

Santa Clara University Scholar Commons

Jesuit School of Theology Dissertations

Student Scholarship

12-2016

Appraising Religious Liberty in the Philippine Reproductive Health Debates

Alfonso Suico

Follow this and additional works at: http://scholarcommons.scu.edu/jst_dissertations

 Part of the [Religion Commons](#)

Recommended Citation

Suico, Alfonso, "Appraising Religious Liberty in the Philippine Reproductive Health Debates" (2016). *Jesuit School of Theology Dissertations*. 9.

http://scholarcommons.scu.edu/jst_dissertations/9

This Dissertation is brought to you for free and open access by the Student Scholarship at Scholar Commons. It has been accepted for inclusion in Jesuit School of Theology Dissertations by an authorized administrator of Scholar Commons. For more information, please contact rscroggin@scu.edu.

APPRAISING RELIGIOUS LIBERTY IN THE PHILIPPINE
REPRODUCTIVE HEALTH DEBATES

A thesis by

Alfonso P. Suico, Jr, CSsR

presented to

The Faculty of the

Jesuit School of Theology

Of Santa Clara University

in partial fulfillment of the

requirements for the degree of

Licentiate in Sacred Theology

Berkeley, California

December 2016

Committee Signatures



William O'Neill, SJ, Director 12/7/2016



Clare Ronzani, Reader 12/7/2016

Acknowledgments

I wish to acknowledge the guidance, help, and encouragement I received from Fr. William O'Neill, SJ, in writing this thesis. As a mentor, he helped me discover new ways of asking questions that are pertinent to the social situation of my country, the Philippines. As my thesis advisor, Fr. O'Neill guided me in critically assessing the position on moral issues made by the Church leaders in my country and in proposing new paradigms that are consistent with Catholic teaching. I also express my gratitude to Prof. Jerome Baggett, who was my academic advisor when I started at the Jesuit School of Theology. I am likewise grateful to Prof. Clare Ronzani, who accepted my request to be the reader of my thesis. Her input and encouragement were equally helpful in my undertaking this endeavor.

Title: Appraising Religious Liberty in the Philippine Reproductive Health Debates

Author: Alfonso P. Suico, Jr, CSsR

Abstract

The debates surrounding the reproductive health bills created controversy and division between the Philippine government and the Church leaders. The government proposed laws that would promote accessible health care to women and children, including access to safe and effective contraceptives. The Catholic bishops opposed these bills, which they considered as inconsistent with Church teachings on sexuality and marriage.

Following a modified pastoral circle, this thesis describes the Philippine situation and genealogy of the debates, analyzes the critical position of the bishops, and proposes how the right to religious freedom can provide a paradigm of examining the debates. The bishops' opposition conflated the distinct moral issues of abortion and contraception and framed them on a physicalist interpretation of the natural law. By appraising religious liberty, this thesis shows that the language of human dignity and rights provides a persuasive argument against abortion. Grounding their position against contraception on the Catholic teleology of marriage, conversely, doesn't give a compelling argument to warrant the legislation of laws in a pluralistic society.

The thesis concludes that religious freedom provides a framework that is relevant in addressing the persistent questions on reproductive health as well as emerging issues on matters of women's rights and social justice.

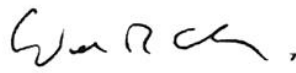

Coordinator's Signature

Table of Contents

Introduction	1	
1. Religiosity, Freedom, and the Filipinos	1	
2. Terminologies	6	
3. Thesis Statement	8	
4. Scope and Limitation	8	
5. Methodological Framework	9	
PART ONE	SETTING THE STAGE: THE EVOLUTION OF THE PHILIPPINE REPRDUCTIVE HEALTH DEBATES	
Chapter I	The Social Situation and the Development of the RH Law	13
1. Historical and Contextual Background		13
1.1. Population and Poverty		18
1.2. Public Health and Reproductive Health		19
1.3. The Influence of Foreign Policies on National Health		22
2. Development of the Reproductive Health Bill		24
3. Implementing the Reproductive Health Law		27
Chapter II	Genealogy of the Bishops' Position	31
1. Chronological Reconstruction of the Bishops' Arguments		31
2. Second Plenary Council of the Philippines		31
3. Early Pastoral Statements from 1992-1999		32

4. Pastoral Statements from 2000-2008	35
5. Pastoral Statements from 2009 Onwards	39
PART TWO CRITIQUE OF ARGUMENTS AND EXPOSITION ON RELIGIOUS FREEDOM	
Chapter III Critique of Arguments	43
1. The Use of Scriptural Citation in the Pastoral Documents	44
2. Appealing to Natural Law in Framing the Arguments	46
3. Framing the Arguments in Defense of Marriage and Family Life	49
3.1. Safeguarding the Family: The Institution and Members	49
3.2. On Women's Rights	53
4. Framing the Arguments Against Population Control	55
5. Framing Against Abortion and Contraception	61
5.1. Abortion	61
5.2. Contraception	65
6. Framing the Arguments from a Position of Power and Influence	69
Chapter IV Appraising Religious Liberty	72
1. Vatican II and Religious Freedom	72
2. Human Dignity and the Right to Religious Liberty	77
3. Persuasion and not Coercion	81
4. Invoking the Modern Language of Dignity and Rights	83
4.1. On Women's Rights	86
5. Violation of Human Dignity as the Argument Against Abortion	89

6. Contraception and the Teleology of Marriage	93
7. The Limits of Coercion in the RH Debates	97
PART THREE FINDING A WAY FORWARD	
Chapter V Propositions and Frameworks for Collaboration	102
1. Framing the Abortion Issue as a Violation to Human Dignity	103
2. Freedom of Conscience and the Choice of Using Birth Control	103
3. Seeking Exemption in Implementing the RH Law	104
4. Promoting Conscientious Objection for Health Providers	104
5. Women’s Reproductive Rights	105
6. Values Education to Compliment Age-Appropriate Sex Education	106
7. Correcting Misconceptions	106
8. Beyond the RH Debates: Extrajudicial Killings	108
Conclusion	110
Appendix	113
Bibliography	118

INTRODUCTION

1. Religiosity, Freedom, and the Filipino

We Filipinos are renowned for our religiosity and valuing our freedom. History attests to this: the three hundred thirty-three years of Spanish colonial rule had a profound influence on the Filipino consciousness. Many aspects of life, both in the home and the community, reflect the Filipino's religiosity. On the other hand, our people fought for our independence and freedom against successive foreign powers that colonized our land.

For many Filipinos, *faith is centered on the practice of the rites of popular piety and not on the Word of God, doctrines, sacramental worship beyond baptism and matrimony, nor even in building a Christian community.*¹ Most of us learned Catholic piety at an early age at home. Schools, both public and private, give religious instructions and catechism to their students, except for those privately owned by other Christian churches and schools in Muslim areas. The parish church remains as the focal point in many communities and church attendance is always good, perhaps out of habit and obligation. For Filipinos, baptisms, weddings, and funerals are the significant moments in family life that gather all members together.

The Church's liturgical seasons and patronal feasts are the other important foci of Filipino religiosity. Liturgical feasts such as Christmas and Good Friday are considered

1. Catholic Bishops' Conference of the Philippines, *Acts and Decrees of the Second Plenary Council of the Philippines: Held at the Holy Apostles Seminary, Makati, Metro Manila from 20 January-17 February 1991*, (Manila: Paulines Publ. House, 1992), no. 13.

national holidays and Filipinos have a special way of commemorating these feasts.²

Private devotions are a common practice especially to the *Santo Nino* (Holy Child), the Black Nazarene, Our Lady, or to the town's patron saints. These expressions of religiosity are a trademark of Filipino Catholics. They permeate deep in the people's psyche, culture, and morality. As a result, the reverential attitude towards the Church and the clergy is reinforced.

While religiosity is nurtured in most Filipinos, our freedom was fought with wars and revolution. In the past, it was a war for independence. In recent times, it was a revolution for freedom. During the dark years of martial law, Ferdinand Marcos oppressed the peoples and suppressed their freedom. The Church was the institution that unified the people through those turbulent times. It was the only institution with a moral ascendancy to speak against the authoritarian regime. Both the Catholic Church and other Christian Churches collaborated to protect those threatened and marginalized.

The 1986 People Power Revolution in EDSA³ ended the authoritative regime and expelled the dictator. After martial law, the restoration of liberties was the great legacy

2. The Seasons of Christmas and Lent are special times for many Filipino Catholics. During Christmas, there is a special indult granted to the Philippine Church for the Aguinaldo dawn masses celebrated nine mornings before Christmas Day. During Holy Week, Filipinos have practices remembering the passion of our Lord. There is the traditional *pabasa* or chanting the narratives of the passion; corporal acts of penance (e.g. self-flagellation), many processions and other devotions. On the dawn of Easter Sunday, another procession called the *Salubong* reenacts the supposed encounter between the Risen Christ and Mary. For a detailed description of this devotional practice, see Rafael Miniano, Delacruz Jr. (2011), *Theo-dula of the Salubong: A Filipino Theological Dramatic Approach to Popular Religion* (Doctoral dissertation), Jesuit School of Theology of Santa Clara University, 15-19.

3. EDSA stands for Epifanio delos Santos Avenue, a major highway in Metro Manila and the location of the 1986 Revolution.

to future generations. Filipinos were given a chance to relish freedom. This momentous event demonstrated the faith and strength of our people; it was a time when the religiosity of the people and their passion for freedom intersected and opened a new chapter for the country. The post-martial law government of Corazon Aquino drafted the new constitution as a way of moving forward. Congress passed new laws and the government created agencies to meet the needs of the people neglected during martial law. Freedom of the press was restored. More laws were proposed, including those promoting women's rights, reproductive health, and national development.

If the revolution was the turning point in the country's history, the Second Plenary Council of the Philippines (PCP II), in 1991, was crucial in shaping how the Philippine Church directed itself towards the coming millennium. The PCP II sought to implement the directives of Vatican II. The desire of protecting liberty, following the years of dictatorship, significantly influenced the Plenary Council. The core message of PCP II was to establish a genuine Church of the Poor that promotes evangelization at the grassroots. The Council also reiterated the value of the moral life in those changing times. With the role that the Church leaders played in the 1986 Revolution and their collaboration with the government in national restoration, the Church wielded a considerable influence over the Philippine social and political life.

The seemingly harmonious collaboration between the Church and the government was often tested when conflicts between religious teaching and national interest arose. Among the most controversial issues that divided the two were the restoration of the death penalty and the reproductive health (RH) bills. During the RH

debates, the Catholic Bishops Conference of the Philippines (CBCP) pressured both the executive and legislative branches of government to drop this legislation. If the EDSA Revolution unified the Church and state, population control, family planning, and reproductive health were divisive. One of the flaws of the RH debates I will argue, was that they only considered the sentiments of Filipino Catholics. They overlooked those who are non-Catholics, a close to 16 million Filipinos are Muslims, *Aglipays*, *Iglesia ni Cristo*, or belonging to other Christian churches. As we shall see, what started as a position by the CBCP based on moral grounds unwittingly morphed into a subtle imposition of Catholic teachings to a pluralist society.⁴

The debates weren't always diplomatic, often the Church and the state clashed. At one point, the head of the CBCP, Bishop Nereo Odchimar, threatened the president, Benigno Aquino III, with excommunication for his support of the bill.⁵ Filipino constitutionalist, Fr. Joaquin Bernas, said that at the center of the controversy was not contraception and condoms, but religious freedom: "The state should not prevent people from practicing responsible parenthood according to their religious belief, nor may churchmen pressure [the President], by whatever means, to prevent people from acting according to their religious belief."⁶ His statement was denounced by the CBCP.

4. These two churches were established in the Philippines at the turn of the 20th century: The Aglipayan Church, also known as the *Iglesia Filipino Independente*, and the *Iglesia ni Cristo*.

5. Eleanor Dionisio, *Becoming a Church of the Poor: Philippine Catholicism after the Second Plenary Council*, Quezon City, (Philippines: John J. Carroll Institute on Church and Social Issue, 2011), 24-25.

6. Paterno Esmaguelli, "CBCP Hits Bernas over RH Bill," Rappler, August 32, 2012, accessed October 26, 2016, <http://www.rappler.com/nation/11509-cbcp-hits-bernas-over-rh-bill>; Patricia Evangelista, "The Church of Joaquin Bernas | INQUIRER.net," Philippine Daily Inquirer, accessed October 26, 2016, <http://opinion.inquirer.net/35906/the-church-of-joaquin-bernas>.

For the last two decades, the pastoral documents from the CBCP condemned both the RH bills and their supporters, including members of Congress, the private sectors, and women's groups. Many regarded the statements by the Bishops as too paternalistic and over-bearing towards women's rights. Although they were often unnoticed, sectoral representatives for women worked in Congress to shift the arguments of the bills from population control to the protection of women and promoting their rights.

My personal involvement with the RH debates began when I received a female patient in the emergency room with post-abortion bleeding; she was refused treatment in another Catholic-run hospital because of the cause of her bleeding. Other encounters with individuals seeking enlightenment about contraceptives and the bills solidified my resolve to probe the merits of the Church's position on the RH bills. Then in 2012, in a parish forum discussing the bills, some conservative Catholic groups criticized our discussions as anti-Church and pro-choice.

It is four years since the Philippine Reproductive Health Law was passed, but the debates remain in gridlock. There are lingering questions about the Church's involvement and influence. What is the role of the Church in the creation of public policy? How were their arguments against birth control framed? What is the status of women's rights and reproductive health rights in the country today? In the light of the Filipino's religiosity and passion for freedom, is there a more proactive way to go forward from here?

This thesis endeavors to appraise the role of religious liberty in public health policies. It will re-examine the arguments proposed by the Catholic Bishops against the

RH Bill and will argue how religious freedom provides a paradigm for future Church stance in addressing the lingering questions on the reproductive health policies adopted by the state.

2. Terminologies

Religious Freedom is the right to live in the truth of one's faith and in conformity with one's transcendent dignity as a person (Centesimus Annus [CE] # 47). This freedom means that all are immune from coercion on the part of individuals or of social groups and of any human power. No one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits (Dignitatis Humanae # 2). Religious freedom is founded on the dignity of a person and is integral to a person's basic rights as it is "the source and synthesis" of these rights (CE # 47).

Reproductive Health is defined within the framework of the World Health Organization's definition of health. Health is a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity, for all persons in every stage of life. Reproductive health implies that people are able to have a responsible, satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. The WHO also elaborated that this includes the right to be informed, to have access to safe, effective, affordable

and acceptable methods of fertility regulation of their choice, and to seek health care needed especially during pregnancy, childbirth and the raising of healthy offspring.⁷

Reproductive Health Care, as defined in the Implementing Rules and Regulations of RA 10354, is the access to a *full range of methods, facilities, services and supplies that contribute to reproductive health and well-being by addressing reproductive health-related problems*.⁸ This includes the following domains:

1. Family planning information and services with priority to women of reproductive age
2. Maternal, infant and child health and nutrition, including breastfeeding
3. Proscription of abortion, and management of abortion complications
4. Adolescent and youth reproductive health guidance and counseling
5. Prevention and management of HIV/AIDS and sexually transmittable infections (STIs)
6. Elimination of violence against women and children
7. Age- and development-appropriate education on sexuality and reproductive health
8. Treatment of breast cancers and other gynecological conditions
9. Male responsibility and involvement and men's reproductive health
10. Prevention, treatment and management of infertility and sexual dysfunction
11. Age- appropriate reproductive health education for adolescents
12. The mental health aspect of reproductive health care⁹

7. World Health Organization, "Reproductive Health," Accessed August 31, 2016.
http://www.who.int/topics/reproductive_health/en/.

8. Republic of the Philippines, "Implementing Rules and Regulations of Republic Act 10354" Official Gazette, March 18, 2012, accessed September 8, 2016.
<http://www.gov.ph/2013/03/18/implementing-rules-and-regulations-of-republic-act-no-10354/>.

9. Ibid., sec. 3.01.

The *Reproductive Health Law of the Philippines* or the Republic Act 10354 (The Responsible Parenthood and Reproductive Health Act of 2012) is a law in the Republic of the Philippines that seeks to provide comprehensive contraception and fertility control, maternal and infant care, and sex education. It was enacted into law on December 19, 2012.

3. The Thesis Statement

Given a pluralistic albeit predominantly Catholic society, the state has the duty to protect the rights of every citizen, by legislating and promulgating reproductive health care policies that are fair, unbiased, and which promote the common good and the rights of its people regardless of religious beliefs and affiliation. The state ought to legislate laws that do not promote nor establish any particular religious tradition. On the other hand, it is not the role of the Philippine bishops to impose their beliefs on the pluralistic minority, but to foster Christian value formation and teachings among their members. In this impasse, religious liberty may provide a paradigm of responding to the moral questions on the reproductive health law and promote dialogue between the Church and State.

4. Scope and Limitation

The materials included in this thesis are the RH Law of 2012 and the pastoral statements of the Catholic Bishops Conference of the Philippines (CBCP) covering a period of two decades from 1992 to 2012. There are more than one hundred and twenty pastoral letters issued by the CBCP after the PCP II. I will limit and concentrate on the thirteen key documents that represent the evolving arguments put forward by

the bishops.¹⁰ Vatican II documents (i.e. *Dignitatis Humanae*) and the theology of John Courtney Murray on religious freedom are the “interlocutors” of the discussion. The statistical data and health indices included here are those of the period of the debates around 2012. These data include population statistics, maternal and infant health indices, HIV/ AIDS and sexually transmitted infection statistics.

5. Methodological Framework

This thesis studies, describes, and analyzes the complexities and nuances of the issues in the RH debates. Utilizing a modified and expanded form of the see-judge-act model, I will offer an account of the issues, analyze the basis of the pastoral statements, and make possible recommendations in framing them. I follow the framework adopted by Pope John XXIII in *Mater et Magistra*. According to the Holy Father, these stages should *normally be followed in putting social principles into practice*: First is to review the concrete situation. Second is to form a judgment in the light of these same principles. Third is deciding what the circumstances can and should be done to implement these principles (*Mater et Magistra* [MM], # 236). Furthermore, he also said that through this method, knowledge must be translated into action. (MM, # 237). In this modified and expanded form, the three main sections roughly correspond to the see-judge-act paradigm:

10. Eric Marcelo Genillo, SJ, “Church Power and the Reproductive Health Debate in the Philippines,” *Doing Asian Theological Ethics in a Cross-cultural and an Interreligious Context*, Yiu Sing Lucas Chan, et. al. eds., (Bengaluru, India: Dharmaram Publications, 2016), 278: According to Genillo, there were five pastoral statements issued by the CBCP from 2008 to 2012 expressing their opposition to the RH bill. This period (2008-2012), which corresponded to the 14th and 15th Congress of the Philippines, saw the later debates towards the passing of the RH Law in 2012. In this project, I intend to trace back the development of the arguments including those prior to this period.

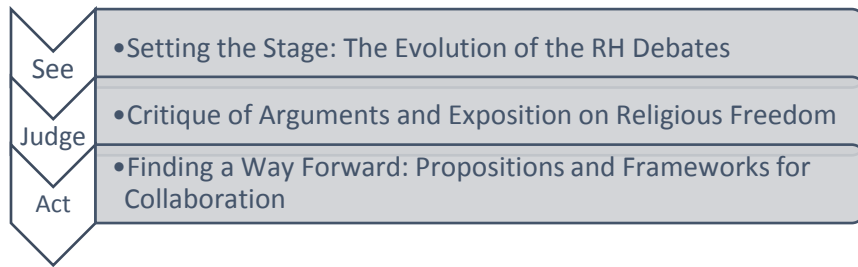


Fig. 1 Diagram of the Methodological Framework

Figure 1 is the schema of this thesis. There are three main sections in the discussion of this thesis, each corresponding to an item on the pastoral circle.

