

Republic of the Philippines
HOUSE OF REPRESENTATIVES

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3667

Introduced by: **HONORABLE AMADO S. BAGATSING**

EXPLANATORY NOTE

Many incidents of abortions have been reported lately. Fetuses have been found in garbage cans, thrown and abandoned by their mothers only to be discovered by unknown and concerned citizens and reported by the media. Some never got to be discovered at all to be left sadly in the confines of anonymity. These fetuses are the unwanted and uncared for unborn babies who have been wantonly murdered to hide the shame of their mothers.

The 1987 Constitution in Article II, Section 12 states as a matter of principle and state policy that the State "shall equally protect the life of the mother and the life of the unborn from conception." This bill aims to give life to this constitutional right of the unborn to protection, to recognize the unborn child's basic right to life, to the protection of his or her welfare and against acts which place the unborn child in danger of being harmed, injured or killed, bearing in mind that the unborn child is totally incapable of protecting itself.

This bill likewise seeks to amend the Revised Penal Code by adding provisions for a clear and workable definition of abortion and abortifacients, and classify certain medicinal formulations of abortifacients as dangerous

drugs thus making them illegal, prohibit the use, possession, manufacture, importation, trade, promotion, dispensing, prescription of the same.

It also seeks to impose heavier penalties for abortive acts defined under Articles 256, 257, 258 and 259 of the Revised Penal Code. The mother and other persons who are expected to provide for the proper care and nurturing of the unborn child are more seriously held liable and accountable for any act that they may commit which are injurious or fatal to the unborn child. It also aims to establish a system for monitoring and reporting of cases of abortion to strengthen the prosecution and rehabilitation of those who may be charged with committing offenses under our criminal laws on abortion.

Considering the lack of sensitivity and utter callousness of the persons committing these grievous acts against helpless and innocent lives necessitating the immediate action of this Chamber, the approval of this measure is urgently requested.



AMADO S. BAGATSING
5th District, Manila

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3667

Introduced by Honorable **AMADO S. BAGATSING**

AN ACT
INCREASING THE PENALTIES AGAINST ABORTION, AMENDING FOR
THE PURPOSE ARTICLES 256, 257, 258 AND 259 OF THE REVISED
PENAL CODE, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the New Anti-
2 Abortion Act of 2010.

3 **SEC. 2.** *Coverage.* –

4 a. Abortion – refers to any act or practice whether done intentionally
5 or unintentionally, that causes the premature exit of the products
6 of conception (e.g. fetus, fetal membrane, placenta) from the uterus
7 of a woman;

8 b. Abortive acts – refers to abortion practiced by the woman herself or
9 by her parents; abortion practiced by a physician or midwife
10 dispensing of abortives; any pharmacist who, without the proper
11 prescription from a physician, dispenses of abortives; as it is illegal
12 in the Philippines and is penalized as a crime under the Revised
13 Penal Code (Arts. 256-259)

14 **SEC. 3.** *Protection Against Abortive Acts* – The unborn child shall be
15 protected from abortive acts including the use, administration, dispensing,
16 injection or delivery by whatever means or substances, medicines in any

1 form, or practices such as massages, which are hereby declared as
2 abortifacients, which cause or may recklessly endanger or expose the
3 unborn child to damage, injury or death, whether committed by the mother,
4 a physician or other person, intentionally or not, with or without consent of
5 the mother, or committed with or without violence.

6 **SEC. 4. *Prohibited Acts and Penalties.*** -The corresponding penalties
7 for the crimes of Intentional Abortion, Unintentional Abortion, Abortion
8 Practiced by the Woman Herself or by Her Parents, Abortion Practiced by a
9 Physician or Midwife, and Dispensing of Abortives are hereby increased. For
10 this purpose, Articles 256, 257, 258 and 259 of the Revised Penal Code are
11 hereby amended to read as follows:

12 "Article 256. *Intentional abortion.* - Any person who shall intentionally
13 cause an abortion shall suffer:

- 14 1. The penalty of [*reclusion temporal*] RECLUSION PERPETUA,
15 if he shall use any violence upon the person of the pregnant
16 woman.
- 17 2. The penalty of [*prision mayor*] RECLUSION TEMPORAL, if
18 without using violence, he shall act without the consent of
19 the woman.
- 20 3. The penalty of *prision* [*correccional* in its medium and
21 maximum periods] MAYOR, if the woman shall have
22 consented.

