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OF THE PHILIPPINES)
First Regular Session)

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SENATE

S. No. 1725

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 12, provides:

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 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 support of the Government.

Women, when confronted with unplanned or crisis pregnancy, are often left with the impression that abortion is the only choice that they have in dealing with their difficult circumstances.

This is due to their lack of accurate information, supportive counseling, and other assistance regarding adoption and parenting alternatives to abortion.

While there are organizations that provide these needed services, they often lack sufficient resources to reach women in need of their services and to provide for their needs.

Hence, this bill seeks to establish a national program that will --

(1) Promote childbirth as a viable and positive alternative to abortion and empower those facing unplanned or crisis pregnancies to chose childbirth rather than abortion; and

(2) Carry out paragraph (1) by supporting entities and projects that provide information, counseling, and support services that assist women to chose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.*


MIRIAM DEFENSOR SANTIAGO

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

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S. No. 1725

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1 AN ACT
2 TO ESTABLISH A NATIONAL PROGRAM THAT WILL PROVIDE PREGNANT WOMEN
3 WITH ALTERNATIVES TO ABORTION

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Women and Children’s
5 Resources Act.”

6 SECTION 2. *Purpose.* – The purposes of this Act are –

7 (A) To promote childbirth as a viable and positive alternative to abortion and to empower
8 those facing unplanned or crisis pregnancies to choose childbirth rather than
9 abortion.

10 (B) To carry out paragraph (A) by supporting entities and projects that provide
11 information, counseling, and support services that assist women to choose childbirth
12 and to make informed decisions regarding the choice of adoption or parenting with
13 respect to their children; and

14 (C) To maximize the effectiveness of this Act by providing funds only to those entities
15 and projects that have a stated policy of actively promoting childbirth instead of
16 abortion and that have experience in providing alternative-to-abortion services.

17 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term:

18 (A) “Alternative-to-abortion ‘services’” means the provision of information and
19 counseling that promotes childbirth instead of abortion and assists in pregnant

1 women in making informed decision regarding the alternatives of adoption or
2 parenting with respect to their child.

3 (B) “Support services” means additional services and assistance designed to assist
4 eligible individuals to carry out their child term and to support eligible individuals
5 in their parenting or adoption decision. These support services include the
6 provision of:

7 (1) Self-administered pregnancy testing;

8 (2) Baby food, maternity and baby clothing, and baby furniture;

9 (3) Information and education, including classes, regarding parental care,
10 childbirth, adoption, parenting, and chastity or abstinence; and

11 (4) Referrals for services consistent with the purposes of this Act.

12 (C) “Service provider” means a nongovernmental entity that operates a service provider
13 project and which enters into a subcontract with the prime contractor that provides
14 for the reimbursement for alternative-to-abortion services provided to eligible
15 individuals.

16 (D) “Service provider project” means a project or program operated by a service
17 provider that provides alternative-to-abortion services. All projects operated by
18 service providers must provide core services and may also provide support services.

19 SECTION 4. *Establishment and Operation of Programs to Provide Alternative-To-*
20 *Abortion Services; Administration of Programs through Contracts with Entities. –*

21 (A) *In General. –* Grant funds provided under this Act may be expended only for
22 purposes of the establishment and operation of a national program, carry out
23 pursuant to contracts under paragraph (C), designed to provide alternative-to-
24 abortion services, as defined in section 9, to eligible individuals as described in
25 paragraph (B).

26 (B) *Eligible Individuals. –*

27 (1) *In General. –* Subject to subparagraph (2), an individual is an eligible
28 individual for purposes of paragraph (A) if –

- 1 (a) The female individual is pregnant or has reasonable grounds
2 top believe she is pregnant;
- 3 (b) The individual, male or female, is the parent or legal guardian
4 of an infant under twelve (12) months of age; or
- 5 (c) The individual is the spouse or other partner of an individual
6 described in subparagraph (a) or (b).

