

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 P3 56

SENATE

RECEIVED BY: 

Senate Bill No. 2344

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

Surrogate parenting is a concept that is relatively new in this country, although for a long time it has been widely known in the U.S. and in other well-developed countries. Surrogate motherhood is nothing but baby selling. It is similar to the generic experiments that are done with animals who are bred for certain purposes. A woman becomes a surrogate mother when she agrees to conceive a child in her womb only to give away the child after birth to another person for a valuable consideration

Infertility is a real crisis for many married couples. Medical advances can help a significant number, but many still face the possibility of forever remaining childless. Adoption is not a feasible alternative for most because fewer and fewer children are available. Hence, a surrogate is often their only choice. We feel, however, that while infertile couples desperately seek to have a baby, their desires should not be met at the expense of transforming human reproduction into a purely utilitarian enterprise.

The idea of negotiating pregnancy by commercial contract should be abhorrent to anyone who believes in the dignity of human life. Commercialized surrogacy reduces women to the status of breeding animals, their wombs rented, their eggs bought and sold in much the same manner as commercial livestock. In the surrogacy process, the ultimate victim is the baby, whose identity is fragment between two parents whose only relationship with each other is a financial agreement.

Babies are not products like microwave ovens and automobiles. Pregnancy should never be reduced to a commercial service.

Civilized nations throughout the world have outlawed commercial surrogacy arrangements. It is now time for the Philippines to follow suit. This will deter any future plans mostly of foreigners from luring our Filipino women to become surrogate mothers. The quantity of surrogacy incidents in the past, in our minds, will not justify the passage of a law banning the same.

The enclosed bill proposes to penalize not only surrogacy arrangement but also the act of selling infants by their mothers. The practice of surrogacy arrangement is morally and religiously wrong. We see no difference between

surrogate motherhood and black-market baby selling. Hence, both practices are outlawed in this bill.




MANNY VILLAR

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**AN ACT
PROHIBITING SURROGATE MOTHERHOOD INCLUDING INFANT SELLING
AND PROVIDING PENALTIES THEREFOR**

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

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

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

SECTION 3. The penalty of five (5) years imprisonment plus a fine of Ten Thousand Pesos (P10,000.00) shall be imposed upon both the woman who shall agree to become a surrogate mother or shall sell her infant and the person who shall have contracted with her. The penalty of two (2) years imprisonment plus a

fine of Five Thousand Pesos (P5,000.00) shall be imposed upon the physician, nurse, medical technologist, agent, broker, representative or middleman; *Provided*, That if the offender is a foreigner, his Philippine visa shall be cancelled and he shall be deported only after serving his sentence.

SECTION 4. This Act shall take effect upon its approval.

Approved,