



ALLiance for the FAMILY Foundation Philippines, Inc. (ALFI)

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January 21, 2005

The Honorable Rep. Josefina M. Joson_
Chairman, Committee on Women
The House of Representatives
Constitution Hills, Quezon City 1126

Re: House Bill No. 2550 – The Population Management Act of 2004 or,
An Act Promoting Responsible Parenthood By Providing Incentives To Couples /
Individuals Who Practice Surgical Family Planning Methods Providing Funds
Therefor

Dear Rep. Joson:

We understand that the Committee on Health of the House of Representatives will be conducting a hearing on January 25, 2005 to consider House Bill No. 2550, "THE POPULATION MANAGEMENT ACT OF 2004."

We are enclosing our Position Paper in opposition of this Bill.

Very truly yours,

(original signed)
Rosie B. Luistro
President

(original signed)
Margarita V. Francisco
Vice President

Encl.

**NB: This copy is computer generated.
The original signed copies were submitted
to the Committee on January 25, 2005**

**STERILIZATION AND STATE-MANDATED FAMILY SIZE
ARE COERCIVE AND ANTI-FAMILY**

**A Position Paper Against House Bill No. 2550 and its Substitute Bill/s:
“THE POPULATION MANAGEMENT ACT OF 2004” or, AN ACT
PROMOTING RESPONSIBLE PARENTHOOD BY PROVIDING INCENTIVES
TO COUPLES / INDIVIDUALS WHO PRACTICE SURGICAL FAMILY
PLANNING METHODS PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

(Introduced by Honorable **Eduardo V. Roquero, M.D.**
for the THIRTEENTH CONGRESS)

Honorable Legislators, we come before you on behalf of the **ALLIANCE FOR THE FAMILY (ALFI)** in defense of **the FILIPINO FAMILY**. We oppose House Bill (HB) 2550 and any other Substitute Bill/s as coercive, unconstitutional and anti-family.

1. Mandating a 3-child Policy is Coercive, Anti-Family and Anti-Woman.

The proposed HB 2550 refers to birth spacing as a means “to attain the desired population growth rate and protect the health of the mother and the child. (Section 6).” It further states a specific 3-year period spacing between pregnancies, leaving no room for married couples to decide, on their own, whether to have children or not. While stating in its Explanatory Note that the independence of married couples is guaranteed by the Constitution, HB 2550 contradicts the Constitution with its provisions.

This attempt to mandate family size is not new. Nevertheless, it has been ruled out with finality in the past. The Constitutional Commission of 1986 rejected the idea of the State advocating family size, bringing about the defense of the State, in Article XV, Section 3, of the right of couples “to found a family in accordance with their religious convictions and the demands of responsible parenthood.” Limiting the number of members of a family cannot be reconciled with recognizing, much less defending, this essential right, as enshrined in our Constitution.

Despite the unconstitutionality of its premise, HB 2550 attempts to mandate family size. The proposed Bill manifests blatant economic discrimination, since it singles out a specific family size and marks it as ideal. The State cannot mandate family size since this would violate family rights and the freedom of married couples.

Ultimately, there is no difference between a 3-child policy as proposed under HB 2550 and China’s 1-child policy, which has met with condemnation. Both are state-mandated, packaged with a two-pronged set of incentives and punishments to encourage compliance and punish the unwilling. Both are coercive. Both violate human rights and women’s rights. Both demonstrate a mindset with a short time-frame. Just as China’s 1-child policy has failed its people and scandalized the world, so will HB 2550 if passed.

2. Granting Incentives for “Surgical Family Planning Methods” is Unconstitutional, Anti-Poor, Discriminatory and Ethically Wrong

Under HB 2550, married couples and individuals with up to three children are granted a broad range of financial incentives including college scholarships for three children, 20% discount on commodities and medicine, free medical and dental services in government establishments and discounted private-sector professional fees, and an additional P8,000 tax exemption.

(a) HB 2550 is Unconstitutional.

Because of this provision, HB 2550 violates the equal protection of the laws envisioned in Article III (Bill of Rights) of the Constitution. It also violates the mandate of the State, in Article V (Education, Science and Technology, Arts, Culture and Sports), Section I, to “protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.”

Furthermore, HB 2550 is anti-poor and discriminatory, as explained below:

(a) HB 2550 is Anti-Poor.

