harm, punishment, or exert undue  
18 influence or pressure in order to prevent such person from  
19 changing one’s religion or belief or from transferring from one  
20 religious group to another;  
21  
22 c) Compel a person, by means of force, threat, intimidation,  
23 punishment, or undue influence, to commit an act which is in  
24 violation of one’s religious belief or conscience;  
25  
26 d) Defame, harass, humiliate or offend a person by reason of one’s  
27 religious belief or the practice of such belief;  
28  
29 e) Obstruct, hinder or prevent the flow of and access to religious  
30 information;  
31  
32 f) Hinder or prevent a person from exercising any act that is an  
33 expression of one’s religious belief;  
34  
35 g) Perform or threaten to perform any act that constitutes or  
36 promotes stigma, hate or persecution of a particular religious  
37 belief, religious practice, or religious community;  
38  
39 h) Perform or threaten to perform any act that effectively impedes,  
40 obstructs, prohibits, prevents or inflicts any harm or threatens to  
41 cause harm, or in any manner, prevents any person from freely  
42 and lawfully expressing and exercising one’s religious beliefs;  
43  
44 i) Compel a person, by means of force, threat, intimidation,  
45 punishment or undue influence to lawfully express and exercise  
46 religious beliefs against one’s will;  
47  
48 j) Obstruct, hinder, cause undue delay or unjustifiably refuse the  
49 production, or the valid and free distribution of religious  
50 publications: *Provided*, That such publications do not contradict

1 the religious beliefs of the publishing company, and such  
2 publication does not violate any existing law;

- 3  
4 k) Exert undue influence over the decisions made by any leader or  
5 leaders of a religious community through monetary, political,  
6 social and personal gains as well as parochial interest;  
7  
8 l) Deny employment to qualified applicants solely on the basis of  
9 religion;  
10  
11 m) Sever or terminate employment of a person solely on the basis of  
12 one's adherence to religious belief; and  
13  
14 n) Commit any other act that curtails or violates the rights of a person  
15 to religious freedom as provided for under this Act.  
16

17 **SEC. 18. Penalties.** – Any person, natural or juridical, who violates  
18 Section 17 of this Act shall suffer the following penalties:  
19

- 20 a) For the first violation:  
21  
22 (1) For a private individual – a fine of not less than One Hundred  
23 Thousand Pesos (Php100,000.00), but not exceeding Five  
24 Hundred Thousand Pesos (Php500,000.00), or  
25 imprisonment of not less than six (6) years and one (1) day,  
26 but not more than eight (8) years, or both, at the discretion of  
27 the court; and  
28  
29 (2) For a juridical person – a fine of not less than One Hundred  
30 Thousand Pesos (Php100,000.00), but not exceeding Five  
31 Hundred Thousand Pesos (Php500,000.00), or  
32 imprisonment of not less than six (6) years and one (1) day,  
33 but not more than eight (8) years, or both, at the discretion of  
34 the court, on the official or employee directly liable and  
35 responsible for the prohibited act.  
36  
37 b) For any subsequent violation:  
38  
39 (1) For a private individual – a fine of not less than Five Hundred  
40 Thousand Pesos (Php500,000.00), but not exceeding Two  
41 Million Pesos (Php2,000,000.00), or imprisonment of not less  
42 than eight (8) years, but not more than ten (10) years, or both,  
43 at the discretion of the court; and  
44  
45 (2) For a juridical person – a fine of not less than Five Hundred  
46 Thousand Pesos (Php500,000.00), but not exceeding Two  
47 Million Pesos (P2,000,000.00), or imprisonment of not less  
48 than eight (8) years, but not more than ten (10) years, or both,  
49 at the discretion of the court, on the official or employee  
50 directly liable and responsible for the prohibited act.



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**SEC. 19. 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 III of the Constitution, which prohibits the State from establishing any religion.

**SEC. 20. Implementing Rules and Regulations.** – Within ninety (90) days after the effectivity of this Act, the Department of Justice (DOJ), Department of Labor and Employment (DOLE), Department of Education (DepEd), Commission on Higher Education (CHED), Legal Education Board (LEB), Commission on Human Rights (CHR), Philippine Commission on Women (PCW), National Commission on Indigenous Peoples (NCIP), and the National Commission on Muslim Filipinos (NCMF) shall, in coordination with concerned government agencies and in consultation with other stakeholders, shall jointly formulate the rules and regulations to implement the provisions of this Act. The Chairperson of the CHR and the Secretary of the DOJ shall act as co-Chairpersons of the body that shall formulate the IRR.

**SEC. 21. Separability Clause.** – If any provision or part hereof is declared unconstitutional or invalid, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

**SEC. 22. Repealing Clause.** – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

**SEC. 23. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

**Approved,**