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2022 Report on International Religious Freedom: Philippines

OFFICE OF INTERNATIONAL RELIGIOUS FREEDOM

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EXECUTIVE SUMMARY

Executive Summary

The constitution provides for the free exercise of religion and religious worship and prohibits the establishment of a state religion. The law treats intentional attacks directed against religiously affiliated buildings or facilities as war crimes or crimes against international humanitarian law.

In April, the Supreme Court upheld its December 2021 decision declaring the Antiterrorism Act of 2020 constitutional. Religious groups, human rights groups, and private individuals filed 37 petitions before the Supreme Court questioning the constitutionality of the act, citing fears that it could limit religious freedom. As part of the government's campaign against groups pursuing violent opposition to the state, particularly the Communist Party of the Philippines-New People's Army (CPP-NPA), some religious workers who were identified by the government as communist members or sympathizers were threatened and harassed, while some were indicted on charges of providing funds to the CPP-NPA. In July, religious leaders representing Catholic religious orders issued a statement saying that the practice of public labeling of individuals as being affiliated with insurgent, terrorist, or separatist groups – also known as “red-tagging” – would not deter them from criticizing the new government on moral and

ethical issues, should they arise. Also in July, a spokesperson for the Catholic Bishops Conference of the Philippines (CBCP) expressed opposition to proposed legislation that would legalize divorce. The Commission on Human Rights expressed concern with a local ordinance that fined unvaccinated worshipers attending religious services. In December, the House of Representatives Committee on Human Rights passed the Magna Carta of Religious Freedom Act which lawmakers say aims to protect every citizen's right to religious freedom. Humanists, atheists, Muslims, and other religious minorities expressed concern that the bill favored Christians and did not offer equal protections on the right to not believe in any form of religion. The legislation remained pending at year's end.

Muslim public figures, such as Senator Robin Padilla, the only Muslim senator, stated that Muslims continued to face discrimination and human rights abuses in the country.

The U.S. embassy conducted a broad range of engagement throughout the year with the government to highlight the importance of international religious freedom. These included outreach in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) promoting rights of religious minorities, as well as peace education involving interfaith dialogue.

Section I.

Religious Demography

The U.S. government estimates the total population at 114.6 million (midyear 2022). According to the 2015 census conducted by the Philippine Statistics Authority (PSA), 79.5 percent of the population is Roman Catholic and 9 percent belongs to other Christian groups, including Seventh-day Adventists, United Church of Christ in the Philippines (UCCP), United Methodists, Episcopal Church in the Philippines, Bible Baptist Church, other Protestant churches, Jehovah's Witnesses, and The Church of Jesus Christ of Latter-day Saints. Other Christian groups include locally established churches such as the Iglesia ni Cristo (Church of Christ), Philippine Independent Church (Aglipayan or IFI), Members Church of God International, The Kingdom of Jesus Christ, and The Name Above Every Name. Approximately 6 percent of the population is Muslim, according to the PSA, while the National Commission for Muslim Filipinos (NCMF) estimates 10 to 11 percent. The NCMF attributes its higher estimate to several factors, including the reluctance of Muslims to register officially with the civil registrar office or to participate in the formal survey; the community's transience due to internal movement for work; and what the NCMF states is the national government's failure to

thoroughly survey Muslim areas and communities. According to the PSA, approximately 4 percent of those surveyed in the 2015 census did not report a religious affiliation or belonged to other faiths, such as animism or indigenous syncretic faiths.

Most Muslims are members of various ethnic minority groups and reside in Mindanao and nearby islands in the south. While a majority of the population in Mindanao Province is Christian, Muslims constitute a majority of the BARMM's population. Although most are practitioners of Sunni Islam, a small minority of Shia Muslims live in the region, mostly in the provinces of Lanao del Sur and Zamboanga del Sur in Mindanao. An increasing number of Muslims are migrating to the urban centers of Manila, Baguio, Dumaguete, Cagayan de Oro, Iligan, Cotabato, and Davao.

Indigenous groups in Mindanao are mostly located in geographically isolated areas. The National Commission on Indigenous Peoples reported 10.9 million indigenous people, situated in Mindanao, and reported that indigenous people primarily belong to various Christian groups, with a small percentage that are Muslim.

Section II.