Poor families are precisely those who may need financial assistance to send all their children to college, to receive discounts on basic goods and medicine, and to receive free medical advice and treatment. It is also the poor who view children as their helpers and as their hope to exit from poverty. However, the proposed HB 2550 would prefer to deprive those poor families with more than three children of these privileges.

(b) HB 2550 is Discriminatory.

Parents with more than three children will be told that they are second-class, irresponsible citizens. Their children may also become social pariahs. As a consequence, fourth or younger children will grow up bearing a stigma that they are a burden to their families or to the nation, just because HB 2550 would cause the State to exclude them from entitlements. This brings about social discrimination in our nation. When discrimination begins at the economic or financial level, the discrimination spreads more rapidly until it begins to sound acceptable.

(c) HB 2550 is Not Birth-Spacing but Permanent Sterilization.

We strongly condemn “Surgical Family Planning Methods” as an option for birth-spacing. Although the term is not defined by HB 2550, we can construe it to mean surgical sterilization, such as vasectomy for men or ligation for women, and any other surgical methods which may include abortion. Abortion is illegal, so we will assume it is not intended, but with such severe pressure on family size, illegal abortions will increase.

Whether the surgical sterilization is voluntarily undertaken or not, it is almost always permanent and generally irreversible. This means that if the father or mother changes his or her mind about having children – perhaps because they realize they want more children, or because of the death of a child, or for medical reasons – there is no such option. If so, surgical sterilization does not lead to birth spacing but to discontinuation of pregnancies and births.

Furthermore, sterilization can lead to infection and damage to other organs in the woman's body.

More importantly, the procedure involved in direct sterilization destroys the normal functioning of healthy reproductive organs to prevent conception. Healthy organs are treated as if an illness or infection existed. Thus, it is an act of mutilation of the body, and is wrong in itself.

3. Establishment of an ID System Attempts to Break Down Barriers

The identification of married couples and individuals engaging in surgical family planning methods (Section 8b) sounds like an attempt to make heroes out of them, by singling them out and attempting to change the cultural, social and religious unease against them. The Identification Card monitoring process would make life difficult for those who do not carry such ID cards. Not only would healthy couples and individuals be deprived of the economic benefits accorded to those who have undergone sterilization, they could also be harassed by doctors and police officers who will be monitoring the carrying of these ID cards.

Moreover, the establishment of the Office for Family Planning and Population Affairs in the Office of the Mayor (Section 8) will mean additional personnel and P50 million more in expenses. The budget could be better used for better health care.

4. Population growth is already slowing even without legislation.

In the Explanatory Note, HB 2550 seeks “to attain the objective of slowing down population growth.” This is already happening, even without state-mandated family size or incentives, as shown in the following data.

(a) The Population Growth Rate of the Philippines is 1.61%, according to United Nations Data, not 2.36%, which is the frequently-quoted Population Growth Rate statistic from the National Statistics Office. The Growth Rate of 2.36% is based on a Year 2000 census of 76.5 million persons compared to the Year 1995 census. Therefore, the average annual Population Growth Rate of 2.36% published by the NSO does not correctly reflect the Growth Rate for the Years 2000-2005. The United Nations data uses population projections instead of using the historical rate.

Philippines: Population Growth Rate <i>(United Nations, Population Division)</i>		
	Growth Rate (%) (Low Variant Projections)	Growth Rate (%) (Medium Variant Projections)
1960-1965 Actual	3.09	3.09
1965-1970 Actual	2.93	2.93
1970-1975 Actual	2.79	2.79
1975-1980 Actual	2.70	2.70
1980-1985 Actual	2.42	2.42
1985-1990 Actual	2.37	2.37
1990-1995 Actual	2.26	2.26
1995-2000 Actual	2.03	2.03
2000-2005 Forecast*	1.61	1.79
2005-2010 Forecast	1.28	1.59
2010-2015 Forecast	1.06	1.43
2015-2020 Forecast	0.92	1.28

Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2002 Revision and World Urbanization Prospects: The 2001 Revision*, <http://esa.un.org/unpp>

**The 2000-2005 Growth Rate was forecasted by the United Nations in 2001.*

The National Statistics Office itself projected in Year 2000 that the Philippine population would grow by 2.05% per annum on average from 2000-2005, and below 2.0% from 2005 and beyond. However, this projection being realized in the years 2000-2005 does not seem to be given sufficient importance. Nor is there any reason to believe a national census will be conducted in 2005 to confirm the validity of the lower growth rate. Meanwhile, we are basing proposed legislation on overstated Population Growth Rate levels.