7 (2) *Priority for Low-Income Individuals.* – The program –

- 8 (a) Will give priority to serving eligible individuals who are from low-
9 income families; and
- 10 (b) Will not impose a charge on any eligible individual from a low-income
11 family except to the extent that payment will be made by a third party,
12 including a government agency, that is authorized under legal
13 obligation to pay such charge.

14 (C) *Establishment and Operation Of Program.* –

- 15 (1) *Prime Contractor.* – The Department of Health, through its Secretary, shall
16 enter into a contract with a non-profit private entity that, under the contract,
17 shall be designated as the “prime contractor” and shall have the principal
18 responsibility for administering the program, including subcontracting with
19 service providers.
- 20 (2) *Subcontracts with Service Providers.* – The prime contractor shall enter into
21 subcontracts with service providers for reimbursement of alternative-to-
22 abortion services provided to eligible individuals on a fee-for-service basis.
- 23 (3) *Expenditures of Grants.* – The prime contractor shall be authorized to expend
24 funds to administer the program, reimburse service providers, and to provide
25 additional supportive services to assist such providers in providing alternative-
26 to-abortion services to eligible individuals consistent with the purposes of this
27 Act, including but not limited to providing for advertising of alternative-to-
28 abortion services, purchase of educational materials, and grants for new sites
29 and new project development.

1 (D) *Requirement for Prime Contractors.* – An entity may not become a prime contractor
2 unless, consistent with the overall purpose of this Act, it has stated the policy of
3 actively promoting childbirth instead of abortion.

4 (E) *Additional Requirements for Prime Contractors.* – An entity may not become a
5 prime contractor unless –

6 (1) For the five-year period preceding the date on which the entity applies to
7 receive the contract, it has been engaged primarily in the provision of core
8 services or it has operated a project that provides such services; and

9 (2) It is a subsidiary of an entity that meets the criteria under paragraph (C).

10 (F) *Requirements for Subcontractors.* – An entity may not become a service provider
11 unless –

12 (1) It operates a service provider project that has a stated policy of actively
13 promoting childbirth instead of abortion;

14 (2) Its project has been providing alternative-to-abortion services to clients for at
15 least one (1) year; and

16 (3) Its project is physically and financially separate from any entity that
17 advocates, performs, counsels for, or refers to abortion.

18 (G) *Restriction.* – No prime contractor or service provider project may perform
19 abortion, counsel for, or refer for abortion, or advocate abortion.

20 (H) *Restrictions Regarding Expenditures of Grant Funds.* – No grant funds under this
21 Act shall be expended for any of the following –

22 (1) Performing abortion, counseling for, or referring for abortion, or advocating
23 abortion;

24 (2) Providing, referring for, or advocating the use of contraceptive services,
25 drugs, or devices;

26 (3) Making payment for a service that is provided to an eligible individual if
27 payment for such service has already been made, or can reasonably be
28 expected to be made;

29 (4) Providing in-patient hospital services;

1 (5) Making cash payments to intended recipients of services; or

2 (6) Purchasing or improving land, purchasing, constructing, or permanently
3 improving, other than minor remodeling, any building or other facility.

4 SECTION 5. *Biennial Reports to Congress.* – The Secretary shall submit to the Congress
5 periodic reports on the national programs carried out pursuant to this Act. The first report shall
6 be submitted not later than one (1) year after the effectivity of this Act and subsequent reports
7 shall be submitted biennially thereafter.

8 SECTION 6. *Rules and Regulations.* – The Secretary of Health shall promulgate the
9 necessary rules and regulations to effectively carry out the provisions of this Act.

10 SECTION 7. *Funding.* – There shall be authorized such sums as may be necessary to
11 carry out the provisions of this Act.

12 SECTION 8. *Separability Clause.* – If any provisions or part hereof, is held invalid or
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
14 valid and subsisting.

15 SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive
16 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
17 with the provision of this Act is hereby repealed, modified, or amended accordingly.

18 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
19 publication in at least two (2) newspapers of general circulation.

Approved,