

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5228



Introduced by **HON. GUS S. TAMBUNTING**

EXPLANATORY NOTE

Section 12 of Article II of the 1987 Constitution has declared as State Policy the recognition of the sanctity of family life and mandating the state to protect and strengthen the family as a basic autonomous social institution. In the same manner, the Constitution equally protects the life of the mother but more importantly the life of the unborn from conception.

Every child is dubbed by our national hero, Dr. Jose Rizal, as the hope of our nation. However, how can a hope even blossom when the right of a budding life is not protected from its onset? Indeed, children as well as women are already considered as one of the most vulnerable sector in the society. In such a case, how much more vulnerable are the unborn?

Thus, this bill is re-filed from the 16th Congress in continuing the stance of pro-life advocates in the protection of the unborn. This moral and legal obligation should become a priority notwithstanding the postulate of our Constitution in guaranteeing the right to life such that no one shall be deprived of life without due process of law. (Section 1, Article III of the 1987 Constitution) Hence, this bill defines who is the unborn and when life begins, further, it evokes the unborn child possesses human rights and that the life of the unborn child is of utmost priority. In addition, it guarantees the protection and safety of the unborn more particularly against abortifacients. This protection extends from conception as it is when life has deemed to have begun.

Thus, the passage of this bill is earnestly sought.



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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:

SECTION 1. *Short Title.* – This Act shall be known as the Protection of the Unborn Child Act of 2017.

SECTION 2. *Declaration of Policy.* – The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. As stated in Article II, Section 12, of the Philippine Constitution: 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.

It recognizes the Filipino family including the unborn child as the foundation of the nation and pledges to strengthen its solidarity and actively promote its total development. It recognizes the right to life as the most fundamental right of all without and from which all other rights become meaningless.

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

SECTION 3. *Objectives.* – The following are the objectives of this bill:

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

- b) It acknowledges the unborn child as a human being with human personality and extends the mantle of legal protection to the child from the moment of conception;
- c) It ensures that the delivery of health services to the mother during pregnancy shall be done without prejudice to the unborn child;
- d) It promotes and advances the maturity of the unborn child as a welcome addition and asset of the family; and
- e) It aims to enhance the health of the mother by avoiding means that may adversely affect the viability of the unborn child in all stages of its maturity.

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

- a) Unborn - refers to a child at any stage existence and development beginning from the union of the sperm and the egg until the birth stage;
- b) Conception / Fertilization - refers to the precise moment the sperm fertilizes the egg, which is when a new life is formed distinct in his/her existence and genetic make-up from both the father and the mother.
- c) Implantation - refers to that stage of the development of the human life which takes place around five days after fertilization when the fertilized egg is implanted in the ovum.
- d) Fetal development - refers to the scientifically established development process of the beginning of human life from the union of the sperm and egg until the birth of the child that at no point during this time we could say that this was not a human life, with the changes occurring between fertilization, implantation, a six week embryo, a six month fetus until birth.
- e) Abortion - any act or practice whether done intentionally or unintentionally, such as through hilot (or abdominal massage) administration of certain medicines or herbal concoctions, suction, hysterectomy saline injection, various formulations of the Morning After Pill or Levonorgestrel or other similar means or device, and substances whether used singly or in combination with other substances, that cause or recklessly endanger or result in injury, damage, expulsion, interference in the natural development of the fetus, or death of the unborn child.
- f) Abortive acts - abortion practiced by the woman herself or by her parents; abortion practiced by a physician or midwife dispensing abortives; any pharmacist who, without the proper prescription from a physician, dispenses

abortives; as it is illegal in the Philippines and is penalized as a crime under the Revised Penal Code (Acts. 256-259).

- g) Abortifacient - is any device, medicine, substance, practice which may damage, injure, interfere or recklessly endanger or cause the expulsion or death of the unborn child.
- h) Human Personality – refers to the status that is gained and attaches to the unborn child from the moment of conception.
- i) Parental right – refers to the right of parents to give consent when minors are involved in any decision or disposition relating to the unborn at any stage of development.

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

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

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

SECTION 8. *Parental right and State Power Over the Unborn Child.* – The rights of parents of a minor with an unborn child shall be superior to that of the state in all instances involving the safety, protection and welfare of the unborn child and the mother, and shall not be affected by social stigma, laws, regulations, government policy considerations, health, racial or religious concerns.

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

SECTION 10. *Penalties.* – The proper city or municipal court shall exercise jurisdiction over violations of this Act the accused who is found guilty shall be sentenced to an imprisonment ranging from one (1) month to six (6) months or a fine ranging from Ten Thousand Pesos (P10,000.00) to Fifty Thousand Pesos (P50,000.00) or both such fine and imprisonment at the discretion of the court. If the offender is juridical person, the penalty shall be imposed upon the president, treasurer, secretary or any responsible officer. An offender who is an alien shall, after service of sentence, be deported immediately without further proceedings by the Bureau of Immigration. An offender who is a public officer or employee shall suffer the accessory penalty of dismissal from the government service.

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

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

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

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

Approved,