



Unit 206, Southgate Building, Finance Drive, Madrigal Business Park, Ayala Alabang, Muntinlupa City
Metro Manila, Philippines Tel./Fax No. (63-2) 807-6848
E-Mail: allianceforthefamily@gmail.com Website: www.alfi.org.ph

ON THE ENACTMENT OF REPUBLIC ACT (R. A.) No. 10354 entitled “The Responsible Parenthood and Reproductive Health Act of 2012”

ALLIANCE FOR THE FAMILY FOUNDATION PHILIPPINES, INC. (ALFI), represented by its **President Atty. Maria Concepcion S. Noche**, and the members of the Board of Trustees, their minor children and grandchildren and their friends filed a Petition for Prohibition on Wednesday, 9 January 2013 against R.A. 10354, questioning its constitutionality for violating provisions of the Constitution on life, health, family and religion. They also asked for an order to stop the implementation of the Act.

versus

Hon. **Paquito N. Ochoa**, Executive Secretary, Hon. **Enrique T. Ona**, Secretary of the Department of Health, Hon. **Armin A. Luistro**, Secretary of the Department of Education, Hon. **Corazon Soliman**, Secretary of the Department of Social Welfare and Development, Hon. **Manuel A. Roxas II**, Secretary of the Department of Interior and Local Government, Hon. **Florencio B. Abad**, Secretary of Budget and Management, Hon. **Arsenio M. Balisacan**, Socio-Economic Planning Secretary and NEDA Director-General, the **Philippine Commission on Women**, represented by its Chairperson Remedios Ignacio-Rikken, the **Philippine Health Insurance Corporation**, represented by its President Eduardo Banzon, the **League of Provinces of the Philippines**, represented by its President Alfonso Umali, the **League of Cities of the Philippines**, represented by its President Oscar Rodriguez, and the **League of Municipalities of the Philippines**, represented by its President Donato Marcos, as Respondents.

The Petitioners, by counsel, and to the Honorable Court respectfully state that the right to life is the most fundamental among all rights. All other rights proceed from it and therefore, when life is at stake, nobody can be unmoved.

They equally state that the enactment of Republic Act (R.A.) No. 10354 entitled **“The Responsible Parenthood and Reproductive Health Act of 2012”**, has opened the floodgates to an attack against the right to life. While it gives a semblance of respect for life by generously using the words "non-abortifacient" and "do not prevent the implantation of a fertilized ovum", it allows the use of abortifacient devices, such as the intrauterine device ("IUD"), and the purchase of abortifacient substances using taxpayer's money.

R.A. No. 10354 also impairs the right to health of both the woman and the unborn, by mandating the dispensation and use of hormonal contraceptives which have been established as carcinogenic, causing breast cancer, cervical cancer and liver tumor, among others.

R.A. No. 10354, by making certain acts mandatory, also violates the right to the free exercise of religion, as well as the right of the parents to found a family in accordance with their religious convictions.

Hence, in one blow, R.A. No. 10354 endangers the life of Filipino women and the unborn, destroys the Filipino family which is the basic unit of society and the foundation of the nation, and violates religious freedom.

No less than the former Chief Justice of the Supreme Court and member of the 1986 Constitutional Commission Hilario Davide, Jr. declared that “the threats to life caused by earthquakes or tsunamis, or even nuclear radiation, and terrorism and war pale in comparison to the destruction of life or the threat to life by state policies or legislation.” He added that “if the bill becomes law, it would violate the inherent life (sic) to life, the first and most fundamental human right.

In the instant case, all of the above requisites for the issuance of a writ of preliminary injunction are present. Pursuant to *Oposa vs. Factoran*, among the Petitioners herein are the generations of Filipinos yet unborn, whose right to life is in danger due to the enactment of R.A. 10354. In this context and in view of the discussion of arguments, the satisfaction of the requisites is unmistakable --

First, it is submitted that there is extreme urgency to issue a temporary restraining order prior to the effectivity and implementation of R.A. No. 10354 in order to avoid grave, permanent and irreparable injury. What could be graver and more irreparable than the injury, sickness and/or death itself not only of the mother but of the defenseless unborn in his/her most vulnerable state?

Second, the invasion of the right sought to be protected is material and substantial, for what invasion could be more substantial than that where injury, sickness and/or death will be a consequence, and in this case, the injury and/or death not only of the mother but of the defenseless unborn?

Third, the right of the complainant is clear and unmistakable. Here, the right to life of the unborn **from conception** is guaranteed by the Constitution itself.

Fourth, there is an urgent and permanent necessity for the writ to prevent serious damage. In the instant case, permanent damage, particularly death, will be suffered by the Petitioners unless a writ is issued enjoining the implementation and effectivity of R.A. No. 10354. Otherwise, hundreds of Filipinos yet unborn will perish because of the IUD, the contraceptive pill, and others whose mechanism not only prevents fertilization but deters implantation of the fertilized ovum.

Considering the foregoing, it is submitted that there is every basis to issue immediately a temporary restraining order, and thereafter, a writ of preliminary injunction, against the effectivity and implementation of R.A. No. 10354.

For all the difficulties besetting our country, there are priceless treasures that we continue to enjoy—Filipino children are loved and each birth is considered a blessing; Filipino family members love and care for one another, children and the elderly alike; and no difficulty is insurmountable for the Filipino people because of their faith.

If R.A. No. 10354 will take effect, Life, Family, and Faith, will gradually—but certainly—be destroyed.

In closing, therefore, Petitioners beseech the Honorable Court to protect Filipino life, family and faith, for our sake, for the sake of our children, and for the sake of all the Filipino children yet unborn.

