

The Crime of Offending Religious Feelings and Carlos Celdran

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On 30 September 2010, Carlos P. Celdran expressed his discontent on Church in its use of moral influence to sway public opinion away from the Reproductive Health Bill by interrupting a religious ceremony commemorating the two year anniversary of the “May They Be One” campaign in Manila Cathedral.

A criminal case was then filed against Celdran for violating Article 133 of the Revised Penal Code (RPC), the crime of offending religious feelings. The Metropolitan Trial Court of Manila heard the case, and convicted Celdran of the crime, sentencing him to up to one year, one month, and eleven days in prison.

This Article looks into Article 133 of the RPC, acting as a Blasphemy law, in order to determine if it violates the provisions on Freedom of Speech and Free Exercise and Non-establishment of a Religion in the Philippines.

The Authors compare the Philippines with other countries, such as Russia, United States, Kuwait, and Egypt, which also have Blasphemy laws implemented. In Russia and the United States, Blasphemy laws exist only in their history, not at present. The implementation or conviction based on these laws is rare in the current liberal times in these countries. This speaks to a general apathy or even ignorance of the existence of such law, and raises questions as to the relevance of the statute in society.

On the other hand, in Egypt and Kuwait, there is no debate on whether such laws are relevant — there is an acceptance that such laws are part of everyday life, even as there are criticisms from all around.

The Authors conclude that our country still considers religious belief as a personal matter. And the right of the people to believe what and how they choose should be fiercely protected. The only remedy of this lies not with the court which only apply the laws as they should. It is up to Congress to adapt and make the necessary changes in the RPC to prevent the violation of fundamental rights of expression and free exercise of religion.