

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

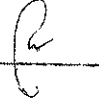


Senate
Office of the Secretary

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SENATE

S. B. No. 2584

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

EXPLANATORY NOTE

The Philippines can rightfully claim that it has one of the most comprehensive Constitutions in the world as far as the protection of human rights is concerned. Enshrined in the Constitution is the definition that life begins from the moment of conception and, hence, mandates that the state shall equally protect the life of the mother and the unborn child. Unfortunately, 23 years from the adoption of the Constitution in 1987, there is a glaring absence of an implementing law that will ensure the protection of the unborn.

This bill aims to remedy that oversight by recognizing that the unborn has a basic right to life and extends the mantle of legal recognition and protection. Thus, basic concepts and principle of fetal development are defined and clarified for the protection of the unborn.

The proposed measure preserves and strengthens the value given to human life particularly to the unborn who are considered helpless and vulnerable; and, therefore, need the protection of the law. It seeks to defend the life of the unborn as it is sacred and inviolable even from the moment of conception.

With the passage of this bill, the unborn, whether wanted or unwanted, legitimate or illegitimate, physically normal or challenged, will finally receive the recognition and protection because they are human and have the right to life.

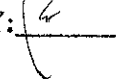
The protection provided in the proposed measure is not just against intentional abortive acts. It also protects the child from behaviors including drug use, alcoholic drinking or smoking and other acts that can conceivably damage, injure, recklessly endanger or cause the death of the unborn child.

In view of the foregoing, the immediate passage of the measure is earnestly sought.


RALPH G. RECTO

SENATE

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AN ACT
PROVIDING FOR THE SAFETY AND 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*
2 *Unborn Child Act of 2010.*”
3

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

7 The state shall equally protect the life of the mother and the life of the unborn
8 child from conception;

9 The State recognizes its solidarity and actively promote its total development;

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

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

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

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

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

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

1 **SEC. 3. Objectives. -**

- 2 a) To promote the safety, protection and welfare of the unborn child from the
3 moment of conception and during all stages of development while inside the
4 mother's womb;
5 b) To acknowledge the unborn child as a human being with human personality and
6 extend the mantle of legal protection to the child from the moment of conception;
7 c) To ensure that the delivery of health services to the mother during pregnancy
8 shall be done without prejudice to the unborn child;
9 d) To promote and advance the maturity of the unborn child as a welcome addition
10 and asset of the family; and
11 e) To enhance the health of the mother by avoiding means that may adversely
12 affect the viability of the unborn child in all stages of the maturity.
13

14 **SEC. 4. Definition of Terms. –** For purposes of this Act, the following terms shall be
15 defined as follows:

- 16 a.) *Unborn* – refers to a child at any stage of existence and development
17 beginning from the union of the sperm and the egg until the birth stage;
18 b.) *Conception/Fertilization* – refers to the precise moment that the sperm
19 fertilizes the egg, which is when a new life is formed distinct in his/her
20 existence and genetic make-up from both the father and the mother;
21 c.) *Implantation* – refers to that stage of the development of the human life which
22 takes place around five days after fertilization when the fertilized egg is
23 implanted in the uterus;
24 d.) *Fetal development* – refers to the scientifically established development
25 process of the beginning of human life from the union of the sperm and egg
26 until the birth of the child that at no point during this time we could say that
27 this was not a human life, with the changes occurring between fertilization,
28 implantation, a six week embryo, a six month fetus until birth;
29 e.) *Abortion* – any act or practice whether done intentionally or unintentionally,
30 such as through hilot (or abdominal massage), administration of certain
31 medicines or herbal concoctions, suction, hysterectomy saline injection,
32 various formulations of the Morning After Pill or Levonorgestrel or other
33 similar means or device, and substances whether used singly or in
34 combination with other substances, that cause or recklessly endanger or
35 result in injury, damage, expulsion, interference in the natural development of
36 the fetus, or death of the unborn child;
37 f.) *Abortive acts* – abortion practiced by the woman herself or by her parents;
38 abortion practiced by a physician or midwife dispensing of abortive; any
39 pharmacist who, without the proper prescription from a physician, dispenses
40 of abortives; as it is illegal in the Philippines and is penalized as a crime under
41 the Revised Penal Code (Arts. 256-259);
42 g.) *Abortifacient* – is any device, medicine, substance or practice which may
43 damage, injure, interfere or recklessly endanger or cause the expulsion or
44 death of the unborn child;
45 h.) *Human Personality* – refers to the status that is gained and attaches to the
46 unborn child from the moment of conception;
47 i.) *Parental Right* – refers to the right of parents to give consent when minors are
48 involved in any decision or disposition relating to the unborn at any stage of
49 development.

