

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Criminal Case No. 387435-SA
For: Violation of Article 133
Revised Penal Code

CARLOS CELDRAN y PAMINTUAN,
Accused.

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DECISION

Accused **CARLOS CELDRAN y PAMINTUAN** is charged before this Court for **Offending the Religious Feelings** under Article 133 of the Revised Penal Code, who, when arraigned on October 28, 2010, pleaded "Not Guilty" to the offense charged filed against him. Thus, trial on the merits proceeded.

The prosecution presented four (4) witnesses, namely: Teresita Azurin, Marcelina Cacal, Angelito Cacal and Fr. Oscar Alunday, SVD.

The first witness for the prosecution was Teresita Azurin. She testified that she is a devoted Roman Catholic and goes to mass regularly. She also testified that she was a teacher for twenty-five (25) years and taught theology in Legazpi, Bicol. As a devout Catholic, she helped in giving recollection and retreat workshops in Bicol and wherever the need is called for in the Philippines, wherein she is usually given a stipend. There were even occasions when she was called to give workshops outside of the Philippines.

Witness narrated that on September 30, 2010 at around 3:00 o'clock in the afternoon, she was at the Manila Cathedral to attend the celebration of the 2nd Anniversary of the event "May They Be One Campaign," and the launching of the "Hand Written Bible." The Philippine Bible Society launched a campaign to put a bible in every home, and its objective was to distribute five (5) million bibles to be distributed in five years, which is a joint activity of the Catholics and Protestants.

The event was attended by a lot of people, the Papal Nuncio, Cardinal Rosales, a number of bishops, a rabbi, people from the Philippine Bible Society, Catholics and non-Catholics, as well as military and police officers.

The first part of the event was the ecumenical service followed by a mass. Witness claimed that she was invited by the Episcopal Commission for Biblical

Apostolate to help in the opening procession, which was the Bible Enthronement. It started with the procession of the Bible from the middle part of the cathedral going to the altar. The procession was about five to ten minutes, and after the procession, the bible was enthroned, which was placed in a conspicuous place. Witness then took a seat with a friend around twenty (20) meters away from the altar. After the enthronement, there were several readings taken from the Bible. People were assigned to read the passages, and after reading the passages, it was followed by a prayer.

While Bro. Edgar Tirona was reading a passage from the Bible, and the said witness was seated at the far left side of the cathedral, the latter noticed accused Carlos Celdran quietly walked, coming from the left side of the cathedral, wearing a black suit which was not common nowadays. Slowly, accused proceeded towards the center in front of the altar, and suddenly brought out a placard approximately 1/4 of an illustration board with the word "DAMASO" written on it. He was holding the placard showing it to the assembly and to the high priests seated in front of the cathedral.

At first, witness wondered if it was part of the activity or Bro. Tirona's props. When she asked Marcelina Cacal if it was part of the proceedings, the latter said she didn't know. However, it did not take long when she realized that such was not part of the activity, and proceeded in front to find out what happened. She then saw somebody taking the accused and there was already a commotion, since he started shouting inside the church. Witness was offended and was angry of what happened, since it was a solemn activity which was disrupted and disrespected by accused.

The second witness presented by the prosecution was Marcelina Cacal. She narrated that she has been an employee of the Catholic Bishops Conference of the Philippines (CBCP) for twelve (12) years. On September 30, 2010, at around 1:00 o'clock in the afternoon, she and her companions started going to Manila Cathedral, since they were one of the organizers of the ecumenical service. They were there to prepare the materials needed for the activity, including the altar and table needed for the enthronement, afterwhich, they started welcoming the guests at the back main entrance of the cathedral.

She testified that the program comprises two (2) parts: a) the ecumenical service, and b) the celebration of the Holy Eucharist. Throughout the ecumenical service, she and her companions were inside the cathedral. She first noticed accused during the ecumenical service. At that time Bro. Tirona was reading the Bible passages, accused suddenly proceeded to the center of the cathedral in front of the altar, and started raising a placard with the word "DAMASO" written on it. Accused paraded the placard, however, he was silent.

At first, witness wondered if it was part of the ecumenical prayer, and she asked her companions if it was part of the program. However, when Norma Alvira returned back the question to her, and when asked by Teresita Azurin, she then realized it was not part of the program, prompting her to call one of the guards, who was at the back of the cathedral. Two (2) persons came and grabbed accused, who was escorted to the side of the church, wherein he started shouting, which she did not understand the exact words

Witness Cacal explained that the word "DAMASO" pertains to a priest, who committed something against the church. Although she admitted that she did not know the meaning of the word, however, she claimed that every time she hears the word "DAMASO", it is very traumatic for her.