Setting the Stage: The Evolution of the Philippine Reproductive Health Debates (SEE)

The first section aims to describe the contemporary social situation particularly with regard to Church-state relations; to retrace the development of the reproductive health debates, and to reconstruct the position of the Philippine Bishops based on the official documents issued by the body. There are two chapters in this section. Chapter 1 describes the historical and contextual situation of the country and the influence of international bodies like the United Nations on national policies. It describes the Church and state relationship in nation building and traces the development of the RH Law. Chapter 2 gives a chronological reconstruction of the arguments made by Philippine Catholic bishops in the pastoral statements issued from 1992 to 2012.

Critique of Arguments and Exposition on Religious Freedom (JUDGE)

The second section has two goals: to do a critical analysis of the Bishops' arguments and to appraise of the role of religious liberty in public health policies. Chapter 3 is the critical and hermeneutical analysis of the foundations of the CBCP

statements explicating their scriptural and theological basis, as well as their historical and cultural backgrounds. Chapter 4 is an exposition on religious liberty from John Courtney Murray and the Vatican II declaration, *Dignitatis Humanae*. This chapter shows how religious freedom is relevant in the debates on reproductive health and how it is critically foundational in a nation that is pluralistic and culturally diverse. I will also argue how a mutually corrective dynamic between the Church and the state can lead to points of intersection and collaboration where controversial issues become divisive.

Finding A Way Forward: Propositions and Frameworks for Collaboration (ACT)

Chapter 5 includes suggestions for working with the RH Law's implementation: the frameworks for argumentation based on religious liberty that may be helpful as a guide for the Philippine bishops and the local churches. Religious liberty has far-reaching importance beyond reproductive health. It is very relevant to other pressing issues today, including women's rights, extra-judicial killings, and the protection of the indigenous communities and ecology.

PART ONE:

Setting the Stage

The Evolution of the Philippine Reproductive Health Debates

Chapter I

The Social Situation and the Development of the RH Law

1. Historical and Contextual Background of Church and State Relations

The events in our nation's history reveal the nationalism of the Filipino people and the desire for a constitutional democracy.¹¹ Since the Spanish occupation, there was always a mutually corrective and participative relationship between the Church and the state. When the Spaniards colonized the Philippines, they introduced Christianity to the tribal communities inhabiting the archipelago. The ingrained religiosity of the people, however, also became a means for the colonizers to subjugate them.

Early on, the Church was in a position of privilege and authority in the nascent Philippine society. Often, there was a struggle of power between the state and the Church: the governor general and the bishops. The civil authorities, representing the Royal Patronage of the King of Spain, were bound to provide for the Church despite their differences. Since the Philippines was considered a base for missionary work, jurisdictional conflicts also existed among religious orders for mission territories, among them were the Dominicans and Franciscans.¹² The fact that many friars and missionaries were Spaniards put them in a distinctive position of power. Yet, throughout the Spanish era, the Philippine Church remained prophetic. The bishops and the superiors of the religious orders had access to the King back home; they often put pressure on the

¹¹ Carl H. Lande, *Rebuilding A Nation: Philippine Challenges and American Policy*, (Washington, DC: Washington Institute Press, 1987), 8.

¹² John Schumacher, *Readings in Philippine History*, (Quezon City: Loyola School of Theology, 1979), 114.

Governor-General and his governance to protect the interest of the colonized. In doing so, there was a check and balance by the clergy since the Church condemned the abuses, heavy taxation, and injustices done by civil authorities against the *indios* (or the natives). This symbiotic relationship allowed the Church to be effective in its missionary effort, even as the civil authorities secured the land from foreign invaders and internal uprising.

The end of the Spanish colonial rule paved way for the American occupation. A bias by some historians refers to this period as *the proudest in Philippine history*. It was a time when Filipinos were learning about democracy and freedom; a legacy they carried on decades later.¹³ When the Spaniards left, the Spanish clergy also left. It took a while before new Filipino clergy took over the vacated parishes. During this time, Protestant missionaries arrived in the Philippines. Their work mainly concentrated in remote areas of the colony, including territories inhabited by indigenous communities. Various Christian churches like the Lutherans, Episcopalians, and Baptists brought both evangelization and education and established new denominations in the once exclusively a Catholic society. It was also during this time that the *Iglesia Filipina Independiente* or the Aglipayan Church was founded in 1902. Then in 1914, another church was established, the *Iglesia ni Cristo*. Both the Aglipayan Church and the *Iglesia ni Cristo* continue to have a strong membership today. Thus, while majority of Filipinos are Catholics, there is a large minority that belonging to other churches and religions as well.

13. Lande, 8-9.

In the southern islands of Mindanao and Sulu, the Muslim communities continued to flourish. The Moro people were never totally subjugated until the American occupation. In the *Carpenter Agreement* (1915), the Americans recognized the Sultan of Sulu as the spiritual head of Muslim Filipinos, but treated the sultanate as an American territory. The Moro people, on the other hand, believed that they remained a sovereign state.¹⁴ This continues to be a source of international dispute until today, since historically parts of Northern Borneo were under the Sultanate.¹⁵ Apart from the Muslim tribes, there are also indigenous communities living in Luzon, Mindanao and some other bigger islands. They existed relatively independent of any foreign influence until they too were incorporated into the new republic. Presently, the indigenous communities form an integral component of the tri-people: Christians, Muslims, and the *lumad* (or natives). Understanding this piece of history can explain the volatile situation and continued unrest in the southern Philippines, where the Muslim Filipinos seek autonomy and the indigenous people fight for the rights over their ancestral domains.

The Philippines was briefly under the Japanese rule in World War II. During this time, Japanese soldiers perpetrated many atrocities. The end of the war saw the bloody siege of Manila when American forces re-entered the capital and the retreating Japanese killed many Filipinos along the way. After the war, the Americans granted the

14. "Memorandum: Carpenter Agreement, March 22, 1915 | GOVPH," *Official Gazette of the Republic of the Philippines*, accessed October 26, 2016, <http://www.gov.ph/1915/03/22/memorandum-carpenter-agreement-march-22-1915/>.

15. "The Sultan's Sabah Swing," *The Economist*, February 23, 2013, accessed November 03, 2016, <http://www.economist.com/news/asia/21572251-chaotic-south-philippines-muslims-launch-foreign-policy-sultans-sabah-swing>.

Philippines its independence on July 4, 1946. The new Philippine Republic was created. But the uprisings and conflicts continued in some areas of the country.

The intervening years, from the liberation until the eve of martial law, saw the post-war rebuilding of Philippine society. Ferdinand Marcos was nearing the end of his second term as a democratically elected president when he declared martial law on September 21, 1972. Citing the need to address rebellion, student demonstrations, and the growing threat of communism in the countryside, Marcos' actions were largely met with acceptance by the people. The demonstrations and the showing of nationalistic actions had already caused foreign disinvestments and a downturn in the economy. This situation made it easier for Marcos to set his plans in motion.¹⁶ For the majority of the people, the curtailing of political liberties was a price worth of the reforms Marcos intended.

The dream was over soon when poverty continued to rise as heavy borrowing abroad occurred. Human rights abuses and militarization did little other than to instill fear in the people and perpetuate the president's power. Thousands were incarcerated, tortured, and killed. *Amnesty International* estimated that, during the whole martial law years, about 70,000 were imprisoned, 34,000 were tortured, and 3,240 were killed. Other sources gave more conservative estimates.¹⁷ While the Marcos administration projected an image of an economically stable Philippines, it was by far a grimmer reality.

16. Lande, 10.

17. Michael Charleston Chua, "TORTYUR: Human Rights Violations During the Marcos Regime," *Academia.edu*, June 12, 2012, accessed October 26, 2016, http://www.academia.edu/7968581/TORTYUR_Human_Rights_Violations_During_The_Marcos_Regime.

While there were abuses perpetrated by the military rule, hunger and malnutrition were common because of government neglect. The growing discontent of the people, the oppressive militarization, human rights abuses, and the curtailing individual liberties only fueled the groaning of the people to topple a dictator.

During the early years, the CBCP, as a body, was not united in their position on martial law. Prior to its declaration, there were many acts of lawlessness and violence, that even the official CBCP leadership felt justified martial law. This happened despite the commitment of the hierarchy to social justice. However, a number of bishops led informally by Bishop Francisco Claver, SJ and Bishop Antonio Fortich dissented and condemned the authoritative regime. In time, many more in the episcopate joined the religious and the laity in fighting the dictatorship.¹⁸ Church-based groups were accused of being communist sympathizers aligned with the left. Priests, religious, and lay people were abducted and killed.¹⁹

Eventually, the popularity of Marcos continued to decline even as the opposition became more influential. Sen. Benigno Aquino, Jr. was the most prominent figure among the opposition. His assassination in 1983 triggered the unrest among the people leading to a revolution. In February 1986, the people, heeding the call of Jaime Cardinal

18. Dionisio, 2-4.

19. Two of the prominent killings and abduction were those of the Jesuit priest Fr. Godofredo Alingal in 1981 and Fr. Rudy Romano in 1985. Fr. Alingal was shot in his parish. Fr. Romano was abducted and remained missing. For details on these matters, see Antonio Claver, SJ, "Community News for the Global Bukidnon", April 14, 2011, accessed September 11, 2016, <https://bukidnonews.wordpress.com/tag/fr-godofredo-alingal/>; "Asian Federation Against Involuntary Disappearances," Asian Federation Against Involuntary Disappearances, accessed September 11, 2016, http://afad-online.org/voice/dec_05/newsfeature_rudyromano.htm.

Sin, and armed with rosaries and religious images, took to the streets and the peaceful People Power Revolution in EDSA. The revolution itself would not have been possible without the strong presence of the Catholic Church leadership, particularly Cardinal Sin, bishops, and religious men and women. The presence of the faithful who joined the revolution ensured that it remained peaceful. After Marcos was removed from power, Corazon Aquino became president, the dictatorship ended, and democracy was restored.

The years following martial law were years of restoration under Corazon Aquino. Politically, the situation remained tenuous as a handful of coup attempts threatened the newly established democracy. The new Philippine Constitution of 1987 limited the term of those in elected office. Overall, there was hope for a promising future ahead. These years also saw a new dimension of the influence of the Church in state affairs. As the Church leaders were key players during the 1986 People Power Revolution, they also continued to influence the new administration and the electorate. Aquino was closely affiliated with the Catholic bishops. Despite some issues between the hierarchy and some members of Congress on population control, the Catholic Church was a formidable force behind the new democracy.

1.1. Population and Poverty

Poverty remains the primary social problem in the Philippines. Poverty permeates all the other problems from the economy, corruption in government, peace and order, hunger and malnutrition, and lack of employment opportunities. In 2010, at the time of the debates, the Philippine population reached 98 million, with 25% falling

below the poverty line. Almost one- third of the population reside in rural areas, including small-scale farmers, fisher folks, and the indigenous communities.²⁰ There remains a substantial economic disparity between those living in the capital and those in provinces. Accordingly, the Poverty Incidence was at 26.9%, with combined unemployment and underemployment at 26.7% in 2010. The number of employed Filipinos was estimated at 37.7 million. Women constitute 39% of the workforce.²¹ The 2015 Index of Economic Freedom stated that corruption, state plunder, cronyism, and a culture of impunity remained in the spotlight as numerous instances of malfeasance were exposed.²²

1.2. Public Health and Reproductive Health

One problem that concerns many third world nations is health care. In the Philippines, the health services provided by the government are limited and below standard. Many do not have insurance despite the fact that there is a national insurance system called the *PhilHealth*. In most situations, individuals pay for hospitalization and medication. Filipinos have many health issues: The life expectancy of Filipinos is shorter than those in developed countries, with an average of 66 years for Filipino men and 71

20. International Fund for Agricultural Development, "Rural Poverty in the Philippines" *Rural Poverty Portal*, accessed Sept. 11, 2016, from <http://www.ruralpovertyportal.org/country/home/tags/philippines>.

21. "Statistics on Filipino Women and Men's Labor and Employment," Philippine Commission on Women, May 13, 2014, accessed September 19, 2016, <http://pcw.gov.ph/statistics/201405/statistics-filipino-women-and-mens-labor-and-employment>.

22. Heritage Foundation, "2015 Index of Economic Freedom2015". Accessed on April 22, 2015. <http://www.heritage.org/index/country/philippines>.

years for females.²³ The primary causes of morbidity and mortality are infectious diseases, tuberculosis, watery diarrhea, hypertension, and heart diseases.

Maternal mortality rates and infant death rates reflect the well-being of women in the perinatal period and those of newborns.²⁴ In the Philippines, there has been a decreasing proportion of maternal deaths among women of reproductive age since 1990; this trend was notable in the succeeding decades.²⁵ This significant decrease in maternal mortality is reflective of the improved pre-natal, delivery care, and post-partum follow-up. The updating and training of midwives and the traditional birth attendants (also known as *hilots*), proved crucial in improving maternal well-being. These programs were initiated before the RH Law, notably the *Magna Carta of Women* and the *Philippine Midwifery Act of 1992*.

HIV and AIDS cases are only beginning to rise in the Philippines. Since AIDS was first described in the 1980's, the Philippines was relatively "AIDS-Free" for more than two decades. Compared to neighboring Asian countries like Thailand, the incidence of

23. CDC reports that US life expectancy is at a record high with 76.4 years for males and 81.2 for females. See Medical News Today, "CDC: Life Expectancy in the US Reaches Record High", CDC: 2014, accessed April 17, 2015, <http://www.medicalnewstoday.com/articles/283625.php>.

24. Maternal and Infant Death Rates are important markers in determining public health: Maternal Mortality Rate is the number of maternal death per 100,000 live births. Infant Mortality Rate is the number of death of children less than 1 year of age per 1,000 live births.

25. World Health Organization, Maternal Mortality from 1990 to 2015: Philippines, 2015, accessed August 29, 2016, http://www.who.int/gho/maternal_health/countries/phl.pdf: The Proportion of Maternal Death (PM) was 10.4 %. It went down to 9.0% in 2000 and even lower to 6.3 % in 2015. The actual Maternal Mortality Ratio (MMR) was 152 per 100,000 live births in 1990. It went down to 124 per 100,000 live births in 2000, and even lower to 114 per 100,000 live births in 2015.

HIV/AIDS is low.²⁶ Apart from HIV/ AIDS, other sexually transmitted infections continued to affect the population including syphilis, gonorrhea, chlamydia, and the human papillomavirus (HPV) infection. Despite these concerns, the government continues to allot a much lower budget for health care than other programs.²⁷

Abortion is illegal in the Philippines. The state equally protects the life of the mother and the life of the unborn from conception.²⁸ Abortion was criminalized in the Revised Penal Code of 1930, which remains in effect today. The penalty for abortion crimes is imprisonment of the woman who procured an abortion and her accomplices including parents or health practitioner.²⁹ There is no exemption indicated for induced abortions performed for medical reasons.

Women's rights are at the center in any reproductive health issues. The Philippine Constitution gives the highest priority to human dignity, enhancing human rights and protecting the common good.³⁰ Particular attention was given to the

26. Department of Health Epidemiology Bureau, "HIV/AIDS and Antiretroviral Therapy Registry of the Philippines", May 2015. In 2010, the number of individuals diagnosed as HIV seropositive averages to four persons tested positive per day. In 2012, the total number of reported cases for that year was 3,338; majority were asymptomatic.

27. "Philippines." World Health Organization. Accessed September 01, 2016. <http://www.who.int/countries/phl/en/>. Only 4.6% of GDP is the allotted budget in the past years for health care.

28. The 1987 Philippine Constitution, art. 2.

29. Republic of the Philippines. Revised Penal Code, art. 256-258, 1930, Accessed April 30, 2015, <http://www.chanrobles.com/revisedpenalcodeofthephilippines.htm#.VUKWACFViko>.

30. Phil. Constitution, art. 23 sec. 1. *The Constitution gives the highest priority to enacting measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.*

protection of women, their safety and the protection of their maternal functions.³¹ The Constitution allows for an integrated and comprehensive approaches to health to be adopted, the purpose of which is to make the provision of health and social services available to people at affordable cost. It leaves open the legislation of particular laws by Congress.

1.3. The Influences of Foreign Policies on National Health

In the 1970's, foreign donors, like the United States Agency for International Development (USAID), provided the logistics in the campaign for family planning and contraceptives.³² It was through these foreign funding that the government began its family planning programs by distributing oral contraceptive pills, hormonal injections, condoms, intrauterine devices, and performing sterilization.

The *International Conference on Population and Development* (ICPD), in 1994, tackled various problems from population issues to immigration, but most importantly the promotion of women's well-being. A high point in the document was defining reproductive health not as a single issue but as a constellation of methods, techniques, and services that contribute to well-being by preventing and solving reproductive-

31. Phil. Constitution, art. 23

32. In 1974, the US National Security Council submitted the *National Security Study Memorandum 200: Implications of Worldwide Population Growth for US Security and Overseas Interests*, otherwise known as the Kissinger Report. This memorandum relates the growing population worldwide and its impact to US security and economy. Population control measures were proposed for the rapidly growing countries and regions including Southeast Asia. The Philippines was identified as among the 13 countries that are problematic with regards to US interest. Salient points included the effects of population growth, to food availability, fuel, and mineral and other resources. The said memorandum proposed for strategizing allocation of assistance to these countries. See *National Security Memorandum 200*, Accessed Aug. 13, 2016. <http://schillerinstitute.org/strategic/NSSM200.htm>.

related problems and sexually transmitted diseases. The ICPD advances the rights of women and advocates their protection, including the girl child. It was heavily criticized by various sectors including some Islamic countries and the Holy See.³³

The *Fourth World Conference on Women*, in 1995, identified critical areas in advancing women's welfare and gender equality including poverty, health, violence, armed conflict, refugees, and human rights for women, among others.³⁴ The document reaffirmed the holistic definition of health, but identified inequalities based on gender, social status, and ethnicity as the greatest barrier in attaining it.³⁵ Reproductive rights are among the human rights already recognized in international human rights documents and national laws. These rights are based on the recognition of the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. They also include having the information and means to do so, and to have the right to attain the highest standard of sexual and reproductive health. Reproductive rights also protect individuals making decisions free from discrimination, coercion, and violence, as expressed in human rights documents.³⁶

The Philippines adopted the *Magna Carta of Women* in 2009 as the government's commitment to these foreign policies. The *Magna Carta* is the local

33. United Nations Population Fund, *International Conference on Population and Development Program of Action 20th Anniversary Edition*, (Cairo, 1994), Accessed on April 30, 2016. http://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf.

34. United Nations Entity for Gender Equality and the Empowerment of Women, *Report of the Fourth World Conference on Women*, (Beijing, 1995), accessed on April 30, 2016 <http://www.un.org/womenwatch/daw/beijing/>.

35. *Ibid.*, # 89.

36. *Ibid.*, # 90-92, 95.

translation of the provisions of the two conferences, particularly in addressing gender discrimination, state obligations, substantive equality, and temporary special measures.³⁷ While the *Magna Carta of Women* was a significant step in advancing reproductive health and women's rights, it lacked the multi-dimensional and holistic approach afforded by the RH Laws.

