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SENATE

S.B. No. 2887

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Introduced by SENATOR MANNY VILLAR

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### EXPLANATORY

Many incidents of abortions have been reported lately. Fetuses have been found in garbage cans, thrown and abandoned by their mothers only to be discovered by unknown and concerned citizens and reported by the media. Some never got to be discovered at all and left sadly in the confines of anonymity. These fetuses are the unwanted and uncared for unborn babies who have been wantonly murdered to hide the shame of their mothers.

The 1987 Constitution in Article II, Section 12 states as a matter of principle and state policy that the State "shall equally protect the life of the mother and the life of the unborn from conception." This bill aims to breathe life to this constitutional right of the unborn to protection, to recognize the unborn child's basic right to life, to the protection of his or her welfare and against acts which place the unborn child in danger of being harmed, injured or killed.

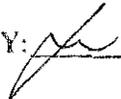
This bill likewise seeks to amend the Revised Penal Code by adding provisions for a clear and workable definition of abortion and abortifacients, and classify certain medicinal formulations of abortifacients as dangerous drugs thus making them illegal, prohibit the use, possession, manufacture, importation, trade, promotion, and prescription of the same. It also seeks to impose heavier penalties for abortive acts defined under Articles 256, 257, 258 and 259 of the Revised Penal Code.

The immediate action of the Chamber anent this legislation is earnestly recommended.

  
MANNY VILLAR

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FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

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S.B. No. 2887

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AN ACT

**TO FURTHER STRENGTHEN THE PROTECTION OF UNBORN CHILD FROM  
ABORTION AND OTHER ABORTIVE ACTS, AMENDING FOR THE PURPOSE  
ARTICLES 256, 257, 258 AND 259 OF THE REVISED PENAL CODE, AND FOR OTHER  
PURPOSES**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the New Anti Abortion Act of 2011.

2 **SECTION 2. – Coverage.** –

- 3 a. Abortion – refers to any act or practice whether done intentionally or  
4 unintentionally, that causes the premature exit of the products of conception (e.g.  
5 fetus, fetal membrane, placenta) from the uterus of a woman;  
6 b. Abortive acts – refers to abortion practiced by the woman herself or by her  
7 parents; abortion practiced by a physician or midwife dispensing of abortive; any  
8 pharmacist who, without the proper prescription from a physician, dispenses of  
9 abortive; as it is illegal in the Philippines and is penalized as a crime under the  
10 Revised Penal Code (Arts. 256-259)

11 **SECTION 3. Protection Against Abortive Acts.** – The unborn child shall be  
12 protected from abortive acts including the use, administration, dispensing injection or  
13 delivery by whatever means or substances, medicines in any form, or practices such as  
14 messages, which are hereby declared as abortifacients, which cause or may recklessly  
15 endanger or expose the unborn child to damage, injury or death, whether committed by  
16 their mother, a physician or other person, intentionally or not, with or without consent of the  
17 mother, or committed with or without violence.

18 **SECTION 4. Prohibited Acts and Penalties.** – The corresponding penalties for the  
19 crimes of Intentional Abortion, Unintentional Abortion, Abortion Practiced by Women Herself  
20 or by Her Parents, Abortion Practiced by a Physician or Midwife, and Dispensing of  
21 Abortives are hereby increased. For this purpose, Articles 256, 257, 258 and 259 of the  
22 Revised Penal Code are hereby amended to read as follows:

1 "Article 256. Intentional abortion. – Any person who shall intentionally cause an  
2 abortion shall suffer:

- 3 1. The penalty of [reclusion temporal] RECLUSION PERPETUA. If he shall  
4 use any violence upon the person of the pregnant woman. "
- 5 2. The penalty of [prision mayor] RECLUSION TEMPORAL., if without using  
6 violence, he shall act without the consent of the woman.
- 7 3. The penalty of prison [correctional in its medium and maximum periods]  
8 MAYOR, if the woman shall have consented.

9 "Article 257. Unintentional abortion – The penalty of prison [correctional] MAYOR in  
10 its minimum and medium periods shall be imposed upon any person shall cause an  
11 abortion by violence, but unintentionally.

