



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



Thirteenth Congress
Second Regular Session

HOUSE BILL NO. 5458

Introduced by Honorable Rodante D. Marcoleta

EXPLANATORY NOTE

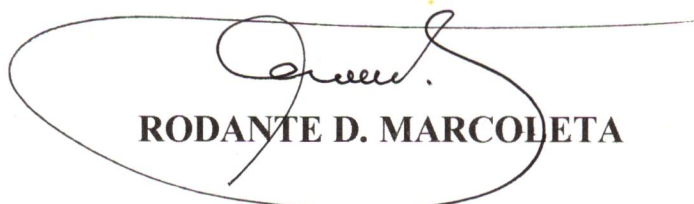
Section 12 of Article II (*Declaration of Principles and State Policies*) of the Constitution provides in part the following:

“The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. x x x.”

Republic Act No. 3815, otherwise known as the Revised Penal Code, as amended, defines abortion as a crime against persons and provides penalties for such act. However, despite being a criminal act in the Philippines, abortion is still widely committed in this jurisdiction. It is imperative, therefore, to strengthen the law by including other specific acts of a physician or midwife which result to abortion.

It is the paramount interest of the State to protect the mother and the unborn child in her womb. The guarantee of the right to life under the Constitution applies equally to both born and unborn human beings. Needless to state, the unborn child should not be deprived of his inalienable right to life. It is high time that we take a stand on the issue of abortion. The coverage of penal law on abortion should be expanded to include physicians and midwives aside from pharmacists who shall administer, prescribe, procure, dispense or sell any medicine, drug, or other abortifacient substance or devices. Furthermore, the government shall identify, list down and publish the names of the drugs, medicines and substances which are determined to have abortive effect.

Hence, the immediate passage of this bill is earnestly sought.


RODANTE D. MARCOLETA



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AN ACT
EXPANDING THE COVERAGE OF THE PRACTICE OF
ABORTION, AMENDING FOR THE PURPOSE REPUBLIC ACT
NUMBERED THIRTY-EIGHT HUNDRED AND FIFTEEN, AS
AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL
CODE.

Be it enacted by the Senate and House of Representatives in Congress of the Philippines assembled:

SECTION 1. Article 259 of Republic Act No. 3815, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

“ART. 259. *Abortion practiced by a physician or midwife and dispensing of abortives.* – A PHYSICIAN OR A MIDWIFE WHO, TAKING ADVANTAGE OF THEIR SCIENTIFIC KNOWLEDGE OR SKILL, PROVIDES A MEDICAL DEVICE OR APPARATUS OR PERFORMS A MEDICAL PROCEDURE, DESIGNED OR INTENDED TO TERMINATE THE LIFE OF AN UNBORN HUMAN BEING SHALL SUFFER [T] the penalties provided in Article 256 WHICH shall be imposed in its maximum period. [, respectively, upon any physician or midwife who, taking

advantage of their scientific knowledge or skill, shall cause an abortion or assist in causing the same.]

Any PHYSICIAN, MIDWIFE OR pharmacist who [, without the proper prescription from a physician,] shall dispense any abortive, OR KNOWINGLY ADMINISTER, PRESCRIBE, PROCURE OR SELL ANY MEDICINE, DRUG, DEVICE OR OTHER ABORTIFACIENT SUBSTANCE, shall suffer the penalty or *arresto mayor* and a fine not exceeding [1,000] 10,000.00 pesos.

THE STATE SHALL IDENTIFY, LIST DOWN AND PUBLISH THE NAMES OF THE DRUGS, MEDICINES AND SUBSTANCES USED FOR ABORTION PURPOSES.”

SEC. 2. All laws, order, decrees, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 3. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,