

A CRITICAL REVIEW OF REPUBLIC ACT 8491 OTHERWISE KNOWN AS THE FLAG  
AND HERALDIC CODE OF THE PHILIPPINES:ITS IMPLICATION  
TO THE FREEDOM OF EXPRESSION CLAUSE OF THE  
1987 PHILIPPINE CONSTITUTION

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**ABSTRACT**

This study sought to determine the implication of Republic Act 8491 otherwise known as the Flag and Heraldic Code of the Philippines to freedom of expression enshrined and protected by the Philippine 1987 Constitution. This was conducted in order to determine the constitutionality of RA 8491, specifically Section 34 on Prohibited Acts. In order to answer the constitutionality of RA 8491, a critical review of Section 34 was conducted, taking into account the legislative intent by analyzing its provisions, committee reports, and principles of statutory construction. The results from the review revealed that RA 8491, specifically Section 34, is constitutional. The legislative intent of the law is to punish only malicious acts done against the Philippine Flag. Accordingly, there is a need to amend Section 34 so as to clearly conform to the intent of the law.

Special laws affecting freedom of expression must be codified, analyzed and taught to the people because freedom of expression is a medium of other rights through which the people communicates their sentiments to the State.