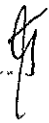


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

7 JUL 24 1974

SENATE  
S. B. No. 1320

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago


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EXPLANATORY NOTE

The right of the unborn child is enshrined in the Constitution, Article II, 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 Article 3(1) of Presidential Decree 603, also known as the Child and Youth Welfare Code. This reads, "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 physician, midwives, nurses and other health workers, complemented by the distribution, sale and dispensation by pharmacists of abortifacient 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 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 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.\*

  
MIRIAM DEFENSOR SANTIAGO  


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\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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

7 JUL 24 1951

SENATE  
S. B. No. 1320

RECEIVED BY



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Introduced by Senator Miriam Defensor Santiago

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1 AN ACT  
2 AMENDING THE PENAL CODE, ARTICLE 259 ON ABORTION

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

5 SECTION 1. The Penal Code, Article 259 is amended to read as follows:

6 Article 259. Abortion practiced by a physician, midwife, NURSE OR ANY  
7 OTHER HEALTH WORKER and dispensing of abortives OR ABORTIFACIENTS -  
8 The penalties provided in Article 256 shall be imposed in their maximum period,  
9 respectively: PROVIDED, THE ADDITIONAL PENALTY OF PERPETUAL LOSS OF  
10 LICENSE TO PRACTICE PROFESSION, SHALL BE IMPOSED upon any physician,  
11 midwife, NURSE OR HEALTH WORKER who, taking advantage of their scientific  
12 knowledge or skill, shall cause an abortion or assist in causing the same; PROVIDED  
13 FURTHER, THAT, [ Any pharmacist who, without the proper prescription from a  
14 physician, shall dispense] ANY PERSON WHO SHALL PRODUCE, SELL, DISPENSE  
15 OR OTHERWISE DISTRIBUTE WHETHER FOR OR WITHOUT CONSIDERATION,  
16 any abortive DEVICE shall suffer [ *arresto mayor* ] PRISION CORRECCIONAL IN ITS  
17 MAXIMUM PERIOD and a fine not exceeding [ 1,000 ] TWENTY THOUSAND  
18 PESOS (P20,000.00), OR IN THE CASE OF A PARTNERSHIP, CORPORATION, OR  
19 ASSOCIATION, THE OFFICERS, DIRECTORS OR OTHER PERSONS  
20 RESPONSIBLE FOR ITS OPERATION OR ADMINISTRATION, UNLESS PROVEN  
21 THAT THEY HAVE TAKEN NO PART IN THE COMMISSION OF THE OFFENSE,  
22 SHALL SUFFER THE SAME PENALTY; PROVIDED FINALLY, THAT ANY  
23 WOMAN UPON WHOM ABORTION WAS PRACTICED BY ANY PHYSICIAN,

1 MIDWIFE, NURSE OR HEALTH WORKER SHALL BE EXEMPT FROM  
2 CRIMINAL PROSECUTION FOR INTERNATIONAL ABORTION IN THE EVENT  
3 THAT SHE AGREES TO TESTIFY AGAINST THE PHYSICIAN, MIDWIFE, NURSE  
4 OR HEALTH WORKER CONCERNED.

5 SECTION 2. A new paragraph, entitled Article 259-A, shall be added to read as follows:

6 Article 259-A. DEFINITION OF TERMS. As used in this Act, the following  
7 shall mean:

8 (1) AN ABORTIVE OR AN ABORTIFACIENT REFERS TO ANY AGENT  
9 THAT CAUSES ABORTION, AND

10 (2) AN ABORTIVE DEVICE REFERS TO ANY DEVICE USED TO EXPEL  
11 OR EXTRACT ALL PARTS OF THE PLACENTA OR THE MEMBRANE  
12 WITHOUT AN IDENTIFIABLE FETUS, OR A LIVEBORN INFANT, OR  
13 A STILLBORN INFANT WEIGHING THAN 500 GRAMS.

14 SECTION 3. *Separability Clause.* – If any provision or part hereof is held invalid or  
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
16 valid and subsisting.

17 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
18 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
19 with the provision of this Act is hereby repealed, modified or amended accordingly.

20 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
21 publication in at least two (2) newspapers of general circulation.

22 Approved,