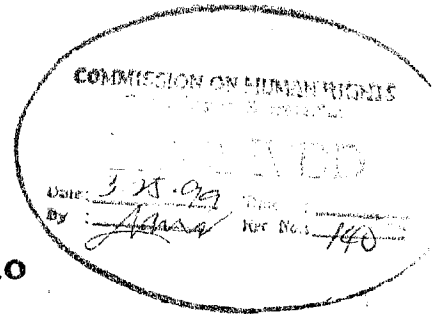




Republika ng Pilipinas
Komisyon ng Karapatang Pantao
(Commission on Human Rights)



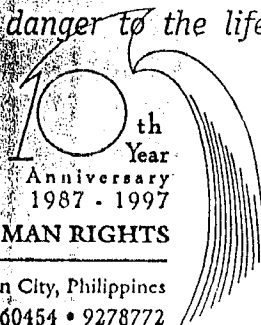
POSITION PAPER
ON
HOUSE BILL NO. 6343

Entitled

"AN ACT LEGALIZING ABORTION ON SPECIFIC CASES"
(Introduced by Hon. Roy A. Padilla, Jr.)

House Bill No. 6343 introduced by Cong. Roy A. Padilla, Jr., legalizing abortion in special cases, Section 2 of said bill provides "abortion may be allowed provided that:

- a) the conception was a result of rape;
- b) the conception was a product of incestuous relationship where the conceived mother was lured into the relationship by force, intimidation, or fraud;
- c) the conceiving mother is infected with a disease that shall prejudice the health of the unborn child;
- d) while the conceiving mother is of good health, the unborn child is determined by medical specialists to be infected with a terminal disease or shall be borne abnormal without hope of any medical correction; and
- e) the conception brings danger to the life of the expectant mother.



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in the midst of GLOBALIZATION

The Commission on Human Rights respectfully registers its opposition to the enactment of said bill on the following grounds:

1. The bill, even if enacted into law, is unconstitutional. Art. II, Sec. 12 of the Philippine Constitution reads,

"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." (underscoring supplied)

2. An unborn child from the time of conception of the mother already has a life, hence, aborting the child is already a form of murder. The bill contravenes Art. III, Sec. 1 of the Philippine constitution which reads:

"No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

This provision on the protection of the life of the unborn child was intended to primarily prevent the state from adopting the decisions in the United States Supreme Court decision in *Poe vs. Wade*, 410 U.S. 113 (1973) legalizing abortion at a certain stage of pregnancy (*Record of the Proceedings of the Constitutional Commission*).

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3. The aforesaid constitutional provision does not make any distinction on the way a child has been conceived. Any of the instances cited in the bill is not a valid ground in the abortion of the unborn child.

4. House Bill No. 6343 will also violate Arts. 256-259 of the Revised Penal Code, which penalize intentional or unintentional abortion. In fact, Art. 258 of the Revised Penal Code penalizes a woman who commits abortion to conceal her honor. Art. 259 of said code also penalizes any physician or midwife who takes advantage of the scientific knowledge and skill to cause an abortion or assists in causing the same. In *Geluz vs. Court of Appeals*, 2 SCRA 801, the Supreme Court held that the consent of a woman or even a husband does not excuse a criminal act of abortion.

5. The proposed bill, if enacted into law, is immoral and/or contrary to the moral standards and religious conviction of the Filipino people. It will destroy the sanctity of the family. Pope John Paul II, in his encyclical Evangelium Vitae (A Gospel of Life), says that:

"God alone is the Lord of life from its beginning until the end, and no one in any circumstance can claim for himself the right to destroy directly an innocent Human Being."

The encyclical further states that abortion is an unspeakable crime.

"The moral gravity procured abortion is apparent in all its truth if we recognize that we are dealing with murder and, in particular, when we consider the specific elements involved. The one eliminated is a human being at the very beginning of life. No one more absolutely innocent could be imagined. In no way could this

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human being ever be considered an aggressor, much less an unjust aggressor! He or she is weak, defenseless, even to the point of lacking that minimal form of defense consisting in the poignant power of newborn baby's cries and tears. The unborn child is totally entrusted to the protection and care of the woman carrying him or her in the womb. And yet sometimes it is precisely the mother herself who makes the decision and asks for the child to be eliminated, and who then goes about having it done" (Evangelium Vitae, No. 99).

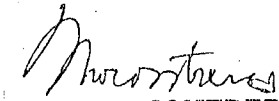
IN VIEW THEREOF, the Commission on Human Rights respectfully submits this OPPOSITION to House Bill No. 6343 to Hon. Roy A. Padilla, Jr. and the House of Representatives through House Speaker Manuel Villar.

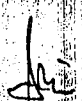
Quezon City, 26 February 1999.


AURORA P. NAVARRETE-RECINA
Chairperson

(OFFICIAL TRAVEL)

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