2. Development of the Reproductive Health Bill

There was no single RH bill. Instead, there was a series of proposed bills submitted in congress. The history of the Philippine RH Law of 2012 can be traced way back to 1966 when the Philippines, under Marcos, was one of the signatories of the *Declaration on Population by Twelve World Leaders*. The document advanced the idea that many parents desire to have the knowledge and the means to a plan their families and that the opportunities to decide the number and spacing of children is a basic human right.³⁸ With foreign assistance from the USAID, numerous programs were adopted by the country's Ministry of Health and the Commission on Population to address the growing population.

The succeeding administrations made no comprehensive reproductive health program; each president had his or her own agenda concerning population growth. Most of the policies adopted by the government reflected the influence of the Catholic

37. Republic of the Philippines Office of the President. *Republic Act 9710 Magna Carta of Women*, accessed May 2, 2016, http://pcw.gov.ph/sites/default/files/documents/laws/republic_act_9710.pdf.

38. United Nations Population Division | Department of Economic and Social Affairs, "Reproductive Rights," UN News Center, accessed September 11, 2016, <http://www.un.org/en/development/desa/population/theme/rights/>.

Church. From 1992-1998, during the presidency of Fidel Ramos, there were efforts to implement family planning and population control. Secretary of Health Juan Flavio Velasco was a vocal advocate for condom use. He gained the ire and criticism of Church authorities because of his campaign. From 2001 to 2010, during the term of Gloria Arroyo, more RH bills were filed in Congress but none of them became laws. It was only in 2012, during the term of Pres. Benigno Aquino, III, that the RH bill received the majority support in Congress and by the public. Table 1 lists some of the pertinent bills on family planning.

Table 1. Selected Titles of Reproductive Health Bills Submitted in the House of Representatives and the Senate.³⁹

Bill Number	Title	Year	Congress	Action
HB 8110	Integrated Population and Development Act	1999	11 th Congress	Not Passed
HB 4110	Reproductive Health Care Agenda Act of 2001	2001	12 th Congress	Not Passed
Senate Bill 1280	A Reproductive Health Care Act Of 2004	2004	13 th Congress	Not Passed
HB 3773	The Responsible Parenthood and Population Management Act of 2005	2005	13 th Congress	Pending
HB 5043	Reproductive Health and Population Development Act	2008	14 th Congress	Not Passed
Senate Bill 3122	Reproductive Health and Population and Development Act	2009	14 th Congress	Not Passed
HB 4244	An Act Providing for a Comprehensive Policy on Responsible Parenthood, Reproductive Health, and Population and Development, and for Other Purposes	2011	15 th Congress	Passed and Signed into Law in December 2012
Senate Bill 2865	An Act Providing for a National Policy on Reproductive Health and Population and Development	2011	15 th Congress	Passed and Signed into Law in December 2012

39. As a bicameral body, bills are passed both in the House of Representatives and the Senate.

There were other bills proposed in Congress that were not directly concerned with reproductive health but that played significantly in the debates. Among them was the House Bill (HB) 6993 or the proposed Divorce Law of 2000. The Philippines is one of the few countries that prohibits divorce. It only allows legal separation and marriage annulment.⁴⁰ HB 6343 called for the amending of the Philippine Midwifery Act of 1992; it sought to standardize and update the training of midwives. HB 7193 proposed greater protection of women's reproductive rights. And lastly, HB 7165, or the Domestic Partnership Act, pushed for protecting gay and lesbian rights and recognizing same-sex unions.⁴¹ All four house bills were either voted out or remained pending in Congress.

In 2011, HB 4244 was introduced to Lower House and later, a corresponding Senate Bill 2865 was submitted in the Senate. Both bills sought the provision for the universal availability of contraceptive methods to couples, reproductive education, and the protection of women's maternal benefits in the workplace. The contents of these recent bills became the subject of the RH debates.

Both houses of Congress had the final deliberation in December 2012. During the final speeches, congressmen and senators respectively gave their reasons for either voting in favor or against the bill. The arguments of those against were reflective of the statements of the bishops: family and Christian values. On the final reading, both the

40. Republic of the Philippines, *Family Code of the Philippines*, Art. 45, 1987, Accessed Aug. 17, 2016, <http://www.chanrobles.com/executiveorderno209.htm#.V7SkK1srLIU>.

41. CBCP, *"That They May Have Life, And Have It Abundantly" Pastoral Statement on the Defense of Life and Family*, CBCP Online. 2000. Accessed April 7, 2016. <http://cbcpwebsite.com/2000s/2000Docs/thatthey.html>.

Senate and the Lower House passed the *Responsible Parenthood and Reproductive Health Act*, with the Senate voting 13-8 in favor of the bill.⁴² It was signed into law as the Republic Act No. 10354.

In March 2013, the Department of Health drew the *Implementing Rules and Regulations of Republic Act No. 10354*. Almost immediately, the law was contested in the Supreme Court citing its unconstitutionality. The Court halted the implementation for four months to allow follow-up oral arguments. In April 2014, after more than a year, the same Court ruled favorably and upheld the constitutionality of the law, subject to style. That same month, the Department of Health revised the guidelines for the law's implementation.

The Philippine RH Law was expected to be fully implemented on November 30, 2014. It took seven months after it was declared constitutional by the Supreme Court before implementation could happen. The reason was that the Food and Drug Authority needed to verify whether the contraceptive medicines (pills and hormones) were non-abortifacient.⁴³

3. Implementing the Reproductive Health Law

The *Implementing Rules and Regulations of RA 10354* (or the Rules) begin by identifying the general provisions: The state recognizes and guarantees the rights of all persons. It also promotes gender equality and advances women's empowerment as

42. "Senate Votes 13-8 for RH Bill on Final Reading," Inquirer.Net, December 17, 2012, accessed November 2, 2016, <http://newsinfo.inquirer.net/325857/senate-passes-rh-bill>.

43. Fritzie Rodriguez, "RH Law Full Implementation by November 30," Rappler, September 28, 2014, accessed November 10, 2016, <http://www.rappler.com/nation/70432-rh-full-implementation-fda>.

health and human rights concern and as a social responsibility.⁴⁴ The importance given to women's rights is a strong point in the law. The Rules reaffirms the duty of the state to defend the inviolability of marriage, the rights of spouses to found a family according to their religious beliefs, and to care for their children.⁴⁵ The Rules also specified that the government protect the right of every citizen in making free and informed decisions without discrimination regardless of gender and marital status. The government must only provide reproductive health services that are ethical, medically safe, legal, accessible, affordable, non-abortifacient, and effective. The Rules also mandates the participation and cooperation of different government agencies in the implantation of the law.⁴⁶

Beyond family planning, the law mandates the establishing of facilities that dispense basic prenatal and post-natal care, safe birthing services, newborn care, safe IUD insertions and emergency contraception, and the treatment of sexually transmitted infections (STI's). The law also stipulates age-appropriate sex education primarily for prevention of STI's and contraceptive use. The law also strengthens the campaign and management of HIV/AIDS cases. Prior to this, there was little attention given to

44. *Implementing Rules*, sec. 1.04 and sec. 2.01.

45. *Ibid.*, sec. 1.04.

46. *Implementing Rules*, sec. 7.04; 11.02. The Food and Drug Administration (FDA) is responsible for ascertaining the quality and supply of medicines, hormones, pills and prophylactics. The dissemination of information and heightened campaign are the responsibilities of both the Department of Health and the Local Government Unit. Health education is to be included in the curriculum, emphasizing the rights of the child, child health and nutrition, gender and development, life skills, age-appropriate sex education, population and development, marriage and family, prevention of STIs, including HIV/AIDS and recognition and elimination of violence against women. The Rules also mandate the Department of Labor and Employment to guarantee the reproductive health rights of all female employees.

HIV/AIDS perhaps due to the low incidence of HIV/AIDS in the Philippines in the 1990's and 2000's.

Although the Rules *proscribe* abortion as a crime, the new law provides a safe, non-discriminatory, and humane venue for women with post-abortion complication. The Rules makes a clear distinction between abortion and contraception and makes certain that no contraceptive had abortifacient effects. The Rules also allow that certain procedures reserved for physicians can be performed by nurses and trained midwives at the Barangay Health Stations (BHS) or Rural Health Centers (RHU). These are necessary when hospital services are not available.⁴⁷

A major point of contention was the matter of conscientious objection on the grounds of religious convictions.⁴⁸ While government hospitals fully implement reproductive health care and family planning services; private-owned hospitals and non-maternity clinics may request exemptions providing they present proof of ownership by a religious group.⁴⁹ Individual objectors are classified whether they are in private

47. *Implementing Rules*, sec. 4.11-4.12; 5.03- 5.06. There are three levels of medical care that can be provided to patients: At the grassroots, the Barangay Health Station (BHS) is responsible for dispensing techniques of birth control: condoms, natural family planning charts, standard days method (beads), injectables and oral contraceptive pills, and immunization (anti-tetanus toxoid) and micronutrient supplement. Above the Barangay level, care is provided by Rural Health Units (RHU's). RHU's deliver more services including infertility care, adolescent counseling, post-partum depression care, insertion and removal of intrauterine devices (IUD), family counseling, treatment of reproductive tract and sexually transmitted infections, and care for post-abortion cases. In addition, prenatal and postnatal care, newborn care, newborn screening, and other health services are provided. The highest level of care is provided by hospitals and these include HIV screening, management of STI's and HIV/AIDS, surgical procedures for breast and reproductive malignancies and tumors, and services catering to mental health. The entire system comprises the Service Delivery Network, which has control over the whole program. Private hospitals may engage with the Service Delivery Network through a voluntary basis of agreements and contracts subject to the Department of Health.

48. *Ibid.*, sec. 3.01.

49. *Ibid.*, sec. 5.22.

practice or in government service.⁵⁰ Certain public health professionals cannot be considered as conscientious objectors. They are required, by virtue of their office, to provide contraceptive care and are specifically charged with the duty to implement the provisions of the RPRH Act and these Rules. They are the chiefs of hospitals, municipal health officers, head nurses, and supervising midwives.⁵¹ This particular provision was opposed by the CBCP. Furthermore, any facility and individual objector exempted are required by law to refer the patient or client to another facility or professional provided the patient is not in a critical, emergency, or serious condition. Otherwise, it is their duty to attend to the patient's needs.

To summarize, the development of the RH Law, described above, illustrates the context of how the debates also evolved. The government's effort to draw such policy was a response to two challenges. There are the internal concerns, especially the situation of poverty, the effects of over-population, and the lack of basic services. And there are also the wider factors: foreign policies on population control, advocacy of women's rights, and elimination of gender-based violence. The RH Law attempts to address these needs and provide tangible solutions. But the question raised is how the principles of the law reflects the religions, traditions, and values of Filipinos. As we shall see in the next chapter, the Philippine Church leaders argue that they do not.

50. *Implementing Rules.*, sec. 5.23. Private health providers who are conscientious objectors are required to submit an affidavit stating the modern family planning methods that they refuse to provide and the reasons for objection. They are also to post notices at their places of practice, enumerating the reproductive health services they refuse to provide. Public health professionals as conscientious objectors are required to inform their clients the limited range of services one can provide.

51. *Ibid.*, sec. 5.24.

Chapter II

Genealogy of the Catholic Bishops' Position

1. Chronological Reconstruction of the Bishops' Arguments Against the RH Bills

Filipinos in general regard the clergy and the religious men and women with reverence. Priests are often considered to possess moral ascendancy that the people respect. The RH bill, before it became law, was a constant source of contention between Church and the state. The bishops considered its provisions as threats to family values and the society. They saw the bill as pro-choice, pro-abortion, and anti-marriage.

The opposition by the Catholic Church happened on three levels: At the national level, the CBCP issued statements condemning the RH Bills and called for fidelity to Church teachings. At the diocesan level, local churches organized demonstrations to rally against the pro-choice sentiments of their congressional representatives. At the parishes, local church groups campaigned by distributing anti-RH pamphlets and putting up signage against the bill and their sponsors in congress. They spearheaded the rallies and demonstrations, often requiring schools to participate. The more educated in the parishes organized forums on the merits and questions of the bill.

This chronological reconstruction of the statements issued by the CBCP helps in understanding the development of their arguments from the early years of the debates until the RH bill became law.

2. The Second Plenary Council of the Philippines (1991)

The vision of the Second Plenary Council of the Philippines (PCP II) was to make the Philippine Church a true Church of the Poor. It was the time of implementing the

changes initiated by Vatican II. PCP II also happened at the crossroad of Philippine history. After the EDSA Revolution, the bishops realized the need for a radical social change, not only an ecclesiastical one. With the changing social situation, came the change in the attitude and practices of Filipino Catholics.⁵² As envisioned by PCP II, the Church of the Poor embraces and practices the evangelical spirit of poverty where the leaders and members have a special love for those materially deprived. This special love is a *preference for the poor*. It is to live in solidarity with them and to be evangelized by them. It does not discriminate against the poor, but shares with them the resources of the Church. The Church of the Poor is one where the poor themselves “will participate, as equals, with the life and the mission of the Church.”⁵³

The radical legacy of PCP II, in the words of Bishop Francisco Claver, *was the infusion of a participatory ethic in the Church*. Emphasis was given to the equality of the laity, the value of participation, and the empowerment of the people towards social transformation.⁵⁴ PCP II reoriented the Philippine Church to establishing the Basic Ecclesial Communities (BEC) as the base unit for worship and Christian life.

3. Early Pastoral Statements from 1992-1999

The earliest document on reproductive health, to come out from the CBCP, was issued long before PCP II. The *Statement of the Catholic Bishops on Public Policy Regarding Population Growth Control* (1969) was written when the Marcos government

52. Acts and Decrees of PCP-II, # 14-16; 19.

53. Ibid., # 125-136.

54. Dionisio, 4.

created the Population Commission. In this letter, the bishops recognized the demographic concerns and the socio-economic condition of the country. At the same time, they committed themselves to the teachings of Vatican II and Paul VI's *Humanae Vitae*. The bishops criticized the UN-backed program that directly controls family size by limiting the number of children. They also criticized the government's family planning program as a mistake and called for individuals to cultivate the sense of responsibility.⁵⁵

Two decades later, after PCP II, most of the pastoral statements were reactions to national issues, while a number had some doctrinal or social relevance.⁵⁶ There were statements made during the liturgical seasons of Christmas and Easter and reflections of papal exhortations. The social issues mostly commented upon are poverty, presidential elections, corruption in government, gambling and drug issues, and the peace process. There were five statements issued addressing the RH bills during this period.

The first of these documents, *In the Compassion of Jesus: A Pastoral Letter on AIDS* came out in 1993. It was the first time that the CBCP recognized the AIDS pandemic. The significance of this letter was that it was directed to ordinary Filipinos, who at that time, had little knowledge of HIV/AIDS. It was both informative and pastoral. While the bishops called for compassion to individuals and families living with AIDS, they upheld

55. "Statement of the Catholic Bishops on Public Policy Regarding Population Growth Control," CBCP Online Official Website of the CBCP Media Office, accessed September 10, 2016, <http://cbcponline.net/v2/?p=8028>.

56. The CBCP issued *A Pastoral Statement on the [film release of] Da Vinci Code* in 2006.

monogamous marital fidelity as a moral way to prevent contracting the disease.

Curiously, the letter made no reference to the use of condoms.⁵⁷

Another pastoral letter issued that year was *Save the Family and Live* (1993). This was issued on the occasion of the UN declaring 1994 as the International Year of the Family. The document was about the Filipino family and the changing realities affecting it, especially those programs sanctioned by the UN. In the letter, the Bishops condemned direct sterilization and direct contraception as separating the two aspects of the conjugal act – the expression of love and the openness to the transmission of life.⁵⁸ The bishops denounced some forms of birth control as attacking the integrity of human life in the guise of good. They criticized these government programs as opposed to the will of God. They likewise condemned how health workers were pressured in implementing the program. The bishops did not define *direct contraception*.

In the same document, the bishops compared the womb with the woman's capacity to love: "Then reflect on the quality of love that a woman gives to the family; the womb qualifies a woman's quality of loving."⁵⁹ This orientation towards the biology of motherhood was interpreted as excluding those who, by physiology or psychology, are incapable of bearing children. *Save the Family and Live* also gave a warning on deviations from the traditional structure of a Catholic family; a warning framed by

57. "In the Compassion of Jesus," CBCP Online Official Website of the CBCP Media Office, January 23, 1993, accessed September 10, 2016, <http://cbcponline.net/v2/?p=341>.

58. "Save the Family and Live," CBCP Online Official Website of the CBCP Media Office, July 13, 1993, accessed September 1, 2016, <http://cbcponline.net/v2/?p=350>.

59. Ibid.

growing cohabitation. The same document also warned against having children outside marriage, by saying that because they are children of the marital covenant, they are holy. It was interpreted as making the “holiness” of children depend on the marital status of their parents.

The following year, the CBCP issued a statement on the occasion of the ICPD (Cairo Conference) in 1994. In this document, the bishops asked the nation’s delegates to become prophetic witnesses to the truths that humanize and reject the imperialism which subjugates and determines the future of the Filipino people by money.⁶⁰ A similar letter came out in 1995, on the Fourth Women’s Conference. Here, the bishops expressed their concern for an alleged subtle and persistent devaluing of life through population control.⁶¹

4. Pastoral Statements from 2000-2008

In 2000, the CBCP issued its most vocal and explicit statement in the RH debates. Entitled *That They May Have Life, And Have It Abundantly* (Jn. 10:10), the bishops strongly worded their opposition to the legislative bills filed in Congress as undermining marriage and the Filipino Christian family. They described the RH bills as eroding pro-life and pro-child values and opposing the Church’s moral teachings.⁶² *That They May Have*

60. "Pastoral Statement on the Cairo International Conference on Population and Development," CBCP Online Official Website of the CBCP Media Office, July 10, 1994, accessed September 10, 2016, <http://cbcponline.net/v2/?p=356>.

61. "I Will Make a Suitable Companion for Him" (Gen. 2:18) – Pastoral Statement on the Forthcoming Fourth World Conference on Women in Beijing," CBCP Online Official Website of the CBCP Media Office, July 5, 1995, accessed September 10, 2016, <http://cbcponline.net/v2/?p=8085>.

62. "That they May Have Life, And Have It Abundantly", CBCP Online Official Website of the CBCP Media Office, January 26, 2000, accessed August 25, 2016, <http://cbcponline.net/v2/?p=449>.

Life condemned four house bills (HB), which, as mentioned in the previous chapter, were not explicitly about reproductive health. The first of these was HB 6993 which proposed the legalizing of divorce. The Philippine Constitution prohibits divorce. Likewise, the bishops opposed HB 6343, a bill intended to expand the training of midwives. They took issue with the use of the terminology “termination of pregnancy,” saying it was a euphemism that downplays the gravity of abortion.⁶³ The bishops missed the fact that HB 6343 provided standardized training to cater to maternal and infant needs in areas inaccessible to routine medical care. The bishops also condemned HB 8110 criticizing it as a proposal to integrate population control with development policy. Finally, the statement condemned HB 7165 as immoral because it sought the recognition of lesbian and gay rights and same-sex marriage.⁶⁴

While the accusations and condemnations were controversial enough, *That They May Have Life* also demanded that all Filipino Catholics should do their duty to influence society by working for genuine human and Christian values. They said that Catholic legislators are morally bound to obey and follow Church teachings in their law-making activities; they must not set aside the teachings of the Church when formulating and voting on laws.⁶⁵ The ideas that legislators were morally bound to obey Church teaching was accepted by many Catholics and became the standard of arguing against the bill.

63. *Termination of pregnancy* is a technical medical term for any termination gestation regardless of cause; whether it is induced or spontaneous abortion, threatened or complete abortion. The understanding of the ecclesial body is an intentional induction process of terminating gestation.

