

SENATE

REGISTERED BY: AN

S. B. No. 3402

Introduced by SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

The freedom of speech and expression is essential to a sovereign state. In fact, the curtailment thereof has been one of the main reasons for revolts in the country throughout Philippine history.

Recent events have yet again brought about this fundamental right vis-à-vis Article 133 of the Revised Penal Code which punishes "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". The question then lies: Does this Article run contrary to the freedom of speech and expression?

A person living in a democracy surely cannot expect that his beliefs will be free from all criticism. Considered as the bedrock of liberty, the freedom of speech and expression is enshrined and protected under the 1987 Constitution. Article III, Section 4 provides that "[n]o law shall be passed abridging the freedom of speech [and] expression" and yet it appears that Article 133 has the effect of a law which restrains these protected guarantees.

Given that and the fact that the Revised Penal Code was enacted in January 1, 1932, more than 50 years before the 1987 Constitution, there is a need to revisit antiquated criminal laws such as Article 133 to strike a balance with the Constitutional freedom of speech and expression.

However, the repeal of Article 133 does not mean that one's right to freedom of religion will be disregarded. A person can still be held liable for civil damages under Article 32 of the Civil Code which provides for redress in case there is a violation of the different Constitutional rights enumerated therein, including the freedom of religion, and of speech.

For these reasons, the passage of this bill is urgently sought.


PIA S. CAYETANO
Senator

SENATE

RECEIVED BY: AV

S.B. No. 3402

Introduced by SENATOR PIA S. CAYETANO

**AN ACT REPEALING FOR THIS PURPOSE
ARTICLE 133 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

1 SECTION 1. Article 133 of Act No. 3815, as amended, otherwise known
2 as the Revised Penal Clause, is hereby repealed.

3

4 SEC. 2. All laws, executive orders, decrees, instructions, rules and
5 regulations contrary or inconsistent with the provisions of this Act are hereby
6 repealed and modified accordingly.

7

8 SEC. 3. If any provision of this Act shall be held unconstitutional or invalid,
9 the other provisions not otherwise affected shall remain in full force and effect.

10

11 SEC 4. This Act shall take effect fifteen (15) days following its complete
12 publication in two (2) newspapers of general circulation.

Approved,