

The Benefits of Legalization of Abortion in the Philippines

Rio Michelle A. Corrales*

Abstract

The paper proposes that abortion should be legalized in the Philippines. Between decriminalization and legalization, it is argued that abortion should be legalized rather than decriminalized as the former provides more benefits than simply removing the penal nature of abortion. Abortion is defined as the termination of pregnancy or the killing of the fetus - a definition that characterizes the attitude of Philippine law toward abortion.

Legalization depends on the legislative to re-interpret Article II Section 12 of the 1987 Constitution as well as how the Supreme Court would adjudicate cases. The provisions of the Revised Penal Code should be repealed in order for the removal of the said restrictions on abortion. Legalization of abortion will provide better health benefits to women because it will mitigate unsafe and often deadly procedures; it will also give women choices or options especially when they are at risk, are victims of rape, or simply bearing an unwanted pregnancy; consequently, the legalization will have positive long-term effects to society especially decreasing criminality and the like.

In fine, the findings of studies from around the world comparing the social situations before and after legalization of abortion clearly show that we will provide more benefits that harm to women.

Keywords: *abortion; legalization of abortion; benefits of legalized abortion*

** The author is currently a student completing a Juris Doctor degree. Trained in the allied medical field, the author became interested in issues regarding abortion, reproductive health, and health in general in relation to their legal implications. The author's view on the subject matter in this paper diametrically opposes the stance of the majority in the author's religious affiliation and belief.*

Introduction

Abortion is controversial.¹ The poles of contention between prohibition and legalization or decriminalization has been a long-standing debate in the Philippines and has been in the social discourse for decades. While the pundits and legislators are busy defending their standpoints on the issue, many women are suffering daily from health risks and lack of choices which clearly violates the reproductive rights of women.²

This paper proposes that abortion be legalized in the Philippines, not just decriminalized, calling for the total lifting of any bans or prohibition on the act. It will explore why legalization is better than decriminalization by defining both concepts in relation to certain acts previously deemed criminal such as prostitution, drug use, and the like. Some studies are explored to show the consequences of legalized abortion in many countries, including the United States since the decision of the US Supreme Court in *Roe v. Wade*.³

Abortion is defined in three lenses as medical, legal, and theological (moralistic), all converging into a common line that it is to terminate pregnancy. This common thread resounds the legal basis of prohibition of abortion in the Philippines both as stated in the 1987 Constitution and the Revised Penal Code.

With the definition and legal basis in place, it is to be proposed that the legalization of abortion provides better health benefits to women; will give them access to choices in cases of risks, rape, and unwanted pregnancies, and that; it will provide beneficial consequences to the society in terms of decreased criminality and the like.

Definition of Terms

Technically, decriminalization and legalization are two different concepts with distinctive characteristics. To understand the two concepts in relation to abortion, it is worth to note how these concepts are being defined in relation to other acts such as drug use, prostitution, and others.

¹ Kunins, H., & Rosenfield, A. (1991). Abortion: A Legal and Public Health Perspective. *Annual Review of Public Health*, 12(1), 361–382. <https://doi.org/10.1146/annurev.pu.12.050191.002045>

² Hussain, R., & Finer, L. B. (2013). Unintended pregnancy and unsafe abortion in the Philippines: Context and consequences. *Issues in Brief* (Alan Guttmacher Institute), 3, 1–8.

³ Brueggemann, I. (1998). The international impact of *Roe v. Wade*. *Conscience* (Washington, D.C.), 18(4), 19.