64. *That They May have Life, and Have It Abundantly*, 2000.

65. *Ibid.*

It was apparent in *That They May Have Life and Have It Abundantly*, that the CBCP lumped together issues considered as anti-family: population control, divorce, and LGBT rights. Moreover, the bishops conflated contraception and abortion into one issue, when in fact, they differ extensively in their moral implications. This particular statement provided the framing used in the succeeding documents by the CBCP. At the same time, it molded the understanding of millions of Catholics regarding contraception and abortion.

Another pastoral statement came out the following year; it was entitled, *Saving and Strengthening the Filipino Family* (2001). The bishops appealed to both the Philippine Constitution and *Familiaris Consortio* in condemning divorce, contraception, and abortion. They denounced the congressmen who supported the RH bills. Oddly, the bishops made a correlation between the issues of divorce and contraception with eroticism; saying that eroticism encourages contraception, in the forms of pornography, weakens the marriage bond and the sense of the sacredness of the gift of sexuality.⁶⁶

The brief pastoral statement, *We Must Reject House Bill 4110* (2003), criticized the use of the term *reproductive health care*, which because of its nuanced meaning, the bishops contended, explicitly included abortion. They accused the bill of redefining the conception as occurring during implantation and not at the moment of fertilization. In this statement, the bishops considered abortion as already a tragedy and a crime, downplaying the significance of post-abortion complications, psychological trauma, and

66. "Saving and Strengthening the Filipino Family," CBCP Online Official Website of the CBCP Media Office, December 2, 2001, accessed September 1, 2016, <http://cbcponline.net/v2/?p=465>.

maternal death.⁶⁷ Because of its brevity, the document was read by parishes during the Sunday liturgy and was generally followed by the faithful.

Two pastoral letters against reproductive health came out in 2005. The first one was *Hold on to Your Precious Gift: On Population Control and the Ligtas Buntis Program*. *Ligtas Buntis*, or safe pregnancy, was a program of the government that promoted prenatal and postnatal maternal health care. The suspicion was that this was a front of the government's campaign of promoting population control by providing contraceptives among the young. The second letter was entitled, "*Karangalan ng Bayan, Pamilya ang Pagmumulan*."⁶⁸ The CBCP denounced HB 3773 because it advocated limiting the family size to two children, mandatory sex education, and contraception for minors. The bishops were concerned that young people were becoming highly sexualized.⁶⁹

There was a shift in the tone of the 2008 pastoral statement, *Standing Up for the Gospel of Life*. Although the CBCP's retained its opposition to contraceptives, this pastoral letter was seemingly sympathetic to provisions of the HB 5043, especially those promoting women's rights and child care. The statement was a timely response to the changing perception of the public on the RH debates. As people became more aware of the issues and benefits through social media, it changed the public's perspective of the

67. "We Must Reject House Bill 4110," CBCP Online Official Website of the CBCP Media Office, May 31, 2003, accessed September 1, 2016, <http://cbcponline.net/v2/?p=476>.

68. Translated as The honor of the nation begins with the family.

69. "*Karangalan ng Bayan – A Pastoral Letter on the National Celebration of Family Week on September 19-25, 2005*," CBCP Online Official Website of the CBCP Media Office, September 18, 2005, accessed August 16, 2016, <http://cbcponline.net/v2/?p=8129>.

debates. Many became sympathetic to the bills' propositions of addressing health problems and started to question the Church's commitment to the country's poverty problems. This changing attitude of the public prompted the bishops to reiterate the Church's concern for the poor.⁷⁰

5. Pastoral Statements from 2009 Onwards

Beginning in 2009, most of the bishops' statements were directed towards abortion and contraception and away from the rhetoric that population control destroys family life. In 2009, the letter "Reiterating the Church's Position on the Family" reaffirmed earlier anti- RH sentiments. The bishops issued another hard-hitting statement in 2010 entitled, *On the Government's Revitalized Promotion of Condoms* (2010). To rationalize their disagreement, the bishops highlighted a high failure rate of condom use in preventing pregnancy and contracting HIV. They also argued that condom use creates a false sense of security that eventually condones and encourages promiscuity outside of marriage and hence contributes to the further spread of AIDS.⁷¹ They proposed that the budget intended for the promotion of condoms should instead be used for other medical and infectious diseases like hypertension, diabetes, and tuberculosis. The bishops also asked that condoms come with labels saying they do not prevent contracting sexually transmitted diseases. This 2010 document made reference to the

70. "Standing Up for the Gospel of Life," CBCP Online Official Website of the CBCP Media Office, November 14, 2008, accessed July 16, 2016, <http://cbcponline.net/v2/?p=558>.

71. "On the Government's Revitalized Campaign on Condoms," CBCP Online Official Website of the CBCP Media Office, March 2, 2010, accessed September 10, 2016, <http://cbcponline.net/v2/?p=580>.

earlier statement, *In the Compassion of Jesus* (1993), that emphasized monogamous and marital fidelity as the moral path to preventing HIV/AIDS.

When the debates reached their peak in December 2012, the CBCP issued a last-minute attempt to stop or stall the voting. *Contraception is Corruption! Seeking Light and Guidance on the RH Bill Issue* (2012) came out four days before the voting. This contained by far the strongest words condemning the RH Bills. The statement said, "The collective discernment of the Philippine bishops that the RH Bill is passed into law can harm our nation. Contraception corrupts the soul. It will lead to greater crimes against women."⁷² The letter commended the one-hundred and four congressmen and women who voted against the bill. It also pleaded with the sixty-four legislators who haven't voted to stand up for the Truth, which for the bishops was *pro-child, pro-mother, and pro-poor*.⁷³ Finally, they appealed to all Filipino Catholics to pray for their government leaders. This was the final document issued by the CBCP against the bill. On December 19, 2012, both Houses of Congress passed the Philippine Reproductive Health Law of 2012. And on December 21, 2012, President Benigno Aquino III signed the Republic Act No. 10354 making the RH Law official.

Following the landmark passing of the RH Law, the Catholic bishops supported a petition to the Supreme Court to stop its implementation. In response to this petition, the Supreme Court in March 2013 ordered to halt implementing it pending further

72. "Contraception Is Corruption!" CBCP Online Official Website of the CBCP Media Office, December 15, 2012, accessed September 10, 2016. <http://cbcponline.net/v2/?p=6241>.

73. Ibid.

deliberation. On April 8, 2014, the Supreme Court upheld the law's constitutionality, but with some provisions modified. In response, the CBCP issued the *Pastoral Guidance on the Implementation of the RH Law* (2014). In this statement, the bishops identified the following points of the Supreme Court's ruling: First, the Supreme Court affirmed that the new law holds a "no-abortion" and "no-coercion" policy. Any method that is abortifacient is prohibited by law. Second, Supreme Court affirms that *the right to life is grounded on natural law and inherent in a person. The right to Life preceded and transcended any authority or law of men.*⁷⁴ Third, the Supreme Court's objection that some health care workers are not exempted from conscientious objection is a violation of their rights.⁷⁵ The Court likewise ruled that forcing referrals from a health provider to another was unconstitutional. The CBCP affirms the objection of the Supreme Court against this provision saying it violates the right to conscientious objection.⁷⁶

Now, the deliberations and debates are done and the law is ready for full implementation. But the voice of the Catholic bishops continues to be heard: that the reproductive health law is against life and Church teaching; that it destroys the fabric of society and the family. Having made a chronological reconstruction, we will look at the arguments of their position, the basis of their statements, and how they chart a path for the Philippine Church after Vatican II and PCP II.

74. "Pastoral Guidance on the Implementation of the Reproductive Health Law," CBCP News, July 7, 2014, accessed September 10, 2016, <http://www.cbcnews.com/cbcnews/?p=38104>.

75. *Implementing Rules and Regulations*, Sec. 5.24.

76. *Pastoral Guidance on the Implementation of the RH Law*, 2014.

PART TWO:

Critique of Arguments and Exposition on Religious Freedom

Chapter III

Analysis and Critique of Arguments

We saw from the previous chapter how the Philippine bishops urged Catholic legislators to pass laws consistent with Catholic teaching. By doing this, I will argue, they infringed on religious freedom, because the state has the duty to serve its pluralistic constituents. Religious liberty, while crucial to the RH debates, was hardly discussed. Instead, the arguments evolved from defending marriage and family life, to opposing population control, to conflating abortion and contraception. Filipino theologian, Eric Genillo, argued that the *problematic* in the RH debates was the use of power by the hierarchy. This in turn resulted in a loss of moral authority in the public sphere.⁷⁷ Even as I hold similar views, I find it necessary to describe, discuss, and critique the arguments made by the CBCP, as they stand, to rectify them, to provide aids for understanding them, and to make reasonable propositions for future statements related to reproductive health policies.

The RH debate was not entirely about condoms and pills; it encompassed a wider range of issues from women's rights and birth control to conscientious objection by health workers. In all these, natural law played an underlying critical role in the public discourse of reproductive health policy-making. This thesis is not a discourse on the ethics of birth control, rather, it is about the framing of the bishops' statements in making those judgments based on the use of Scripture, their appeal to natural law, and the use of Church documents.

77. Genillo, 277.

1. The Uses of Scriptural Citation in the Pastoral Documents

Using scriptural text in Church documents is a practice not lost to the CBCP. True to their calling, the bishops preserved what was handed down to them as successors of the Apostles – the authority to teach in their place (Dei Verbum [DV] # 7). The practice of proof-texting, common in many CBCP statements, continues to be used in some magisterial teachings to justify absolute norms.⁷⁸ But, since *Divino afflente spiritu* and *Dei verbum*, there has been a shift in Catholic practice on how to read, interpret, and apply Scripture to ethical issues.

In the CBCP statements, scriptural passages were commonly used as titles and subtitles. Most of these were chosen because of the apparent association they have to the content of the document. For example, the title of the statement issued on the occasion of the Beijing Conference on Women was “I will make a suitable companion for him” from Genesis 2:18. Another example was the title for the pastoral statement denouncing pro-choice legislation. The bishops chose the verse from John 10:10, “That they may have life, and have it abundantly.” The relevance of using a scriptural passage as the title is clear: it provides a biblical connection for the document. Using them as titles doesn’t mean that the arguments presented have any scriptural foundation at all.

Another use was to serve as “book-enders” to introduce the theme and to conclude it at the end. The introduction of the 1993 pastoral letter on HIV/AIDS, “In the Compassion of Jesus,” began with two quotations from the Romans 14:7-8 and 1

78. Todd Salzman and Michael Lawler, *Sexual Ethics: A Theological Introduction*, (Washington, D.C.: Georgetown Press, 2012), xvi.

Corinthians 12:26-27. Both verses invoked solidarity with those who suffer. The document ended with Mark 1:41, which is part of the story of Jesus healing the leper. By putting them in the letter, they solidified the call to compassion for persons living with AIDS.⁷⁹

Sometimes scriptural texts were used for moralizing. In the same statement, *In the Compassion of Jesus*, the bishops identified promiscuity and homosexual activity as the primary means of transmitting HIV. They quoted Revelations 6:8, which is a vision of the coming judgment.⁸⁰ The bishops used this image of the Fourth Horseman to allude to the physical condition of a patient with full blown AIDS. In this context, it implied a subtle judgment to people living with HIV/AIDS: AIDS is the punishment for the homosexual lifestyle and promiscuity, a message quite inconsistent with the purpose of the document that emphasized compassion and acceptance.

Scriptural citation also highlighted important points. The short verse from Luke 3:10, “What then should we do?” was the recurring refrain throughout the document *Contraception is Corruption* (2012). The verse emphasized the urgency to make a stand against the RH bill.

The most important role of the words of Scripture was to let these words guide and enlighten the hierarchy and the faithful. We want to believe that in drafting their pastoral letters, the bishops reflected on the Gospel and its relevance to the current

79. *In the Compassion of Jesus*, 1993. The first verse, “None of us lives for himself, and no one dies for oneself” (Rom. 14:7-8). The second verse, “If one part suffers, all the parts suffer with it. You are Christ’s body, and individually parts of it” (1 Cor. 12:26-27).

80. Adela Yarbo Collins, “The Apocalypse (Revelations),” *The New Jerome Biblical Commentary*, Raymond Brown, Joseph Fitzmyer, and Ronald Murphey, eds., (New Jersey: Prentice Hall, 1990), 1005.

social issues, for only then can they proclaim the Truth in our time. Using scriptural texts grounds the documents on the Word. While contemporary reproductive health problems may not find direct and specific references from the Bible, returning to the inspired words of Scripture shows the centrality of the Word in the bishops' magisterial office, especially when confronted with moral issues.

2. Appealing to Natural Law in Framing the Arguments

Natural law is significant to the RH debates, not only because the CBCP framed their pastoral statements with this paradigm, but also because natural law is important in discussing the political order. When the Philippine Supreme Court upheld the constitutionality of the RH Law, the justices underscored that the right to life is grounded on natural law. This action was perceived as a validation of the position of Philippine bishops in condemning the RH bills based on natural law.⁸¹

The natural law theory comes down to us from a long tradition.⁸² St. Thomas Aquinas described natural law as “law by analogy” because it is not like the physical laws

81. *Pastoral Guidance on the Implementation of the RH Law*, 2014.

82. Richard Gula, *Reason Informed by Faith: Foundations of Catholic Morality*, (Mahwah: Paulist Press, 1989), 222-224; Jean Porter, *Nature as Reason: A Thomistic Theory of Natural Law*, (Grand Rapids: William B. Eerdmans Publishing, 2005), 14-15. Historically, the Roman jurist Ulpian greatly influenced the natural law tradition. He introduced the notion of *jus naturale* or what nature taught all animals, including humans. This was a development from earlier concepts of the kinds of law: the *jus civile* and the *jus gentium*. In Medieval times, the Scholastics had a complex concept of natural law, as exemplified in the writings of Huguccio of Ferrara (d. 1210). Accordingly, there are different meanings or senses of natural law: First, it is said to be reason, *insofar as it is a natural power of the soul by which the human person distinguished between good and evil*. Second, it is said to be a judgment or a *motion proceeding from reason, by which one is obliged as to discern, to choose, and to do good*. Both of these are appropriate to rational beings. The third sense is said to be instinct and order of nature or something which nature teaches all animals. In the fourth sense, natural law is said to be divine law, *what is contained in the law of Moses and the evangelical laws*. Ulpian's influence is evident in the Scholastic notion of natural law, including St. Thomas.

of nature or the civil laws. He defined it as participating in God's eternal law, written on the human heart, in our conscience. Rather than a mere proscription to avoid evil, it is intended for living out the particular nature God has given human beings.⁸³

In recent times, two principles capture the essence of the Catholic moral sexual tradition. The first is from Pope Paul VI who wrote in *Humanae Vitae* (HV), "Each and every marriage act must remain open to the transmission of life" (HV, # 11). The second is from *Persona Humana* (PH) by the Congregation of the Doctrine of Faith (CDF): "Any human genital act whatsoever may be placed only within the framework of marriage" (PH # 7). The first articulation is based on the natural order, while the second is grounded on human reason.⁸⁴ These two strains of interpretation dominated the natural law theory: The *order of nature* focused on the physical and biological structures given in nature as the source of morality, while the *order of reason* focused on the human capacity to discover in experience what befits human well-being. St. Thomas, whose teaching was prominently influential to the natural law theory, accepted both.⁸⁵

Natural law, for St. Thomas, is the human person's participation in eternal law through the use of reason.⁸⁶ It is our way of knowing the ultimate norm of morality: the eternal law.⁸⁷ St. Thomas distinguished between the two according to what is generic to

83. James T. Bretzke, "Natural Law", *Dictionary of Scriptures and Ethics*, Joel Green, ed., (Grand Rapids: Baker Academy, 2011), 544-546.

84. Salzman and Lawler, xiii-xiv.

85. Gula, 223. The first strain was identified with Ulpian, while the second strain was identified with Aristotle, Cicero, and Gaius. St. Thomas was influenced by both.

86. *Ibid.*, 223-224. In the *Summa*, St. Thomas explained that everything participates to the eternal law according to its nature. Thus animals do so by their instincts, while humans do so by reason.

animals and what is specific to humans.⁸⁸ A *physicalist* interpretation emphasizes morality based on the idea that the biological reality has the “blueprint” from the Creator. The physicalist view influenced much of the Church teaching on sexuality, marriage, and the medical science. Violating the natural order, as conceived, is a grave offense since it is a violation to what God directed.⁸⁹ It is along this traditional manner of reasoning that the Church teaches, for example, that masturbation is a serious offense.

While the classical understanding of natural law gives *physicalism* priority over *personalism*, the latter, according to Richard Gula, emphasizes the dimensions of human action beyond the biological. It includes the social, spiritual, and psychological aspects of the person.⁹⁰ The realm of social dimension includes the public order. In his classic work *We Hold These Truths: A Reflection on the American Proposition*, John Courtney Murray described natural law as *timeless, and for that reason, it is timely*. Murray wrote to transform his country politically and evangelize it religiously.⁹¹ In ways different from the Philippine bishops, Murray recognized how the theory of natural law could offer a better, comprehensive philosophy of the human person in history, politics, and society.

87. Gula, 223-224.

88. Ibid. 225-226. For St. Thomas, these natural inclinations are the origins of our specific moral obligations. The first inclination to the good is common to all that is created: preserving and protecting life. The second inclination belongs to animals, while the third inclination to the good is specific to humans.

89. Ibid., 227.

90. Ibid., 226.

91. John Courtney Murray, *We Hold these Truths*, Lanham, (Maryland: Rowman and Littlefield, 2005), 2; 288.

Whereas John Courtney Murray argued that the initial claim of natural law is to make the political life part of the moral universe,⁹² the Philippine bishops sought that Catholic morality would be incorporated in the nation's political life. As we shall see, the players in the debates appealed to the concept of natural law in a complex web of interpretation and application in framing their arguments about public policies.

3. Framing the Arguments in Defense of Marriage and Family Life

Pope John Paul II said in *Familiaris Consortio* (FC), "The communion of love between God and people finds a meaningful expression in the marriage covenant which is established between a man and a woman" (FC, # 12). These words by the Saint became the recurring theme in the CBCP's statements concerning marriage and family life.

There are two categories of the CBCP's arguments against the RH bills: those that defended marriage and family values and those that opposed birth control. While most documents contain both kinds, the statements released until 2009 were mostly concerned with family life and population control, while those after 2009 were mainly directed against birth control. Either way, the bishops appealed to natural law as the basis for their opposition. As we shall see in the succeeding sections, the CBCP conflated many issues, among them are abortion and contraception, women's rights and family roles, and maternal health care with population control.

3.1. Safeguarding the Family: The Institution and Members

The CBCP defended the conservative definition of marriage and family life against a revisionist view promoted by the UN and the government. The hierarchy

92. Murray, 298.

upheld that marriage is exclusively the union between a man and a woman. The bishops maintained that this definition is “in accordance with what God’s revelation telling us about the family and what NATURE says.”⁹³ They rejected the proposition by the UN of recognizing the diverse forms of the family. They criticized these other forms of unions as deviations by a growing minority who flaunts a particular lifestyle.⁹⁴ At that time, this criticism was directed towards cohabitation and divorce since same-sex unions were still uncommon. It was not until 2000, with the introduction of House Bill 7165 on domestic partnership, that the bishops directly addressed same-sex marriages.⁹⁵

In Vatican II, the Church professes that the union of the spouses achieves the good of the spouses themselves and the transmission of life. *Gaudium et Spes* (GS) explains that the intimate partnership of married life and love has been established by the Creator and qualified by His laws; it is rooted in the *conjugal covenant of irrevocable personal consent*. The result of this conjugal covenant has a bearing on both the transmission of life and the personal development of each member of a family (GS 48). Both the unitive and the procreative ends of marriage constitute a *conservative definition* of the marital union, which is entered into by freely choosing the life of commitment. The Church opposes the *revisionist definition* that recognizes civil unions outside the marital bond. While Vatican II affirms the two-fold ends of marriage, the

93. *Save the Family and Live*, 1993. The capitalization of “nature” was from the actual document.

