

SENATE

Senate Bill No. 798

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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 life of 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 the support of the government."

Women, 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 choose childbirth rather than abortion; and

(2) extend support to entities and projects that provide information, counseling, and support services that assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.


JINGGOY EJERCITO ESTRADA
Senator

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

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

SECTION 1. Short Title. - This Act shall be known as the "**Women and Children's Resources Act.**"

SEC. 2. Purpose. - The purposes of the Act are -

- (1) to promote childbirth as a viable and positive alternative to abortion and to empower those facing unplanned or crisis pregnancies to choose childbirth rather than abortion;
- (2) to extend support to entities and projects that provide information, counseling, and support services that assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children; and
- (3) to maximize the effectiveness of this Act by providing funds only to those entities and projects that have a stated policy of actively promoting childbirth instead of abortion and that have experience in providing alternative-to-abortion services.

SEC. 3. Definitions. - For purposes of this Act, the following terms shall have these meanings:

- (1) Alternative-to-abortion services - the provision of information and counseling that promotes childbirth instead of abortion and assists pregnant women in making an informed decision regarding the alternatives of adoption or parenting with respect to their child.
- (2) Support services - additional services and assistance designed to assist eligible individuals to carry their child to term and to support eligible individuals in their parenting or adoption decision. These support services include the provision of (a) self-administered pregnancy testing; (b) baby food, maternity and baby clothing, and baby furniture; (c) information and

education, including classes, regarding prenatal care, childbirth, adoption, parenting, chastity (or abstinence); and (d) referrals for services consistent with the purposes of this Act.

(3) Service provider - a non-governmental entity that operates a service provider project and which enters into a subcontract with the prime contractor that provides for the reimbursement for alternative-to-abortion services provided to eligible individuals.

(4) Service provider project - A project or program operated by a service provider that provides alternative-to-abortion services. All service provider projects must provide core services and may also provide support services.

SEC. 4. Establishment and Operation of Programs to Provide Alternative-to-Abortion Services; Administration of Programs through Contracts with Entities. –

(A) *In General* - Grant funds provided under this Act may be expended only for purposes of the establishment and operation of a national program [carried out pursuant to contracts under subsection (c)] designed to provide alternative-to-abortion services [as defined in Section 3 (1)] to eligible individuals as described in subsection (B).

(B) Eligible Individuals -

(1) *In General* - Subject to paragraph (2), an individual is an eligible individual for purposes of subsection (A) if –

(a) the individual is pregnant (or has reasonable grounds to believe she may be pregnant);

(b) the individual (male or female) is the parent or legal guardian of an infant under 12 months of age; or

(c) the individual is the spouse or other partner of an individual described in subparagraph (a) or (b).

(2) *Priority For Low-Income Individuals* - The program –

(a) will give priority to serving eligible individuals who are from low income families; and

(b) will not impose a charge on any eligible individual from a low income family except to the extent that payment will be made by a third party (including a government agency) that is authorized or under legal obligation to pay such charge.

(C) *Establishment and Operation of Program* --

(1) *Prime Contractor* - The Department of Health, through its Secretary, shall enter into a contract with a nonprofit private entity that, under the contract, shall be designated as the "prime contractor" and shall have the principal responsibility for administering the program, including subcontracting with service basis.

(2) *Subcontracts with Service Providers* - The prime contractor shall enter into subcontracts with service providers for reimbursement of alternative-to-abortion services provided to eligible individuals on a fee-for-service basis.

(3) *Expenditures of Grant* - The prime contractor shall be authorized to expend funds to administer the program, reimburse service providers, and to provide additional supportive services to assist such providers in providing alternative-to-abortion services to eligible individuals consistent with the purposes of this Act, including but not limited to providing for advertising of alternative-to-abortion services, purchases of educational materials, and grants for new sites and new project development.

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

(5) *Additional Requirements for Prime Contractors* - An entity may not become a prime contractor unless -

(a) for the five-year period preceding the date on which the entity applies to receive the contract, it has been engaged primarily in the provision of care services or it has operated a project that provides such services;

(b) it is a subsidiary of an entity that meets the criteria under clause

(6) *Requirements for Sub-Contractors* - An entity may not become a service provider unless -

(a) it operates a service provider project that has a stated policy of actively promoting childbirth instead of abortion;

(b) its project has been providing alternative-to-abortion services to clients for at least one year, and

(c) its project is physically and financially separate from any entity that advocates, performs, counsels for or refers for abortion.

(7) *Restriction*. - No prime contractor or service provider project may perform abortion, counsel for or refer for abortion, or advocate abortion.

(8) *Restrictions Regarding Expenditures of Grant Funds* - No grant funds under this Act shall be expended for any of the following -

(a) performing abortion, counseling for or referring for abortion, or advocating abortion;

(b) providing, referring for, or advocating the use of contraceptive services, drugs, or devices;

(c) Making payment for a service that is provided to an eligible individual if payment for such service has already been made, or can reasonably be expected to be made -

(1) providing in-patient hospital services;

(2) making cash payments to intended recipients of services;

(3) purchasing or improving land, purchasing, constructing, or permanently improving (other than minor remodeling) any building or other facility; or

SEC. 5. Biennial Reports to Congress. - The Secretary of Health shall submit to the Congress periodic reports on the national programs carried out pursuant to this Act. The first report shall be submitted not later than one year after the effectivity of this Act and subsequent reports shall be submitted biennially thereafter.

SEC. 6. Rules and Regulations. - The Secretary of Health shall promulgate the necessary rules and regulations to effectively carry out the provisions of this Act.

SEC. 7. Funding. - Such sums as may be necessary to carry out the provisions of this Act is hereby authorized to be appropriated from the National Treasury.

SEC. 8. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 9. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly:

SEC. 10. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,