The European Monitoring Centre for Drugs and Drug Addiction or EMCDDA explained in a nutshell that Decriminalization:

...takes away the status of criminal law from those acts to which it is applied. This means that certain acts no longer constitute criminal offenses. With regard to drugs, it is usually used to refer to demand; acts of acquisition, possession and consumption. Following decriminalization, it still is illegal to use, possess, acquire or in certain cases import drugs, but those acts are no longer criminal offenses. However, administrative sanctions can still be applied; these can be a fine, suspension of the driving or firearms license, or just a warning. European Monitoring Centre for Drugs and Drug Addiction.⁴

The claim is contrary to the definition that it is "to remove or reduce the criminal classification or status, or to repeal a strict ban on while keeping under some form of regulation"⁵ and "the repeal or amendment of statutes which made certain acts criminal, so that those acts no longer are crimes subject to prosecution".⁶ Some forms of acts that are decriminalized in many jurisdictions are "certain sexual practices between consenting adults, 'loitering' (hanging out without any criminal activity), or outmoded racist laws against miscegenation (marriage or cohabitation between people of different races) ...there is a considerable movement toward decriminalization of the use of some narcotics (particularly marijuana) by adults".⁷

On the other hand, EMCDDA simply put Legalization as:

...the process of bringing within the control of the law a specified activity that was previously illegal and prohibited or strictly regulated. Related to drugs, the term is most commonly applied to acts of supply; production, manufacture

⁴ European Monitoring Centre for Drugs and Drug Addiction. (2001). Decriminalisation in Europe? Recent Developments in Legal Approaches to Drug Use.

⁵ Merriam-Webster.com Dictionary. (n.d.). Decriminalize. In Merriam-Webster Dictionary. Merriam-Webster. Retrieved November 27, 2020, from <https://www.merriam-webster.com/dictionary/decriminalize>

⁶ Law.com. (n.d.-b). Decriminalization. Retrieved November 27, 2020, from <https://dictionary.law.com/Default.aspx?selected=450>

⁷ Law.com. (n.d.-b). Decriminalization. Retrieved November 27, 2020, from <https://dictionary.law.com/Default.aspx?selected=450>

or sale for non-medical use. Legalization would mean that such activities, and use and possession, would be regulated by states' norms, in the same way that it is legal to use alcohol and tobacco. There can still exist some administrative controls and regulations, which might even be supported by criminal sanctions.⁸

In short, legalization is “the process of making something legal when it was previously illegal”⁹ or “making something that was previously illegal permissible by law”.¹⁰ A few examples be given such as legalization of casino gambling refers to making casino gambling lawful; or legalization of assisted suicide refers to making assisted suicide legitimate and lawful, and, logic dictates that legal consequences shall not follow a legitimate act.¹¹

At this point, it is clear that the Philippines should legalize abortion rather than decriminalize it. To illustrate why legalization is the better between the two, a study on the legalization of cannabis elucidates that legalization is a process of removing all legal prohibitions against it [cannabis]. The authors, Svrakic et al, further said in that same study that cannabis would then be available to the adult general population for purchase and use at will, similar to tobacco and alcohol.¹² Juxtaposed to abortion, it not only repeals the penal nature of the act but also removes all barriers for its use as option for women. This is a contrast to decriminalization as the act remains illegal such as in cannabis, but the legal system would not prosecute a person for possession under a specified amount¹³ or as in the case of abortion would not persecute the woman for abortion. Nonetheless, services and other acts may be the cause for sanctions if violated.

According to a report by Cohen of the Guttmacher Institute in 2009 most jurisdictions legalize abortion rather than decriminalize it:

⁸ European Monitoring Centre for Drugs and Drug Addiction. (2001). Decriminalisation in Europe? Recent Developments in Legal Approaches to Drug Use.

⁹ Cambridge Dictionary. (n.d.). Legalization. In Cambridge Dictionary. Cambridge. Retrieved November 27, 2020, from <https://dictionary.cambridge.org/us/dictionary/english/legalization>

¹⁰ Oxford Lexicon. (n.d.). Legalization. In Oxford Lexicon. Oxford. Retrieved November 27, 2020, from <https://www.lexico.com/definition/legalization>

¹¹ US Legal. (n.d.). Legalization. [uslegal.com](https://www.uslegal.com/definitions/uslegal.com/L/legalization). Retrieved November 27, 2020, from <https://definitions.uslegal.com/L/legalization>

¹² Svrakic, D. M., Lustman, P. J., Mallya, A., Lynn, T. A., Finney, R., & Svrakic, N. M. (2012). Legalization, decriminalization & medicinal use of cannabis: A scientific and public health perspective. *Missouri Medicine*, 109(2), 90–98. PubMed.

