

## The Sacred, the Profane, and the Religious Endorsement

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*SUBJECT(S):*        *CONSTITUTIONAL LAW*

*KEYWORD(S):*    *FREEDOM OF SPEECH, FREEDOM OF RELIGION, NON-  
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This Note seeks to the constitutional question presented in the case of *Velarde v. SJS*: whether or not the act of a religious leader in endorsing the candidacy of a candidate for elective office or in urging or requiring the members of his flock to vote for a specified candidate, violates the constitution. The Note first provides background on the freedoms enshrined in the Constitution, namely the freedom of speech and of expression and the freedom of religion. The Note also discusses the interplay between the two said freedoms. The Note argues that there is a point of intersection between the two. The Note then discusses the concept of separation of church and state. The discussion here is two-fold: one involving the Philippine context and the other involving the American context. The Note then discusses the relationship of the principle of separation with religious freedom. Here there is extensive discussion on religious intrusion into government, permissible accommodation by the State, and support to religious schools by the government. The Note then discusses the challenges in defining religion using jurisprudence and treatises. The Note says that in answering the query central to the Paper, it is not religious freedom that is material but rather, the freedom of speech clause. The statements involved are not religious in nature but can be regarded as simple speech. The Note argues that by prohibiting religious endorsement, the restraint on speech becomes unconstitutional since it amounts to illegal prior restraint. The Note concludes that there is no violation of the non-establishment clause since the principle of church-state separation does not bar religion from entering the domain of politics either directly or indirectly.