94. *Ibid.*

95. *That They may have Life*, 2000.

older *Scholastic view* sees them as hierarchical, with the raising of offspring taking precedence over conjugal love.⁹⁶

During the debates, emphasizing the traditional definition of marriage became problematic when it raised the question of exclusivity. It tended to exclude those members of the Church who didn't live within this conventional construction. We already noted above how the bishops criticized the so-called deviant lifestyle. In later documents, they became more specific in pointing out those couples living outside sacramental marriage: divorcees, remarried couples, irregular unions, and same-sex partnership. The bishops declared that legalizing divorce would violate the rights of other married couples to contract an indissoluble marriage and the rights of children to have a stable family.⁹⁷ They reasoned out that this would result to the undermining of the institution of marriage and would add difficulties to the obligations of marital fidelity.

While the indissolubility of marriage is an essential part of the Catholic teaching,⁹⁸ the bishops' failed to recognize the changing realities of the Filipino family. Even if the

96. Salzman and Lawler, 27 ff. In Scholastic terms, there are three ends of marriage: offspring, faithfulness, and sacrament. At that time, Augustine's teaching was the accepted approach to marriage and sexuality. St. Thomas took over the three goods of marriage and transformed them into the three ends of marriage. For Augustine, the threefold goods are fidelity, offspring, and sacrament. He also advanced the friendship between sexes as another good. For St. Thomas, marriage has its *principal end the procreation and education of offspring*, thus having children is said to be a good of marriage. Marriage also has a secondary end, which is *the sharing of tasks that are necessary for life*, which in turn points to the faithfulness of the spouses. St. Thomas also identified another end in believers and that is the meaning of Christ and Church.

97. *That They May Have Life*, 2000.

98. Cf. Catechism, # 2382. "Between the baptized, *a ratified and consummated marriage cannot be dissolved by any human power or for any reason other than death.*"

Philippine laws prohibit divorce, there are still many couples who are separated or cohabiting and raising children out of wedlock. While the CBCP is safeguarding the traditional definition of marriage, it marginalizes those that do not adhere to this, either by their choice or by circumstance. They too are in need of the care and guidance by their pastors. The insistence of this conservative view on marriage, to influence public policies, imposed the Catholic beliefs upon a pluralist nation; this was the same position they had on the birth control laws.

We mentioned earlier that the Catechism asserts that the conjugal love of a man and a woman stands under the twofold obligation of fidelity and fecundity.⁹⁹ Fecundity is a gift because *conjugal love is fruitful*.¹⁰⁰ In an earlier statement, the bishops said that “children are holy because they are children of the covenant.”¹⁰¹ The bishops appeared to imply a preference for those children born into a marital union while excluding or marginalizing those brought up outside of marriage. This statement reflects practices common in many parishes requiring proof of marriage before a child can receive the other sacraments. Some Catholic schools have similar conditions before they admit a child to their institution. These practices are exclusivist. And even if the Church and the government tolerate them, they are both illegal and morally questionable. The marital status of the parents should not determine the dignity of a child, nor hinder one from exercising his or her rights.

99. Catechism, # 2363.

100. Ibid., # 2366.

101. *Save the Family and Live*, 1993.

3.2. On Women's Rights

Reproductive health rights are women's rights. The genius of some women's groups supporting the RH bill was to shift the debates and reframe the arguments from population control to fundamental human rights. Although the bishops promote equal human rights, they were suspicious of women's reproductive rights and skeptical of feminism. This partiality was already evident in the 1995 CBCP statement, on the occasion of the Beijing Conference. The bishops were wary of the conference's agenda. They recognized that although women and men are equal in dignity in all areas of life, they are distinct *from each*. But they argue that the Western ideology of feminism fails to recognize this and fights for the exaggerated individualism of the woman.¹⁰²

Throughout its history, the Church practically opposed feminism. Popes were critical of it.¹⁰³ However, in recent times, we see more openness towards the roles of women in society and the Church.¹⁰⁴ In the same statement, the Philippine bishops contended that the maternal role to be a "life-bearer" matters more than a woman's quest to self-fulfillment. In another statement, the bishops defined the dignity of women by equating a woman's love with her biological function: "The womb qualifies a woman's quality to

102. *I Will Make a Suitable Companion for Him*, 1995.

103. Rosemary R. Ruether, "Women, Reproductive Rights and the Catholic Church," *Feminist Theology*, 16 no. 2. (Jan 2008): 190. In this article, Ruether wrote that the Roman Catholic Church's attitude towards women was one that is deeply rooted in its long history and tradition tracing this attitude back to the early Latin fathers.

104. Pius XI, in *Casti Connubi* (1930), condemned *women's emancipation as undermining the divinely founded obedience of the wife to her husband and her sole role in the home*. However, Pope John XXIII's *Pacem in Terris* (1963) was groundbreaking in many ways among which was that he addressed human rights, the equality of all based on human dignity¹⁰⁴, and recognized women's rights. Pope Francis in *Amoris Laetitia* (2016) showed admiration and admonition for feminism.

love.”¹⁰⁵ They found it problematic that women were seeking careers outside the home by calling such employment merely supplemental to the husband’s income. They feared that careers alienate women from the womb, an argument that pointed towards the physicalist process of childbearing. One problem with this is that not all women can bear children; thus by saying this statement, the effectively excluded a significant number of women, who by choice or by circumstance, are not able to have children.

John Paul II had great influence on the CBCP’s position on many issues. Not only did the bishops often cite him in their letters, but the framing of their arguments on women’s rights reflected the pope’s theology in *Familiaris Consortio* and *Mulieris Dignitatem*. But other papal pronouncements, since John XXIII, already acknowledged the language of dignity and rights. As early as 1963, John XXIII recognized the increasing awareness of a woman’s natural dignity that demands, in the domestic and public circles, both the rights and duties which belong to them as human persons (PT, # 41). More recently, Pope Francis, in *Amoris Laetitia* (AL), affirmed the grandeur of women and their rights that are derived from their inalienable human dignity but also from their feminine genius, which is essential to society (AL, # 165; 173).

The role of women is vital both to the home and the community, but their contribution to society extends beyond the traditional maternal roles. To reinterpret the CBCP’s analogy of the womb, I would say that the woman’s ability of loving is not limited to its biological function alone, but includes the inherent *capacity* to go beyond herself: to care, to nurture, and to give life.

105. *Save the Family and Live*, 1993.

To summarize, we saw how the intentions of the bishops of protecting the institution of marriage and promoting the gift of having children were consistent with Church teaching. But their pronouncements have the tendency to exclude those who do not conform to the conventional family values. By dissuading the public from supporting propositions opposed to this traditional view, the bishops indirectly influenced a legislation with Catholic doctrine. The same paradigm of exclusivity and ambivalence was evident in their attitude towards women and their reproductive rights. A paradigm shift towards an inclusive and participatory forum is in order. The affirmation of women that we find in John XXIII and Francis could be a blueprint towards this end.

4. Framing the Arguments Against Population Control

Prior to 2009, the bishops' objection to the RH debates focused both on family values and population control. In their arguments, they appealed to the natural law theory as well as the Philippine Constitution and the Family Code.¹⁰⁶ If exclusivity described the framing of the arguments towards family life issues, skepticism illustrates the attitude of the CBCP towards population control. They were suspicious of the motives behind international funding agencies as a form of *imperialism* and *subjugation*.¹⁰⁷

A government campaign, tagged as *Ligtas Buntis* or safe pregnancy, was started in 2005 to promote maternal well-being and identify high-risk pregnancies. The bishops

106. Pres. Corazon Aquino promulgated The Family Code of the Philippines in July 6, 1987, with the Executive Order No. 209.

107. *Pastoral Statement on the Cairo International Conference, 1994.*

suspected this as a covert project for population control. According to the bishops, “The central idea (*of Ligtas Buntis*) is to reduce our population purportedly to spur economic growth. This is also saying that in order to eliminate poverty, we must reduce our human resource. Since a population control program was put in place in the country in the 1970s—with billions of public money spent every year to fund it – our population growth rate has been declining, and yet, poverty has not been reduced.”¹⁰⁸ Furthermore, they feared continuing the government efforts of population control, in general, would result in losing precious human capital.

The bishops called poverty the “silent killer of families” for a different reason. In their argument, they said that poverty forces spouses to separate due to work. According to the bishops, “This separation makes couples vulnerable to pressures that ruin their esteem for life making it difficult to observe the divine law. Destitution makes it difficult and sometimes almost impossible for them to observe the divine law.”¹⁰⁹ This reasoning seemed superficial. Nonetheless, it articulated a reality faced by poor Filipino families who struggled to make a decent living despite the hardships of life.

Until today, many Catholic Filipinos still hold the misconception that having a large family is part of their Catholic calling; a belief that remains uncorrected by Church leaders. As a consequence, there lingers trepidation towards family planning. We find

108. Hold On To Your Precious Gift: A Pastoral Letter on Population Control Legislation and the “Ligtas Buntis” Program,” CBCP Online. February 18, 2005, accessed August 21, 2016, <http://cbcwebsite.com/2000s/2005/holdon.html>.

109. *Saving and Strengthening the Filipino Family*, 2001.

the bishops in an awkward position; inasmuch as they were critical of population control, as described above, yet they endorse natural family planning. It would have made sense if their opposition was directed to coercive measures (as opposed to non-coercion), but in their statements, it appears that they conflated the ideas under the generic label of population control.¹¹⁰

Population control is a social justice issue. Whereas the Third World sees the scarcity of resources due to rising populations, some developed countries are experiencing the negative impact of low birth rate to their economy.¹¹¹ As we saw in the first chapter, poverty remains the biggest problem of the country. With high population growth rates, the Philippines faces problems with job availability, education, food, and medical care. These cause lack of personal and economic security, hunger and poor nutrition, and family morbidity.

Access to health care, including reproductive health, is a basic right that the government has an obligation to provide.¹¹² But for the Philippine government, health

110. Similar statements include: *The Pastoral Letter on the Cairo Conference*, 1994; *The Pastoral Letter on the Beijing Conference* (“I Will Make a Suitable Partner for You”), 1995; *Saving and Strengthening the Filipino Family*, 2001; *Christian Family, Good News for the Third Millennium*, 2002; Karangalan ng Bayan, 2005.

111. Susan Power Bratton, “Population Policy and Control”, *Dictionary of Scripture and Ethics*, Joel Green, ed., (Grand Rapids: Baker Academic, 2011), 605.

112. Henry Shue, *Basic Rights Subsistence, Affluence and U.S. Foreign Policy*, 2nd ed. (Princeton, NJ: Princeton University Press, 1996), 23-24, ff. According to Shue, subsistence rights are minimal economic rights. The right to subsistence includes the provision of subsistence to those who cannot provide for themselves. He argues that subsistence rights are basic rights. And basic rights are the morality of the depths, *beneath which, nobody is to allowed to sink*. Their fulfillment involves at least two types of action: the correlative duties of others to provide the needed commodities to those in need and to protect the person whose subsistence is threatened by individuals or institutions that could harm them.

services remain among the least of its concerns receiving less budget compared to national defense and infrastructure. Now that the RH law is in place, one important question asked by many is where to get the funding? Past programs promoting contraceptives depended on foreign aid. A comprehensive law on reproductive health needs a bigger budget than anticipated. This proves to be a challenge that the present government is trying to address.¹¹³

Some advocates for population control advance the idea of sustainable development that would efficiently remedy the problems of poverty and overpopulation. But overpopulation is not the sole cause of poverty. The *Pontifical Council for the Family* declared that the so-called threat of a demographic explosion is erroneous and lacks foundation; they criticize the agencies affiliated with the UN for its alarmist beliefs provoking and nurturing unfounded fears about demography, especially in the global south. The same agencies continue their investments in many countries to institute *Malthusian policies*, some of which are coercive.¹¹⁴

Contrary to the apparent conflated ideas held by the CBCP, various popes were clear in opposing *coercive* population control: John XXIII, in *Mater et Magistra*, cautioned the faithful that on matters of population problems, no solution that does

113. See Jesse Diaz, "Duterte Cut Health Budget," The Philippine Star, August 21, 2016, accessed Sept. 30, 2016, <http://www.philstar.com/headlines/2016/08/21/1615704/duterte-cuts-health-budget-p31-b>. Accordingly, in the recent budget, the government under the current president, Rodrigo Duterte, cut the budget by 31 Billion pesos allocating the money to fund the campaign against drugs.

114. Pontifical Council for the Family, "Declaration on the Decrease of Fertility in the World", February 14, 1988, accessed Sept. 30, 2016, http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_29041998_fecondita_en.html.

violence to a person's dignity is acceptable (MM, #191). Paul VI, in *Populorum Progressio*, recognized that while demographic growth does contribute to problems of development and that governments have the duty to intervene, such interventions are to be in conformity to moral law (PP, # 37).¹¹⁵ Most recently, Pope Francis, in *Laudato Si*, recognized that it is impossible to adequately care for the environment without first working to defend human life; especially, that developing countries face forms of international pressure to reduce the birth rate and adopt policies of reproductive health in exchange for economic assistance. He acknowledged that while there is inequality in the distribution of goods, demographic growth is compatible with shared development (LS, # 50).

Like Pope Francis, we realize that poverty is not merely the result of the rapidly growing global population, but the inequality in allocating goods. While nature provides finite resources; it is the just distribution of these resources that is necessary to fight poverty. But the international community and national governments see overpopulation as causing poverty and stifling development; thus to alleviate that, population growth must be controlled at acceptable levels. The Church, on the other hand, upholds that while poverty is real, population growth alone is not the cause of the problem; instead, people can contribute to finding solutions to the real issue of inequality and move towards a holistic sustainable development. Moreover, the Church recognizes the duty

115. *Gaudium et Spes*, # 87 earlier identified the duties of government to respond to the population problems. But *Gaudium et Spes* also reminded everyone to be on guard against efforts to curb populations, as solutions to these problems by any means or by government intervention, especially if they are contrary to moral law.

of the state to its constituents to promote the common good. The Catechism reiterates the responsibility of the state for its citizens' well-being to intervene to orient the demography of the population through objective and respectful information, but certainly not by authoritarian, coercive measures. In this way, the state could address population-related problems, but not through employing means contrary to the moral law.¹¹⁶

As a collegial body, the CBCP tried to remain relevant in guiding the consciences of the faithful and protecting the institutions entrusted to them. They insisted on having the state adopt policies consistent with Church teachings. Sometimes, their pronouncements dealt with trivial issues.¹¹⁷ What seemed wanting is a radical approach to social issues. There is a need for more consultation with the larger Philippine society and to dialogue with the government to allay skepticism and suspicion. Lastly, pastoral statements that were ambiguous, apologetic, exclusivist, and skeptical, showed a need for re-engaging in the situation of the poor today. This is crucial for deeper reflection and to be able to carry out relevant guidance for the faithful.

5. Framing the Arguments Against Abortion and Contraception

A big blunder of the RH debates was conflating abortion with contraception. To the average Filipino, since both matters were related to the sexual act, then they are equally *immoral* and *sinful*. I once heard a lay leader saying to another that using condoms was a form of abortion. This mentality may have been the product of a rigorous but deficient

116. Catechism, no. 2372.

117. An example is the 2006 *Pastoral Statement on (the Movie) the Da Vinci Code*.

Catholic upbringing in the home and a conservative instruction in school. The outcome was creating misunderstanding and causing unnecessary guilt. There were other erroneous ideas that are commonly believed to be true. Among them is the belief that promoting contraceptive use will cause the acceptance of abortion in the future, or that using them increases promiscuity among young people wanting to experiment with sex. It was blamed for infidelity among married couples. It was even a common belief that using condoms increases the incidence of STI's and HIV.¹¹⁸ Unfortunately, the Church leaders did little to correct these misconceptions.

5.1. Abortion

Conflating abortion with contraception caused a lot of confusion among the Catholic faithful. But this misinformation is common even among the clergy and this is conveyed to their parishioners. This further propagated the error. Catholic teaching consistently considers abortion as *intrinsically evil*; a teaching that is unchanged and unchangeable. The Church has always taught that abortion is gravely contrary to the moral law (CCC, # 2271). In modern times, abortion and contraception were condemned by different Popes from Pius XI's *Casti Connubii*, Paul VI in *Humanae Vitae*, John Paul II's *Familiaris Consortio* and *Evangelium Vitae*.

In *Veritatis Splendor*, John Paul II said that certain acts are intrinsically evil (*intrinsece malum*). Without denying circumstance and intention, there exist acts which in themselves are always seriously wrong by reason of their object. "These acts are

118. Genillo, 283.

incapable of being ordered to God, because they radically contradict the good of the person made in God's image. (VS, # 80)."¹¹⁹ These acts are *those that are hostile to life itself*, like abortion, homicide, euthanasia; *those that violate the integrity of the human person*, like mutilation, torture, and coercion; *those offensive to human dignity*, like trafficking of women and children, prostitution, degrading work conditions, and subhuman conditions (VS, # 80).¹²⁰ The significance of what John Paul II said is that certain practices which in the past were acceptable, like slavery, are now deemed as intrinsically evil.

Contrary to popular beliefs, the RH bills didn't sanction abortion. Abortion remains a criminal act in the country's penal code.¹²¹ However, the CBCP alleged that the RH bills were covertly circumventing this law based on the use of the technical term "reproductive health," which they understood as permitting abortion methods. Earlier,

119. The concept of intrinsic evil is important in moral theology. The seriousness of a sinful act may relate to intrinsic evil; however, a distinction should be made. The morality of human acts depends on the object, the intention, and the circumstances of the action (CCC, no. 1750-1754). Traditional moral theology uses these "three-font principle" for determining the morality of human actions (Gula, 265). Traditional moralists claimed that certain acts were intrinsically evil in themselves either by being contrary to nature (masturbation, contraception, sterilization) or by defect of right reason (killing of the innocent, divorce, etc.). But to label an action as categorically an intrinsic evil would only come when all the other qualifications have been considered. According to Richard Gula, the most that can be said about an action apart from its intention and circumstance, is that it is evil or good in a *pre-moral* sense. (Gula, 268-269). The Catechism identifies as "grave matter" those specified in the Decalogue (CCC, 1858). In moral theology, the meaning of "serious matter" has to do with *how deeply invested we are in the action* – actions are seen in relation to the full development of knowledge and freedom (Gula, 110). Also Bernard Haring: "Gravity or relevance assumes moral meaning only in proportion to the actual development of a person's knowledge and freedom..." (Haring, *Free and Faithful in Christ* Vol. 1, NY: Seabury Press, 1978, p. 403). These three: knowledge, freedom, and serious matter are the three conditions necessary for mortal sin (Gula, 109).