23 "Article 257. *Unintentional abortion.* - The penalty of *prision*
24 [*correccional*] MAYOR in its minimum and medium periods shall
25 be imposed upon any person who shall cause an abortion by violence,
26 but unintentionally.

27 "Article 258. *Abortion practiced by the woman herself or by her*
28 *parents.*- The penalty of *prision* [*correccional*] MAYOR in its medium
29 and maximum periods shall be imposed upon a woman who shall
30 practice an abortion upon herself or shall consent that any other
31 person should do so.

1 Any woman who shall commit this offense to conceal her
2 dishonor shall suffer the penalty of *prision [correccional]* MAYOR in its
3 minimum and medium periods.

4 If this crime be committed by the parents of the pregnant
5 woman or either of them, and they act with the consent of said woman
6 for the purpose of concealing her dishonor, the offenders shall suffer
7 the penalty of *prision [correccional]* MAYOR in its medium and
8 maximum periods.

9 "Article 259. *Abortion practiced by a physician or midwife and*
10 *dispensing of abortive.* - The penalties provided in Article 256 shall
11 be imposed in their maximum period, respectively, upon any
12 physician or midwife who, taking advantage of their scientific
13 knowledge or skill, shall cause an abortion or assist in causing the
14 same.

15 Any pharmacist who, without the proper prescription from a
16 physician, shall dispense any abortive shall suffer [*arresto mayor*]
17 PRISION CORRECCIONAL and a fine not exceeding [1,000 pesos] ONE
18 HUNDRED THOUSAND PESOS (P100,000.00).

19 "ARTICLE 259-A. *ABORTIFACIENTS AS PROHIBITED DRUGS.*- FOR
20 PURPOSES OF THIS ACT, ABORTIFACIENT REFERS TO ANY
21 DEVICE, DRUG, FORMULATION, SUBSTANCE, PRACTICE OR
22 PROCEDURE WHICH IS INTENDED TO OR MAY DAMAGE, INJURE,
23 INTERFERE WITH THE DEVELOPMENT, ENDANGER OR CAUSE THE
24 DEATH OF THE UNBORN CHILD OR OTHERWISE INDUCE
25 ABORTION AND CAUSE THE EXPULSION OR DEATH OF THE
26 UNBORN CHILD. THIS TERM SHALL INCLUDE, BUT SHALL NOT
27 BE LIMITED TO, ANY FORMULATION, SUBSTANCES, DRUGS OR
28 HERBS WHICH, WHEN INGESTED, INJECTED OR IS OTHERWISE
29 INTRODUCED INTO A CHILD-BEARING MOTHER'S BODY, INDUCES
30 THE ABORTION OR THE DEATH AND FORCED EXPULSION OF THE
31 FETUS FROM THE MOTHER'S WOMB, AS WELL AS PRACTICES AND

1 PROCEDURES SUCH AS ABDOMINAL MASSAGES OR *HILLOT*,
2 SUCTION, SALINE INJECTION, HYSTERECTOMY, DILATION AND
3 CURRETAGE (DNC) WHEN SUCH ARE CLEARLY CARRIED OUT OR
4 PERFORMED TO INDUCE OR CAUSE ABORTION AND FOR NO
5 VALID MEDICAL OR HEALTH REASONS."

6 Violators of this Act shall be civilly liable to the offended party in such
7 amount at the discretion of the court:: *Provided that*, if the offender is a
8 juridical person, the penalty shall be imposed upon the President,
9 Treasurer, Secretary or any responsible officer; *Provided, further*, that an
10 offender who is an alien shall, after service of sentence, be deported
11 immediately without further proceedings by the Bureau of Immigration;
12 *Provided, furthermore*, that, an offender who is a public officer or employee
13 shall suffer the accessory penalty of dismissal from the government service.

14 **SEC. 5. Separability Clause.** - If any provision or part hereof is held
15 invalid or unconstitutional, the remainder of the law or the provision not
16 otherwise affected shall remain valid and subsisting.

17 **SEC. 6. Repealing Clause.**- All other laws, decrees, orders, issuances,
18 rules and regulations contrary to or inconsistent with the provisions of this
19 Act are hereby repealed, amended or modified accordingly.

20 **SEC. 7 Effectivity.** - This Act shall take effect thirty (30) days after its
21 publication in the Official Gazette.

22 *Approved,*