



DepEd ORDER
No. 105, s. 2010

OCT 14 2010

**REITERATING THE CONSTITUTIONAL RIGHT OF DEPED PERSONNEL
AND STUDENTS TO FREE EXERCISE OF RELIGION**

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Directors
Schools Division/City Superintendents
Heads, Public Elementary and Secondary Schools
All Others Concerned

1. The right of a man to worship God in his own view is guaranteed by the Bill of Rights under Article III, Section 5 of the 1987 Constitution of the Philippines which states that:

“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.”

2. DepEd Memorandum No. 3, s. 2010 was issued on January 10, 2010 advising all DepEd officials to ensure that the free exercise of religion by DepEd personnel are respected in the course of the regular operations of the Department.

3. Said memorandum, specifically mentioned that DepEd personnel belonging to the Seventh-Day Adventist Church should not be required to attend seminars, examinations, trainings and other professional development activities held on Saturday, which is their day of rest or church day, in accordance with their religious beliefs. However, in some public elementary and secondary schools, there is a practice of conducting special or make-up for the suspension of classes during typhoons or for any other reasons every Saturday for a particular duration of time. Hence, there are some complaints of discrimination and non-compliance with the provisions of DepEd Memorandum No. 3, s. 2010 in relation to the exercise of the right to religious worship by teachers. Likewise, there are complaints that said DepEd Memorandum excludes affected students from its coverage.

4. Accordingly, all concerned are hereby informed and advised of the following:

- a. DepEd personnel and students belonging to any religious group, where Saturday is their day of rest or “church day,” should not be required to attend seminars, examinations, special classes, trainings and other school activities on Saturdays;



- b. There should be no diminution or deduction in the salaries (in the case of teachers) or no effect in the grades (in the case of students) for those teachers and students who incur absences on Saturdays due to the exercise of their right to religious worship; and
- c. An arrangement should be made by the concerned teacher/ personnel with the school head for the performance of functions or by the concerned students with the teacher for the completion of school requirements, without prejudice to their right to free exercise of religion.

5. Immediate and wide dissemination of and strict compliance to this Order is directed.


BR. ARMIN A. LUISTRO FSC
Secretary

Reference:

DepEd Memorandum: (No. 3, s. 2010)

To be indicated in the Perpetual Index
under the following subjects:

RELIGION
STUDENTS
TEACHERS

Madel:c:Free Exercise Religion
10-12-10