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SENATE  
P. S. R. No. 165

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID  
OF LEGISLATION, ON THE PREVAILING AND DEPLORABLE PRACTICE OF ILLEGAL  
TRAFFICKING OF UNBORN BABIES

WHEREAS, the Constitution, Article 2, Section 12 mandates: "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."

WHEREAS, Republic Act No. 9208 also known as Anti-Trafficking in Persons Act of 2003, Section 4 provides: "It shall be unlawful for any person, natural or juridical to commit any of the following acts:

xxx

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;"

WHEREAS, Republic Act No. 8043 also known as Inter-Country Adoption Act of 1995, Section 16 further provides for penalties for:

"(a) Any person who shall knowingly participate in the conduct or carrying out of an illegal adoption, in violation of the provisions of this Act. xxx Illegality may be presumed from the following acts:

xxx

(3) the procedures and safeguards placed under the law for adoption were not complied with;"

WHEREAS, an 18 August 2011 article in the *Philippine Daily Inquirer* reported that pregnant Filipino women have been recruited to travel overseas legally as tourists then sell their newborns to waiting adoptive parents;

WHEREAS, according to Department of Social Welfare and Development officials, this is the newest form of child trafficking;

WHEREAS, two cases have so far been reported, one in Austria two years ago and another in Malta last year;

WHEREAS, it was reported that the modus operandi is for the pregnant mother to go to a particular country with the intent of having the child adopted; it is a prearranged plan of giving birth there, then the newborn baby is eventually adopted abroad;

WHEREAS, the difficult part in apprehending this kind of trafficking is detection of would-be perpetrators since pregnant mothers are able to exit the country legally, unless the receiving country issues and incident report just like what happened in Malta;

WHEREAS, this report surfaced after the Philippines overcame its status as among nations in the United States' Tier 2 human trafficking watch list;

WHEREAS, it was reported that between 400 and 500 Filipino children, among them orphans and abandoned children, are adopted by overseas parents under a Philippine system managed by the Inter-Country Adoption Board;


WHEREAS, following a careful process of screening adoptive parents and matching *candidate children*, most Filipino kids are legally adopted in homes in the United States, Canada, France and other European countries;

WHEREAS, this deplorable incident continues to prevail despite the fact that we have an efficient inter-country adoption system which involves the participation of well-trained professionals in handling the process, screening parents, and matching prospective babies to homes that would best provide them their needs;

WHEREAS, it is imperative for the State to be vigilant and closely monitor the incidents of trafficking of unborn babies and strictly implement our inter-country adoption laws;

WHEREFORE, be it hereby resolved by the Philippine Senate to direct the proper Senate Committee to conduct an inquiry, in aid of legislation, on the prevailing and deplorable practice of illegal trafficking of unborn babies.

Adopted,

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MIRIAM DEFENSOR SANTIAGO

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