¹³ *Ibid.*

Throughout Europe, except for Ireland and Poland, abortion is broadly legal, widely available and safe. The United States legalized abortion nationwide in 1973, in part because of the clear evidence that restrictive laws were not ending abortion but were exacting a significant public health toll, notably on lower-income women who could not travel or pay for safe services. Almost immediately afterward, pregnancy-related deaths and hospitalizations due to complications of unsafe abortion effectively ended. The United States was not the first country and has been far from the last to recognize this relationship and move to liberalize its law ...Indeed, the worldwide trend in abortion law has continued to be toward liberalization. And since 1997, another 21 countries or populous jurisdictions have liberalized their laws, including Colombia, Ethiopia, Iran, Mexico City, Nepal Portugal and Thailand.¹⁴

In a similar vein, a study on the legalization of abortion in Spain also suggests that legalization have better consequential benefits for women rather than restrictive laws as in decriminalization.¹⁵

Abortion Defined

As previously mentioned, abortion can be defined based on three lenses. It can be defined or described in a medical, legal or theological (moralistic) standpoint.

As defined first in medicine abortion is a "procedure to end a pregnancy", maintaining that it "uses medicine or surgery to remove the embryo or fetus and placenta from the uterus" and that the "procedure is done by a licensed health care professional".¹⁶ Usually this is called medical abortion where it is done because a woman has some medical conditions or to some extent, she does not want to continue the pregnancy. The medical field also considers miscarriage as abortion albeit spontaneous.¹⁷

¹⁴ Cohen, S. (2009). Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide. Guttmacher Policy Review, 4.

¹⁵ Gonzales, L., Jimenez-Martin, S., Nollenberger, N., & Castello, J. V. (2018). The Effect of Abortion Legalization on Fertility, Marriage, and Long-term Outcomes for Women. Barcelona Graduate School of Economics.

¹⁶ US National Library of Medicine. (n.d.). Abortion. Retrieved November 27, 2020, from <https://medlineplus.gov/abortion.html>

¹⁷ Ibid.

Secondly, abortion is defined in the legal sense as “the termination of pregnancy by various means, including medical surgery, before the fetus is able to sustain independent life”.¹⁸ Reyes, citing ancient legal experts said that “Carrara has defined abortion as the willful killing of the fetus in the uterus, or the violent expulsion of the fetus from the maternal womb which results in the death of the fetus”.¹⁹ The latter definition shows the appropriate attitude of the law in the Philippines towards abortion.²⁰

Finally, the moralistic definition especially and commonly of the Judeo-Christian tradition calls abortion as tantamount to homicide as it deliberately terminates the life of the fetus.²¹ Obviously, this definition represents the overall sentiment of Filipinos who are predominantly Roman Catholic. The said church is active in opposing the legalization of abortion in the country.²²

All three lenses converge into a common feature that abortion is a termination of pregnancy whether it is a procedure or a felonious act. In the context of Philippine law, the moralistic definition plays an important role in defining abortion and thus continues to prohibit the act.

Legal Basis of Prohibition in the Philippines

Article II of the 1987 Philippine Constitution states partly in Section 12 that “The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception.”²³ The second statement of this particular Constitutional provision, according to the report by the United Nations Department of Economic and Social Affairs Population Division:

...was crafted by the Constitutional Commission which drafted the charter with the intention of providing for constitutional protection of the abortion ban, although the

¹⁸ Law.com. (n.d.-a). Abortion. Retrieved November 27, 2020, from <https://dictionary.law.com/Default.aspx?selected=2283>

¹⁹ Reyes, L. B. (2017). *The Revised Penal Code: Criminal Law Book Two Articles 114-367* (19th ed., Vol. 2). REX Book Store.

