

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular Session

116 2002



Introduced by Honorable **AMADO S. BAGATSING**

EXPLANATORY NOTE

The Philippines, a country composed of a predominant Christian population, could rightfully claim that it has one of the most comprehensive constitutions in the world, which provides for the protection of human rights, and principally the right to life

It recognizes the sanctity of family life and mandates that the State shall equally protect the life of the mother and the life of the unborn from conception, as embodied under Section 12 Article II, Declaration of Principles and State Policies of the Constitution.

Yet sixteen (16) years from the adoption of the Constitution in 1987, there is a glaring absence of an implementing law that guarantees the protection of the unborn. With the proliferation of drugs, medical supplies and appliances that are aimed at removing the fetus from the mother's womb, the State has remained silent in recognizing the threat placed by society on the life of the unborn.

This bill aims to address this dilemma. It recognizes that the unborn has a basic right to life and therefore should be extended the mantle of legal recognition and protection. Thus, it addresses the threats of abortion and the use of abortifacients, and explains the concept of fetal development, as well as the juridical and legal personality of the unborn.

The author hopes that with the passage of this measure the life of the innocent unborn will finally receive the recognition and protection by the State that has long been overdue.

The immediate passage of this bill is therefore urgently requested.

A handwritten signature in black ink, appearing to be "S. Bagatsing", written in a cursive style.

AMADO S. BAGATSING
5th District of Manila

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2002

Introduced by Honorable **AMADO S. BAGATSING**

AN ACT
PROVIDING FOR THE PROTECTION
OF THE UNBORN CHILD 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 Protection of the Unborn
2 Child Act of 2013.

3 **SEC. 2. Declaration of Policy.** – The State recognizes the sanctity of family life and
4 shall protect and strengthen the family as a basic autonomous social institution; (Article II,
5 Sec. 12, of the 1987 Constitution);

6 The State shall equally protect the life of the mother and the life of the unborn child
7 from conception;

8 The State recognizes the Filipino family including the unborn child as the foundation
9 of the nation and is pledged to strengthen its solidarity and actively promote its total
10 development;

11 The Filipino family's most vulnerable members are their children, including those
12 who are unborn;

13 The State recognizes the right to life as the most fundamental right of all without and
14 from which all other rights become meaningless;

15 The State recognizes that there is an urgent and compelling need to protect the unborn
16 child to safeguard and enhance the right to life;

1 The Constitutional and natural right to life and protection of the unborn child is an
2 absolute value and norm that cannot be repealed by ordinary legislation, now or in the future;

3 The humanity of the unborn child is not just a legal principle or philosophical, moral
4 or ethical belief but is an established biological fact as recognized by the Constitution and
5 shown by the vast amount of knowledge acquired in the fields of genetics, embryology, and
6 fetal development;

7 The State recognizes the right of children including the unborn child to assistance
8 including proper care and nutrition, special protection from all forms of neglect, abuse,
9 cruelty, exploitation and other conditions prejudicial to their development;

10 **SEC. 3. Objectives:**

11 a) This act aims to promote the safety, protection and welfare of the unborn child
12 from the moment of conception and during all stages of development while inside the
13 mother's womb;

14 b) It acknowledges the unborn child as a human being with human personality and
15 extends the mantle of legal protection to the child from the moment of conception;

16 c) It ensures that the delivery of health services to the mother during pregnancy shall
17 be done without prejudice to the unborn child;

18 d) It promotes and advances the maturity of the unborn child as a welcome addition
19 and asset of the family; and

20 e) It aims to enhance the health of the mother by avoiding means that may adversely
21 affect the viability of the unborn child in all stages of its maturity.

22 **SEC. 4. Definition of Terms.** - For purposes of this Act, the following terms shall be
23 defined as follows:

24 a. Unborn – refers to a developing human being at any stage of his/her existence
25 and development beginning from the union of the sperm and the egg until the birth
26 stage;

27 b. Conception/Fertilization – refers to the precise moment that the sperm fertilizes
28 the egg, which is when a new life is formed distinct in his/her existence and
29 genetic make-up from both the father and the mother.

30 c. Implantation- refers to that stage of the development of the human life which
31 takes place around five days after fertilization when the fertilized egg is implanted
32 in the uterus.

