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The Honorable Rep. Faustino Michael Carlos T. Dy III
Chairperson, Committee on Youth and Sports Development
3/F Annex Building
House of Representatives
Constitution Hills, Quezon City 1126

**Subject: Various House Bills Providing a National Policy for Preventing
Teenage/Adolescent Pregnancies**

Dear Chairperson Dy:

We are attaching our Position Paper in opposition to the bills.

We greatly regret that we are submitting it past the stated deadline, and apologize for the delay. Nonetheless, we hope that it merits your attention and consideration.

Thank you very much for your consideration of our views.

Very truly yours,

Atty. MARIA CONCEPCION S. NOCHE
President

Atty. JESUS JOEL MARI D. ARZAGA
Vice-President for Legal

ALLIANCE FOR THE FAMILY FOUNDATION PHILS. INC. (ALFI)
Position Paper on
House Bills Providing a National Policy for Preventing Teenage/Adolescent
Pregnancies

1. The Alliance for the Family Foundation Phils., Inc. (“ALFI”) recognizes the challenges and difficulties that adolescent pregnancies entail for young people and for families.
2. It must be emphasized, nevertheless, that pregnancy itself should not be considered as a burden to society or as a threat to development. It must be kept in mind that each pregnancy will bring forth life – a human person – endowed with dignity, valued by the State¹, and protected from conception by our Constitution.²
3. No matter the circumstances in which a person is conceived and born, it is imperative to recognize the immense value that a new life brings to the family and to society.
4. It is ALFI’s position that the concern on adolescent pregnancies must be resolved within each Filipino family – the foundation of the nation³ – through the formation and education in virtues consistent with the parents’ moral and religious beliefs.
5. In this respect, we assert *the natural and primary right and duty of parents in rearing the youth for civic efficiency and the development of moral character*,⁴ guaranteed by the Constitution, which must be upheld.
6. The proper understanding, information, and guidance in making decisions on delicate matters such as human sexuality and the propriety of the use of contraception, must first and foremost come from the parents. The right of the parents to educate their children and inform their decisions on these matters is superior to that of the State⁵, whose role is merely secondary and complementary.
7. As long as the means, methods, and forms employed by parents in forming their children are consistent with law, morals, public order, and public policy, it must be given preference, and must not be interfered with by the State
8. This is consistent with the parental authority exercised by parents over their minor children, which includes a *mass of rights and obligations which the law grants for the purpose of the children’s physical preservation and development, as well as the cultivation of their intellect and the education of their heart and senses*.⁶

¹ Section 11, Article II, 1987 Philippine Constitution

² Section 12, Article II, 1987 Philippine Constitution

³ Section 1, Article XV, 1987 Philippine Constitution

⁴ Section 12, Article II, 1987 Philippine Constitution

⁵ *Imbong and ALFI v. Ochoa*, G.R. No. 204819, April 8, 2014

⁶ *Masbate v. Relucio*, G.R. No. 235498, July 30, 2018

9. In *Imbong and ALFI v. Ochoa*, the Supreme Court ruled that *the State cannot, without a compelling state interest, take over the role of parents in the care and custody of a minor child... Only a compelling state interest can justify a state substitution of their parental authority.*⁷
10. The Supreme Court explained further that *to insist on a rule that interferes with the right of parents to exercise parental control over their minor-child... would be dismissive of the unique and strongly-held Filipino tradition of maintaining close family ties and violative of the recognition that the State affords couples entering into the special contract of marriage to as one unit in forming the foundation of the family and society.*⁸
11. Given the premium placed by our laws on parental authority and the autonomy and solidarity of families, it is ALFI's position that there is no *compelling state interest* that would warrant interference in the constitutionally guaranteed primary parental authority over minor children.
12. It is worth pointing out that according to the Philippine Statistics Authority, the annual number of teen births fell significantly -- by 14% -- and consistently during the period 2012-2019, the latest year for which a figure is reported. The teen birth rate fell by a much larger 22.5% over the same period, because population was increasing.
13. There appears to be no current or impending crisis that requires precipitous, potentially harmful action from the State. The existing paradigm for discouraging adolescents has been working well.
14. The pending bills, which purport to provide a *National Policy for Preventing Teenage/Adolescent Pregnancies*, appear to be an imposition of the State on the primary right and duty of parents to educate and inform their children on matters pertaining to human sexuality and contraception.
15. Of particular grave concern are the following declared policies of the State embodied in House Bills 868, 2297, 5516, 6426, 6528, 6579, 9046:

It shall be the policy of the State to:

xxx

(d) *Promote and protect the human rights of all individuals **including the adolescents particularly in their exercise of their rights to sexual and reproductive health***
xxx

(e) ***Provide full and comprehensive information to adolescents that can help them prevent early and unintended pregnancies and their life-long consequences;***

⁷ *Imbong and ALFI v. Ochoa*, G.R. No. 204819, April 8, 2014

⁸ *Ibid.*

- (f) *Ensure corresponding interventions that could respond to the socioeconomic, health and emotional needs of adolescents and youth, especially young women, with due regard for their own creative capabilities, participation in the political process, **and access to education, health, counselling and high-quality reproductive health services;***
(Emphasis supplied)

In House Bills 6528 and 6579:

- (i) *Guarantees universal access to medically-safe, legal, and affordable reproductive health care services, methods and devices and information that prioritize the needs of the underprivileged, especially adolescent girls;*
(Emphasis supplied)

