

# Handbook of truths behind the RH Bill – LEGAL ARGUMENTS

## Introduction

This is the revised first edition of this Handbook. The most important consideration to be given when using this is that it was made with the “unamended” version of the RH Bill in mind. Although the authors were quite aware that amendments have been proposed by the proponents of the RH Bill, the formal amendment of the Bill has not actually happened either in Congress or the Senate. Thus, the authors thought it more prudent to include even arguments that may not actually be applicable anymore once the Bill has been finally amended – assuming it makes it through its present status. Anyway, these arguments may actually be useful in other situations.

This Handbook was made for the Filipino people. It was written to help honest minds understand what the R.H. Bill really is and cut through the jungle of confusing arguments to expose the most essential truth about the Bill: it short changes the Filipino person and the Filipino nation. Due to the very limited time that was given for writing this Handbook, however, it was not possible to include the voluminous amount of other undoubtedly valuable material that could have likewise strengthened the points mentioned here. Also, there are no doubt more nuances in the reasons and arguments that have not been written. However, the authors hope that they could include whatever may be lacking when the occasion comes to revise this Handbook. Suggestions and materials are most welcome.

The authors would like to thank the Catholic Bishops Conference of the Philippines, through Archbishop Jose Palma, for giving them the opportunity to serve the country in a small way through the writing of this Handbook. Special mention goes to Dr. Antonio Torralba who put the team together. Lastly, many thanks go to the millions of men and women all over the world who have defended and continue to defend the cause of LIFE through their prayers, writings, spoken word, and living example.

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September 12, 2012

Feast of the Most Holy Name of Mary

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## Handbook of truths behind the RH Bill

The **RH Bill**, being merely palliative and based on faulty assumptions and facts, falls short in giving the Filipino what he or she truly deserves, both as a human person with dignity and as a proud citizen of a sovereign nation. Worse than that, **several key provisions of the RH Bill are harmful to individual Filipinos and the Filipino nation.** The RH Bill will result to the rending, warping and despoiling of Filipino culture. **These, in summary, are the reasons that Filipinos should reject the RH Bill.**

**This handbook provides the interested reader arguments for doing so based on human science and reason.**

### SECTION 4: LEGAL ARGUMENTS<sup>1</sup>

**The RH Bill is harmful to Filipino society because it violates the Philippine Constitution and seeks to enshrine into law forced and artificial “rights” that may even threaten more basic and genuine human rights.**

1. The sections of the Bill that promote the distribution of oral contraceptives, even FDA –approved, violate the Philippine Constitution.
2. The RH bill’s human rights framework foreshadows an ominous rights landscape for the Philippines.

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**1. The sections of the Bill that promote the distribution of oral contraceptives, even FDA –approved, violate the Philippine Constitution.**

**a. Section 12 of the Philippine Constitution requires the State to protect “the life of the unborn from conception.”** This means that even the State recognizes that the **embryo that is formed after fertilization is already a human being.**

**b.** Since practically most, if not all, of our FDA-approved contraceptives are approved as well in the U.S., the Guttmacher Institute (2005), citing the American College of Obstetricians and Gynecologists, can help us understand how the free distribution of oral contraceptives by the government may violate the Philippine Constitution: “Food and Drug Administration–approved contraceptive drugs and devices act to prevent pregnancy in one or more of three major ways: by suppressing ovulation, by preventing fertilization of an egg by a sperm **or by inhibiting implantation of a fertilized egg in the uterine lining.**”

**i.** “The primary mechanism of action of **“combined” oral contraceptives (those containing both estrogen and a progestin)** is the suppression of ovulation. **In addition, these pills may interfere with** sperm and egg transport, affect the fluids within a woman’s reproductive tract or affect sperm maturation or **the readiness of the uterine lining for implantation.**” The highlighted words and those in the following numbers (ii-iv) are all **veiled and deceptive language that means this type of contraceptive can also cause**

abortion.

ii. **“Progesterone-only pills and injectables can suppress ovulation; however, other modes of action that inhibit fertilization and implantation are considered more important for these methods than for methods containing estrogen. For example, progestin-only methods can cause a woman’s cervical mucus to thicken, reducing sperm and egg transport; interfere with sperm maturation; or decrease the readiness of the uterine lining for implantation.”**

iii. **“As with other hormonal contraceptives, there is no single mechanism of action for emergency contraception. The method is considered to act mainly by suppressing ovulation; it may also reduce sperm and egg transport or decrease the readiness of the uterine lining for implantation.”**

iv. **“The primary mode of action for IUDs is inhibition of fertilization, by causing the cervical mucus to thicken (for progesterone-releasing IUDs) or by altering the fluids in the fallopian tubes and uterus (for copper-releasing IUDs). In addition, IUDs affect the lining of the uterus in a way that may be unfavorable for implantation.”**

c. Considering i.-iv. above one will have to wonder **which oral contraceptive would not violate the Philippine Constitution.**

d. **Moreover, section 15 of the Philippine Constitution holds the State accountable to “protect and promote the right to health of the people and instil health consciousness among them.”** However, the contraceptive drugs and devices that the government are asking the taxpayers to shoulder for free distribution to the public through the RH Bill have already been shown to have deleterious effects on human health. This is in utter defiance of the Constitution.

