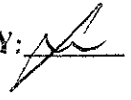




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FIFTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
FIRST REGULAR SESSION

)  
) RECEIVED BY:   
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SENATE  
S.B. No. 2635

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Introduced by: SEN. RAMON BONG REVILLA, JR.

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EXPLANATORY NOTE

Our 1997 Constitution in Article II Section 12, provides for equal protection of both the life of the mother and that of the unborn from the moment of conception.

More than two decades have passed since, and I believe it is high time for us to revisit the provisions specifically those pertaining to the prescribed penalties for violations as well as to present a clearer and more comprehensive description of unlawful acts. There have been numerous advancements in the realm of science and medicine specifically in the past decades that has left certain provisions of the Revised Penal Code obsolete or out of date. As legislators, it is our duty to revisit older laws to ensure that they still have the potency and effect that the great legislators before us had originally intended.

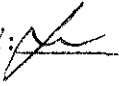
I urge my colleagues to work with me for the swift passage of this measure. It is our duty to ensure the protection and uphold the rights of the citizens of the state, and I feel that this measure merits our special attention because it deals with the defenseless and voiceless unborn children. We must take it upon ourselves to champion the rights of these helpless unborn children.

  
RAMON BONG REVILLA, JR.



'11 JAN 17 P3:59

SENATE  
S.B. No. 2635

RECEIVED BY: 

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Introduced by: SEN. RAMON BONG REVILLA, JR.

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**"AN ACT  
TO UPHOLD THE HUMAN RIGHTS AND PROMOTE THE WELFARE  
OF THE UNBORN CHILD, AMENDING FOR THE PURPOSE ARTICLES  
256, 257, 258 AND 259 OF THE REVISED PENAL CODE,  
AND FOR OTHER PURPOSES."**

**SECTION 1. *Short Title.*** - This Act shall be known as the "Protection of the Unborn Child Act of 2011".

**SECTION 2. *Declaration of Policy.*** - Pursuant to Section 12, Article II of the 1987 Constitution which adopts, as a national principle and policy, that the State shall equally protect the life of the mother and the life of the unborn child from conception, the unborn child shall possess and enjoy all human rights that are conferred upon persons by the 1987 Constitution and existing laws; foremost of which is the right to life, safety and protection while still in the mother's womb.

**SECTION 3. *Objectives.*** - This Act aims to:

- a) Recognize the unborn child as a human being with a distinct human personality and with the right to life and the right to be accorded the maximum protection of the State and its laws;
- b) Extend the mantle of legal protection to the unborn child from the moment of conception;
- c) Promote the welfare of the unborn child from the moment of conception and during all stages of development while inside the mother's womb;
- d) Ensure that the delivery of health services to the mother during pregnancy are done without prejudice to the unborn child;
- e) Enhance the health of the mother by avoiding any means that may adversely affect the viability of the unborn child in all stages of fetal development; and,
- f) Promote and advance the maturity of the unborn child through means that recognize and respect the right to life, health and welfare of both the mother and the unborn child.

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

- 1) *Unborn child* - refers to a child at any stage of existence and development from conception until birth;
- 2) *Conception* - refers to the moment when the sperm cell fertilizes the egg cell, upon which it is recognized that a new life is formed

with a distinct genetic make-up from that of the father and the mother, and which, medically, is likewise known as the moment of "fertilization";

