

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SECRETARY

10 JUL -7 P5:24

SENATE

Senate Bill No. 802

RECEIVED BY

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution, Article III, Section 5 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 or preference, shall forever be allowed."*

The Civil Code, Article 32 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 freedom of religion of another person 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 this right to the free exercise of religion of students in public school by providing for the imposition of a civil liability to anyone caught violating this right.


In view hereof, immediate enactment of this bill is earnestly solicited.


JINGGOY EJERCITO ESTRADA
Senator

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

Be it enacted by the Senate and 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 the 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 Term - For purposes of this Act, the term religious freedom means the free exercise and enjoyment of religious profession and worship, without discrimination or preference.

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

- (1) 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;
- (2) 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;
- (3) have a 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
- (4) may display or otherwise communicate religious messages, including on items of clothing to the same extent 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 well as against any person engaging in the violation.

SEC. 6. *Establishment of Religious Freedom Hotline* - The Secretary of the Department of Justice 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.

SEC. 8. *Separability Clause* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 9. *Repealing Clause* - Any law, presidential decree, or issuance, executive order, letter of instruction, administrative order, rule or regulation not contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 10. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,