²⁰ Upreti, M., & Jacob, J. (2018). The Philippines' new postabortion care policy. *International Journal of Gynecology & Obstetrics*, 141. <https://doi.org/10.1002/ijgo.12452>

²¹ Gordon, J.-S. (n.d.). Abortion. Retrieved November 27, 2020, from <https://iep.utm.edu/abortion/>

²² Ruiz Austria, C. S. (2004). The church, the state and women's bodies in the context of religious fundamentalism in the Philippines. *Reproductive Health Matters*, 12(24), 96–103. [https://doi.org/10.1016/s0968-8080\(04\)24152-0](https://doi.org/10.1016/s0968-8080(04)24152-0)

²³ Republic of the Philippines. (1987). Constitution.

enactment of a more definitive provision sanctioning the ban was not successful. The provision is enumerated among several state policies²⁴, which are generally regarded in law as unenforceable in the absence of implementing legislation. The 1987 Constitution also contains several other provisions enumerating various state policies. Whether these provisions may, by themselves, be the source of enforceable rights without implementing legislation has been the subject of considerable debate in the legal sphere and within the Supreme Court.^{25 26}

In addition to the Constitutional mandate, abortion in the Philippines is criminalized by law in Articles 256, 258 and 259 of the Revised Penal Code (RPC) of the Philippines provides imprisonment for women who undergo abortion, and for any person who assists in the procedure. In Article 258 of the RPC, imposition of higher prison term on the woman or her parents if the abortion was committed "in order to conceal [the woman's] dishonor".²⁷

As to medical abortion, there is no law in the Philippines that authorizes it expressly, in order to save the life of a woman. As it follows, the general provisions which do penalize abortion make no qualifications if the life of the woman is endangered in anyway. It may be contended, although no adjudication of the Supreme Court can be found, that an abortion to save the life of a woman could be considered a justifying circumstance in Article 11 of the RPC for the medical practitioner in fulfillment of a duty, that would bar criminal prosecution.

²⁴ These provisions in the 1987 Constitution include but not limited to: the equal protection of "the life of the mother and the life of the unborn from conception" (Section 12, Article II); the affirmation of labor "as a primary social economic force" (Section 14, Article II); the "Filipino family as the foundation of the nation" (Section 1, Article XV); the recognition Filipino as "the national language of the Philippines" (Section 6, Article XVI), and even a requirement that "all educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors" (Section 19.1, Article XIV).

²⁵ The Court in the case of *Pamatong vs. Comelec* has ruled that a provision requiring that the State "guarantee equal access to opportunities to public service" could not be enforced without implementing legislation, and thus could not bar the disallowance of so-called "nuisance candidates" in presidential elections (*Pamatong vs. Commission on E lections*, 427 SCRA 96, April 13, 2004). Nonetheless, in the case of *Oposa v. Factoran* the Court held that a provision requiring that the State "protect and advance the right of the people to a balanced and healthful ecology" did not require implementing legislation to become the source of operative rights (*Oposa vs. Factoran, Jr.*, 224 SCRA 792, July 30, 1993). Any legal challenge to abortion restrictions in the Philippines would actually have to evaluate the legal force given to Section 12, Article II of the 1987 Constitution.

²⁶ Population Division. (2007). Philippines, Abortion Policy. United Nations, Department of Economic and Social Affairs.

²⁷ Republic of the Philippines. (1930). Revised Penal Code, Act. No. 3815 as amended.

