

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



13 OCT -3 P5:50

SENATE
S. No. 1808

RECEIVED BY. *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article XIV, Section 10, provides that science and technology are essential for national development and progress. Section 12, however, mandates the State to regulate the transfer of technology from all sources for the national benefit.

On 13 January 1998, nineteen (19) European nations signed an agreement banning human cloning, the first compulsory juridical instrument of its kind in the world. Sixteen (16) other European countries out of the Council of Europe's Convention on Biology and Medicine's forty (40) member states have said that they will also sign the protocol which bans the creation of human beings genetically identical to others, whether alive or dead.

Then President of France, Jacques Chirac, said that the new protocol will prevent "aberrations" of the type planned by United States scientist Richard Seed who said that he would clone babies for the benefit of childless couples. Then US President Bill Clinton, on the other hand, said that "scientific progress should not take place in a moral vacuum."

Although the present local technology available for the success of such cloning experiments is way behind European and American standards, the banning of these experiments in their respective countries may encourage foreign scientists to conduct their activities in countries where there are no such prohibition, like the Philippines. This bill seeks to prevent this specter from becoming a gruesome reality in our country.*

ass
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

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1 AN ACT
2 TO BAN EXPERIMENTS ON THE CLONING OF HUMAN BEINGS

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

3 SECTION 1. *Short Title.* – This Act may be cited as the “Banning on Experiments on
4 Cloning of Human Beings Act.”

5 SECTION 2. *Declaration of Policy.* – The state values the dignity of every human person.
6 In the face of the seemingly improper and immoral use of science and technology in experiments
7 on the cloning of human beings, the State has the right to regulate and if need be, declare
8 unlawful, the transfer and adaptation of such technology to protect its human resources.

9 SECTION 3. *Definition of Cloning.* – For purposes of this Act, the term “cloning” means
10 growing or creation of a human being from a single cell or cells of a genetically identical human
11 being through asexual reproduction.

12 SECTION 4. *Prohibited Acts.* – The following shall be considered prohibited acts:

13 (A) Any person who engages in cloning experiments to grow or create another human
14 being by extracting the nucleus from any unfertilized human egg and infusing into such egg
15 deoxyribonucleic acid (DNA) from any other cell through asexual reproduction, or any other
16 means; and

17 (B) Any person who employs any other person to engage in cloning experiments
18 involving human beings.

1 SECTION 5. *Penalties.* – The penalty for violating any provision of Section 4 shall be
2 imprisonment of not less than twenty (20) years, or a fine of not less than Three Hundred
3 Thousand Pesos (P300,000.00), or both. If the guilty party is an alien, he or she shall be deported
4 to his or her place of origin and declared a *persona non grata* in the Philippines, after serving his
5 or her sentence and/or after payment of the required fine.

6 SECTION 6. *Separability Clause.* – If any provision or part hereof is held invalid or
7 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
8 valid and subsisting.

9 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
10 order, letter of instruction, administrative order, rule, or regulation, not contrary to or
11 inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

12 SECTION 8. *Effectivity Clause.* – This Act shall effect fifteen (15) days after its
13 publication in at least two (2) newspapers of general circulation.

Approved,