

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session
House Bill No. **5441**



Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

AN ACT
REPEALING REPUBLIC ACT NO. 10354, OTHERWISE KNOWN AS THE
"RESPONSIBLE PARENTHOOD AND REPRODUCTIVE HEALTH ACT OF
2012," AND FOR OTHER PURPOSES

EXPLANATORY NOTE

"Righteousness exalteth a nation: but sin is a reproach to any people."
-Proverbs 14:34, KJV-

*"Blessed is the nation whose God is the Lord; and the people whom he
hath chosen for his own inheritance."*
-Psalm 33:12, KJV-

The 1987 Philippine Constitution enshrines fundamental principles that must guide all legislation, especially those affecting life, family, and individual rights. Among these are: "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. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government." (Sec. 12, Art. II); "The State shall defend: The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood." (Sec. 3(1), Art. XV); "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed." (Sec. 5, Art. III); "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." (Sec. 1, Art. III); and "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being" (Sec. 13, Art. II).

These Constitutional mandates underscore the State's duty to protect the family, uphold parental authority, defend the right to life from conception, and guarantee religious freedom and due process and promote the well-being of the youth

As the Holy Writ declares: *“Lo, children are an heritage of the Lord: and the fruit of the womb is his reward.”* (Psalm 127:3, KJV).

The Responsible Parenthood and Reproductive Health Act of 2012 (R.A. No. 10354), or the "RH Law," was enacted to promote responsible parenthood, reproductive health, and the protection of women's rights. However, from its inception, the law was already the subject of deep constitutional, moral, and social controversy, that shortly after its passage it was challenged before the Supreme Court on grounds that it violates the right to life, freedom of religion and conscience, parental authority, and the constitutional principle of non-coercion. While the Supreme Court declared the RH Law as "not unconstitutional, the following provisions thereof were declared unconstitutional:

1. Section 7 and the corresponding provision in the RH-IRR insofar as they: a) require private health facilities and non-maternity specialty hospitals and hospitals owned and operated by a religious group to refer patients, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health facility which is conveniently accessible; and b) allow minor-parents or minors who have suffered a miscarriage access to modern methods of family planning without written consent from their parents or guardian/s;
2. Section 23(a)(1) and the corresponding provision in the RH-IRR, particularly Section 5.24 thereof, insofar as they punish any healthcare service provider who fails and or refuses to disseminate information regarding programs and services on reproductive health regardless of his or her religious beliefs;
3. Section 23(a)(2)(i) and the corresponding provision in the RH-IRR insofar as they allow a married individual, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to undergo reproductive health procedures without the consent of the spouse;
4. Section 23(a)(2)(ii) and the corresponding provision in the RH-IRR insofar as they limit the requirement of parental consent only to elective surgical procedures.
5. Section 23(a)(3) and the corresponding provision in the RH-IRR, particularly Section 5.24 thereof, insofar as they punish any healthcare service provider who fails and/or refuses to refer a patient not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health care service provider within the same facility or one which is conveniently accessible regardless of his or her religious beliefs;
6. Section 23(b) and the corresponding provision in the RH-IRR, particularly Section 5.24 thereof, insofar as they punish any public officer who refuses to support reproductive health programs or shall do any act that hinders the

full implementation of a reproductive health program, regardless of his or her religious beliefs;

7. Section 17 and the corresponding provision in the RH-IRR regarding the rendering of pro bono reproductive health service in so far as they affect the conscientious objector in securing PhilHealth accreditation; and
8. Section 3.01(a) and Section 3.01 (j) of the RH-IRR, which added the qualifier “primarily” in defining abortifacients and contraceptives, as they are ultra vires and, therefore, null and void for contravening Section 4(a) of the RH Law and violating Section 12, Article II of the Constitution.¹

The RH Law must be repealed for the following reasons:

