



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION



MEMORANDUM FROM THE CHAIRPERSON

TO: ALL HIGHER EDUCATION INSTITUTIONS AND PERSONNEL
ALL CHED REGIONAL DIRECTORS

SUBJECT: **STRENGTHENING THE PROTECTION OF RELIGIOUS RIGHTS OF STUDENTS IN HIGHER EDUCATION INSTITUTIONS (HEIs)**

DATE: August 16, 2016

Pursuant to Section 5, Article 3 of 1987 Constitution, 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"*; with the Implementing Rules and Regulations of Republic Act No. 9710, that the Commission has been tasked to *"ensure sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing (including the wearing of hijab) and availability of halal"*; and with the Commission's mandate under Republic Act (RA) No. 7722, dictates *"that it is the responsibility of the State to protect, foster, and promote the right of all citizens to affordable quality education at all levels, and take appropriate steps to ensure that education shall be accessible to all"*, the Commission seeks to inform all higher education institutions (HEIs), public and private, and all CHED Regional Offices, regarding the **strengthening the protection of religious rights of students in HEIs.**

In view of the foregoing, all HEIs, both public and private, shall undertake the following:

1. Grant utmost respect, protection and consideration to the exercise of student's religious rights in the formulation of their institution's policies, with due consideration given to institutional rules and regulations concerning security, safety and identification;
2. Safeguard that all policies developed will ensure that students, regardless of religious status and affiliations shall have equal access to higher education, including but not limited to scholarships and other grants; and
3. Consistent with the Implementing Rules and Regulations of the Republic Act 9710 or the Magna Carta of Women Act of 2009, *"ensure sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing including the wearing of hijab and availability of halal."*

Immediate dissemination and strict compliance with this Order is desired.

Patricia B. Licuanan, Ph.D.
Chairperson



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CHED Memorandum Order

No. 47

Series of 2016

Subject: STRENGTHENING THE PROTECTION OF RELIGIOUS RIGHTS OF STUDENTS IN HIGHER EDUCATION INSTITUTIONS

**Article I
Rationale**

The issue on the protection of religious rights of students in Higher Education Institutions (HEIs) (i.e. wearing of clothing in school in line with a student's religious belief) has been a recurring concern. This issue impacts not only the institutional policies, rules and regulations regarding security and identification protocol, but primarily, the constitutional guarantee on the rights of students to freedom of religion.

**Article II
General Policies and Principles**

Pursuant to Section 5, Article 3 of *1987 Constitution*, "(n)o 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." Further, under the *Implementing Rules and Regulations of Republic Act No. 9710* or the *Magna Carta of Women*, the Commission, together with other government agencies, has been tasked to "(e)nsure sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing (including the wearing of hijab) and availability of halal."

Further, the Commission's mandate under Republic Act (RA) No. 7722 or Higher Education Act of 1994, dictates that "that it is the responsibility of the State to *protect, foster, and promote the right of all citizens to affordable quality education at all levels, and take appropriate steps to ensure that education shall be accessible to all*". In implementing this mandate, the Commission is fully cognizant of the academic freedom granted to HEIs. Nonetheless, the exercise of this academic freedom must not run counter to existing laws and state policies.

Article III Policy Statement

All HEIs, including private HEIs, State Universities and Colleges (SUCs) and Local Universities and Colleges (LUCs) shall undertake the following:

1. Grant utmost respect, protection and consideration to the exercise of student's religious rights in the formulation of their institution's policies, with due consideration given to institutional rules and regulations concerning security, safety and identification;
2. Safeguard that all policies developed will ensure that students, regardless of religious status and affiliations shall have equal access to higher education, including but not limited to scholarships and other grants; and
3. Consistent with the Implementing Rules and Regulations of the Republic Act 9710 or the Magna Carta of Women Act of 2009, "ensure sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing including the wearing of hijab and availability of halal."

Article IV Effectivity

This CMO shall take effect immediately after its issuance.

AUG 16 2016



Patricia B. Licuanan, Ph.D.
Chairperson

References:

CHED Memorandum from the Chair dated August 26, 2008.