120. See also *Gaudium et Spes*, # 27; *Evangelium Vitae*, # 3.

121. Revised Penal Code of the Philippines, art. 256-259.

we mentioned that the bishops accused HB 4110 of legalizing abortion by invoking reproductive health rights. In this and in later statements, the bishops strongly defended the position that conception takes place during fertilization. At the same time, they denounced the revisionist definition that conception takes place during implantation. They reject *any* kind of intervention that could potentially harm the developing embryo.¹²² Although this is beyond the scope of the CBCP's pastoral statements, it must be noted that there are special situations requiring medical interventions indicated to save the well-being of the fetus. Examples of these procedures are fetal diagnosis, maternal or transplacental pharmacotherapy, and surgical therapy.¹²³

The Church teaches that human life must be respected and protected from the moment of conception (CCC, # 2270). Church teaching also tells us that every marital act must be open to life. But unprotected sexual intercourse does not always result in pregnancy. More than twenty-five percent of fertilized ova do not implant.¹²⁴ Of those

122. While normally such interventions mean procedures like amniocentesis, here it includes using emergency contraceptives. And since emergency contraception prevents implantation, among its other actions, it is labeled as an abortifacient.

123. The Congregation of the Doctrine of Faith (CDF), *Donum Vitae* I.2, 1987, accessed Oct. 1, 2016, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19870222_respect-for-human-life_en.html. Nowadays, fetal surgery results to fewer morbidity caused by congenital defects. The CDF declared that *one must uphold as licit procedures carried out on the human embryo which respect the life and integrity of the embryo and do not involve disproportionate risks for it but are directed towards its healing, the improvement of its condition of health, or its individual survival.*

124. Susan Scutti, "How Common Is Miscarriage During The 1st Trimester," Medical Daily, 2014, accessed October 04, 2016, <http://www.medicaldaily.com/first-trimester-miscarriage-how-common-it-and-whats-cause-310116>

implanted blastocysts, another thirty-one percent undergo spontaneous abortion.¹²⁵ In *Donum Vitae*, the CDF cautiously stated with qualification, that while it is valid to say that a new life is formed at the time of fertilization, it doesn't necessarily denote a *personal presence*.¹²⁶ This elaboration by the CDF has tremendous medical implications in medical cases like multiple monozygotic pregnancies (or identical twins) and the zygotic recombination of genetic material. However, in the metaphysical uncertainty regarding the attribution of moral personhood, the Church argues that we must always protect life at its earliest stage.¹²⁷

As far as the Philippine law is concerned, abortion is a crime. Knowing this didn't stop the CBCP from opposing any piece of legislation that was remotely related to it. Although Church teaching is consistent in denouncing abortion, John Paul II describes a

125. F. Garry Cunningham, Kenneth Leveno, et. al, *Williams Obstetrics 24th Ed.*, (NY: McGraw Hill, 2014), 350.

126. CDF, *Donum Vitae* no. 5. The CDF *recalls* the teachings found earlier in the *Declaration on Procured Abortion* (1974) "From the time that the ovum is fertilized, a new life is begun which is neither that of the father nor of the mother; it is rather the life of a new human being with his own growth. The CDF, in *Donum Vitae*, further qualifies that "This teaching remains valid and is further confirmed, if confirmation were needed, by recent findings of human biological science which recognize that in the zygote resulting from fertilization the biological identity of a new human individual is already constituted." Moreover, they recognized that there is *certainly no experimental datum can be in itself sufficient to bring us to the recognition of a spiritual soul*. But it accepts that, "Nevertheless, the conclusions of science regarding the human embryo provide a valuable indication for discerning by the use of reason a personal presence at the moment of this first appearance of a human life". Furthermore, "The Magisterium has not expressly committed itself to an affirmation of a philosophical nature, but it constantly reaffirms the moral condemnation of any kind of procured abortion. This teaching has not been changed and is unchangeable." This means is that the CDF, in *Donum Vitae*, didn't dispute the earlier definition of conception as occurring in fertilization. However, it is not a philosophical affirmation; it didn't define when the spiritual soul is recognized to be present. Nonetheless, the *CDF reaffirms the moral condemnation of any type of procured abortion*. The CDF recognizes the evidence of modern science.

127. CDF, *Declaration of Procured Abortion*, no.6, 1974, accessed Oct. 2, 2016, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19741118_declaration-abortion_en.html.

situation where *a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions*. In such situations or countries where it is not possible to overturn or repeal abortion laws, *an elected official could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences* (EV, # 73). There are significant implications of this article in *Evangelium Vitae* concerning the participation of Catholics in politics and in drawing public policies.¹²⁸

5.2. Contraception

Unlike abortion, contraceptive use is legal in the Philippines. Government programs that provided birth control were already in place even before the RH Law. They were disparate and unconsolidated. The methods they advocated ranged from the natural family planning (NFP) method (calendar rhythm and beads method) to using devices like intrauterine devices (IUD) and condoms, surgical sterilization like bi-tubal ligation (BTL) and vasectomy, oral contraceptive pills (OCP), hormonal implants and injectables. Despite their availability for many years already, contraceptive use wasn't common prompting the concerted effort of government and civic organizations to promote them.

128. CDF, *Doctrinal Note on Some Question on the Participation of Catholics in Political Life*, II.4, 2002. www.vatican.va/roman_curia/congregations/cfaith/documentnts/rc_con_cfaith_doc_20021124_politica_en.html. Regarding this statement by John Paul II in *Evangelium Vitae*, the CDF qualifies that *when political activity comes up against moral principles that do not admit of exception, compromise or derogation, the Catholic commitment becomes more evident and laden with responsibility. In the face of fundamental and inalienable ethical demands, Christians must recognize that what is at stake is the essence of the moral law, which concerns the integral good of the human person.*

The Church allows the natural method of birth control; periodic continence based on infertile period is said to be in conformity with the moral criteria.¹²⁹ At the same time, Church groups are actively organizing campaigns against artificial contraception. The NFP method is incorporated in the seminars required for couples to get a marriage license. Many dioceses offer quasi-medical services for the removal of IUD's. Commonly practiced is the use of the sacraments as a form of discipline by denying them (e.g. Holy Communion, Anointing of the Sick) to persons using IUD or other contraceptives.

While the CBCP opposed artificial birth control in general, the debates focused on the use of oral contraceptive pills and condoms. There was a gradual shift in the bishops' opposition to the RH bills. At first, the bills were criticized as anti-family and pro-abortion. But later, the objection of the bishops focused on contraception. In the 2010 pastoral letter against the government's campaign of condom use, the bishops asserted that the campaign needed to stop, because condoms have high failure rates against HIV transmission and only provide a wrong sense of protection. They proposed that instead of allocating a budget for promoting condoms, the government should invest the resources to fight other malnutrition and diseases like tuberculosis. Moreover, they again regarded condom use as encouraging promiscuity, while putting the youth at risk of teenage pregnancies and STI's and promoting marital infidelity.¹³⁰

The bishops already anticipated the possibility of the RH bill being passed into law when they issued "Contraception is Corruption!" in December 2012. In a final attempt,

129. Catechism, # 2370.

130. *On the Government's Revitalized Promotion of Condoms*, 2010.

they denounced contraception as causing harm to the nation because it corrupts the soul. They asserted that the RH bill would not alleviate poverty; instead, it would increase crimes against women. They called for more accessible education, better hospitals, and to end corruption in the government.¹³¹

The Church's teaching on contraception was heavily influenced by Pope Pius XI's *Casti Connubii* (CC). The encyclical upheld that the conjugal act between the spouses was intrinsically connected to procreation; that among the blessings of marriage, the child holds the first place (CC, #11). He declared that those who *deliberately frustrate the natural power and purpose of the marital union, sin against nature and commit a deed which is shameful and intrinsically vicious* (CC, # 53).

Humanae Vitae reaffirmed the argument against artificial contraceptive in as much as the marital act must be open to the transmission of life. This argument, we saw above, is based on the natural order of procreation. According to Paul VI, the rationale is that in the case of the natural method, the married couple rightly use a faculty provided them by nature, whereas using artificial methods obstructs the *natural development of the generative process* (HV # 16). We shall consider this again in the next chapter.

What arose from the debates was the generalization that using any device normally intended for contraception is immoral, even without considering the circumstance or the intention of the user. But the use of any device or pill may not always be intended for contraception, e.g. oral contraceptive pills are used to treat hormonal imbalance

131. *Contraception is Corruption*, 2012.

among women. Beyond menopause, condoms no longer serve to prevent pregnancy, although they are still effective to prevent transmission of HIV, hepatitis B, gonorrhea, and chlamydia. A vasectomy may not necessarily be surgical mutilation, but could be done to remove a tumor. IUDs are used manage gynecological problems. These distinctions may not be pertinent in making a pastoral statement, but knowing them is important in ministry.

To sum up, the Philippines criminalizes abortion and the RH bill doesn't propose its legalization. The bishops, acutely aware of this provision in the Constitution and the Penal Code, wanted to retain it by trumping any possible legislation that may open the possibility for abortion to be legalized. The bill however sought to ascertain that should a woman chose to procure the termination of her pregnancy, she will be given the optimal care to save her life and allow her to move forward from the horrors of abortion. Sadly, even this good intention was suspected by the CBCP as a covert means to legalize abortion.

On the matter of birth control, there are already existing laws that provide for the distribution of various forms of contraceptives. Unlike the US bishops who are seeking exemption from laws forcing Catholic institutions to provide contraceptives, the CBCP was not seeking an exemption; rather, it opposed the legislation of a comprehensive reproductive health law that extended the reaches of contraception. They did not ask for the abolition of existing laws, instead, they were attempting to stop further legislation that strengthens existing laws.

6. Framing the Arguments from the Position of Power and Influence

Underlying the RH debates was a power struggle. At its peak, the Church leaders wielded considerable power to sway the sympathies of the people to support their end. The influence that the bishops had over the Filipino Catholics was as strong as ever. There were at least three occasions where they used this power and position of authority to influence politics.¹³²

The first instance was when the bishops told legislators to vote against the RH Bills. The CBCP insisted that it was the duty of Catholic lawmakers to obey Church teaching and it was their obligation to influence society by working for Christian values.¹³³ While this happened at the national level, the propaganda done at the local levels put equal pressure on the representatives in Congress. There were reports that before the 2008 elections, the bishops met with their local congress representatives to present the Church position and convince them to oppose the RH bills.¹³⁴ The same tactics were employed in the next election.

The Church retains the influence of mobilizing people for their causes, and during the RH campaigns, these were effectively put to use. The threat of losing votes in the coming elections became quite effective in intimidating the local congressmen to support the demands of their Catholic constituents. The result was that the Church garnered enough supporters in Congress to delay the passing of the bills or sometimes,

132. Cf. Genillo, 283.

133. *That They May have Life*, 2000.

134. Genillo, 283.

to question their provisions on the floor.¹³⁵ The sacraments were used to discipline the faithful. Women who are known to have used IUDs were denied the sacraments, especially holy communion. This practice was extended to known supporters of the RH bills. The rationale of pressuring the people was that if the majority of the population were opposed to the RH bills, they will in turn influence their government leaders. Although the local Church never sanctioned sacramental discipline, many church organizations took the initiative to impose such discipline. The sacraments, instead of becoming the sign of God's love, became a means of discipline and control.

We mentioned earlier that the CBCP President, Bishop Odchimar, during a radio interview, was reported to have threatened President Benigno Aquino, III with excommunication if he were to sign the RH bill into law. The bishop denied it afterwards and claimed that his response was taken out of context. But this showed the power held by the CBCP and the clergy over the people. Although the CBCP, as a body, had a unified stance in denouncing the bill, there were notable bishops who were not vocal in condemning it. Among them were Cardinal Antonio Tagle of Manila and Archbishop Ledesma of Cagayan de Oro.¹³⁶ These few bishops were voices of reason for calling for an intellectual discussion of the merits of the proposed law.

To summarize, we have seen in this chapter how the stance of the CBCP against the RH law was framed. The arguments invoked a tradition that had been held as

135. Delaying tactics were common during the deliberations. Sen. Tito Sotto, was said to purposely delay the voting of the bill in the senate. In the final deliberation in December 2012, he questioned every provision presented by the author of the bill, Sen. Pia Cayetano. Many bishops and priests commended Sotto for his actions.

136. Genillo, 284.

authoritative and influential to Catholic teaching. We expect that they will continue to argue with the same paradigm, as they have done in the past decades. But it has misguided and confused the faithful. It also became a source of power struggle between the Church and politicians. There can be another way of framing these arguments: not by power, but by dialogue; not by a physicalist view of natural law, but towards a holistic understanding of the social dimension of human interactions; not by imposition of doctrines, but by mutual respect for religious liberty.

Chapter IV

Appraising Religious Liberty

The right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed, and thus it is to become a civil right.
(*Dignitatis Humanae*, # 2)

1. Vatican II and Religious Freedom

The insistence of the Philippine Catholic bishops in opposing the RH bill echoes the long-held pre-Conciliar tradition within the Church that Catholicism, being the one true religion, must be established by civil authorities in every state. The *thesis* was that the state is to be governed by Catholic principles since being a true religion; it alone has the right to public worship. Since not all nations are Catholic, the non-establishment of the religion can be tolerated until favorable times.¹³⁷ In such situations, where Catholics are the minority, the *hypothesis* holds that they have the freedom to worship because their religion is true. As a predominantly Catholic country, Filipinos *may not* find this difficult to accept despite the fact that a sizeable minority of the population are Muslim. In many other democracies, especially the United States, establishing one state religion is problematic.

It was the changing socio-political landscape that necessitated a shift in defining the Church and state relationship. Since the fourth century, the principle gradually

137. Leslie Griffin, "Commentary on *Dignitatis Humanae* (Declaration on Religious Freedom)", *Modern Catholic Teaching Commentaries and Interpretation*, Kenneth R. Himes, ed., (Washington, DC: Georgetown University Press, 2005), 244-246.

developed that unity in religion was necessary for attaining peace and order and preserving the common good. Society and church were part of one sacred whole in which kings and emperors played a sacred role and bishops had civil responsibilities.¹³⁸

This principle continued in Europe even after the Reformation but was understood differently by the Catholics, Protestants, and the Orthodox churches. The ideas of religious tolerance, individual conscience, and a non-religious state were accepted much later in the discourse of the Catholic Church-state relations.¹³⁹

The events in Europe after the Enlightenment and the French Revolution, the emergence of new democracies in the former colonies in Africa and Asia, but most especially, the experience of the American people were catalysts of the changes in the teachings of the Church and its relationship with the state. The First Amendment to the US Constitution, which guarantees freedom concerning religion, expression, assembly, and the right to petition, influenced the Church teaching on religious liberty. The two world wars also changed the course of human history so much that the nations of the world sought ways to prevent those atrocities from happening again.

After the war, the Universal Declaration of Human Rights was a milestone document in the history of human rights. It espoused the fundamental rights of persons including the right to religion. The World Council of Churches affirmed the same right in

138. Stephen Bevans and Jeffrey Gros, *Rediscovering Vatican II: Evangelization and Religious Freedom Ad Gentes, Dignitatis Humanae*, (Mahawah, New Jersey: Paulist Press, 2009), 152.

139. *Ibid.*, 154. There are three models of the relationship between the Church and the state in modern times: (1) the Church is established in the state by promulgation of a law; (2) a secularist state that is neutral towards religion; (3) a secular state that eliminates or controls religion. The last two models were unimaginable for Christians in the past and even alien to some even today.

1948. However, the Vatican resisted for a long time as previous popes condemned religious liberty.¹⁴⁰ It took another fifteen years until Pope John XXIII issued the first clear statement in Roman Catholic teaching concerning the right to religious freedom in his encyclical *Pacem in Terris*. Then in 1959, John XXIII's announcement of a Church Council surprised everyone.

The Council was greeted with uncertainty by the curia but with attention, interest, and expectation from both Catholics and non-Catholics around the globe. The Holy Father intended that the concerns and opinions of the world at large would be heard and considered.¹⁴¹ To facilitate this, communications were sent to all bishops asking them to write what the particular concerns were in their own localities. John XXIII intended the Council to be truly ecumenical and pastoral.

Vatican II itself called for a real *aggiornamento* or a “bringing up to date” and a *ressourcement* or to return to the earlier sources of the Church.¹⁴² Hundreds of doctrines and issues were incorporated into the many *schemata*. Among them, religious liberty was the farthest thing on the agenda that the most conservative cardinals thought would be approved. Religious freedom was initially included in the draft or

140. Griffin, 250-251. The popes during the turn of the 20th century condemned religious freedom. Pope Pius IX did this in the *Syllabus of Errors*. He likewise opposed the separation of Church and state. Pope Leo XIII was less critical of the modern world. He in fact inaugurated modern Catholic social thought with *Rerum Novarum*. But it was after WWII when Pope Pius XII recognized both democracy and the constitutional state.

141. Giuseppe Alberigo, *A Brief History of Vatican II*, (Maryknoll, NY: Orbis Books, 2006), 4-6.

142. Massimo Faggiolo, *Vatican II: The Battle for Meaning*, (Mahwah: The Paulist Press), 2012, 4-6. The novelty of the Council benefited from the riches of the twentieth century liturgical movement, the biblical movement, the ecumenical movement, and *ressourcement* – a return to the earlier sources.

schema *De Ecclesia* under the section, *The Relations between Church and State, and Religious Tolerance*, which the Central Preparatory Commission later dropped. The schema represented what John Courtney Murray calls the “first view” on religious freedom, one that is based on two the related subjects of the right of conscience and the *cura religionis* by the state.¹⁴³ Murray did not accept this view since it was based on the principle that *only truth has rights*. For Murray, one doesn’t find truth and error somehow disembodied, but only in citizens or institutions who are uttering what they conceive to be true.¹⁴⁴

The matter of the Church-state relationship was a *development of doctrine*, or what Murray called “the issue under the issues.” Development suggested progress or clarification, but the criticism faced by Murray and other advocates of religious liberty was that it was a total abandonment of traditional positions taken by previous popes

143. Lawrence Brandt, *John Courtney Murray and Religious Liberty: An American Experience*, (Roma: Pontificia Universitas Lateranense, 1983), 232-238. It was in June 1962 when the Theological Commission submitted to the Preparatory Central Commission, headed by Cardinal Ottaviani, a schema relating to religious tolerance, which was to be part of *De Ecclesia*. The schema was changed little at the time for consideration for discussion. Remember, that the schema was written before *Pacem in Terris*. According to Murray, the “first view” rests on the understanding that the conscience possesses the fullness of religious freedom because religious freedom is rooted in objective truth. *The true and the good are objectively proposed by the eternal law of God, subjectively manifested by the rightly and truly formed conscience, and authentically declared by the Church*. Religious freedom in this sense is a requirement of the dignity of the person. There are cases of the sincere erroneous conscience, which cannot be forced to accept the true religion nor to relinquish its sincere convictions. But the erroneous conscience has no right to external religious freedom – to disseminate its beliefs, witness, or teaching – because *error has no public rights*. Thus, it can be said that since erroneous conscience cannot raise the issue of religious freedom, it only raises the issue of tolerance. The care of religion also rests on the same principle: *only truth has rights*; error has no place in the public sector of society.

144. *Ibid.*, 236.

who repeatedly condemned separation of Church and state. Now, the Council proposed that it is a legitimate development of Catholic teaching.¹⁴⁵

Early on, John XXIII established a separate *dicastery* to welcome ecumenical representatives, receive their feedback, and assist other commissions with the ecumenical dimensions of their work. The new Secretariat for Promoting Christian Unity began to draft a document on the Catholic approach to ecumenism and the ecumenical movement.¹⁴⁶ The draft that was supported by Pope Paul VI included a section on religious freedom and the Church relations with the Jewish people.¹⁴⁷ By the Third Session of the Council,¹⁴⁸ some bishops petitioned the pope for the preparation of a special text on religious freedom.¹⁴⁹

145. John W. O'Malley, *What Happened at Vatican II?* (Cambridge, MA: The Belknap Press of Harvard University Press, 2008), 39-40.