The third witness presented by the prosecution was Angelito Cacal, a staff of the Episcopal Commission for Biblical Apostolate (ECBA), wherein he was given the task in taking pictures of the 2nd Anniversary of the "May They Be One Campaign." Witness explained that this project started in 2008, and its objective was to distribute bibles to over five million poor Filipino families. For every bible that is sold, these families are given fifty pesos (Php50) subsidy for a period of five (5) years. In connection with this, they tied up with Philippine Bible Society. To meet their objective, they came up with the idea of fund-raising project, and distributed campaign envelope to those who wanted to give donations for the project.

Witness Angelito Cacal narrated that on September 30, 2010, it was the celebration of the 2nd Anniversary of their campaign, which was supposed to start at 3:00 o'clock in the afternoon at the Manila Cathedral. The event was attended by the Papal Nuncio, bishops, Cardinal Rosales, dignitaries from different churches, people from the military, police as well as civilians. In the cathedral, there was a place devoted for cameramen, which was positioned at the first post, left side of the church, about five (5) meters away from the altar. There were two (2) parts of the activity: first was the ecumenical prayer and the second was the Holy Mass. During the ecumenical prayer, they were reading psalms from the bible. Among the pictures taken were: photos of Cardinal Rosales, Bishops Bacani and Vasquez (Exh. "D"), who were seated at the front row of the cathedral; picture of Bro. Tirons while he was reading the Bible passage during the ecumenical service (Exh. "D-1"); and, picture of accused Carlos Celdran, holding a placard with the word "DAMASO" in front of the Papal Nuncio and near the altar (Exhs. "D-6" to "D-8").

Witness Angelito Cacal testified that he thought accused will just attend the celebration, since he was at the side of the church when he was taking pictures. Suddenly, accused proceeded towards the center and raised the placard with the word "DAMASO" written on it. He was surprised, offended and angry, since he did not expect such incident will happen, considering it was a solemn celebration. When accused was taken away, he was shouting "Don't involve in politics." Witness further narrated that the event was later on shown over the TV news "24-Oras" and "Saksi" (Exhs "E" & "F"), which he was able to watch when he went home that evening.

The fourth witness for the prosecution was Fr. Oscar Alunday, SVD. He narrated that he is the Executive Secretary of the Episcopal Commission for Biblical Apostolate of the Catholic Bishops Conference of the Philippines, and his official role was to plan and organize the whole event.

On September 30, 2008, it was the 2nd Anniversary of the event "May They Be One Campaign," which was celebrated at Minor Basilica of the Immaculate Conception, Manila Cathedral, and was also the remembrance of the feast of Saint Jerome. Witness was the one who translated the Bible from Latin to English. The above quotation was

taken from the Gospel of John during the farewell address of Jesus to the disciples before he ascended into heaven, and the event has three (3) inseparable parts: first was the ecumenical religious worship; second was the Holy Mass; and, third is the hand written part.

Those who attended the celebration were the representative of the Holy Father to the Philippines, Cardinal Rosales, members of the Episcopal Commission for Biblical Apostolate, Bishops David, Bastes and Mayugba, members of the Philippine Women League, the Bible Translation for the Protestants, the different representatives of parishes, and members of the armed forces and different church dignitaries.

Witness said that he was positioned at the left aisle, behind the first post of the cathedral, where the media people were located. He immediately noticed accused Carlos Celdran wearing a black suit with a cap beside the media people, who was going to that side two to three times, and on his last approach, he brought with him a placard.

While Atty. Edgar Tirona, President of the Laiko of the Philippines, was giving his sharing, accused walked towards the center aisle of the cathedral, genuflected before the altar, and slowly lifted a placard with the word "DAMASO" written on it. The area where accused held the placard was visible to those who were inside the cathedral.

At first, witness thought it was part of the sharing and he said to himself "wow may style si Mr. Tirona, kakaiba ang sharing niya." This is because "DAMASO" was the secretary of Saint Jerome. However, it didn't take long for him to realize that it was no longer part of the celebration, especially when the bishops were pointing at him, because he was the organizer of the event. Moreover, accused was trashing the placard towards the bishops, the Cardinal and the Papal Nuncio, who were seated on the front seat, shouting these words "You bishops, stop involving yourself in politics." The Cardinal just looked down and the other bishops were saying "Do something." Mr. Comejo, Vice President of GMA 7, stood and grabbed accused from the center and he followed him from behind. Accused even tried to go back as he was being pacified, and was again shouting "Ano gusto ninyo, magsisigaw pa ba?" Witness then replied "Huwag na po, huwag na po. Kung may gusto ka sabihin, let's do it outside." Then, the military came and helped them brought accused outside of the cathedral.