Ironically, while abortion is prohibited and criminalized in the Philippines, it is revealed in studies after studies that the country has the highest rates of abortion as compared to jurisdictions where it is legal.²⁸ In 2016, the Department of Health initiated a policy, the *National Policy on the Prevention and Management of Abortion Complications or the new PMAC* policy, to guide the provision of post abortion care in public and private health facilities and promote its integration with other reproductive health program. The policy recognized that there are abortions happening and that because it is prohibited and criminalized, usually the act is made in clandestine and unsafe manner that puts the woman at risk.²⁹

Legal Basis of Abortion in the Philippines

As presented, legalization is better than decriminalization of abortion because legalizing the act would bring more benefits. Decriminalization still imposes some sanctions in connection to the act while legalization would only impose regulation. If abortion would be legalized, there are three benefits or consequences that would be clear; 1. Legalization of abortion would prevent mortality or morbidity for women and better health support; 2. Legalization meant that women have choices to terminate pregnancy especially in situations of risk, or as victims of rape, or of unwanted pregnancy, and; 3. Legalization of abortion would have impact on socio-economic status especially its adverse effect on criminality.

Better Health Benefits

Since the legalization of abortion in China in 1957 up to the controversial decision of the US Supreme Court in *Roe v. Wade*, and in many other jurisdictions afterwards³⁰, it is always a common finding that better health benefits happen to women post-legalization of abortion. In a study focusing on the post legalization health trend in Nepal found that "[a] significant decrease in the incidence of high severity abortions was observed in the period following implementation of the legal abortion policy" and that it concluded that "[r]esults from this study contribute to

²⁸ Cohen, S. (2009). Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide. *Guttmacher Policy Review*, 4(2009).

²⁹ Upreti, M., & Jacob, J. (2018). The Philippines' new postabortion care policy. *International Journal of Gynecology & Obstetrics*, 141. <https://doi.org/10.1002/ijgo.12452>

³⁰ Cohen, S. (2009). Facts and Consequences: Legality, Incidence and Safety of Abortion Worldwide. *Guttmacher Policy Review*, 4(2009).

the literature suggesting a causal link between abortion legalization and improvements in maternal health."³¹

Contrasting the situation to the Philippines where abortion is prohibited and criminalized: "has contributed to the longstanding public health crisis of thousands of preventable maternal deaths each year and one of the highest rates in the world in terms of unsafe abortion. Women who seek medical assistance for complications from unsafe abortion are routinely mistreated and denied proper care".³²

In addition, Mellisa Upreti, the regional director for Asia at the Center for Reproductive Rights said that "hundreds of women are hospitalized every day for complications from unsafe abortion, yet the government continues to turn a blind eye to the dire need for safe and legal abortion services ...Criminalizing abortion puts women's health and lives at grave risk, and subjects them to further abuse when seeking medical care. The Department of Justice has missed an opportunity to put an end to the human rights violations women are forced to suffer because of the country's blanket abortion ban." ³³ Even with the prohibition, abortion is common and is estimated from approximately 560,000 in 2008 to 610,000 in 2012 by the Guttmacher Institute clear showing an increase in incidence.³⁴ The same institute reported that "[u]nsafe abortion carries significant risks for Filipino women: About 1,000 die each year from abortion complications, which contributes to the nation's high maternal mortality ratio."³⁵ Consequently, "in countries with highly restrictive laws, it is likely that very few women will be able to access safe abortion even on permitted grounds, as government-assisted services are usually not supported and therefore services are only available to those who can afford to pay the relatively few trained

³¹ Henderson, J. T., Puri, M., Blum, M., Harper, C. C., Rana, A., Gurung, G., Pradhan, N., Regmi, K., Malla, K., Sharma, S., Grossman, D., Bajracharya, L., Satyal, I., Acharya, S., Lamichhane, P., & Darney, P. D. (2013). Effects of abortion legalization in Nepal, 2001-2010. *PloS One*, 8(5), e64775-64775. PubMed. <https://doi.org/10.1371/journal.pone.0064775>

³² Center for Reproductive Rights. (2010). *Forsaken Lives: The Harmful Impact of the Philippine Criminal Abortion Ban*. Center for Reproductive Rights.