e. **More seriously, the DOH has been blatantly disingenuous about the connection between pills and cancer.** In their Frequently Asked Questions page, the question **“Does the pill cancer?”** their rather categorical answer was: **“No.** The pill has been used safely by millions of women for over 30 years and has been tested more than any other drug. Studies show that the pill can protect women from some forms of cancer, such as cancers of the ovary and uterus. More clinical studies are currently being conducted to determine if there is any association of pill use with other forms of cancer.” While highlighting the “advantages” of pills, **it egregiously omits the already well- documented and known risks.** For the primary government health agency to deny this information to its people is almost criminal; certainly, it is highly irresponsible.

f. Section 28, e) of the prohibited acts that **penalizes disinformation on the intent of HB 4244 violates the constitutionally protected freedom of oppositors to express their legitimate objections** to this proposed law. **Section 4 of the Constitution states, “No law shall be passed abridging the freedom of speech, of expression, or of the press, or**

the right of the people peaceably to assemble and petition the government for redress of grievances.”

g. Section 28 a) 3) and b) and c) **penalizes non-referral** by medical professionals, non-cooperation by public officials, non-cooperation by employers in the provision of reproductive health care services **even if they do so on grounds of rights of conscience**; this would be a violation of the free exercise of religion which is protected by **Section 5 of the Constitution**: “No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. **The free exercise and enjoyment of religious profession and worship, without discrimination** or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.”

## **2. The RH bill’s human rights framework foreshadows an ominous rights landscape for the Philippines.**

a. The whole point behind all RH legislation in the Philippines is a design **to apply and extend international human rights law into sexual and reproductive entitlements** in this country. The idea is to expand international laws well beyond their current scope and to impose new laws and entitlements (worldwide), even upon individual nations like the Philippines that do not explicitly assent to the changes. (Center for Family and Human Rights Institute [CFAM], 2003)

b. Three international conferences from which these laws were culled are of note:

i. the 1981 **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**;

ii. the **1994 International Conference on Population and Development (ICPD)** ;

iii. the **1995 Fourth World Conference on Women held in Beijing, China.**

c. Only CEDAW which was ratified by the Philippine Senate in the late 1980’s. The ICPD Programme of Action and the Beijing Declaration are not treaties but mere “recommendations” whose implementation rely on particular initiatives of state parties like the Philippines. Nevertheless it is on ICPD that the RH bill relies for its definition of “reproductive health”: “...

“... a state of complete physical, mental and social well-being and **not merely the absence of disease or infirmity**, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a **satisfying and safe sex life** and that they have the capability to reproduce and the freedom to decide if, when and how often to do so” (Par. 7.2, ICPD).

d. **RH includes abortion in the ICPD document.** - The ICPD Programme of Action refers to reproductive health care as to include— “inter alia [among others], include abortion;” (Par. 7.6, ICPD). The Programme of Action also states that: “in circumstances where

abortion is not against the law, such abortion should be safe (Par. 8.25, ICDP).

**e. There is a twisting and forcing of meaning in traditionally understood rights.**

<p>Right to bodily integrity and personal security</p>	<p>Traditionally understood to relating to custodial rights</p> <p>Now, it is employed in case against sexual violence and assault at the hands of a spouse or partner or others or against state policies that prohibit women from receiving family planning services.</p>
<p>Right to privacy</p>	<p>Traditionally, the right is understood to refer to privacy in relation to a person's home and correspondence.</p> <p>In this regard, the Human Rights Committee, the treaty body which monitors governmental compliance with the International Covenant on Civil and Political Rights, has stated that -- "sexuality is covered by the concept of privacy" and that " moral issues are not exclusively a matter of national concern in that there are subject to review for consistency with international human rights instruments".</p>
<p>Right to scientific progress</p>	<p>Traditionally, understood to relate to technology transfer between countries of the North and the South.</p> <p>Today, it is interpreted by Treaty Monitoring Bodies to also include a women's right to control her reproductive processes through access to methods of contraception, and access to safe abortion.</p>
<p>Right to education</p>	<p>Traditionally, we understand it only in relation to literacy.</p> <p>Today, since sexuality is recognized as an element of the human personality, literacy is deemed critical to reproductive health, hence, there is school-based "Mandatory Sexuality Education" in the RH Bill.</p>
<p>Right to equality in marriage and divorce</p>	<p>Traditionally, understood to refer to the equal freedom of women and men to voluntarily enter into marriage and divorce.</p> <p>Today, the right is applied to women's ability to control and make decisions about their bodies.</p>