146. The Secretariat was headed by Cardinal Agustin Bea. The Secretariat prepared and presented key documents in the Council including *Unitatis Redintegratio*, *Nostra Aetate*, *Dignitatis Humanae*, and parts of *Dei Verbum*.

147. Richard Gaillardetz and Catherine Clifford, *Keys to the Council: Unlocking the Teachings of Vatican II*, (Collegeville: Liturgical Press, 2012), 142-143.

148. Vatican II lasted for four years from 1962-1965. Historians divide it in four sessions: The First Session (October 11 to December 8, 1962), the Second Session (September 29 to December 4, 1963), the Third Session (September 14 to November 21, 1964), and the Fourth Session (September 14 to December 8, 1965).

149. Griffin, 248: Working with the other *periti* on religious freedom were John Courtney Murray and Pietro Pavan. Murray was already known for his writings on Church-state relations in the US. While he received recognition back home, he was condemned and silenced by the Vatican. His presence in the Council happened after he was received as a *peritus* to the American bishops. He urged the bishops to *confront thesis/hypothesis, to provide a theoretical background of religious freedom, and to intervene in defense of the American Constitutional System*. Pietro Pavan was the other person behind *Dignitatis Humanae*. He already worked with John XXIII in writing *Pacem in Terris*. They worked with the SPCU for the rest of the Council.

Religious freedom became a distinct topic from ecumenism and a new schema was drafted. As the debates unfolded, the implications of recognizing religious liberty became more tangible. It wasn't about any abstract doctrine, but about Vatican diplomacy and relationships with world governments.¹⁵⁰ In the Fourth Session, the Council fathers voted in favor of the schema and the Pope promulgated *Dignitatis Humanae* on the eve of the close of Vatican II.¹⁵¹ The Declaration was a landmark event that cemented the right to religious freedom in Catholic teaching.¹⁵²

2. Human Dignity and the Right to Religious Liberty

The Church has gone a long way in affirming religious liberty. Although Vatican II was a landmark shift in the understanding of the Church itself and its mission, the Church's acceptance of religious freedom was late in coming. (Previously, the UN and the World Council of Churches both recognized this right.) The death of Pope John XXIII cast some uncertainty over the direction of the Council in many aspects, yet the Good Pope already paved the way for the acceptance of religious freedom in *Pacem in Terris*. In this encyclical, John XXIII provided a clear transition in the Catholic approach to rights and religious liberty with an emphasis on the human person and conscience.¹⁵³ Freedom of

150. O'Malley, 211.

151. Bevens and Gros, 175. The final vote, on Dec. 7, 1965, showed the overwhelming support of bishops worldwide. 2,308 voted in favor, while 70 opposed.

152. Although *Dignitatis Humanae* was a landmark event, religious liberty was not accepted by all. Among the notable personalities opposed to it was Archbishop Marcel Lefebvre. Also, there were some commentators who insisted on a *continuity* and said that the Declaration did not abandon old principles but only reconsidered her identity and mission marred by politicizing in the Church. See John McKinzie, SJ, "The Freedom of the Christian," *Religious Liberty: An End and a Beginning*, John Courtney Murray, ed., (NY: McMillan Company, 1966), 95-96; cf. Griffin, 250-251.

153. Bevens and Gros, 166.

conscience recognizes the right of a person to follow the dictates of one's conscience. Freedom of conscience provided the basis for a juridical right to the free exercise of religion. But this right is not unlimited because it may be tempered or regulated by public authority for the common good.¹⁵⁴

Freedom of conscience did not provide an objective basis of religious liberty, because according to Murray, a subjective belief in rightness could not supply the objective foundation for legal rights against the state. A new argument was needed.¹⁵⁵ Hence, the dignity of the human person became the fitting basis for the right to religious liberty.¹⁵⁶ Article 2 of the Declaration does three things: it recognizes that religious freedom is a right; it establishes the human dignity as the foundation of rights; and as a right, it must be recognized by the state as a civil right. We shall look at each of these elements in the following sections.

Vatican II affirms that the Catholic Church embodies the true religion (LG, #8; DH # 1). *Dignitatis Humanae* also asserts the obligation of all people to seek the truth of this Church and *to embrace it when they come to know it*. Civil authorities are urged to recognize and look with favor on the religious life of its citizens because religion is not merely a private and individual matter (DH # 3). What the Council didn't sustain was the

154. Griffin, 252-253. See also footnote 72 above, on Murray and the "first view" of religious freedom.

155. *Ibid.*, 252-253.

156. John Courtney Murray, "This Matter of Religious Freedom," *America* vol. 112, (January 9, 1965): 40, ff.

assertion of pre-Conciliar Popes that it was the duty of the civil authorities to recognize Catholicism as the uniquely true religion.¹⁵⁷

According to Murray, “The Declaration made a simple and straightforward affirmation, namely, that coercion in religious matters – worship, observance, practice, witness – is, in principle, to be repudiated as offensive to the dignity of man.”¹⁵⁸ *Dignitatis Humanae* affirmed the free exercise of religion as a fundamental right that should have a *juridical guarantee* so as to become a civil right. The notion of freedom in this context denotes a negative right, or as Murray describes, a “freedom from,” that assures a person from being *constrained to act* against his conscience or from being forcibly *restrained from acting* according to one’s conscience (Cf. DH # 2).¹⁵⁹

This articulation by Murray is relevant in many aspects of public policies. Religious freedom encompasses all matters in religion, including worship and morality. Because of their involvement in politics and social concerns, critics say that the CBCP has no business outside Church matters. According to them, issues of governance and public policy were better left alone with politicians. But religious freedom includes all aspects of Christian life. It is not only about choosing a church or belong to one, but more importantly to have the liberty to live and practice one’s faith. It is under freedom that

157. Brian Harrison, *Religious Liberty and Contraception: Did Vatican II Open the Way for a New Sexual Ethics?* (Melbourne: John XXIII Fellowship, 1987), 12-13.

158. Murray, “This Matter of Religious Freedom,” 40.

159. *Ibid.*, 40-41. Murray described that from a historical perspective, religious liberty, as an immunity from coercive constraints, was recognized as a human right since the time of confessional absolutism during post-Reformation period. There was a gradual acceptance of the principle that a person may not be compelled to act against his conscience or for that person to be punished for his conscience. Murray continues that the immunity from coercive restraints was first proclaimed in the First Amendment and was an integral element of the doctrine of limited constitutional government.

the Catholic bishops were able to speak against the government's plan for a systematic program of birth control. It was their religious liberty which allowed the CBCP to criticize what it deemed was wrong. Ironically, their opposition, imposition, and influence over legislation curtail the freedom of the polity. By their exercise of liberty, they undermine the free exercise of others.

Concerning the role of governments, *Dignitatis Humanae* said that the government has the duty to safeguard religious freedom and to provide favorable conditions for fostering religious life (DH, # 6). At the same time, the state must sanction religious liberty as a civil right in the legal order of society (DH # 2).¹⁶⁰ The Church reaffirms their support for the constitutional state to protect human rights and dignity. The right to religious liberty is not only an individual right, but also of religious bodies and families (DH, # 4).

The right to religious freedom is not absolute and religious groups must not abuse it.¹⁶¹ Exercising the right to religious freedom is allowed as far as it doesn't violate the *public order*. While the public order is the minimal legal framework for ensuring a peaceful society, it is not the same as the common good; the latter cannot be reduced to public order. Nobody can legislate the common good.¹⁶² Public order is correctly

160. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, (Ciiti del vaticano: Libreria Editrice Vaticana, 2004), # 97.

161. Griffin, 255.

162. *On the Common Good and Public Order. Gaudium et Spes*, # 26 defines the common good as "the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment. It involves rights and duties with respect to the whole human race. Every social group must take account of the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family."; Griffin, 255. Griffin commented that the Council did not adopt the French view that the state ought to intervene to protect

conceived as *a distinct end of the state's juridical power only as it is tied to the common good*.¹⁶³ *Dignitatis Humane* also brought to attention another aspect of Catholic teaching not often recognized. When there is no threat to the common good, followers of other religions have the natural right to be left alone in the practice of their faith without prohibition by any human authority, unless it threatens the public order.¹⁶⁴

Recognizing the right to religious freedom as a civil right has two implications in the RH debates. For the individual citizen, the government cannot legislate so as to limit or violate a person's right, while collectively, the right to religious freedom means that the state cannot impose one religion on the polity or force religious institutions to accept particular doctrines. If the government acted on the desires of the CBCP to only allow laws consistent with Church teaching, the bishops would have overstepped individual freedom and collectively would have enforced their beliefs over other religious institutions. In both instances, religious liberty would have been violated.

3. Persuasion and not Coercion

The right to religious liberty asserts the person's freedom and immunity from coercion. *Dignitatis Humanae* declares that all men and women are bound by nature

the common good. Instead, the Council fathers chose the term public order, which, at that time, was vague with no attempts of specifying what it included. Marvin Krier Mich, *Catholic Social Teaching and Movements*, (Mystic, CT: Twenty-third Publications, 2003), 113. According to Mich, for Murray, the common good constitutes all the social, moral, spiritual, and material goods that a person pursues. Public order includes the goods of public morality, peace, and justice, which are the responsibility of the state to promote and protect. Protecting and promoting public order are the criteria that governs the state's interventions on all matters, including religion.

163. David Schindler and Nicholas J. Healy, Jr., *Freedom, Truth, and Human Dignity: The Second Vatican Council's Declaration on Religious Freedom*, (Grand Rapids: William B. Eerdmans Publishing, 2015), 120.

164. Harrison, 142.

and by the moral obligation to seek the truth. Their right to this immunity continues to exist even for those who do not seek the truth (DH # 2). Theoretically, it means that a person (e.g. a non-Catholic) cannot be compelled, by any external force (law), to follow a set of doctrines contrary to one's belief, even if it's the truth. He or she comes to accept this truth in his or her own terms. The best that can be done by an external institution (Church) is to present this truth to help that person to come to it.

What was evident throughout the RH debates was the lack of publicly persuasive arguments to strengthen the opposition against the provisions of the bill. A persuasive argument could have been grounded on a language that is acceptable to the pluralistic society and not contingent to any singular religion or tradition; something that speaks to all Filipinos because it is grounded on their inherent humanity. The right to religious freedom is the paradigm founded on the dignity of the human person. To argue from the position of dignity and rights can give a compelling foundation to the CBCP's stance on the debated issues. Sadly, during the debates, the position of the CBCP was perceived as coercive rather than persuasive.¹⁶⁵ While pressure may be necessary on certain situations, it has its limits. The Church teaches that in no case is the human person to be manipulated from ends foreign to his or her development.¹⁶⁶

165. We saw earlier the threat of excommunicating the President. Similar pronouncements came from various church groups coercing their local congress representatives not to support the bill. The fear of excommunication, the threat of committing a grave sin, and the refusal to be given communion were means that the Philippine Church leaders used in their campaign against birth control.

166. Compendium, # 133.

4. Invoking the Modern Language of Dignity and Rights

While *Dignitatis Humanae* grounds the foundation of religious liberty on human dignity, the Church teaches that the dignity of the person is rooted in his or her creation in the image and likeness of God (GS #12).¹⁶⁷ The Church teaches that human dignity is given by God, profoundly wounded by sin, but was taken on and redeemed by Jesus Christ in his incarnation, death, and resurrection.¹⁶⁸ Before *Dignitatis Humanae*, there were already papal encyclicals that mentioned human dignity: In 1891, Leo XIII in *Rerum Novarum* (RN) wrote that, “no one with impunity may outrage human dignity, which God himself treats with great reverence” (RN #57). John XXIII said in *Mater et Magistra* that, “The individual human beings are the foundation, the cause and the end of every social institution.” Hence, “the Church constructs her social teaching to guarantee the sacred dignity of the individual” (MM, #219-220). He also wrote of “the right (of the individual) to worship according to the right dictates of one’s conscience and to profess one’s religion in private and in public” (PT #14). In Vatican II, *Gaudium et Spes* grounds human dignity on being created in the image of God (GS, #12). Other Conciliar documents have similar pronouncements on human dignity and rights.¹⁶⁹

167. Catechism, # 1700.

168. Compendium, # 153.

169. In *Nostra Aetate*, the Council denounces discrimination of color, race or religion; respect arises from human dignity or the rights that flow from it. The inalienable right to education found in *Gravissimum Educationes* is likewise founded by virtue of human dignity (GE, # 1). Human dignity is affirmed in many Council documents.

The modern construct of human dignity and rights is relatively new in Church teaching. In Medieval times, the Scholastics had a different understanding of rights. Some scholars today hold the view that the doctrine of human rights is distinctively modern, but draws from earlier natural law theories. This view was challenged by Brian Tierney, who shows that the language and substance of the modern doctrine of rights can be found as early as the late twelfth century.¹⁷⁰ But it was only in contemporary times that the Church recognized the right to religious liberty; that the Church also accepted the body of equal human rights as necessarily entailed by dignity in its teachings.

In the social teachings of the Church, we are reminded that every person is made in the living image of God, from whom each man and woman receive their incomparable and inalienable dignity. There is in each one something inherent that requires a minimum standard of treatment.¹⁷¹ The ultimate source of human rights is not the will of human beings, in the state, in public power, but in the persons themselves and God as their Creator.¹⁷² As such, these rights are *universal, inviolable, and inalienable*. Universality, the hallmark of human rights, means that they are present and equal in all persons without exception. Inalienability means that certain rights are so fundamental that depriving persons these rights would violate their nature, that under no circumstance are they lost or forfeited.¹⁷³

170. Porter, 343-345.

171. David Gushee, "Human Rights," *Dictionary of Scriptures and Ethics*, Joel Green, ed., (Grand Rapids: Baker Academy, 2011), 387.

172. Compendium, #105; 153.

173. Gushee, 388.

We mentioned that right to religious freedom is a *negative right*: Nobody can be constrained to act against his conscience nor from being forcibly restrained from acting according to one's conscience. By negative right, we mean that someone has a legitimate claim not to have something inflicted upon them – in this case, religious beliefs or practices. On the other hand, *positive rights* obligate others to act on the right holder; subsistence rights are positive rights.¹⁷⁴ The Magisterium recognized the mutual complementarities between rights and duties and described them as indissolubly linked: “In human society, to one's right there corresponds a duty in all other persons; the duty of acknowledging and respecting the right in question.”¹⁷⁵ In the RH debates, we see both negative and positive rights. It was about protecting a negative right (religious freedom) to promote a positive right (the right to health care).

John Paul II, who significantly influenced the CBCP, often spoke of dignity and rights: In his address to the UN in 1985, John Paul said that human rights remain as one of the highest expressions of the human conscience of our time. Universal human rights, rooted in the nature of the person, rights which reflect the objective and inviolable demands of a universal moral law.¹⁷⁶

174. Shue, 36; Gushee, 388. Human-rights theory is characterized by the dialectic of rights and duties. A person who possesses a right can legitimately claim that all other persons possess a duty in relation to the protection or advancement of that right. Every right has correlative duties. According to Shue (52, ff.), there are three types of duties: (I) duties to avoid depriving, (II) duties to protect from deprivation, (III) duties to aid the deprived. Fulfillment of a (basic) right requires the performance by some individual or institution of their correlative duties.

175. Compendium, # 156.

176. John Paul II, “Address to the United Nations”, # 2-3, New York, Oct. 5, 1995, accessed Nov. 2, 2016. https://w2.vatican.va/content/john-paul-ii/en/speeches/1995/october/documents/hf_jp-ii_spe_05101995_address-to-uno.html.

There were a handful of CBCP letters that invoked dignity and rights. In the pastoral letter on the drug crisis entitled, *Choose Life*, the bishops said that using illegal drugs dehumanizes a person and degrades human dignity because it weakens and injures the God-given faculties of the intellect and the will, disables judgment, and causes irrational behavior.¹⁷⁷ Then in the *Pastoral Letter on Human Rights*, the bishops made the most eloquent exposition on human dignity and rights, affirming that human rights were part of the Church teaching that must be respected and protected by the government. Human dignity and rights were only referred to a few times in the statements against the RH bills. They were only secondary arguments against birth control and abortion to those framed in the natural law theory and intrinsic evil. Framing the RH debates in human rights would shift the arguments from emphasizing the biology of birth control to the dignity of the human person.

4.1. On Women's Rights

It is established that women's rights were critical in the RH debates. While the CBCP focused on influencing legislators and issuing pastoral letters, some women's groups in Congress worked to reframe the debates from population control to human rights.

Catholic social teaching tells us that the recognition of human dignity makes possible the common and personal growth of everyone, including the equal opportunity of men and women.¹⁷⁸ One of these rights is the right to work. The Church acknowledges that,

177. "Choose Life – A Pastoral Letter on Drugs." CBCP Online. July 1997, accessed October 4, 2016, <http://cbcponline.net/v2/?p=379>.

178. Compendium, # 145.

in the workplace, there is the need to protect the dignity and vocation of women.¹⁷⁹ The persistent discrimination of women is due to a long conditioning that penalizes them, relegating them to the margins of society, even reducing them to servitude, and at times, making them objects of exploitation.¹⁸⁰

Similar arguments could be made in other areas concerning women's rights since there still exist discrimination and exploitation of women everywhere. Respecting the dignity of a woman means protecting the totality and integrity of her person. Promoting her rights would and should include her reproductive health rights: she is to be given the opportunity and responsibility to make a moral decision that concerns her very self in relation to others (i.e. an unborn child).

The fear of adopting the rights discourse, in women's reproductive health, is that it opens the possibility of allowing abortion (hence, the culture of death). But reproductive health rights are also about the woman's capacity to give life. Providing reproductive health care protects and promotes this capacity. This is a *specific gift of women* that John Paul II said should *never be abandoned*.¹⁸¹ This capacity to give life is not dependent upon or limited to any biological function either. Rather, it is inherent in her nurturing and caring nature. To frame reproductive health in the language of rights and

179. Ibid., # 295. In *Laborem Exercens*, John Paul II identifies this vocation of the woman as motherhood. *Having to abandon these tasks in order to take up paid work outside the home is wrong from the point of view of the good of society and of the family when it contradicts or hinders the primary goals of the mission of a mother. See Laborem Exercens, # 19.*

180. Compendium, # 296. See also John Paul II, *Letter to Women*, # 3, (1995).

181. Cf. Compendium # 295 and *Laborem Exercens*, # 19.

dignity is not to argue from a position of fear but from a position of possibilities. And the first and most important of these is the possibility of giving life.

Although this goes beyond the scope of this thesis, framing a woman's reproductive rights as the capacity to give life echoes Amartya Sen and Martha Nussbaum's human capabilities approach to ethics.¹⁸² Nussbaum's *feminism* affirms a "liberal" view that is compatible with the feminist affirmation of the value of women as persons.¹⁸³ She affirms that by being human, all are of equal dignity and worth and that the primary source of this worth is a power to make a moral choice within them.¹⁸⁴ A necessary component of Nussbaum's capability approach is the list of the core aspects of life to which capabilities relate.¹⁸⁵ Nussbaum's theory can be described as universalist; in principle, human capabilities are similar to the Church's vision of the human person.¹⁸⁶ If in Nussbaum's theory, the *capability to life* is about being able to live to the end of

182. Martha Nussbaum, "Human Capabilities, Female Human Beings," *Women, Culture and Development: A Study of Human Capabilities*, Martha Nussbaum and Jonathan Glover, eds., (Oxford: Oxford University Press, 1995), 63: At the heart of Nussbaum's theory is Amartya Sen's use of the notion of 'human capabilities' or substantial freedom to confront gender-based inequalities.

