Landas 23:1 (2009) 114-121

A DIFFERENT PARADIGM:
Amending the Reproductive Health Bill

Eric Marcelo O. Genilo, S.J.

The polarization of Philippine society over House Bill 5043 on "Reproductive Health and Population Development," has been a source of discouragement and discontent among Filipinos. It is unfortunate that the debate has focused only on whether the Bill should be passed or rejected in its present form. Either option would not be good for Filipinos. The proposed Bill has serious flaws that lead to violations of human rights and freedom of conscience. It would not be acceptable to pass it in its present form. Total rejection of the Bill, however, will not change the status quo of high rates of infant mortality, maternal deaths, and abortions. It is a moral imperative that such dehumanizing conditions should not be allowed to continue. What is needed is a third option: **critical and constructive engagement**. By working together to amend the objectionable provisions of the Bill and retain the provisions that actually improve the lives of Filipinos, both the proponents and opponents of the current Bill can make a contribution to protection of the dignity of Filipinos and an improvement of their quality of life.

The CBCP has shown signs of openness toward critical and constructive engagement regarding the Bill. The bishops' statement on the Bill, "Stand up for the Gospel of Life," reveals a shift in the local church's approach. Previous to the statement, the bishops' initial

https://publications.lst.edu/

reaction was outright rejection of the whole Bill and a condemnatory stance toward its proponents. With the statement, however, the bishops acknowledged that the Bill had positive aspects which "no humane institution would have any reason to oppose—maternal, infant and child health and nutrition, promotion of breastfeeding, adolescent and youth health, elimination of violence against women, etc." They urged the proponents of the Bill to reconsider certain provisions that would be harmful to the common good and they called for wider dialogue. This shift in the bishops' stance is consistent with Catholic social teaching which urges a more positive and charitable engagement with those who think differently from the Church. This is spelled out clearly in *Gaudium et Spes* (#28): "Respect and love ought to be extended also to those who think or act differently than we do in social, political and even religious matters. In fact, the more deeply we come to understand their ways of thinking through such courtesy and love, the more easily will we be able to enter into dialogue with them."

As a starting point for dialogue and negotiation on certain provision of the Bill, the following proposals from a Catholic moral perspective are offered. These proposals are not meant to be exhaustive nor perfect; they are open to additions, revisions, and improvement.

The Protection of Human Life and the Constitution

The Bill needs to be aligned with the Philippine Constitution regarding the starting point of the protection of human life. There must be a statement in the Bill that states in clear terms that it affirms the constitutional protection of human life from conception. Such a statement will address the criticism that the Bill is too vague on its objection to abortion and that it might provide a loophole for certain contraceptives which prevent the implantation of fertilized embryos, which the Church considers as a form of abortion. Having such a statement in the Bill will protect it from constitutional challenges.

https://publications.lst.edu/

To align with the Constitution, the Bill must explicitly state that it rejects the promotion, sale, or provision of any medicine, devices, or procedures that lead to direct abortions which include the causing of non-implantation of embryos as well as the direct killing/removal of implanted embryos or fetuses. Such a statement will ensure that abortifacient devices, medicines, and procedures will not be part of the Bill's reproductive health program. This will address the objection made against the current Bill that it provides access to medicines and devices that have abortifacient effects.

A panel of objective medical experts can evaluate currently available contraceptive medicines and devices for any abortifacient effects.

Age Appropriate, Value-Based, Integral Human Sexuality Education

For the purpose of protecting academic freedom and respecting religious traditions, religious schools should be allowed to write and implement their own human sexuality education curriculum according their religious traditions. For Catholic schools, the CEAP can spearhead the writing of the curriculum using the best practices found in its best schools.

For public schools and non-religious private schools, an appointed panel of parent representatives, DEPED educators, experts in child development and psychology, medical experts, and representatives of religious traditions can write the human sexuality education curriculum and the DEPED can monitor the implementation.

Parental involvement in the writing of the curriculum for public schools is supported by Article XV, Section 3 of the Constitution: (4) The State shall defend "the right of families or family associations to participate in the planning and implementation of policies and programs that affect them."

It would be better for the POPCOM not to be directly involved in the writing of the public school curriculum to avoid the accusation that the curriculum would focus mainly on contraceptive methods.

https://publications.lst.edu/

The question of whether information on contraception would be part of the public school curriculum should be addressed by an examination of real empirical evidence and not by mere speculation and emotional rhetoric. Does the provision of information about contraceptives to teenagers reduce or increase incidences of teenage premarital sex, teenage pregnancies, abortions, or STDs? These are serious public heath questions that need to be answered truthfully through a consideration of concrete, verifiable, and reliable empirical evidence and not speculations based on anecdotal evidence, personal opinions, or propaganda from lobby groups.

Parents with children in public and private schools should have the right to have their children exempted from the sexuality education class if the curriculum is not acceptable to them.

The Bill must respect the conscientious objection of individual educators who refuse to teach a human sexuality curriculum that violates their religious beliefs.

Providing Reproductive Health Information and Services for a Multi-Religious Society

Even if the majority of the population of the country are Catholics, our democratic system should ensure that public polices are not determined solely by majority vote but also by a careful consideration of the common good of all, including non-Catholics. There are other religious groups in the country that allow the use of contraceptives for their married members. Our laws should not discriminate against them.