1. The Supreme Court’s decision underscores the constitutional infirmities of the RH Law, particularly its coercive provisions that infringe upon the freedom of religion and conscience, parental authority, and the right to life of the unborn. *“We ought to obey God rather than men.”* (Acts 5:29, KJV). The Court further noted that the RH Law is **“a mere compilation and enhancement of the prior existing contraceptive and reproductive health laws, but with coercive measures,”**² and that even without the RH Law, statutes such as the Population Act (R.A. No. 6365), the Contraceptive Act (R.A. No. 4729), and the Magna Carta of Women (R.A. No. 9710) remain in force, providing for reproductive health services without the objectionable elements of coercion and compulsion.³
2. While the Supreme Court declined to rule on the constitutionality of Section 14 of the RH Law on age- and development-appropriate reproductive health education, reasoning as follows: *“At this point, suffice it to state that any attack on the validity of Section 14 of the RH Law is premature because the Department of Education, Culture, and Sports has yet to formulate a curriculum on age-appropriate reproductive health education. One can only speculate on the content, manner, and medium of instruction that will be used to educate the adolescents and whether they will contradict the religious beliefs of the petitioners and validate their apprehensions. Thus, considering the premature nature of this particular issue, the Court declines to rule on its constitutionality or validity”*⁴, yet the subsequent issuance by the Department of Education of the Policy Guidelines on the Implementation of the Comprehensive Sexuality Education (CSE)⁵, has fundamentally changed the situation. The curriculum is now concrete and operational, and any adverse effects on constitutional rights, such as parental authority, religious freedom, or the right to life, are no longer hypothetical. This development creates a ripe and justiciable controversy,

¹ Imbong, et al. v. Ochoa, et al. G.R. No. 204819 April 8, 2014.

² Id.

³ Id.

⁴ Id.

⁵ DepED Order No. 31, s. 2018 issued July 13, 2018.

enabling affected parties to challenge Section 14 of the RH Law and/or the Department Order itself before the courts. This echoes the relevance of the biblical principle that, “*Train up a child in the way he should go: and when he is old, he will not depart from it.*” (Proverbs 22:6, KJV), thus, with the RH law and DepEd Order, the government is developing a mindset of sexuality among our children which will inevitably become their lifestyle.

3. Contrary to arguments that the law seeks to **uphold and promote** *respect for life, informed choice, birth spacing and responsible parenthood* and **guarantee** universal access to so-called medically-safe, legal and quality reproductive health care services and relevant information, in reality the law does not adhere to the precepts of the Holy Scriptures which unequivocally teaches that sex is a privilege exclusive to a man and a woman *joined in holy matrimony*.

Knowledge of ways to prevent pregnancies may ultimately bring about among the youth a **licentious lifestyle** that in the long run would irreversibly erode the moral fiber of the nation and would lead to a generation that no longer looks at marriage as a sacred union, and with no more regard for such universal moral values of purity and chastity. Such knowledge passed on to the younger segments of society opens the door for the youth to freely engage in sex, *in utter violation of Biblical teachings against fornication* in particular.

4. Providing age- and development-appropriate reproductive health education to adolescents which shall be taught and integrated in relevant subjects even when such is against their religious beliefs, or is against the teachings of the Church, with the law mandating the government to guarantee “access to medically-safe, legal, affordable and quality reproductive health care services, methods, devices, supplies and relevant information thereon” runs counter to the following provisions of the Constitution:

- a. The separation of Church and State shall be inviolable (*Sec. 6, Art. II*);
- b. 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 xxx (*Sec. 12, Art. II*);
- c. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. xxx (*Sec. 13, Art. II*);
- d. The State shall protect and promote the right to health of the people and instill health consciousness among them (*Sec. 15, Art. II*);
- e. They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, xxx, strengthen ethical and

spiritual values, develop moral character and personal discipline ,
xxx (*Sub. par. 2, Sec. 3, Art. XIV*); and

- f. The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood. (*Sec. 3 (1), Art. XV*).
5. It is a hidden fact not openly discussed that most contraceptives have been found to cause disease, result in abortion, and prevent the formation of new life. Studies have shown that despite the use of Oral Contraceptives, fertilization may still result, and there are actually three mechanisms of action of contraceptives, two of which prevent ovulation and increase the difficulty of sperm entry into the uterus. The third, however, acts as a kind of back-up and therefore not a contraceptive at all, as it actually prevents implanting of the newly fertilized egg unto the lining of the mother's womb.⁶ As a result, the **newly formed life** cannot implant, hence, it **dies**. This is plain and simple **abortion**.

