

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

'04 JUN 30 P4 09

RECEIVED BY: Osmeña

SENATE  
S. No. 321

---

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



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  
4 FOR THE TIME SPEND IN THE REHABILITATION CENTER.”

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

7 “ART. 264. *Administering injuries substances or beverages.* –

8 x x x x x

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

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

Approved,