Status of Government Respect for Religious Freedom

LEGAL FRAMEWORK

The constitution provides for the free exercise of religion and religious worship and prohibits the establishment of a state religion. No religious test is required for the exercise of civil or political rights. The constitution provides for the separation of religion and state. The law treats intentional attacks directed against religiously affiliated buildings or facilities as war crimes or crimes against international humanitarian law. The law forbids public officials from interrupting religious worship, as well as any person “notoriously” offending religious feelings during such services or in a place of worship.

The law requires organized religious groups to register with the Securities and Exchange Commission (SEC) and with the Bureau of Internal Revenue (BIR) to establish tax-exempt status. Religious groups must submit their articles of faith and bylaws to the SEC in order to register as religious corporations. The SEC requires religious corporations to submit annual financial statements. The law does not specify penalties for failure to register with the SEC. To register as a nonstock, nonprofit organization, religious groups must meet the basic requirements for corporate registration with the BIR and must request a tax exemption from

the BIR. The basic requirements for registration include a name verification of the religious corporation, articles of incorporation and bylaws, the name of a director, list of members, and a list of financial contributors. The BIR provides tax exemptions to newly established religious corporations that are then reviewed for renewal every three years. The BIR may fine religious corporations for the late filing of registrations or for failing to submit registration datasheets and financial statements.

The government permits religious instruction in public schools with written parental consent, provided there is no cost to the government. Based on a traditional policy of promoting moral education, local public schools give religious groups the opportunity to teach moral values during school hours. Attendance is not mandatory; parents must express in writing a desire for their child to attend religious instruction for a specific denomination, and the various groups share classroom space. Students who do not attend religious instruction because no class was offered in their denomination or because their parents did not express a desire receive normal supervised class time. The government also allows groups to distribute religious literature in public schools. The law mandates that government agencies address religious issues and consult recognized experts on Filipino Muslim beliefs, as well as the history, culture, and identity of indigenous peoples, when formulating the national history curriculum.

By law, public schools must protect the religious rights of students. Muslim girls may wear the hijab and are not required to wear shorts during physical education classes.

The government recognizes sharia in all parts of the country through a presidential decree. Sharia courts are organized into five sharia districts, all located in the south of the country; Muslims residing in other areas must travel to these districts to pursue an action in a sharia court. Sharia courts handle only cases relating to personal status laws affecting family relations and property. Sharia does not apply in criminal matters and applies only to Muslims. The state court system hears cases involving Muslims and non-Muslims, and national laws apply in those cases.

The BARMM is a Muslim-led autonomous region established by the central government in 2019, with jurisdiction over five provinces and three major noncontiguous cities. The Bangsamoro Organic Law provides the framework for the transition to greater autonomy for the area's majority Muslim population; the transition completion date is set for 2025.

The NCMF's Bureau of Pilgrimage and Endowment is responsible for administering logistics for the Hajj, such as obtaining flight schedules, administering vaccines, coordinating with the

Department of Foreign Affairs to process Hajj passports, filing Hajj visa applications at the Saudi embassy, and conducting predeparture orientations for pilgrims. The NCMF also administers the *awqaf* (an endowment for the upkeep of Islamic properties and institutions) and continues to oversee the establishment and maintenance of Islamic centers and other projects.

The country is a party to the International Covenant on Civil and Political Rights.

GOVERNMENT PRACTICES

In April, the Supreme Court upheld its December 2021 decision declaring the Antiterrorism Act of 2020 constitutional except for two provisions pertaining to freedom of expression, and rejecting appeals by a variety of petitioners, including religious groups. The petitioners said, however, that the ruling still did not provide sufficient protection to the Filipino people. The petitioners included 103 religious organizations, human rights groups, and private individuals who filed a total of 37 petitions questioning the constitutionality of the act. Many religious organizations, such as the Association of Major Religious Superiors in the Philippines, stated they were fearful that law enforcement agents or military operatives could tag their members as “terrorists” because of their evangelical and missionary work, particularly with those characterized as poor and marginalized such as the indigenous people of Mindanao, and said the act’s definition of terrorism was dangerously vague. They also stated that the act could lead to restraints in the free practice and expression of their faith.

