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Philippine church official: Court ruling on health law partial victory

by Simone Orendain by Catholic News Service

Manila, Philippines — The Philippine Supreme Court ruled a reproductive health law constitutional Tuesday and declared it effective immediately.

But in rendering the decision, the court also struck down some provisions of "The Responsible Parenthood and Reproductive Health Act of 2012," leading an official of the bishops' conference to call it a "partial victory."

"The Supreme Court struck down a number of important provisions that were weakening the conscientious objections for Catholic hospitals, government workers, health care providers," Fr. Melvin Castro, executive secretary of the Catholic Bishops' Conference of the Philippines' Commission on Family and Life, told Catholic News Service.

He said the commission also was glad that the court ruled unconstitutional a portion that would require health care providers to give access to family planning to minor girls, who had already borne children or miscarried, without their parents' permission.

"All in all, we would have wanted the entire law to be declared unconstitutional," Castro said. "But nonetheless ... we see a glimmer of hope that ... if we are going to point out its constitutional and moral weaknesses, that the Supreme Court of the land is willing to listen to it, then we are happy with that."

The law mandates that family planning services and government-funded contraception be given to people living in poverty. It also calls for sex education for minors in middle through high school, with some exceptions. While abortion is illegal in this country, the law compels health care providers to offer services to women who have had abortions.

The court deemed unconstitutional provisions that compelled religious health institutions and other service providers who did not agree with the use of contraception to offer family planning "materials and products." It also said it was unconstitutional to punish providers who refused to carry out certain provisions of the law based on their beliefs.

The law, which went through numerous incarnations in the Philippine legislature over a 15-year period, finally came into existence in December 2012 after President Benigno Aquino pushed hard for it. Aquino, a Catholic, said he was willing to be excommunicated to see it pass.

Opponents of the law said it was a population-control measure that would help promote promiscuity in young people. Proponents argued that giving the needy access to family planning information would enable them to better provide for their children.

Former Congressman Edcel Lagman was a main sponsor of the House version of the legislation. He told CNS the Supreme Court decision did not weaken the law.

"The (eight) provisions which were declared unconstitutional will not affect the efficacy of the law, will not diminish the efficacy of the law, and it will not deter from the full implementation of the law," he said.

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But Archbishop Socrates Villegas, president of the Catholic Bishops' Conference of the Philippines, disagreed. In a statement, he said the ruling "truly watered down" the reproductive health law.

He said the court "upheld the importance of adhering to an informed religious conscience, even among government workers. It has also stood on the side of the rights of parents to teach their children."

The Supreme Court heard arguments from at least a dozen opponents who pointed out what they believed were unconstitutional provisions. Most of them were Catholics or members of Catholic advocacy groups.

Villegas said opponents could not "see eye to eye" with supporters of the law, but he said they could work together "for the good of the country."

"Through 2,000 years, the church has lived in eras of persecution, authoritarian regimes, wars and revolutions," he said. "The church can continue its mission, even with such unjust laws. Let us move on from being an RH-law-reactionary-group to ... truly Spirit-empowered disciples of the Gospel of life and love. We have a positive message to proclaim."

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