12 "Article 258. Abortion practiced by the woman herself or by her parents. – The  
13 penalty of prison [correccional] MAYOR in its medium and maximum periods shall  
14 be imposed upon a woman who shall practice an abortion upon herself or shall  
15 consent that any other person should do so.

16 Any woman who shall commit this offense to conceal her dishonor shall suffer  
17 the penalty of prison [correccional] MAYOR in its minimum and medium periods.

18 If this crime be committed by the parents of the pregnant woman or either of  
19 them, and they act with the consent of said woman for the purpose of concealing her  
20 dishonor, the offenders shall suffer the penalty of prison [correccional] MAYOR in its  
21 medium and maximum periods.

22 "Articles 259. Abortion practiced by a physician or midwife and dispensing of  
23 abortive. – The penalties provided in Article 256 shall be imposed in their maximum  
24 period, respectively, upon any physician or midwife who, taking advantage of their  
25 scientific knowledge or skill, shall cause an abortion or assist in causing the same.

26 Any pharmacist who, without the proper prescription from a physician, shall  
27 dispense any abortive shall suffer [arresto mayor] PRISION CORRECCIONAL, and  
28 a fine not exceeding [1,000 pesos] ONE HUNDRED THOUSAND PESOS (P100,  
29 000.00).

30 "ARTICLE 259-A. ABORTIFACIENTS AS PROHIBITED DRUGS. FOR PURPOSES  
31 OF THIS ACT, ABORTIFACIENT REFERS TO ANY DEVICE, DRUG,  
32 FORMULATION, SUBSTANCE, PRACTICE OR PROCEDURE WHICH IS  
33 INTENDED TO OR MAY DAMAGE, INJURE, INTERFERE WITH THE  
34 DEVELOPMENT, ENDANGER OR CAUSE THE DEATH OF THE UNBORN CHILD  
35 OR OTHERWISE INDUCE ABORTION AND CAUSE THE EXPULSION OR DEATH  
36 OF THE UNBORN CHILD. THIS TERM SHALL INCLUDE. BUT SHALL NOT BE  
37 LIMITED TO, ANY FORMULATION, SUBSTANCES, DRUGS OR HERBS WHICH,  
38 WHEN INGESTED, INJECTED OR IS OTHERWISE INTRODUCED INTO A CHILD-  
39 BEARING MOTHER'S BODY. INDUCES THE ABORTION OR THE DEATH AND  
40 FORCED EXPULSION OF THE FETUS FROM THE MOTHER'S WOMB, AS WELL  
41 AS PRACTICES AND PROCEDURES AS ABDOMINAL MESSAGES OR HILOT,  
42 SUCTION, SALINE INJECTION, HYSTERECTOMY, DILATION AND CURETAGE  
43 (DNC) WHEN SUCH ARE CLEARLY CARRIED OUT OR PERFORMED TO  
44 INDUCE OR CAUSE ABORTION AND FOR NO VALID MEDICAL OR HEALTH  
45 REASONS."

46 Violators of this Act shall be civilly liable to the offended party in such amount at the  
47 discretion of the court:: Provided that, if the offender is a juridical person, the penalty shall  
48 be imposed upon the President, Treasurer, Secretary or any responsible officer; Provided,  
49 further, that an offender who is an alien shall, after service or sentence, be deported

1 immediately without further proceedings by the Bureau of Immigration, Provided,  
2 furthermore, that. An offender who is a public officer or employee shall suffer the accessory  
3 penalty of dismissal from the government service.

4           SECTION 5. *Separability Clause.* – If any provision or part hereof is held invalid or  
5 unconstitutional, the remainder of the law or the provision not otherwise affected shall  
6 remain valid and subsisting.

7           SECTION 6. *Repealing Clause.* – All other laws, decrees, orders, issuances, rules  
8 and regulations contrary to or inconsistent with the provisions of this Act are hereby  
9 repealed, amended or modified accordingly.

10           SECTION 7 *Effectivity.* – This Act shall take effect thirty (30) days after its  
11 publication in the Official Gazette.

12           Approved,

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