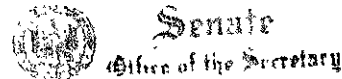


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 JUN -8 P4 36

SENATE
S. No. 2825

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING ARTICLE 259 OF ACT NO. 3815
OR THE PENAL CODE OF THE PHILIPPINES

EXPLANATORY NOTE

The Constitution, Article 2, Section 12 provides:

Section 12. 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.

The right of the unborn is enshrined in the Constitution, Article 2, Section 12. This State policy strengthens our commitment to the protection of life, even in its incipient stage. This principle is further translated into a specific state policy in Presidential Decree No. 603, also known as the Child and Youth Welfare Code, Article 3, paragraph 1, which states: "Every child is endowed with dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well."

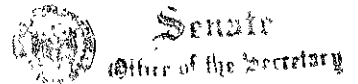
Lately, State authorities have noted the rampant incidence of abortions in the country. These incidents have been administered by physicians, midwives, nurses and other health workers, complemented by the distribution, sale, and dispensation by pharmacists of abortifacients and related devices. These acts completely undermine the State's policy which seeks to safeguard the well-being of the unborn.

This bill proposes to put more teeth to the Constitutional ban on abortion by providing that the penalties imposed by law be meted out in their maximum and by imposing the additional penalty of perpetual loss of license to practice their profession by the guilty individuals. To encourage the reporting of violations of the law, the bill exempts a woman on whom the abortion was performed from criminal prosecution in exchange for her testimony against the physician, midwife, nurse or health worker concerned.¹


MIRIAM DEFENSOR SANTIAGO
RP

¹ This bill was originally filed in the Thirteenth Congress, First Regular Session.

SIXTEENTH CONGRESS OF THE REPUBLIC)
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15 JUN -8 P4 :36

SENATE
S. No. 2825

RECEIVED BY: J.

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING ARTICLE 259 OF ACT NO. 3815
OR THE PENAL CODE OF THE PHILIPPINES

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

1 SECTION 1. The Act No. 3815 or the Penal Code of the Philippines, Article 259
2 is amended to read as follows:

3 Article 259. *Abortion practiced by a physician, midwife, NURSE*
4 **OR ANY OTHER HEALTH WORKER and dispensing of abortives OR**
5 **ABORTIFACIENTS.** – The penalties provided in Article 256 shall be
6 imposed in their maximum period, respectively, **PROVIDED, THE**
7 **ADDITIONAL PENALTY OF PERPETUAL LOSS OF LICENSE**
8 **TO PRACTICE PROFESSION, SHALL BE IMPOSED** upon any
9 physician, midwife, **NURSE OR HEALTH WORKER** who, taking
10 advantage of their scientific knowledge or skill, shall cause an abortion or
11 assist in causing the same; **PROVIDED FURTHER, THAT,** [Any
12 pharmacist who, without the proper prescription from a physician from a
13 physician, shall dispense] **ANY PERSON WHO SHALL PRODUCE,**
14 **SELL, DISPENSE OR OTHERWISE DISTRIBUTE WHETHER**
15 **FOR OR WITHOUT CONSIDERATION,** any abortive **DEVICE** shall
16 suffer [*arresto mayor*] **PRISION CORRECCIONAL** IN ITS MAXIMUM
17 **PERIOD** and a fine not exceeding [1,000] **TWENTY THOUSAND**
18 **PESOS (₱20,000.00), OR IN THE CASE OF A PARTNERSHIP,**
19 **CORPORATION, OR ASSOCIATION, THE OFFICERS,**
20 **DIRECTORS OR OTHER PERSONS RESPONSIBLE FOR ITS**
21 **OPERATION OR ADMINISTRATION, UNLESS PROVEN THAT**
22 **THEY HAVE TAKEN NO PART IN THE COMMISSION OF THE**
23 **OFFENSE, SHALL SUFFER THE SAME PENALTY PROVIDED**
24 **FINALLY, THAT ANY WOMAN UPON WHOM ABORTION WAS**
25 **PRACTICED BY ANY PHYSICIAN, MIDWIFE OR, NURSE OR**
26 **HEALTH WORKER SHALL BE EXEMPT FROM CRIMINAL**
27 **PROSECUTION FOR INTENTIONAL ABORTION IN THE EVENT**
28 **THAT SHE AGREES TO TESTIFY AGAINST THE PHYSICIAN,**
29 **MIDWIFE OR NURSE OR HEALTH WORKER CONCERNED.**

1 SECTION 2. *Separability Clause.* – If any provision of this Act is held invalid or
2 unconstitutional, the same shall not affect the validity and effectivity of the other
3 provisions hereof.

4 SECTION 3. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
5 portions thereof, which are inconsistent with the provisions of this Act, are hereby
6 repealed, amended or modified accordingly.

7 SECTION 4. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
8 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/mat3June2015