Witness explained that he was much affected by the incident, which was an insulting, aggrieving and an intrusion of holy religious liturgical worship. It was an event where Catholics and non-Catholics were united by the words of God, and manifesting in one word of God.

For the defense, they presented two (2) witnesses, namely: Ria Regina S. Limjap and Atty. Christian Monsod.

The first witness for the defense was Ria Regina Limjap. She said that she first met accused Carlos Celdran in 2003, and since then, they worked together in a number of projects. Usually, she was part of the production, while accused was an actor, who studied in the United States in a reputable school of art, and has talent in individual art and as a performance artist. Eventually, they became good friends, and their working

relationship was more on art and culture, wherein she and accused shared a love for history. Witness testified that accused was primarily popular in walking tour at historical districts of the city like Intramuros, Quiapo, Chinatown and Cultural Center of the Philippines, who had been doing it for about ten (10) years. Over the years, she had seen the works of accused as a performer and not just a guiding tour, but a one man show.

Witness claimed that they wanted to commemorate the historical Battle of Manila, which happened during the World War II wherein 120,000 people died. It was also accused's idea to open up Fort Santiago, and opened an art event incorporating musicians, artists, inviting people, doing a tour at night and having a big party.

On September 30, 2010, witness was at her apartment at North Sequia, writing an article trying to meet a deadline, when she noticed accused was putting on his clothes, dark pants and black coat. It was around 2:00 o'clock in the afternoon, and accused asked her to drive him to Manila Cathedral, since there was an Anti-Reproductive Bill (Anti-RH Bill) demonstration there. She said that accused Carlos is an advocate of the bill, since he walked the streets of Manila, seeing many children wandering and young pregnant mothers, who cannot take care of their children. At first, she hesitated since it was raining, however, in the end, she was persuaded because she also wanted to have a break from writing and she wasn't going anywhere.

When they arrived at the cathedral, there was no one outside, so they decided to park their car at Tamayo's parking lot which was behind the church. They proceeded inside the cathedral using the right entrance. However, she felt a bit conscious because there were people seated. Among of them were nuns, choir and members of the armed forces. But, she did not notice church dignitaries.

At that time, a man was speaking at the podium, which was near the altar. She tried to figure out if it was mass, however, she noticed it was not. While they were inside, accused told her that he wanted to raise a sign, and he was holding a piece of card board with the word "DAMASO" written on it, about five (5) inches big. Witness asked accused if he was sure about it, since for her the better place should be at the back because it was more populated. Accused then gave her the camera to take pictures for the facebook. She told him that the side was a bad angle, so she exited and proceeded at the back of the church, near the main entrance. Upon reaching there, accused was already at the middle aisle, standing and holding a placard with the word "DAMASO" for a few minutes. She averred that the word pertains only to a character in Rizal's novel Noli Me Tangere.

Witness explained that there was no big reaction, no mumble and people were just seated. After a few more minutes, policemen came and escorted accused out of the cathedral. Witness said that accused even changed his position, and thought it was the funny Carlos. She also added that accused was completely quiet and was literally standing in the middle aisle, who did not utter anything, and his movements were not scandalous. She admired that accused was brave in doing such act.

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Witness claimed that accused was escorted out of the cathedral, he was handcuffed and several policemen came and surrounded him. At that point, she described that it was a bit "magulo," and when she asked one of the cops if they were arresting the accused, the officer replied "no," after which, accused was brought to the nearest police precinct.

The second witness presented by the defense was Atty. Christian Monsod, who testified that he is an environmentalist and usually represents the farmers. On September 30, 2010, at mid-afternoon, he was at the Manila Cathedral, since he was invited by the Bible Society to attend the launching of the bible program. The society is an inter-denominational group composed of different religions, who believed and advocated reading the Bible. At the same time, he is the Vice-Chairman of the Bishop Businessman Conference for Human Development.

Witness was seated at the third row, because the first two (2) rows were occupied by the bishops. There was a man reading a passage taken from the Bible, and commentaries going on, when he noticed a person coming from the left side, who was dressed like a bit of Jose Rizal, walked to the middle aisle.

While standing, accused brought out a placard with a word "DAMASO," which said witness knew it has something to do with Jose Rizal, since Padre Damaso was a central figure in his writings. It has something to do with the church that was not working for the people. Witness said that accused was quiet, while he was raising the placard and was even moving around. The bishops were looking at him and he was sure they got the message. After a few minutes, a police officer approached accused and he went quietly with them. When they reached the side of the cathedral, accused said in a loud voice "Don't meddle in politics." Witness explained that at the time accused raised the placard, it was not during the celebration of the Holy Mass, and nothing happened that disturbed the proceedings.

The facts of this case having been laid down, the Court now determines whether accused may be held liable for the offense charged against him.