³³ *Ibid.*

³⁴ Center for Reproductive Rights. (n.d.). U.N. Committee: Philippines Must Allow Legal Abortion, Improve Access to Contraceptives. [reproductiverights.org](https://reproductiverights.org/u-n-committee-philippines-must-allow-legal-abortion-improve-access-to-contraceptives/). Retrieved November 27, 2020, from <https://reproductiverights.org/u-n-committee-philippines-must-allow-legal-abortion-improve-access-to-contraceptives/>

³⁵ Hussain, R., & Finer, L. B. (2013). Unintended pregnancy and unsafe abortion in the Philippines: Context and consequences. *Issues in Brief* (Alan Guttmacher Institute), 3, 1-8.

private doctors."³⁶ Not to mention the cost for the state to care for post-abortion complications due to unsafe practices, according to Kunins and Rosenfield:

Needless to say, it is a substantial financial burden to address the high cost of treatments when it comes to complications from illegal abortions in poor developing countries. In Nigeria, for example, women with abortion-related complications are said to occupy approximately 60% of acute gynecological beds. Similarly, a study in Latin America found that septic abortion accounts for a disproportionate share of expenditures for transfusions, operating room costs, and total bed-nights.³⁷

It is then be argued that prohibiting abortion does not stop it from happening³⁸ as incidences rise each year than legalizing it. As a result of the ban, women seek unsafe clandestine procedures which would pose risk to their health. The Post-Abortion Care policy of 2012 is a good addition to provide better health benefits to women who have had abortion yet total acceptance of this policy would be an uphill climb if abortion is still penalized and totally prohibited.

Access of Women to Choices in Cases of Risks, Rape, and Unwanted Pregnancies

The question of choice puts the debate into comparing the woman to the fetus. In the Theological point-of-view, our contention is that abortion is tantamount to homicide citing that the fetus is equally the same as the mother. The perspective that a woman does not have choice because the fetus is equal to her was refuted by Wilkson-kastner and Blair, saying that:

The word "abortion" is not mentioned in the Bible, but much in the Bible speaks to the issue. The most obvious passage is from Exodus 21:22-25... A distinction is then made between the penalty that is to be exacted for the loss of the fetus and injury to the woman... the distinction

³⁶ Myers, J. E., & Seif, M. W. (2010). Global perspective of legal abortion – Trends analysis and accessibility. *Abortion and Post-Abortion Care - Volume 1*, 24(4), 457–466. <https://doi.org/10.1016/j.bpobgyn.2010.04.002>

³⁷ Kunins, H., & Rosenfield, A. (1991). Abortion: A Legal and Public Health Perspective. *Annual Review of Public Health*, 12(1), 361–382. <https://doi.org/10.1146/annurev.pu.12.050191.002045>

³⁸ Shah, I., & Åhman, E. (2009). Unsafe Abortion: Global and Regional Incidence, Trends, Consequences, and Challenges. *Journal of Obstetrics and Gynaecology Canada*, 31(12), 1149–1158. [https://doi.org/10.1016/S1701-2163\(16\)34376-6](https://doi.org/10.1016/S1701-2163(16)34376-6)

made between the woman and the fetus is important. The woman is valued as a person under the covenant; the fetus is valued as property. Its status is certainly inferior to that of the woman... the biblical portrait of a person is that of a complex, many-sided creature with the god-like ability and responsibility to make choices. The fetus does not meet those criteria. When considering the issue of abortion, the one who unquestionably fits this portrait of personhood is the pregnant woman.³⁹

The distinction is telling. It now qualifies the woman to have choices whether to keep a "property" or not. In this regard, the definition that abortion is tantamount to homicide is decreased to letting go of a property. In other words, if the perspective of the state be the same as elucidated by Wilkson-kastner and Blair⁴⁰, legalization of abortion is possible. Therefore, a woman who is a victim of rape, had some risk or felt that the pregnancy is unwanted can have a choice to terminate the same.

