

SIXTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session

Senate  
Office of the Secretary

13 JUL 17 P3:13

SENATE

Senate Bill No. 871

RECEIVED BY: *ju*

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

Section 12 of Article II of the 1987 Constitution expressly provides for the recognition of the State of its protection of the life of the mother and the life of the unborn from conception. In other words, the life of the unborn child is as precious as the life of a mother.


The problem of drug-addiction in the Philippines is an established reality. It is now established that fetuses and new-born infants who are drug-exposed as a result of mothers who take cocaine and other illegal drugs and substances die due to premature birth, face severe physical injuries, may suffer irreversible brain damage, or die soon after birth because of the drugs in their bodies. As a result, drug prevention education should make this unknown to our Filipino women, who are taking or are tempted to take drugs.

Hence, in order to protect the unborn children and to redress the wrong done to them by mothers who take drugs during pregnancy, this bill provides for the penalties.

The approval of this bill is recommended.

  
JINGGOY EJERCITO ESTRADA  
Senator

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**AN ACT**  
**PENALIZING MOTHERS WHO TAKE COCAINE OR OTHER ILLEGAL DRUGS**  
**DURING PREGNANCY AND THEREBY CAUSE DEATH OR SERIOUS**  
**PHYSICAL INJURY TO THE UNBORN CHILD OR NEW-BORN AND**  
**AMENDING ARTICLES 255 AND 264 OF REPUBLIC ACT NO. 3815, AS**  
**AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

**SECTION 1.** Article 255 of Republic Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

*"ART. 255. Infanticide.*

X x x

"IF THE CRIME PENALIZED IN THIS ARTICLE IS COMMITTED BY THE MOTHER BY TAKING COCAINE OR OTHER ILLEGAL DRUGS DURING PREGNANCY AND THEREBY CAUSES THE DEATH OF THE UNBORN CHILD, OR OF THE NEW-BORN, SHE SHALL SUFFER THE PENALTY OF *PRISON MAYOR: PROVIDED*, THAT, THE COURT, IN ITS DECISION, MAY COMMIT SAID MOTHER TO A DRUG REHABILITATION CENTER UNTIL SHE IS DRUG-FREE AND, THEREAFTER, REQUIRE HER TO RENDER COMMUNITY SERVICE FOR THE UNSERVED PORTION OF HER SENTENCE IF TO DO SO WOULD NOT HARM THE COMMUNITY, AND THERE IS A REASONABLE BASIS TO ASSUME THAT SHE WILL NO LONGER TAKE DRUGS OR VIOLATE THE CONDITIONS OF HER PROVISIONAL RELEASE FOR COMMUNITY SERVICE. SHOULD SAID MOTHER VIOLATE HER PROVISIONAL RELEASE CONDITIONS BY TAKING DRUGS OR COMMITTING ANOTHER CRIME, THE COURT SHALL RECOMMIT HER IN THE REHABILITATION CENTER."

**SEC. 2.** Article 264 of Republic Act No. 6815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read, as follows:

*"ART 264. Administering injuries substances or beverages.*

xxx

THE PENALTIES ESTABLISHED BY THE NEXT PRECEDING ARTICLE SHALL ALSO BE APPLICABLE IN THE RESPECTIVE CASE TO A MOTHER WHO, WITHOUT INTENT TO KILL, SHALL INFLICT UPON HER NEW-BORN CHILD ANY SERIOUS PHYSICAL INJURY, BY TAKING COCAINE OR OTHER ILLEGAL DRUGS OR SUBSTANCES DURING PREGNANCY: *PROVIDED*, THAT THE COURT, IN ITS DISCRETION, MAY COMMIT SAID MOTHER TO A DRUG REHABILITATION CENTER UNTIL SHE IS DRUG-FREE AND, THEREAFTER, REQUIRE HER TO RENDER COMMUNITY SERVICE IF TO DO SO WOULD NOT HARM THE COMMUNITY AND THERE IS A REASONABLE BASIS TO ASSUME THAT SHE WILL NO LONGER TAKE DRUGS OR VIOLATE THE CONDITIONS OF HER PROVISIONAL RELEASE FOR COMMUNITY SERVICE WITH ALLOWANCE FOR THE TIME SPENT IN THE REHABILITATION CENTER."

**SEC. 3.** This Act shall take effect upon its approval and publication in at least two (2) national newspapers of general circulation.

*Approved,*