

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**

**SIXTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 3201**



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

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**EXPLANATORY NOTE**

Many incidents of abortions have been rampantly performed and 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 get to be discovered at all, sadly to be left 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 Philippine Constitution under Article II, Section 12 states that: "the State shall equally protect the life of the mother and the life of the unborn from conception." It is apparent that the State promulgates the right to life of the unborn as a primordial duty of all citizens.

This bill aims to give flesh to this constitutional right of the unborn. As a measure of protection, the bill recognizes the unborn child's basic right to life and the need to be protected against acts which pose danger to his/her life bearing in mind that the unborn child is totally incapable of protecting himself/herself.

To strengthen its implementation, the bill 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 will be more seriously held liable and accountable for any act that they may commit which will be injurious or fatal to the unborn child. Moreover, the bill further aims to establish a system for monitoring and reporting of incidents of abortion for the prosecution of cases and rehabilitation of those who may be charged with committing offenses under our Revised Penal Code.

Considering the lack of human sensitivity and utter callousness of the persons committing these grievous acts against helpless and innocent lives it is utmost that this Chamber take action. The approval of this measure is therefore urgently requested.



**AMADO S. BAGATSING**  
5<sup>th</sup> District, Manila

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

**SIXTEENTH CONGRESS**  
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Introduced by Honorable **AMADO S. BAGATSING**

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**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       **SEC. 1.** Articles 256, 257, 258 and 259 of the Revised Penal Code are  
2 hereby amended to read as follows:

3       “Article 256. *Intentional abortion.* – Any person who shall intentionally  
4 cause an abortion shall suffer:

5             1. The penalty of [*reclusion temporal*] RECLUSION PERPETUA,  
6 if he shall use any violence upon the person of the pregnant  
7 woman.

8             2. The penalty of [*prision mayor*] RECLUSION TEMPORAL, if  
9 without using violence, he shall act without the consent of  
10 the woman.

11            3. The penalty of *prision* [*correccional* in its medium and  
12 maximum periods] MAYOR, if the woman shall have  
13 consented.

14       “Article 257. *Unintentional abortion.* - The penalty of *prision*  
15 [*correccional*] MAYOR in its minimum and medium periods shall

1 be imposed upon any person who shall cause an abortion by violence,  
2 but unintentionally.

3 “Article 258. *Abortion practiced by the woman herself or by her*  
4 *parents.*- The penalty of *prision [correccional]* MAYOR in its medium  
5 and maximum periods shall be imposed upon a woman who shall  
6 practice an abortion upon herself or shall consent that any other  
7 person should do so.

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

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

16 “Article 259. *Abortion practiced by a physician or midwife and*  
17 *dispensing of abortive.* - The penalties provided in Article 256 shall be  
18 imposed in their maximum period, respectively, upon any physician or  
19 midwife who, taking advantage of their scientific knowledge or skill,  
20 shall cause an abortion or assist in causing the same.

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

25 “ARTICLE 259-A. *ABORTIFACIENTS AS PROHIBITED DRUGS.*- FOR  
26 PURPOSES OF THIS ACT, ABORTIFACIENT REFERS TO ANY  
27 DEVICE, DRUG, FORMULATION, SUBSTANCE, PRACTICE OR  
28 PROCEDURE WHICH IS INTENDED TO OR MAY DAMAGE, INJURE,  
29 INTERFERE WITH THE DEVELOPMENT, ENDANGER OR CAUSE THE  
30 DEATH OF THE UNBORN CHILD OR OTHERWISE INDUCE  
31 ABORTION AND CAUSE THE EXPULSION OR DEATH OF THE

1 UNBORN CHILD. THIS TERM SHALL INCLUDE, BUT SHALL NOT  
2 BE LIMITED TO, ANY FORMULATION, SUBSTANCES, DRUGS OR  
3 HERBS WHICH, WHEN INGESTED, INJECTED OR IS OTHERWISE  
4 INTRODUCED INTO A CHILD-BEARING MOTHER'S BODY, INDUCES  
5 THE ABORTION OR THE DEATH AND FORCED EXPULSION OF THE  
6 FETUS FROM THE MOTHER'S WOMB, AS WELL AS PRACTICES AND  
7 PROCEDURES SUCH AS ABDOMINAL MASSAGES OR *HILOT*,  
8 SUCTION, SALINE INJECTION, HYSTERECTOMY, DILATION AND  
9 CURRETAGE (DNC) WHEN SUCH ARE CLEARLY CARRIED OUT OR  
10 PERFORMED TO INDUCE OR CAUSE ABORTION AND FOR NO  
11 VALID MEDICAL OR HEALTH REASONS."

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

20 **SEC. 5. Separability Clause.** – If any provision or part hereof is held  
21 invalid or unconstitutional, the remainder of the law or the provision not  
22 otherwise affected shall remain valid and subsisting.

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

26 **SEC. 7 Effectivity.** – This Act shall take effect thirty (30) days after its  
27 publication in the Official Gazette.

28 *Approved,*