

**H.B. NO. 5043**  
**TREADS ON A SLIPPERY SLOPE**

I agree with the major premise of the bill's syllogism. yes. overpopulated as we are, we need to adopt measures to effectively manage our population if we are to achieve sustainable development. but i disagree with the minor premise that those measures need to include criminalizing acts and conduct which involve sensitive issues of morality and conscience.

I object to sections 17 and 21 because, in my view, it is not only unwise to criminalize the acts listed therein but it also unnecessarily infringes on a person's right to privacy and freedom of conscience.

to quote our supreme court in *iglesia ni christo vs. court of appeals*:

“FREEDOM OF RELIGION HAS BEEN  
ACCORDED A PREFERRED STATUS BY  
THE FRAMERS OF OUR FUNDAMENTAL  
LAWS...WELL AWARE THAT IT IS  
DESIGNED TO PROTECT THE BROADEST  
POSSIBLE LIBERTY OF CONSCIENCE, TO  
ALLOW EACH MAN TO BELIEVE AS HIS  
CONSCIENCE DICTATES...TO LIVE AS HE  
BELIEVES HE OUGHT TO LIVE,  
CONSISTENT WITH THE LIBERTY OF  
OTHERS AND WITH THE COMMON  
GOOD.”

Thus, my point is that the infringement of such a precious right should not be taken lightly nor readily accepted. we must be cautious since we tread in this regard on a slippery slope. the supreme court in *ople vs. torres* has set a clear standard when dealing with the right to privacy:

“IT REQUIRES THAT THE LAW BE NARROWLY FOCUSED AND A COMPELLING INTEREST JUSTIFY SUCH INTRUSIONS. INTRUSIONS INTO THE RIGHT MUST BE ACCOMPANIED BY PROPER SAFEGUARDS AND WELL DEFINED STANDARDS TO PREVENT UNCONSTITUTIONAL INVASIONS”.

The first of five acts which health care service providers are prohibited from doing is to knowingly withholding, or impeding, or intentionally providing incorrect information regarding programs and services on reproductive health.

One of course should not impede information or deliberately distort information about anything. but must a health care service provider be forced to teach the use of condoms or risk prosecution if he or she considers the use of condoms immoral?

Secondly, a health care service provider cannot refuse to perform voluntary ligation and vasectomy and other legal and medically-safe reproductive health care services on any person of legal age on the ground of lack of spousal consent or authorization. apart from the moral problem, shouldn't consent be required or at least notice given to the other spouse because this affects the most intimate and fundamental relationship between husband and wife?

The third instance purports to protect abused minors. a health care service provider cannot refuse to provide health care services to abused minors, and as for abused pregnant minor, no parental consent is necessary. but, by definition, a minor is one who is not in a position, on account of age, to make serious decisions and thus needs his or her parent's guidance and consent.

Ought not the pregnant minor's parents' consent be secured prior to her availing herself of such treatment?

Fourthly, health care service providers cannot fail to provide, either deliberately or through gross or inexcusable negligence, reproductive health care service under the law.

Finally, health care service providers are prohibited from refusing to extend reproductive health care services and information on account of the patient's civil status, gender or sexual orientation, age, religion, personal circumstances, and nature of work.

All five of these provisions will present government health care providers, particularly doctors, with painful dilemmas. although the house bill exempts conscientious objectors from following the law, i question whether government health workers can claim the exemption. they are in the same situation as a judge who morally object to capital punishment. as the supreme court has ruled, the alternative open to such a judge is to resign. i contend the same rule must apply to government healthworkers.

In addition to health care provider, all employers will be unfairly burdened should hb no. 5043 become law. all employers are required by the bill to provide all their workers free reasonable quantity of reproductive health care services, supplies and devices, including free delivery.

What relation does the free supply of condoms or free delivery have on the terms and conditions of one's employment i am not sure? exemption due to moral or religious grounds is not provided for in this section of the bill.

A on a massive information drive, year in year out, every where and at everyone, on all aspects of reproductive health and responsible parenthood. let the reproductive health care program

be disseminated by persuasion. in the end, the objectives of h.b. no. 5043 will be attained only if our people accept them because they are convinced that family planning is good. as they say, you can lead a horse to water but you can't force it to drink. our people must embrace it through conviction of the mind and heart, not through threat's of conviction and imprisonment.