- 1 d. Fetal development – refers to the scientifically established development process of
2 the beginning of human life from the union of the sperm and egg until the birth of
3 the child that at no point during this time we could say that this was not a human
4 life, with the changes occurring between fertilization, implantation, a six week
5 embryo, a six month fetus until birth.
- 6 e. Abortion – refers to any act or practice whether done intentionally or
7 unintentionally, such as through *hilot* (or abdominal massage) administration of
8 certain medicines or herbal concoctions, suction, hysterectomy saline injection,
9 various formulations of the *Morning After Pill* or *Levonorgestrel* or other similar
10 means or device, and substances whether used singly or in combination with
11 other substances, that cause or recklessly endanger or result in injury, damage,
12 expulsion, interference in the natural development of the fetus, or death of the
13 unborn child;
- 14 f. Abortive acts – refers to an abortion committed by the following person/s which
15 are illegal and considered a crime in the Philippines and penalized under Articles
16 256-259 of the Revised Penal Code such as that practiced by the woman herself
17 or by her parents; abortion practiced by a physician or midwife in the dispensing
18 of abortives; acts committed by any pharmacist who, without the proper
19 prescription from a physician, dispenses the abortive.
- 20 g. Abortifacient – refers to any device, medicine, substance, or practice which may
21 damage, injure, interfere or recklessly endanger or cause the expulsion or death of
22 the unborn child.
- 23 h. Human Personality - refers to the status that is gained by and attaches to the
24 unborn child from the moment of conception.
- 25 i. Parental Right – refers to the right of parents to give consent when minors are
26 involved in any decision or disposition relating to the unborn at any stage of
27 development.

28 **SEC. 5. *Juridical Capacity of the Unborn Child.*** - The unborn child shall have the
29 juridical capacity to be subject of legal relations which is inherent in every natural person,
30 including the unborn child from the moment of conception, and is lost only through death.

31 **SEC. 6. *Civil Personality of the Unborn Child.*** – The unborn child is considered a
32 human being possessed of civil personality from the moment of conception. Subsequent birth

1 is not a condition for the attachment of civil personality and for the conferment or enjoyment
2 of rights, including the right of succession, and obligations as well as all purposes favorable
3 to it.

4 **SEC. 7. *Human Rights of the Unborn Child.*** - The unborn child shall possess and
5 enjoy all human rights that are conferred to other persons by law and shall be entitled first
6 and foremost to the right to life, safety and protection while still in the mother's womb.

7 **SEC. 8. *Protection Against Abortive Acts*** – The unborn child shall be protected from
8 abortive acts including the use, administration, dispensing, injection or delivery by whatever
9 means of substances, medicines in any form, or practices such as massages, which are
10 declared as abortifacients and which may cause or may recklessly endanger or expose the
11 unborn child to damage, injury or death, whether committed by the mother, a physician or
12 other person, intentionally or not, with or without consent of the mother, or committed with
13 or without violence.

14 **SEC. 9. *Extent of Protection.***- The unborn child shall be protected from the moment
15 of conception from all outside intervention, including, but not limited to, intentional
16 intervention that could be medically considered as abortive whether through chemicals,
17 surgical or abdominal massage, during the natural process of growth of the fertilized ovum.

18 **SEC. 10. *Parental right and State Power Over the Unborn Child.*** - The rights of
19 parents of a minor with an unborn child shall be superior to that of the State in all instances
20 involving the safety, protection and welfare of the unborn child and the mother, and shall not
21 be affected by social stigma, laws, regulations, government policy considerations, health,
22 racial or religious concerns.

23 **SEC. 11. *Prohibited Acts and Penalties.*** – The acts constituting abortion, intentional
24 abortion and similar acts as the same are defined and penalized in Arts. 255 to 259 of the
25 Revised Penal Code and shall constitute and be deemed as prohibited acts under this Act but
26 the same shall be penalized with penalties that are one degree higher than those provided for
27 in the said laws.

28 **SEC. 12. *Penalties.*** – The proper city or municipal court shall exercise jurisdiction
29 over violations of this Act and the accused who is found guilty shall be sentenced to an
30 imprisonment ranging from one (1) month to six (6) months or a fine ranging from
31 Ten Thousand Pesos (P10, 000.00) to Fifty Thousand Pesos (P50, 000.00) or both such fine
32 and imprisonment at the discretion of the court. If the offender is a juridical person, the

1 penalty shall be imposed upon the president, treasurer, secretary or any responsible officer.
2 An offender who is an alien shall, after service of sentence, be deported immediately without
3 further proceedings by the Bureau of Immigration. An offender who is a public officer or
4 employee shall suffer the accessory penalty of dismissal from the government service.

5 Violators of this Act shall be civilly liable to the offended party in such amount at the
6 discretion of the proper court.

7 **SEC. 13. *Separability Clause.*** – If any provision or part hereof is held invalid or
8 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
9 valid and subsisting.

10 **SEC. 14. *Repealing Clause.***– All other laws, decrees, orders, issuances, rules and
11 regulations contrary to or inconsistent with the provisions of this Act are hereby repealed,
12 amended or modified accordingly.

13 **SEC.15 *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
14 in at least two (2) newspapers of national circulation.

15 *Approved,*