

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

'04 JUN 30 P4:09

RECEIVED BY: Osmeña

SENATE  
S. No. 322

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Introduced by Senator S. R. Osmeña III

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#### EXPLANATORY NOTE

Surrogate parenting is a remedy that is sometimes resorted to by married couples confronted with an infertility crisis. In this arrangement, a woman agrees to conceive a child in her womb, to be given away after birth for a consideration.

Although childlessness is really a bane to a couple joined together in marriage, it is not an acceptable justification for making a travesty of the institution of marriage and the family. Surrogate motherhood commercializes what should have been an intimate marital relationship between two persons planning to build a family, and reduces woman to the status of breeding animals, their wombs offered for rent, and their offspring sold on the market in much the same manner as livestock. Commercial surrogate is an affront to the respect for life and the human individual and the sanctity of the family that is enshrined in our constitution and in our very life as a nation.

Although these perversions are more widespread in more affluent countries that are presently suffering from demographic crises such as population implosion and the aging problem, it is not as distant to our shores as one might imagine them to be. The vast strides in transportation and communication has reduced the world into a global village, and already there have been reported cases of trafficking in babies in our own cities for export to foreign countries.

If there is one thing that the Filipino continues to be proud of today, it is the sound family values that continue to nurture our young until they become responsible citizens of our country and of the world. This bill seeks to protect the family values that we hold dear, and that will keep our people strong in the face of the moral decay that seems to be threatening this modern world in which we live.

In view of the foregoing, early passage of the above is earnestly requested.



**SERGIO OSMEÑA III**  
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC )  
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**AN ACT  
PROHIBITING SURROGATE MOTHERHOOD INCLUDING INFANT SELLING  
AND PROVIDING PENALTIES THEREFORE**

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

1 SECTION 1. It shall be unlawful for any woman capable of motherhood to  
2 agree, verbally or in writing, with any person, whether natural or juridical, to  
3 become a surrogate mother, with or without consideration, or to sell her offspring.  
4 It shall also be unlawful for any person to be a party to such an agreement,  
5 whether as a physician, nurse, medical technologist, agent, broker,  
6 representative, middleman or in any similar capacity.

7 SECTION 2. A woman is said to have agreed to become a surrogate  
8 mother when she agrees to conceive a child naturally or artificially, by her own  
9 lawful husband or otherwise, for the purpose of giving that child away after birth,  
10 or while already conceiving shall agree to give away the child after birth, to  
11 another person with the intention of giving up permanently all her paternal rights,  
12 love and affection over the child.

13 SECTION 3. The penalty of five (5) years imprisonment plus a fine of Ten  
14 Thousand Pesos (P10,000) shall be imposed upon both the woman who shall  
15 agree to become a surrogate mother or shall sell her infant and the person who  
16 shall have contracted with her. The penalty of two (2) years imprisonment plus a

1 fine of Five Thousand Pesos (P5,000) shall be imposed upon the physician,  
2 nurse, medical technologist, agent, broker, representative or middleman:  
3 *Provided*, That if the offender is a foreigner, his Philippine visa shall be cancelled  
4 and he shall be deported only after serving his sentence.

5 SECTION 4. This Act shall take fifteen (15) days after its publication in two  
6 (2) national newspapers of general circulation.

Approved,