On August 15, the Department of Justice charged 16 members of the Rural Missionaries of the Philippines (RMP), including four Catholic nuns, with providing funds to the armed wing of the CPP-NPA. As of year’s end, the regional trial court judge had yet to determine whether there was basis to issue an arrest warrant, which could imprison the defendants for an indefinite period, as the offense is not eligible for bail. In June, National Security Adviser Hermogenes Esperon, Jr. ordered the National Telecommunications Office to block the website of the RMP, along with those of 20 other groups that the government stated were affiliated with terrorist organizations.

In February, two police officers were arrested in connection with the 2021 robbery and killing of a Muslim businesswoman, Nadia Casar, and charged with kidnapping and murder. The case remained pending at year’s end.

At year’s end, UCCP Pastor Benjie Gomez, a human rights advocate for indigenous peoples, remained in custody; he was detained in June 2021 and charged with murder, and there was

no progress reported in his case.

The CBCP reported the “red-tagging” of Catholic priest Monsignor Walter Alipio de Asis Cerbito in July. Cerbito was labelled by the government’s Antiterrorism Council as a member of Christians for National Liberation, an organization within the leftist umbrella group led by the CCP. Cerbito is known for his human rights advocacy and work with the poor and the marginalized. The CBCP stated that the incident showed the inherent dangers of the Antiterrorism Act of 2020 being weaponized against public dissent and opposition, adding that any church leader engaged in human rights work was at risk of being designated as a terrorist under the act.

In July, religious superiors representing Catholic religious orders issued a statement that the practice of “red-tagging” would not deter them from criticizing the administration of President Ferdinand Marcos, Jr., who took office in June, on moral and ethical issues. The statement said, “We must speak the truth within the ambit of systematic disinformation, misinformation, historical distortions, and the like, as the church will not, and cannot, be neutral on moral and ethical issues and concerns.” In October, Bishop Pablo Virgilio David, the president of the CBCP, stated it was too early to judge the performance of the new president.

On December 1, the House of Representatives Committee on Human Rights approved the Magna Carta of Religious Freedom Act, passing the legislation on for further action by the full House and then the Senate. If passed, the law would enumerate the rights of every person to propagate one’s religious beliefs, the right to disseminate religious publications, the right to religious worship and ceremonies, the right to organizational independence, and the right to freedom against discrimination in employment. It would criminalize compelling a person, by means of force, threat, intimidation, or punishment, to choose or not to choose a religion; obstructing, hindering, or preventing the flow of access to religious information; and defaming, harassing, or humiliating a person by reason of one’s religious belief. Humanists, atheists, Muslims, and other religious minorities expressed concern that the legislation would favor Christians and would not offer equal protection to nonreligious individuals. In 2021, Javan Poblador, the chief executive officer of the nongovernmental organization (NGO) Humanist Alliance Philippines, said that if it were enacted, it would “endanger the lives of many people, not only the non-religious but even civil groups.” The CBCP stated that such legislation was a necessity in every democratic society.

In July, the executive secretary of the CBCP, Father Jerome Secilliano, expressed opposition to proposed legislation that would legalize divorce, stating in a radio interview, “It is sad to know that we have legislators who rather focus on breaking marriages and the family rather than

fixing them or strengthening the marital bond.” Sources stated that there was no prospect for passage of such legislation in the near future.

During the year, separate legislation was introduced in the House of Representatives and the Senate seeking to protect the right of the people to freedom of religion without fear of persecution, threat, or punishment. Additionally, Muslim Senator Robin Padilla filed a bill in August seeking to criminalize discrimination, including profiling and refusing employment, based on religion or race.

The Commission on Human Rights expressed concern over an ordinance issued by the Caloocan City local government imposing penalties on unvaccinated individuals attending religious services. The commission stated that policies responding to vaccine hesitancy should not affect an individual’s right to free exercise and the enjoyment of religious profession and worship.

In January, the Coast Guard implemented a new policy allowing female personnel to wear the hijab as part of their official uniform. As of March 2021, the Coast Guard had 1,850 Muslim personnel, including approximately 200 women.

The Department of Education continued to support its Arabic Language and Islamic Values Education (ALIVE) program for Muslim students in private madrassahs and public elementary schools with a Muslim student population of 10 percent or more. For the 2021-22 school year, 2,644 public elementary schools administered the voluntary ALIVE program for 173,641 students, a considerable increase from the pandemic-impacted previous year. The program aims to integrate madrassahs into the public education system while preserving Islamic education for Muslims.