- 3) *Abortifacient* - refers to any device, drug, formulation, substance, practice or procedure intended to damage, injure, interfere with the development, endanger or cause the death of the unborn child or otherwise induce abortion. This term shall include, but shall not be limited to, any formulation, substances, drugs or herbs which, when ingested, injected or is otherwise introduced into a child-bearing mother's body, induces the abortion or the death and forced expulsion of the fetus from the mother's womb, as well as practices and procedures such as abdominal massages or "hilot", suction, saline injection, hysterectomy, dilation and curettage (ONC) when such are clearly carried out or performed to induce or cause abortion and for no valid medical or health reasons;
- 4) *Abortion* - any act or practice, whether done intentionally or unintentionally, that causes the premature exit of the products of conception (e.g. fetus, fetal membrane, placenta) from the uterus of a woman;
- 5) *Abortive Acts* - are the acts defined and penalized under Articles 256, 257, 258 and 259 of the Revised Penal Code; and
- 6) *Parental' right* - refers to the right of parents to give consent, when minors are involved, in any decision relating to the minor's pregnancy and the life and welfare of both the mother and the unborn child.

**SECTION 5. *Protection of the Unborn Child.*** - The unborn child shall be protected from abortifacients, abortive acts and practices that induce abortion, including the use, administration, dispensing, injection or delivery by whatever means of substances, medicines in any form which endanger or expose the unborn child to damage, injury or death, whether committed with or without violence, and whether committed with or without consent of the mother. The unborn child shall further be protected from the moment of conception from all outside intervention including intentional intervention that could be medically considered as abortive, during the natural process of growth of the fertilized ovum.

**SECTION 6. *Parental Rights and State Power Over the Unborn Child.*** - The rights of the parents of a minor bearing an unborn child shall be superior to that of the State in instances and issues involving the safety, protection and welfare of the unborn child and the mother, unless the State must interfere and its laws must be enforced in order to protect the life and welfare of the unborn child against abortion as well as all substances, practices and acts herein defined as abortifacients or abortive acts.

**SECTION 7. *Penalties for Prohibited Acts.*** - The corresponding penalties for the crimes of Intentional Abortion, Unintentional Abortion, Abortion Practiced by the Woman Herself or by Her Parents, Abortion Practiced by a Physician or Midwife, and Dispensing of Abortive are hereby increased. For this purpose, Articles 256, 257, 258 and 259 of the Revised Penal Code are hereby amended to read as follows:

"Article 256. Intentional abortion. - Any person who shall intentionally cause an abortion shall suffer:

1. The penalty of [reclusion temporal] **RECLUSION PERPETUA**, if he/**she** shall use any violence upon the person of the pregnant woman.
2. The penalty of [prision mayor] **RECLUSION TEMPORAL**, if, without using violence, he/**she** shall act without the consent of the woman.
3. The penalty of prision [correccional in its medium and maximum periods] **MAYOR**, if the woman shall have consented.

"Article 257. Unintentional abortion. - The penalty of prision [correccional] **MAYOR** in its minimum and medium periods shall be imposed upon any person who shall cause an abortion by violence, but unintentionally.

"Article 258. Abortion practiced by the woman herself or by her parents. - The penalty of prision [correccional] **MAYOR** in its medium and maximum periods shall be imposed upon a woman who shall practice an abortion upon herself or shall consent that any other person should do so. Any woman who shall commit this offense to conceal her dishonor shall suffer the penalty of prision [correccional] **MAYOR** in its minimum and medium periods. If this crime be committed by the parents of the pregnant woman or either of them, and they act with the consent of said woman for the purpose of concealing her dishonor, the offenders shall suffer the penalty of prision [correccional] **MAYOR** in its medium and maximum periods.

"Article 259. Abortion practiced by a physician or midwife and dispensing of abortive. - The penalties provided in Article 256 shall be imposed in their maximum period, respectively, upon any physician or midwife who, taking advantage of their scientific knowledge or skill, shall cause an abortion or assist in causing the same. Any pharmacist who, without the proper prescription from a physician, shall dispense any abortive shall suffer [arresto mayor] **PRISION CORRECCIONAL** and a fine not exceeding [1,000 pesos] **ONE HUNDRED THOUSAND PESOS (P100,000.00)**."

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

**SECTION 8. 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 9. *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 10. *Effectivity.*** - The Act shall take effect thirty (30) days after its publication in the Official Gazette.

Approved,