16. With these declared policies, the State is effectively instructing a belief in the existence of “rights to sexual and reproductive health” to adolescents, while giving them access to reproductive health care services.
17. ALFI respectfully submits that the promotion of these policies should not be endeavored by the State as it runs afoul the primary right and duty of parents in rearing their adolescent children and developing their moral characters, as well as their exercise of parental authority.
18. Instructions on “sexual and reproductive health” and access to “reproductive health care services”, due to its sensitive nature with moral and religious implications, should be left to the discretion and wisdom of the parents, and not to the State. Adolescents should turn to, learn, and be guided on these matters by their parents and not by the State.
19. Parents have the natural right, as well as the moral and legal duty, to care for their children, see to their proper upbringing and safeguard their best interest and welfare.⁹
20. Looking at the merits of these declared policies, ALFI submits that these are not in the best interest of adolescent children. These policies are also contrary to the Constitutional mandate for the State *to promote and protect the physical, moral, spiritual, intellectual, and social well-being*¹⁰ of the youth.
21. The declared policy of these bills, hinged on greater information on sexual and reproductive health and its promotion to adolescents, simply does not provide a holistic understanding of the human person in relation to sexuality.
22. The policies disregard the fact that human persons are capable of self-knowledge and self-mastery in terms of sexuality, which, if properly developed and inculcated in adolescents, would eliminate any need for contraception.

⁹ Silva v. Court of Appeals, G.R. No. 114742, July 17, 1997

¹⁰ Section 13, Article II, 1987 Philippine Constitution

23. The policies also disregard the fact that engaging in sexual activity requires physical, mental, emotional, and even financial conditions that adolescents, defined in the bills as those aged 10 to 19 years, simply do not possess. Yet, the necessary consequence of the bills is to encourage the youth to engage in an act they are nowhere near ready for.
24. Worse, giving adolescents free access to reproductive health services would only pave the way for earlier sexual debut and riskier sexual behavior^{11 1213} which could lead to the very concerns the bills seek to address, with possible exposure to HIV/Aids.
25. Adolescence is not the time for children to exercise so-called “rights to sexual and reproductive health” and to be given access to contraception. Instead, this crucial period in the development of a person is the time for intense formation in the family on the values of self-discipline, respect, chastity, and obedience.
26. For 70% of our teen births, the father is an adult, so the decisions and actions which result in birth may be disproportionately directed by the desires of the father who may be in a position of undue influence. This suggests that rather than focusing on the enjoyment of sex in all its variations and how to use contraceptives to avoid pregnancy, necessarily included in comprehensive sex education, social education should concentrate on the importance of the natural family, the obligation of potential parents to consider and provide for the upbringing of children, and that no contraceptive method is 100% effective.¹⁴
27. Teaching children to use contraceptives to avoid undesired consequences from pre-marital sex, rather than abstaining, does not make sense. Nearly half of pregnancies even in fully developed countries are unintended, and half of those unintended pregnancies occur to women who have been using contraception.
28. One of the principal risk factors worldwide for teen pregnancy is living in a single-parent home. Births out of wedlock in our country exceed 50% per the PSA, indicating that a very large number of girls are at risk of eventually giving birth as a teen. In this respect we are moving backward because inadequate emphasis is placed on the necessity for marriage to provide for the welfare of children. Again, it makes more sense to focus on this aspect of society -- which is consistent with the constitutional

¹¹ HIV/Aids White Paper, World Youth Alliance

¹² *Journal of Health Economics* Volume 54, July 2017, Pages 135-146 The effect of spending cuts on teen pregnancy David Paton^a Liam Wright^b
<https://eprints.whiterose.ac.uk/116713/3/The%20Effect%20of%20Spending%20Cuts%20on%20Teen%20Pregnancy%20-%20Accepted%20Manuscript.pdf>

¹³ The Incidental Fertility Effects of School Condom Distribution Programs Kasey S. Buckles, University of Notre Dame, NBER, and IZA Daniel M. Hungerman, University of Notre Dame and NBER*

<https://www3.nd.edu/~kbuckles/condoms.pdf>

<https://www.theatlantic.com/politics/archive/2016/07/condoms-teens-pregnancy/489626/>

¹⁴ Contraceptive Failure Rates

<http://contraceptivetechnology.org/wp-content/uploads/2013/09/Contraceptive-Failure-Rates.pdf>

elevation and protection of family -- than on the sum of all sexual knowledge including contraception, which denigrates the family by disparaging the ultimate purpose of sex.

29. We urge the State to have faith on the capacity of the Filipino family to mold young people into responsible citizens with integrity, and to adopt only those measures that are centered on the dignity of the human person.
30. Whether the Filipino nation, like all nations, will eventually live or die will be determined by the strength of its families. With more than half our children born out of wedlock, and rising, and marriages decreasing despite increasing population, the trend is ominous. Making sex the drumbeat of our schools will harm, not help this situation. The wiser path is to inculcate in our youth the value of family enshrined in our Constitution. This, we urge the State to do.
31. This task will be much more rationally accomplished by appropriate content regarding the importance of and criteria for beneficial marriage and family life in the Good Manners and Right Conduct curriculum mandated by Republic Act 11476, than by creating a massive new widely-dispersed public-private organization ultimately based on the promotion of sexuality as an end in itself.