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

5
6 **SEC. 6. Protection Against Abortive Acts.** – The unborn child shall be
7 protected from abortive acts including the use, administration, dispensing, injection or
8 delivery by whatever means of substances, medicines, in any form, or practices such as
9 massages, which are hereby declared as abortifacients which cause or may recklessly
10 endanger or expose the unborn child to damage, injury or death, whether committed by
11 the mother, a physician or other person, intentionally or not, with or without consent of
12 the mother, or committed with or without violence.

13
14 **SEC. 7. Extent of Protection.** – The unborn child shall be protected from the
15 moment of conception from all outside intervention, including, but not limited to,
16 intentional intervention that could be medically considered as abortive whether through
17 chemicals, surgical or abdominal massage, during the natural process of growth of the
18 fertilized ovum.

19
20 **SEC. 8. Parental Right and State Power Over the Unborn Child.** – The rights
21 of parents of a minor with an unborn child shall be superior to that of the state in all
22 instances involving the safety, protection and welfare of the unborn child and the
23 mother, and shall not be affected by social stigma, laws, regulations, government policy
24 considerations, health racial or religious concerns: *Provided*, That nothing in this section
25 shall be construed or interpreted to allow the parent to perform or give consent to the
26 performance of an abortion upon the minor child.

27
28 **SEC. 9. Prohibited Acts and Penalties.** – The acts constituting abortion,
29 intentional abortion and similar acts as the same are defined and penalized in Articles
30 255 to 259 of the Revised Penal Code and shall constitute and be deemed as prohibited
31 acts under this Act but the same shall be penalized with penalties that are one degree
32 higher than those provided for in the said laws.

33
34 **SEC. 10. Penalties.** – The proper city or municipal court shall exercise
35 jurisdiction over all other violations of this Act not otherwise covered by the preceding
36 section. The accused who is found guilty shall be sentenced to an imprisonment ranging
37 from one (1) month to six (6) months or a fine ranging from Ten Thousand Pesos
38 (P10,000.00) to Fifty Thousand Pesos (P50,000.00) or both such fine and imprisonment
39 at the discretion of the court. If the offender is a juridical person, the penalty shall be
40 imposed upon the president, treasurer, secretary or any responsible officer. The Bureau
41 of Immigration shall, after service of sentence, deport an offender who is an alien
42 immediately without further proceedings. An offender who is an alien shall, after service
43 of sentence, be deported immediately without further proceedings by the Bureau of
44 Immigration. An offender who is a public officer or employee shall suffer the accessory
45 penalty of dismissal from the government service.

46
47 Violations of this Act shall be civilly liable to the offended party in such amount at
48 the discretion of the proper court.

1 **SEC. 11. Separability Clause.** – If any provision or part hereof is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall
3 remain valid and subsisting.

4
5 **SEC. 12. Repealing Clause.** – All other laws, decree, orders, issuances, rules
6 and regulations contrary to or inconsistent with the provisions of this Act are hereby
7 repealed, amended or modified accordingly.

8
9 **SEC. 13. Effectivity.** – This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of national circulation.

Approved,