Philippine Population Projections Average Annual Growth Rates (Medium Assumptions by NSCB and NSO)	
Period	Projected Average Annual Population Growth Rate
2000-2005	2.05
2005-2010	1.94
2010-2015	1.81
2015-2020	1.63
2020-2025	1.44
2025-2030	1.26
2030-2035	1.09
2035-2040	0.92

Source: National Statistical Coordination Board
 Population Projections,
http://www.nscb.gov.ph/secstat/d_popnProj.asp

Both the United Nations and Philippine National Statistics Office projections show that our Population Growth Rate will drop to 0.92%, either within two decades or within three. By then, the United Nations projects that the Philippine population would have peaked at around 100 million. After this, projections show that the Philippine population will decline, as the consequence of falling fertility rates.

(b) The Total Fertility Rate (TFR) of the Philippines is dropping fast. TFR (number of live births per woman) is now at 2.93 babies per woman and will be below replacement level of 2.1 within 10 years. Demographers agree that the TFR is a more important indicator of population growth than the Population Growth Rate.

Philippines: Total Fertility Rate (TFR) <i>(United Nations, Population Division)</i>		
Period	TFR (%) (Low Variant Projections)	TFR (%) (Medium Variant Projections)
1960-1965	6.85	6.85
1965-1970	6.50	6.50
1970-1975	6.00	6.00
1975-1980	5.50	5.50
1980-1985	4.95	4.95
1985-1990	4.55	4.55
1990-1995	4.14	4.14
1995-2000	3.64	3.64
2000-2005F*	2.93	3.18
2005-2010F*	2.40	2.82
2010-2015F*	2.05	2.55
2015-2020F*	1.85	2.35
2020-2025F*	1.69	2.19
2025-2030F*	1.57	2.07

Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2002 Revision* and *World Urbanization Prospects: The 2001 Revision*, <http://esa.un.org/unpp>

*F means forecasts/projections

The United Nations data above show that the Philippines' TFR is projected to drop to a range of 2.05 (low variant) or 2.55 (medium variant) by 2010-2015. Thus, replacement-level fertility is expected within only 10 years. For the past decades, the UN's low variants have been shown to be more accurate in predicting actual population changes than the medium variants.

Even the Philippine government projects that the country’s TFR will drop to 2.07 within the next forty years, as shown by the National Statistical Coordination Board’s report of Population Projections. While the rate of decline is slower than that of the United Nations’ projections, there is a clear trend: replacement-level fertility rates are expected for the Philippines.

**PHILIPPINES: TOTAL FERTILITY RATES, 2000-2040
(Medium Assumptions)**

Year	Rate
2000-2005	3.41
2005-2010	3.18
2010-2015	2.96
2015-2020	2.76
2020-2025	2.57
2025-2030	2.39
2030-2035	2.23
2035-2040	2.07

Source: *Statistics: Population Projections*, National Statistical Coordination Board in http://www.nscb.gov.ph/secstat/d_popnProj.asp and *Index of Population Projection Statistics, Table 4. Projected Total Fertility Rates, by Five-Year Interval, Philippines 2000-2040 (Medium Assumption)*, National Statistics Office, in <http://www.census.gov.ph/data/sectordata/popproptab.html>

Demographic decline is a negative, not a positive, phenomenon. It reduces economic opportunities, it places a heavy burden on the dependent elderly – who lose the support of an adequate workforce as that workforce shrinks – and it threatens the security of retirements and pensions. A new set of problems will occur when this happens.

III. Committee Referral

HB 2550 is of interest not only to the Committee on Women, to which it has been referred, since its contents affect various national concerns and not exclusively those of women. We respectfully recommend therefore that the Bill be referred to the following Committees for their review: 1) Ethics; 2) Health; 3) Committee on Population and Family Relations; and 4) Appropriations.

We thank you for the opportunity to express our views against HB 2550 and its Substitute Bill(s), since we value the Constitutional right under Article XC, Section 3, as a family association, “to participate in the planning and implementation of policies and programs that affect” us.

We hope that you will review our objections carefully and come to realize that in passing any measure that would propose state-mandated policies on the size of the Filipino family, we would destroy our nation as well.

For the **ALLIANCE FOR THE FAMILY:**

Rosie B. Luistro
President

Margarita V. Francisco
Vice President