Right to information	<p>Traditionally, understood only in relation to the media and a free press.</p> <p>Now, the right to information also refers to a woman's ability to protect herself against sexual exploitation, abuse or infection. The right is also interpreted to entitle a woman to reproductive decision making, that is, a woman's ability to make fully "informed choices."</p>
Non-discrimination	<p>Traditionally understood to mean equal treatment, equal opportunity, and equal protection of law.</p> <p>Now, " the last 20 years have seen the development of the idea of substantive equality" which notes that some distinctions are necessary to promote rights for people who are differently situated ....Therefore, different approaches to girls and boys in on gender related differentials", or what the RH calls "sexual orientation."</p>
Right to health	<p>Traditionally understood to refer to the right of individuals to the highest attainable standard of physical and mental health.</p> <p>Today the right brings increased attention to women's "reproductive health" issues.</p>

**f. Why should the bill's "rights" language be feared?**

It is not enough that the bill enshrines "reproductive rights" with its own definition in Section 4. State power will guarantee such "rights". The bill's initial Policy Declaration in Section 2 has no pretensions. It says:

**"The State recognizes and guarantees the exercise of the universal badi human right to reproductive health by all persons"**

There are repeated references to such "rights" in other parts of the bill, in varied language, and assuredly accompanied by the shadow of state guarantee. Section 3a( Guiding Principles ) is one such instance:

**"Freedom of choice, which is central to the exercise of right must be fully guaranteed by the State."**

**State guarantee is a repetitious theme in the Bill.** At least three times in Section 2 the Bill "guarantees universal access to . . . reproductive health care services, methods, devices, supplies" and "prioritizes the needs of women and children, among other underprivileged sectors." This is an ominous guarantee of "rights" that is given added power by the final

sentence of Section 2, second paragraph, that says:

**“As a distinct but inseparable measure to the guarantee of women’s rights, the State recognizes and guarantees the promotion of the welfare and rights of children.”**

If these guarantees are not enough yet, the **Bill directs the state to foreclose all obstacles** to such “freedoms. ” Section 2 Declaration of Policy) states:

**“The State shall eradicate discriminatory practices, laws and policies that infringe on a person’s exercise of reproductive rights.”**

Finally, **these enshrinements and guarantees will have an overriding effect of transforming the Filipinos’ generosity for children into an open hostility** that regards new life as “ unwanted, unplanned, mistimed” burdens. If law is an ordinance of reason(Aquinas), recent studies in history, science, ethics, and law have shown that passing the Bill manifests a lack of reason.

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#### **Footnote:**

1. A good number of the legal arguments in applicable sections of this handbook were based on a paper of Imbong, Jo “QUESTIONABLE RIGHTS RHETORIC in REPRODUCTIVE HEALTH LEGISLATION,” presented at the University of Asia and the Pacific on 4 March 2011 and on Issue Paper #10 of the Alliance for the Family Foundation (written by Valenzona, Linda).

#### **Afterword**

Our national hero, the older Benigno Aquino, used to say that “the Filipino is worth dying for.” What he meant was that Filipinos deserve the best solutions to the problems that they are now facing. While it is true that today’s Filipinos, especially the poor, have problems that need immediate solutions, the ones that those responsible for helping them must resort to are those that respect the dignity of the human person and the laws of nature. Otherwise, the solution will not only not solve, but even compound their problems.

From the arguments presented in this Handbook, clearly, the RH Bill is one such solution. Clearly rooted in the West’s manipulative, secularist ideology, the RH Bill proposes a “quick fix” which is unethical and unconstitutional. Moreover, under the guise of being pro-poor and – irony of ironies “pro-life” – it clearly goes against sustainable development and only takes away funds for the real needs of the poor.

Thus, whatever “band-aid” amendments may be proposed by well-intentioned proponents of the RH Bill in order to make the bill more palatable to those opposing it, the underlying principles behind the proposed law are inherently flawed. For this reason, the RH Bill should not be passed.

The 42 scientists and academics who replied to the first statement of some Ateneo de Manila professors in defence of the RH Bill spoke about a couple of sections of the Bill that deserved commendation: the ones that called for “the expansion of midwives and birth

attendants, as well as greater access to obstetric care... Unfortunately, these two sections are the weakest in the bill" (Signatories of the International Response to some Ateneo de Manila Professors' Statement on the RH Bill, as quoted in Cortes, 2012). Moreover, the Magna Carta for Women and many other laws besides (e.g. Family Code of 1987, Anti-VAWC Law) that more than ensure that women are respected and empowered, really make the passage of the RH Bill totally needless.

The problems of our country are real and difficult. However, this does not excuse the government, or every individual Filipino for that matter, to seek and justify palliative solutions. Every Filipino is a potential hero and every hero masters and gives himself. It is this self-mastery and real self-giving love that we should envision for our country. It is on programs that develop and enhance these virtues that the government ought to spend its millions in crafting and promoting. It may take some time to see their results but these will be genuine and deeply rooted as they are based on respect for the human person and the laws of nature.

Our national hero, Jose Rizal wrote: Only virtue can save! If our country has ever to be free, it will not be through vice and crime, it will not be so by corrupting its sons, deceiving some and bribing others, no! Redemption presupposes virtue, virtue sacrifice, and sacrifice love!



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*consecrated on March 1, 1997*  
*by H.E. Bishop Fellay,*  
is a mission church of the  
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by Pope St. Pius V in 1570.



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