Hewson argues that:

If one is adamantly opposed to abortion, one is committed to some set of values which requires that women who become pregnant (whether intentionally or unintentionally) must endure the process of pregnancy and birth, no matter how distressing, painful and risky it is for them. The justification given for this is usually based on an abstract notion of the value of "fetal life", rather than on the ground that suffering is morally improving for the women concerned.⁴¹

Hewson further argued to give more importance to the woman as a mother who should have choices for herself characterizing how difficult pregnancy can be, saying:

³⁹ Wilson-kastner, P., & Blair, B. (1985). Biblical views on abortion: An Episcopal perspective. *Conscience* (Washington, D.C.), 6(6), 4–8.

⁴⁰ *Ibid.*

⁴¹ Hewson, B. (200¹). Reproductive autonomy and the ethics of abortion. *Journal of Medical Ethics*, 27(suppl 2), ii10. https://doi.org/10.1136/jme.27.suppl_2.ii10

Some people argue that it is arbitrary not to bestow "personhood" on a fetus until it is born. They ask rhetorically: What is it about the passage through the vagina that makes such a difference? Of course, if you can only envisage a vagina instead of a woman giving birth, you may have difficulty acknowledging the critical role that a woman plays in giving birth, and why (in turn) society views birth as the critical moment. This is, as much as anything, a mark of respect for women's role in giving birth.⁴²

Others would argue that women do not benefit from abortion, but will cause them some problems and difficulty. Nonetheless, studies had shown that consequences are contrary to common beliefs about post-abortion experience. Research found that carrying an unwanted pregnancy to term is more dangerous to a woman's health than abortion.⁴³ It is also evident in recent studies that abortion does not negatively impact a woman's well-being.⁴⁴ Contrary to some claims, abortion does not place women at risk for post-traumatic stress disorder, depression, low self-esteem or anxiety, nor does it increase drug, tobacco or alcohol use.⁴⁵

Abortion restrictions may put a woman's physical and emotional safety at risk. Limited abortion access may result in more women being unable to terminate unwanted pregnancies, keeping them in contact with violent partners. This puts both women and their children at increased risk of violence.⁴⁶

Then it can be said that legalization of abortion will open more avenues for women to have control for their bodies and to reproductive rights. Bere said that "to work for women's right to decide on abortion

⁴² Ibid.

⁴³ Gerdts, C., Dobkin, L., Foster, D. G., & Schwarz, E. B. (2016). Side Effects, Physical Health Consequences, and Mortality Associated with Abortion and Birth after an Unwanted Pregnancy. *Women's Health Issues*, 26(1), 55–59. <https://doi.org/10.1016/j.whi.2015.10.001>

⁴⁴ Biggs, M. A., Rowland, B., McCulloch, C. E., & Foster, D. G. (2016). Does abortion increase women's risk for post-traumatic stress? Findings from a prospective longitudinal cohort study. *BMJ Open*, 6(2), e009698. <https://doi.org/10.1136/bmjopen-2015-009698>

⁴⁵ Roberts, S. C. M., Delucchi, K., Wilsnack, S. C., & Foster, D. G. (2015). Receiving Versus Being Denied a Pregnancy Termination and Subsequent Alcohol Use: A Longitudinal Study. *Alcohol and Alcoholism (Oxford, Oxfordshire)*, 50(4), 477–484. <https://doi.org/10.1093/alcalc/aggv021>

⁴⁶ Upadhyay, U. D., Biggs, M. A., & Foster, D. G. (2015). The effect of abortion on having and achieving aspirational one-year plans. *BMC Women's Health*, 15(1), 102. <https://doi.org/10.1186/s12905-015-0259-1>

requires neither more nor less than a profound belief in the right of women to control their own bodies and to make decisions about their own lives, including whether and when to have children".⁴⁷