After a careful review of the evidence presented, the Court finds that the prosecution has sufficiently established the guilt of the accused beyond reasonable doubt.

Article 133 of the Revised Penal Code provides:

Art. 133. Offending the religious feelings. - The penalty of arresto mayor in its maximum period to prision correccional in its minimum period shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.

Under the above cited law, and as discussed by Luis B. Reyes in the Revised Penal Code, Vol. II, page 76, offending the religious feelings has the following the elements:

1. That the acts complained of were performed (1) in a place devoted to religious worship, or (2) during the celebration of any religious ceremony; and,
2. That the acts must be notoriously offensive to the feelings of the faithful.

The defense argued that the incident happened before the celebration of the mass, and the word "DAMASO" itself is not an offensive word, since it did not have any religious significance. Moreover, Ms. Ria Regina S. Limjap, witness for the defense, regarded "DAMASO" only as a character in the novel of Jose Rizal. Likewise, witness Atty. Christian Monsod said that he was not offended by the act of the accused, and it did not disrupt the program. Thus, the act of the accused was not notoriously offensive. However, the Court is not persuaded.

In the present case, the collective testimonies of witnesses for the prosecution positively pointed to accused, who is showing the placard with the word "DAMASO" during the ecumenical service inside the Manila Cathedral, in front of the Cardinal and the bishops, who attended the celebration. Not only did accused parades the placard, he even shouted these words "Don't meddle in politics." Although the witnesses admitted that at first they thought it was part of the celebration, they were categorical in claiming that they were offended by the act of the accused.

A scrutiny of the elements of the applicable law will reveal that accused performed the act while inside the Manila Cathedral, a place which is devoted for worship. It was during the ecumenical prayer when accused went in front of the altar and started raising a placard with the word "DAMASO" written on it, in front of the Cardinal and the bishops, who were present thereat.

As regards the word "DAMASO", whether or not it is notoriously offensive to the feelings of the faithful, it must be judged from the circumstances surrounding the incident. It is noteworthy to state that at the time of the incident, there was a celebration called "May They Be One Campaign" at the Manila Cathedral, which was attended by different religions, both Catholics and non-Catholics, who believed in the Bible.

In order for an act to be notoriously offensive to the feelings of the faithful, it must be directed against religious practice or dogma or ritual for the purpose of ridicule, as mocking or scoffing at or attempting to damage an object of religious veneration. (Revised Penal Code by Luis B. Reyes, Vol. II, p. 76)

The Court submits that the act of the accused in displaying the placard with the word "DAMASO" written on it inside the Manila Cathedral, while an ecumenical service was going on, is offensive to the feelings of the faithful. Moreover, in the case of People v. Baes, G.R. No. L-46000, May 25, 1939, the Supreme Court in an En Banc decision ruled:

"Whether or not the act complained of is offensive to the religious feelings of the Catholics, is a question of fact which must be judged only according to the feelings of the Catholics and not those of other faithful ones, for it is possible that certain acts may offend the feelings of those who profess a certain religion, while not otherwise offensive to the feelings of those professing another faith."

The testimonies of the prosecution witnesses here were delivered in a spontaneous, natural and straightforward manner. The truth of said testimonies conform to common knowledge, observation and experience of mankind, if taken under the circumstances surrounding the case. Moreover, the testimony of Fr. Oscar Alunday, SVD could not be doubted, considering that he is just more than one meter away from the scene where accused held the placard. Accordingly, his testimony deserves full faith and credit.

In appreciating the credibility of the oral testimony of a witness, the Supreme Court states that the evidence to be believed must not only proceed from the mouth of a credible witness but it must also be credible in itself, such that common experience and observation of mankind lead to the inference of its probability under the circumstances. Sometimes, we have no test of the truth of human testimony, except its conformity to our knowledge, observation and experience (People v. Manambit, 271 SCRA 345).

All told, the positive declaration of the witnesses for the prosecution and the circumstances surrounding the incident are sufficient to satisfy the *quantum* of evidence needed for a criminal conviction.

WHEREFORE, premises considered, accused **CARLOS CELDRAN y PAMINTUAN** is found "**Guilty**" beyond reasonable doubt for the crime of **Offending the Religious Feelings under Article 133 of the Revised Penal Code**, and applying the Indeterminate Sentence Law, there being no mitigating and aggravating circumstance, he is hereby sentenced to suffer imprisonment of two (2) months and twenty-one (21) days as minimum to one (1) year, one (1) month and eleven (11) days as maximum of *prision correccional* in its medium period, with costs *de officio*.

SO ORDERED.

Manila, December 14, 2012.

ORIGINAL SIGNATURE
JUAN O. BERMEJO, JR.
Pairing Judge