The Compendium of the Social Teaching of the Church rejects any imposition of norms by a majority that is discriminatory of the rights of a minority: (#422) "*Because of its historical and cultural ties to a nation, a religious community might be given special recognition on the part of the State. Such recognition must in no way create discrimination within the civil or*

https://publications.lst.edu/

social order for other religious groups;" (#169): "*Those responsible for government are required to interpret the common good of their country not only according to the guidelines of the majority but also according to the effective good of all the members of the community, including the minority.*"

It is the duty of various religions to teach their faithful and form their consciences about what their religious tradition allows and prohibits with regard to family planning. It is the duty of the government to provide correct and comprehensive information on all non-abortifacient family planning methods that are available. Informed and formed consciences will thus be better equipped to make correct choices according to their religious traditions.

Information on effectivity/failure rates and side effects of all family planning methods should be taken from reliable evidence-based sources, not from special interest groups such as drug companies and ideological organizations. The Philippine Medical Association can verify the accuracy of the information provided by the government on NFP methods, contraceptives, and sterilizations. Prominent warning labels about side effects should accompany contraceptive medicines and devices.

The conscience of health workers and trainers should be respected. If a Catholic health worker or trainer conscientiously objects to teaching contraception methods, he or she should be allowed to teach only NFP methods.

The conscientious objection of health care professionals should also be respected (as provided by the present Bill). They should be exempted from providing contraceptive/sterilizing services if this goes against their religious beliefs.

Limits to the Anti-Discrimination Provision

The current Bill prohibits the refusal of quality health care services and information based on a patient's marital status, gender or sexual

https://publications.lst.edu/

orientation, age, religion, personal circumstances, and nature of work. (Sec. 21, a, 5).

This anti-discrimination provision must have parameters. For example, if a doctor refuses to administer an IUD to a minor who requests for it, would that be considered age discrimination? Should the provision apply equally to health care providers both in the public and private healthcare system or shouldn't private practitioners have more leeway in practicing their medicine as they see fit?

Proper Promotion of Natural Family Planning

The Bill should not use the term "modern" to describe artificial contraception because it implies that natural family planning methods are not modern or are unscientific. A more technically accurate distinction can be made by using the term "fertility awareness methods" for NFP in contrast to "contraceptive methods or devices."

The NFP advocates can be involved in monitoring the manner that NFP methods are taught in health centers.

Sterilization in Public Hospitals

Sterilization services in government hospitals and clinics should not be provided free of charge (i.e., supported by taxpayers funds). If these services are offered, they should be paid for by those who requests for them.

No monetary enticements should be offered to encourage persons to have sterilizations.

Employers' Responsibility

Employers should not be required to provide in their CBAs reproductive

https://publications.lst.edu/

health services of their employees. To enforce this requirement would be a violation of the conscience of Catholic employers.

Such a provision is also unnecessary because the general Philhealth medical coverage, which is mandatory for all employees, can provide for such reproductive health services. This allows employees with religious objections to contraceptives or sterilizations to avoid formal cooperation in the provision of such family planning methods to their employees.

Contraception as Essential Medicines in Government Health Centers and Hospitals

The question of whether contraceptives are essential medicines should be resolved by a panel of objective medical experts. What contraceptives actually prevent diseases? What contraceptives actually improve the general health of the population? What are the side effects of these contraceptives which can adversely affect the health of the user? Should some contraceptives be considered as emergency medicines for extraordinary cases where the life, health, or general well-being of a person is seriously threatened?

If some contraceptives are ultimately decided as essential or emergency medicines that should be stocked in government health centers and hospitals, no contraceptives with abortifacient effects are to be allowed.

Freedom of Speech

The Bill's provision that penalizes malicious disinformation against the intention and provisions of the Bill should be refined by a clear description of what constitutes "malicious disinformation," or failing that, the provision should be scrapped.

https://publications.lst.edu/

Implementing Norms

The committee to be in-charge of the Bill's implementing norms should have representatives from major religious traditions to ensure that the rights of people of various faiths would be protected.

The above proposals are intended to generate constructive and respectful dialogue leading to concrete actions that would correct the RH Bill. It is hoped that the parties involved in the RH debate would move away from hard-line positions and consider negotiations as a more positive step towards working for the good of all Filipinos, with special consideration for the unborn, the youth, women and families in difficult circumstances.

Finally, we can turn to the following Christian maxim as our guide in our search for answers and solutions regarding the RH Bill: **"In essentials, unity; in non-essentials, liberty; and in all things, charity."** For things pertaining to protecting human life and dignity, we need to come to a consensus for the common good; for things that can be left to individual decisions without violating human life and dignity, we need to respect freedom of conscience; in all our discussions, we need to speak and act with charity and understanding as members of the same human family.

(The final draft of this paper was written on 6 February 2009. Persons consulted by the author for various parts of this paper include Frs. John C. Carroll, SJ, Romeo J. Intengan, SJ, and Joaquin G. Bernas, SJ.)

https://publications.lst.edu/