THIRTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

First Regular Session

104 JIN 30 P4 309

RECEIVED BY: Oule

SENATE S. No. 321)

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Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Drug addiction during pregnancy is becoming a common occurrence. Today, there are thousands of mothers who take illegal drugs during pregnancy. As a result, infants who are exposed to this irresponsible act risk premature birth, serious physical disabilities, permanent brain damage or death. Responsible parenting starts at conception. It is the duty of pregnant mothers to nurse the fetus even after birth.

We should pursue an aggressive program that would totally eliminate Drug addiction and spare innocent infants from the horrors of such. This piece of legislation will go a long way in protecting unborn infants from drug dependent mothers.

In view of the foregoing, approval of this measure is earnestly requested.

SERGIO OSMEÑA III

Senator

THIRTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

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SENATE

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s. No. 321

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AN ACT

PENALIZING MOTHERS WHO TAKE COCAINE OR OTHER ILLEGAL DRUGS DURING PREGNANCY AND THEREBY CAUSE DEATH OR SERIOUS PHYSICAL INJURY TO THE UNBORN CHILD OR NEW-BORN AND AMENDING ARTICLES 255 AND 264 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. Article 255 of Act No. 3815, as amended, otherwise known

as the Revised Penal Code, is hereby amended to read, as follows:

"ART. 255, Infanticide.

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IF THE CRIME PENALIZED IN THIS ARTICLE BE COMMITTED BY THE MOTHER BY TAKING COCAINE OR OTHER ILLEGAL DRUGS DURING PREGNANCY AND THEREBY CAUSE THE DEATH OF THE UNBORN CHILD OR OF THE NEW-BORN, SHE SHALL SUFFER THE PENALTY OF PRISION MAYOR: PROVIDED, THAT, THE COURT, IN ITS DICISION, MAY COMMIT SAID MOTHER TO A DRUG REHABILITATION CENTER UNTIL SHE IS DRUG-FREE AND, THEREAFTER, REQUIRE HER TO RENDER COMMUNITY SERVICE FOR THE UNSERVED PORTION OF HER SENTENCE IF TO DO SO WOULD NOT HARM THE COMMUNITY AND THERE IS A REASONABLE BASIS TO ASSUME THAT SHE WILL NO LONGER TAKE DRUGS OR VIOLATE THE CONDITIONS OF HER PROVISIONAL RELEASE FOR COMMUNITY SERVICE. SHOULD SAID MOTHER

1	VIOLATE HER PROVISIONAL RELEASE CONDITIONS BY TAKING
2	DRUGS OR COMMITTING ANOTHER CRIME, THE COURT SHALL
3	IMPOSE THE SENTENCE HEREIN PROVIDED, WITH ALLOWANCE
1	FOR THE TIME SPEND IN THE REHABILITATION CENTER "

SEC. 2. Art 264 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read, as follows:

"ART. 264. Administering injuries substances or beverages. -

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THE PENALTIES ESTABLISHED BY THE NEXT PRECEDING ARTICLE SHALL ALSO BE APPLICABLE IN THE RESPECTIVE CASE TO A MOTHER WHO, WITHOUT INTENT TO KILL, SHALL INFLICT UPON HER NEW-BORN CHILD ANY SERIOUS PHYSICAL INJURY, BY TAKING COCAINE OR OTHER ILLEGAL DRUGS OR SUBSTANCES DURING PREGNANCY: PROVIDED, THAT, THE COURT, IN ITS DISCRETION. MAY COMMIT SAID MOTHER TO A DRUG REHABILITATION CENTER UNTIL SHE IS DRUG-FREE AND, THEREAFTER, REQUIRE HER TO RENDER COMMUNITY SERVICE FOR THE UNSERVED PORTION OF HER SENTENCE IF TO DO SO WOULD NOT HARM THE COMMUNITY AND THERE IS A REASONABLE BASIS TO ASSUME THAT SHE WILL NOT LONGER TAKE DRUGS OR VIOLATE THE CONDITIONS OF HER PROVISIONAL RELEASE FOR COMMUNITY SERVICE. SHOULD SAID MOTHER VIOLATE HER PROVISIONAL RELEASE FOR COMMUNITY SERVICE AND IMPOSE THE SENTENCE HEREIN PROVIDED. ALLOWANCE FOR THE TIME SPENT IN THE REHABILITATION CENTER."

SEC. 3. This Act shall take fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,