Private madrassahs continued to have the option of registering with the NCMF or the Department of Education (DepEd), both, or neither. DepEd-accredited madrassahs received government funding and teacher training and follow the standardized DepEd curriculum. The DepEd Office of Madrassah Education managed local and international financial assistance on behalf of the private madrassah system. By law, only registered schools or madrassahs could receive financial assistance from the government. There were 11 private madrassahs registered with the DepEd during the 2022-2023 school year, down from 19 in 2021-2022. Some private madrassahs chose to remain unregistered rather than allow government oversight, according to DepEd representatives.

Madrassahs registered by the Department of Education followed the Standard Madrassah Curriculum and received funding for classrooms, facilities, and educators who taught the Revised Basic Education Curriculum. The overall funding for, and attendance at, private madrassahs continued to decrease from 2021 to 2022 due to the implementation of the Bangsamoro Organic Law, which created the BARMM and a separate BARMM budget for the region's education. Since most of the country's madrassahs were located in the BARMM, the Department of Education had far fewer madrassahs to cover with the department's budget. During the year, the total madrassah education budget was 357 million pesos (\$6.4 million), of which the Department of Education provided 34.6 million pesos (\$622,000) to 11 private madrassah students.

NCMF officials said that anti-Muslim discrimination continued to occur in government offices. In June, the NCMF received a report from a Muslim woman who was asked to remove her hijab before posing for a photograph for her National Identification (ID) card application. The NCMF wrote to the PSA requesting the issuance of a memorandum allowing headscarves to be worn for national identification photograph registration purposes. PSA responded that it had policies and guidelines giving special considerations for religious norms, clarifying that it allowed Muslims to wear head coverings.

Some Muslim leaders continued to express concern about the low percentage of Muslims in senior government and military positions.

At year's end, there were 11 Muslims in the 312-member House of Representatives and one Muslim in the 24-member Senate. President Marcos appointed Muslim individuals as presidential adviser on Muslim Affairs, Human Rights Commissioner, and head of the NCMF.

Muslim officials continued to report that while Muslim prison detainees were allowed to engage in religious observances, Roman Catholic Mass was often broadcast by loudspeaker to the entire prison population.

Section III.

Status of Societal Respect for Religious Freedom

Social media comments denigrating the beliefs or practices of Muslims continued to appear during the year. Public figures such as Muslim Senator Padilla stated that Muslims continued to face discrimination and human rights abuses in the country. The senator noted that since he converted to Islam, he experienced religious-based discrimination, which he did not

experience when a practicing Catholic. Padilla indicated his support for a National Hijab Day bill with the goal of ending stereotyping and discrimination of Muslim women and promoting respect and tolerance.

Government agencies mandated to document and monitor cases of abuse and restriction of religious freedom, such as the Commission on Human Rights and the Presidential Human Rights Committee, reported they had not received cases regarding abuse of religious freedom during the year. An NGO based in Mindanao said that it had received informal reports of discrimination against Muslims, but that these were not formally reported to local officials.

Section IV.

U.S

The embassy conducted a broad range of engagement throughout the year with the government to highlight the importance of international religious freedom. Embassy officers regularly met with the Commission on Human Rights to discuss general human rights issues in the country, including the red-tagging and indictment of members of religious groups, particularly priests, pastors, and nuns.

The embassy and its civil society organization partners engaged local governments in the Lanao region to invest in community learning facilities that served as venues for cooperation and inclusive dialogues, including on religious freedom. An embassy-sponsored project worked with local groups in sensitizing community leaders about female empowerment from diverse perspectives, including religious and ethnic group viewpoints that encouraged tolerance and pluralism.

The embassy continued to use online platforms and virtual engagement to emphasize strong U.S. support for religious freedom and the protection of civil liberties for persons of all faiths, including highlighting subjects such as the freedom to worship and the importance of religious tolerance. The embassy, in partnership with local NGOs and former participants in U.S. government-sponsored exchange programs, conducted a series of programs that focused on diversity and inclusivity, with an emphasis on protecting the rights of religious minority groups.

The embassy supported implementation of virtual mediation platforms for sharia courts in the BARMM to thwart physical violence that often occurs during in-person sharia court proceedings.

During the year, the embassy held the first in-person iftar since the beginning of the COVID-19 pandemic, gathering religious leaders from multiple faiths to share a meal and discuss interfaith collaboration in the country.

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