

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

**SIXTEENTH CONGRESS  
FIRST REGULAR SESSION**

House Bill No. 567



---

**Introduced by Honorable Amado S. Bagatsing**

---

**EXPLANATORY NOTE**

Many incidents of abortions have been reported. 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 "xxx shall equally protect the life of the mother and the life of the unborn from conception xxx." 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 or 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, and prescription of the same.

It is 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  
Representative  
5<sup>th</sup> District, Manila

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

**SIXTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

House Bill No. 567

---

**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 2013.”

3       **SECTION 2.** *Coverage.-*

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