Based on medical studies, the *hidden truth* is that Oral Contraceptives: **i.)** inhibit and interfere with normal and healthy reproductive processes resulting in *serious complications and side effects*; **ii.)** such as pills, patches containing estrogens and progestins have been classified as carcinogenic, raising *breast, cervical and liver cancer*; **iii.)** do not always prevent ovulation and subsequent fertilization; and **iv.)** have actually 3 recognized mechanisms of action, hence, actually *abortifacient*, the third mechanism of action being to *prevent* the fertilized egg (which is already a *new life*) to implant in the mother's womb, hence, it *dies*.⁷ On the other hand, it has been found out that there is a 1.85% failure rate of Tubal Ligation, usually resulting in a high-risk ectopic pregnancy. Other adverse effects are bleeding, heavy menses in the long term, adverse anesthesia effects, and post tubal ligation syndrome.⁸

6. The Bible clearly teaches that sexual intercourse is a sacred privilege exclusively to married couples. The Bible condemns as sin the abuse of this privilege, calling it adultery to those who abuse it while married, and fornication to those who abuse it while unmarried. The Scriptures tells us that "Marriage is honourable in all, and the bed undefiled: but whoremongers and adulterers God will judge" (*Hebrews 13:4, KJV*).

Children are God's gift. By promoting contraceptives we are condemning and rejecting the gift of God and opposing God's very purpose of creation. Whether through the use of contraceptives or plain abortion, we are

⁶ U.S. Physicians Drug Reference, 1978, p. 1817; 1997, p. 2746.

⁷ C.M. Rowland, Editor, Rubber Chemistry and Technology.

⁸ Stergachis, et al., Tubal Sterilization and long term risk of hysterectomy, JAMA 1990;2893-2898.

making *women murderers* for they would not only be killing human lives but, and *worst*, they would be *preventing the formation of a new life*.

It is submitted that it is *discipline* (*abstinence*) that makes one *responsible* and certainly **not** contraceptives.

The **real solution** to the problem is not in man's hands but in GOD's who assuringly said: "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land." (11 Chronicles 7:14, KJV).

7. The law is the *greatest deception* upon the Filipino. The law is a: 1.) *State intervention* into people's private marital lives and affairs, as it strongly promotes the use of contraceptives; 2.) *blatant disregard to the basic parental rights and influence of parents over their children*, as it encourages even *minor children* the right to sex; 3.) *suppression of the freedom of expression*, as it makes mandatory sexuality education and access to and use of contraceptives; 4.) *disguised State sanction to abortion*, as it promotes the use of contraceptives which can cause abortion; 5.) *violation of and encroachment on the Church' primary and supreme domain over moral and spiritual principles, standards, and discipline*; and 6.) *violation of the Freedom of Religion* and the principle on the *Separation of the Church and State*, as it promotes the use of contraceptives.

The RH law is actually telling our children go and indulge in sexual activities as anyway contraceptivrs are available everywhere. Never mind your honor and dignity. Truly, the Bible is accurate: "Who can find a virtuous woman? For her price is far above rubies" (*Proverbs 31:10, KJV*).

Finally, the Supreme Court itself recognized that "nothing has polarized the nation more in recent years than the issues of population growth control, abortion, and contraception,"⁹ and that the RH Law has "caused a deep division in every level of society."¹⁰ This underscores the need for broad societal consensus when legislating on matters of fundamental moral and ethical significance.

In view of the foregoing, the immediate passage of this bill is earnestly sought to prevent further erosion of constitutional rights and to safeguard the moral and social fabric of the nation.


BIENVENIDO M. ABANTE, JR.

⁹ *Imbong, et al. v. Ochoa, et al. G.R. No. 204819 April 8, 2014.*

¹⁰ *Id.*

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2012," AND FOR OTHER PURPOSES

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

SECTION 1. *Repeal of Republic Act No. 10354.* — Republic Act No. 10354, otherwise known as the "Responsible Parenthood and Reproductive Health Act of 2012," is hereby repealed.

SEC. 2. *Repealing Clause.* — All laws, decrees, executive orders, rules and regulations, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,