Positive Long-Term Effect on Society

Levitt and Dubner in their popular book entitled *Freakonomics* in 2005 has given us the insight on the long-term effect of legalized abortion to society.⁴⁸ The study of Levitt has given the world an idea of the impact of legalizing abortion on crime which since has been largely debated. According to Francois, Magni-Berton, and Weill:

Legalizing abortion is supposed to lead to diminishing crime in two ways. First, it reduces the fertility rate, reducing the proportion of young males in the population, which are generally overrepresented among criminals. Second, it selects non-criminal profiles because mothers abort when they feel that they are unable to raise children under favorable material or emotional conditions. This second version is advocated by Levitt, who expresses it as follows: Unwantedness leads to high crime; abortion leads to less unwantedness; abortion leads to less crime.⁴⁹

In their cross-country investigation across European jurisdictions, Francois, Magni-Berton and Weill concluded that:

... abortion rate has a significant and negative impact on crime rates, specifically, homicide and theft. We also observe support for the impact of legalization of abortion on the reduction of crime when considering different calculations of the accumulation of abortions based on different criteria for the legalization of abortion. Thus, our results are consistent with the findings of Donohue and Levitt (2001) for the US.⁵⁰

⁴⁷ Berer, M. (2002). Making Abortion a Woman's Right Worldwide. *Reproductive Health Matters*, 10(19), 1–8. [https://doi.org/10.1016/S0968-8080\(02\)00010-1](https://doi.org/10.1016/S0968-8080(02)00010-1)

⁴⁸ Levitt, S. D., & Dubner, S. J. (2005). *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything*. William Morrow.

⁴⁹ François, A., Magni-Berton, R., & Weill, L. (2014). Abortion and crime: Cross-country evidence from Europe. *International Review of Law and Economics*, 40, 24–35. <https://doi.org/10.1016/j.irl.2014.08.001>

⁵⁰ François, A., Magni-Berton, R., & Weill, L. (2014). Abortion and crime: Cross-country evidence from Europe. *International Review of Law and Economics*, 40, 24–35. <https://doi.org/10.1016/j.irl.2014.08.001>

Further, a study by Whitaker on the effect of legalized abortion to subsequent high-school dropout rate, following in the tradition of the study of Donohue and Levitt concluded that there is:

... positive selection due to legalized abortion but among only one subpopulation, black males. The results seem to point to negative selection in aggregate. As with all social phenomena, abortion availability interacted with evolving economic, cultural, and legal institutions. It was certainly part of a bundle of changing sexual practices and attitudes toward family life. It appears that abortion was used disproportionately by black women in difficult circumstances, and therefore fewer of the women's potential sons became high school dropouts.⁵¹

⁵¹Whitaker, S. (2011). The impact of legalized abortion on high school graduation through selection and composition. *Economics of Education Review*, 30(2), 228–246. <https://doi.org/10.1016/j.econedurev.2010.09.001>

Conclusion

It is perhaps time for the Philippines to re-examine abortion in the light of benefit than relying on outdated traditions that further side-step the rights of women. From the studies conducted around the world on the effects and consequences of the legalization of abortion it is clear that we can benefit more, especially the women. It is clear from the evident studies that we are doing a favor to our women, contrary to common beliefs about the after-effects of the abortion experience.

Studies in Europe and the United States reveal that legalization of abortion decreases the risk of morbidity and mortality secondary to abortion procedures for women who has access to open, legal and professionally-performed procedures as compared to those who avail of the clandestine unsafe abortion procedures in states where it is otherwise prohibited or penalized. Further studies also show that in states where abortion is legal, criminality also decreases overtime. The beneficial effects of legalization of abortion in different states around the world as indicated in these studies is an indication for rethinking of this legal issue.

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