183. John Garrett, "Martha Nussbaum on Capabilities and Human Rights," April 29, 2008, accessed October 17, 2016, <http://people.wku.edu/jan.garrett/ethics/nussbaum.htm>.

184. Martha Craven Nussbaum, *Sex and Social Justice*. (New York: Oxford University Press, 1999), *eBook Collection (EBSCOhost)*, EBSCOhost, accessed October 17, 2016, 57.

185. Nussbaum, "Human Capabilities," 83-85. She lists these basic human functional capabilities as: (1) life; (2) bodily health; (3) bodily integrity; (4) senses, imagination, thought, and reason; (5) emotion; (6) practical reason, critical reflection; (7) affiliation; (8) concern for other life forms; (9) play and recreation; (10) control over one's environment. See also Garrett, 2008.

186. For the purpose of brevity, it can be summed up that human rights ensure that human capabilities should not fall below a certain floor. Nussbaum, "Human Capabilities," 81. She identified two distinct thresholds: the threshold of capability to function beneath which a life will be so impoverished that it will not be human at all. And a higher threshold which sets the lower limit of a "good life."

human life, then there is no reason to exclude the *capacity* to transmit life as part of it as well.

Finally, as a rebuttal to the CBCP's position that the home is the place for women and that women only contribute a little to the family income,¹⁸⁷ the Church recognizes that both man and woman have responsibilities in caring for the family. Caring for the home is also the responsibility of men as husbands and fathers. It is a service directed and devoted to the quality of life, constituting an activity that is personal and personalizing, contributing to the well-being of the home.¹⁸⁸

5. Violation of Human Dignity as the Argument Against Abortion

The intentional termination of pregnancy is a violation of the dignity of the unborn. We are reminded that, "The origin and the foundation of the duty of absolute respect for human life are to be found in the dignity proper to the person" (VS, # 50). The Philippine bishops adhered to this principle in their defense of the unborn. Yet in condemning abortion, they conflated it with contraception, and framing their position on natural law. In the early years of the debates, the CBCP's great fear was the legalizing of abortion. However, even after it became apparent that the RH bills would only provide medical intervention to curb post-abortion complications, they remained skeptical. By combining both issues, the bishops feared that contraceptive use will lead to more abortions.

187. Save the Family and Live, 1993.

188. Compendium, # 251.

Conflating the two issues gives abortion an equal moral standing with contraception. While both are *immoral*, they differ in gravity. Conflating them downplays the gravity of abortion, because even if the Church deems both as an intrinsic evil, they are essentially different. John Paul II said that not distinguishing them might lead to the eventual acceptance of abortion as another method of birth control.¹⁸⁹ Although this argument may seem similar to what the Philippine bishops have said, that contraception leads to the acceptance of abortion, the pope made a clear distinction between the two. Whereas according to John Paul, it is the contraceptive mentality that could lead to procuring abortion, the CBCP failed to distinguish one from the other.

Veritatis Splendor and *Evangelium Vitae* reiterated what was said in *Gaudium et Spes* condemning abortion as an unspeakable crime (GS, # 27). Abortion is an act that opposes life and violates human dignity. It is an intrinsic evil.¹⁹⁰ John Paul II, in *Evangelium Vitae*, lamented that the attacks to life at its *earliest stages are no longer considered as crimes, but assume the nature of rights*, which the state is called to recognize and make available through health care (EV, #11).

The objection against abortion is its violation of life, of human dignity and rights. This is perhaps the most compelling argument against procured abortion. Direct abortion always constitutes a grave moral disorder, since it is the deliberate killing of an

189. *Evangelium Vitae*, # 13, Pope John Paul II, in his defense of Church teaching against contraception, mentioned the commonly held belief that links contraception with abortion. He said, quite resentfully, that the Catholic Church is accused of promoting abortion, because of its condemnation of contraception. But he argues that is the contraceptive mentality which strengthens the temptation to procure abortion when an unwanted life is conceived.

190. Cf. *Gaudium et Spes*, # 27; *Evangelium Vitae*, # 3; *Veritatis Splendor*, # 80.

innocent human being.¹⁹¹ “The direct and voluntary killing of an innocent human being is always gravely immoral” (EV, # 57). Under *no circumstance, no purpose, no law* whatsoever can ever make licit an act which is intrinsically illicit because it is contrary to the Law of God. Those laws authorizing and promoting abortion are radically opposed not only to the good of the individual but the common good as well; as such, they completely lack authentic juridical validity (EV # 62). Any law that allows the killing of the unborn is an unjust law since it violates the natural law. An unjust law is no law at all.¹⁹²

The argument against abortion based on dignity and rights is compelling to both Catholics and non-Catholics. We are more familiar with acts of injustice and violations of human dignity and rights, such as genocide, rape, torture, and modern-day slavery in the form of trafficking. These acts are also considered as intrinsic evil by John Paul II.

Protecting the unborn is also a preferential option for the most vulnerable. And an option for the most vulnerable is an option for the poor.¹⁹³ A preferential option for the poor is based on the belief in human dignity and equality. It safeguards the equality of all people by taking the side of the oppressed and the vulnerable in society. By the option for the poor, we have an obligation to provide and safeguard, in a particular way,

191. *Direct abortion* is abortion that is willed as an end or as means.

192. *Lex iniusta non est lex*

193. Hugo Magallanes, “Preferential Option for the Poor,” *Dictionary of Scriptures and Ethics*, Joel Green, ed., (Grand Rapids: Baker Academy, 2011), 619.

those who cannot speak for themselves.¹⁹⁴ It has become a vital component of the Church social teaching, and integral to the CBCP vision of becoming a genuine Church of the Poor. To speak of the unborn as the most vulnerable obliges its protection not only from its parents but society as well.

A question that can be raised here is this: When does human life attain personhood? Attributing moral personhood is more *indeterminable* the earlier the stage of pregnancy is; for example, scholars once said that a fetus at 28 weeks *most likely* has a soul than at the time of fertilization. While no empirical evidence can prove at what stage of development a fetus attains a human soul, we must always act so as to protect life, given even the remote possibility of personhood.

Some groups are lobbying for legalizing abortion, even if Philippine laws upheld it as a criminal offense. They sought to follow the American model of invoking the woman's right to determine whether or not to bear a child.¹⁹⁵ The *Compendium* dismisses it as not a right, but as a sad phenomenon that *contributes to spreading a mentality against life, representing a dangerous threat to a just and democratic social coexistence*.¹⁹⁶

Directly terminating pregnancy disrupts both the family and society. Beyond its ethical

194. Philip Keane, *Catholicism and Health-care Justice: Problems, Potentials, and Solutions*, (New York: Paulist Press, 2002),14.

195. In *Roe v. Wade*, the Court invoked the Fourteenth Amendment's concept of personal liberty and established a *right of personal privacy protected by the due process clause that includes the right of a woman to determine whether or not to bear a child*. What is also significant is the definition "person." The Court established that in the US Constitution, it did not include the unborn. Therefore, the unborn lacks *constitutional protection*. See "Abortion," *Justia Law*, accessed October 15, 2016, <http://law.justia.com/constitution/us/amendment-14/31-abortion.html>.

196. *Compendium*, # 233.

implications, procuring abortion has both psychological and social effects that extend from the woman to every other member of the household and community.¹⁹⁷

6. Contraception and the Teleology of Marriage

When *Dignitatis Humanae* came out, many conservative and traditionalist voices asked: Did Vatican II open the way for a new sexual ethics, particularly on the matters of contraception?¹⁹⁸ We saw earlier how *Casti Connubii* dominated Church teaching against contraception until Vatican II. Its influence continues today. Vatican II teaches the two-fold goods of marriage, but it did not issue any specific resolution to the issue of contraceptive use. It was Paul VI who gave the final position on contraception.

Humanae Vitae reaffirmed the Church teaching that contraception is immoral, but many Catholics dissent from the teaching. Some who supported the Majority Report of the Pontifical Commission on Birth Control call the encyclical cruel, dehumanizing, and unrealistic.¹⁹⁹ They claim that it is cruel and dehumanizing because it deprives a couple their right to engage in the marital act during the woman's fertile days. It is unrealistic, because there is always the chance of error, especially in women with irregular cycles. One problem identified by the Majority Report was confusing the *contraceptive acts* with a *contraceptive mentality*, the latter being the hedonistic rejection of the good of

197. The American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* 5th Edition (DSM-V), (Washington, DC: AMA, 2013), 309.81. The DSM-V does not acknowledge "post-abortion syndrome." It recognized post-traumatic stress disorder (PTSD) specific to gender caused by rape.

198. William May, *Contraception: Humanae Vitae and Catholic Moral Thought*, (Chicago: Franciscan Press, 1984), 8.

199. May, 9.

children. People who use contraceptives do not necessarily have a contraceptive mentality.²⁰⁰

Some moralists, as we have seen, described the encyclical as physicalist, which, according to Charles E. Curran, is its basic flaw. According to Curran, *Humanae Vitae* is *physicalist* because it placed great importance on the biological structure. He argues that the encyclical allows the marital act with the expressed intention not to procreate, but condemns as immoral, any interference with the physical structure.²⁰¹

The Church's argument for contraception appeals to the teleology of the sexual act rather than the language of dignity and rights. *Evangelium Vitae* made it clear that from the moral point of view, contraception and abortion are specifically different evils; the former contradicts the full truth of the sexual act as the proper expression of conjugal love, while the latter destroys the life of a human being. But while abortion is *opposed to the virtue of justice and directly violates the divine command*, contraception contradicts the full truth of the sexual act as the proper expression of conjugal love (EV # 13). Contraception, in Church teaching, is against the ends of marriage and not the dignity or rights of a person. If contraception is a different evil from abortion, then there is no ground for conflating the two issues together.

Other countries have different issues concerning contraceptives. The *Ethical and Religious Directives for Catholic Health Care Services*, by the USCCB, does not promote

200. John Paul II in EV # 13 said that the negative values inherent in the "contraceptive mentality" lived in respect for the full truth of the conjugal act-are such that they in fact strengthen this temptation when an unwanted life is conceived.

201. May, 14.

or condone, contraception in Catholic institutions, but allows NFP for married couples.²⁰² And while public policies allow the procurement and promotion of contraceptives, the bishops are seeking for an exemption rather than overturning the law compelling Catholic institutions to provide contraception and sterilization.²⁰³

The matter of exemption raises a similar issue in the RH Law: Conscientious objection on the grounds of religious conviction was among the arguments brought up to the Supreme Court to nullify the new law. In the early drafts, health professionals were required to provide contraceptives, even if it was against one's beliefs. Otherwise, they are required to refer the patient to another provider.²⁰⁴ The Supreme Court struck down the obligation to provide contraceptive care when it goes against religious or moral convictions. The compulsory referral was also deemed unconstitutional on the basis that it is a false compromise because it makes the providers complicit in an act that they find morally offensive.²⁰⁵

202. USCCB, *Ethical and Religious Directives for Catholic Health Care Services* 5th Edition, Nov. 17, 2009, accessed Nov. 6, 2016, <http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-Catholic-Health-Care-Services-fifth-edition-2009.pdf>, # 52-53.

203. USCCB, "Twelve Things Everyone Should Know About the "Contraceptive Mandate," accessed Nov. 6, 2016, <http://www.usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/upload/Twelve-Things-Everyone-Should-Know-About-the-Contraceptive-Mandate.pdf>. According to the USCCB, with the passing of the "contraceptive mandate," private health care plans must provide contraception and sterilization, with a very narrow exemption for some religious employers. The mandate doesn't exempt Catholic institutions like hospitals and universities, but *forces these institutions and others, against their conscience, to pay for or facilitate things they consider immoral.*

204. *Implementing Rules*, Sec. 301.

205. Pastoral Guidance, 2014.

I agree that the procreation of children is a good in marriage that must be promoted; that it is equally important to nurture the unitive aspect as well. But the procreative end should not become a burden to the spouses by depriving them of the unitive purpose of the marital act because of the woman's fertile periods. Even if every union is open to the transmission of life, not every sexual intercourse results in the procreation of children. In the same way, NFP doesn't always prevent conception.²⁰⁶

Artificial contraception and NFP *always have* the same intention – to prevent fertilization. The surrounding circumstance *may be* the same: the need to space pregnancy to support the family or to allow the mother to recuperate after a previous delivery. But they differ in their means: one uses an external device or hormone to prevent conception; the other depends on the cyclic ebb and flow of the woman's hormones. In the final analysis, it is about the bodily function. Moral theologians like Charles Curran, Bernard Haring, and others were quite correct in describing the prohibition against artificial contraceptives as physicalist.

206. Cf. May, 14. If Charles Curran was correct in his observation that Church teaching was concerned with biological structures, then arguments along that framework can also be offered. Let us consider the natural family planning (NFP) method. Since this method relies on the biology of the woman's body, there are important considerations to be understood. Complex factors affect the fertility of the couple, especially in women. In principle, the prohibition against artificial contraception and the promotion of NFP are appropriate if the woman's monthly cycle was accurate. But in reality, all women experience some form of irregular periods that render them fertile or infertile in undetermined days. Factors affect the regularity of a woman's period including physical and emotional stress, poor nutrition, and hormonal imbalance. In a developing country, these factors are common. There is the physical stress from work. Poverty aggravates poor nourishment. Hormonal imbalance and other diseases remain untreated because of the inaccessibility to health care services. All these could contribute to the irregularity of the woman's menstrual cycle, causing a higher failure rate to the NFP method. This situation can be frustrating and hurtful to many married couples who intend to plan their families.

Had the RH Law not been passed, at the behest of the bishops, then the Philippines would have missed a chance to have a comprehensive reproductive health program. The most vulnerable in society, namely the women and children, wouldn't receive the proper health care. On the other hand, if the bishops' influence over the provisions of bills had been considered, the Philippines would have had a law that endorses Catholic doctrine. Either way, the Philippine situation would be one that is closely aligned with Catholic beliefs. Which brings us back to the *problematic of religious liberty*: The Philippines is not a sacral state. It is a pluralistic nation that includes Muslims, Christians, and other religions. Islam does not disallow birth control.²⁰⁷ Other Christian churches have different views on contraceptive use with different frameworks from Catholicism.²⁰⁸

The preoccupation that every marital act must be open to life can be problematic. It limits the natural gifts of the couple to explore their relationship given building a family. If so, how can they become the proper expression of marital love? Would it be possible to shift the contraceptive discourse from the procreative end of marriage to the rights of the couple?

7. The Limits of Coercion in the RH Debates

Murray pointed out in *Dignitatis Humanae*, that freedom from coercive constraints means that the state cannot force a person to act against his or her conscience. For

207. Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* Expanded and Revised Ed., (London: One World, 2016), 8. Sex for non-procreative purposes was clearly permissible. Muslim authorities accepted contraceptive methods.

208. Bryan Hodge, *The Christian Case Against Contraception: Making the Case from Historical, Biblical, Systematic, and Practical Theology and Ethics*, (Eugene, OR: Wipf & Stock, 2010), xxi-xxiv.

example, governments cannot legislate a population control program forcing the citizens to adopt a one-child policy or force sterilization or do genital mutilation. This kind of law goes against the dignity of the person. On the other hand, freedom from restraints of acting according to one's conscience means that a person cannot be prohibited from making a moral choice. Public policy, in particular, should result from non-coercive public reasons and consensus.

Passing a law that espouses Catholic principles compels all citizens, both Catholics and non-Catholics, to follow it. It becomes a subtle form of coercing people to obey a set of religious teachings even if it goes against their beliefs, thereby effectively infringing on their right to religious freedom. The role of the government is not to establish or endorse religion. Rather, the government protects the public order where a person can exercise his or her freedom.

The position of the CBCP in the RH debates was flawed on many levels. When the bishops said that Catholic legislators were obliged to obey Church teaching on sexuality, they missed the fundamental principle that a person is, first and foremost, obliged to follow his or her conscience. The attempts to block the passing of a comprehensive reproductive healthcare system could have been disadvantageous to the marginalized in society, namely, the poor, the women, and the children. By influencing the state to abandon birth control measures, the bishops, in a paternalistic manner, denied a person the possibility of making a choice regarding contraceptive use. The arguments that the RH Law promoted AIDS, STI's, abortion, promiscuity and infidelity were unsubstantiated, circumstantial, and trivial. But the big blunder was conflating abortion and

contraception, framing it in terms of natural law and, in particular, intrinsic evil, and advancing it coercion.

The Church teaching against abortion is compelling because it is grounded on protecting the dignity and rights of the most vulnerable unborn child. Abortion, as an affront to human dignity, transgresses the public order. Thus, the government has a corresponding duty to prohibit abortion or curtail its harmful effects.

However, the opposition to contraception is founded on the teleology of the marital act, which is the openness of the sexual union to the transmission of life. Unlike the condemnation of abortion based on human dignity, the arguments against contraception rely on a physicalist interpretation of the natural law theory. While Catholics uphold this teaching, such argument is not persuasive to warrant legislating a law that is binding to the pluralistic polity. In its effort to protect the moral life of Filipinos, the Philippine bishops did a disservice to the Filipino people.

To summarize, the right to religious freedom as a paradigm in framing the RH debates does five things: It introduces the language of dignity and rights to the RH discourse. It provides an argument against abortion by promoting the dignity and rights of the most vulnerable unborn child. It challenges the traditional mold of arguing against abortion and contraception based on a physicalist interpretation of natural law and intrinsic evil. It challenges the framing of contraception based on the teleology of marriage. And finally, it provides a new understanding that reproductive rights are about protecting the woman's capacity to give life. The body of human rights has found its way in Catholic social teaching quite late. Understandably, there is apprehension on

the part of the CBCP to engage in this rhetoric. But doing so allows for more openness for dialogue with the state, civil society, and other religions – a direction that Vatican II has laid out for the Church.

PART THREE:

Finding A Way Forward

Chapter V

Propositions and Frameworks for Collaboration

I began this project by asking, what role did the Church play in public policy, in this case, the Philippine RH Law? I have discussed extensively how the Philippine Catholic bishops attempted to block the legislation of laws directed towards comprehensive reproductive healthcare services by their influence over Congress and the people. They objected to the bills because they were opposed to Church teaching, especially on marriage and human sexuality. It was also shown that the bishops' position and actions infringed on the duty of the state towards its pluralistic constituents. The passing of the RH Law ended the debates in an impasse.

I proposed religious liberty as a paradigm to reevaluate the debates and to reframe their arguments. So far, we saw that religious liberty as a paradigm in reframing the debates gives a compelling argument against abortion as a violation of the dignity and rights of most vulnerable – the unborn child. Human dignity and rights, which following John XXIII and Vatican II are now part of the social teachings of the Church, are convictions held by humanity as a whole. The opposition against contraception is based on a less persuasive argument derived from the goods of marriage, a belief that is largely limited to the Catholic hierarchy. At present, the RH Law is being implemented. So far, it has not received any opposition from the Catholic hierarchy or other non-government organization.

With the passing of the law, how can a pluralistic, albeit, predominantly Catholic society move forwards towards implementing a divisive law? Here are my propositions.

1. Framing the Abortion Issue as a Violation to Human Dignity

The Philippine bishops continues to be vigilant against any possible proposal for legalizing abortion. In the past, their opposition was based on the natural law theory and some papal documents. Although they invoked the defense of human dignity in some of their statements, there is the need for a paradigm shift in their condemnation of abortion. Framing their arguments in the language of rights and grounding their stance on the inherent dignity of the unborn are the strongest arguments they can make. It is the most compelling argument against abortion that is consistent with the social teachings of the Church.

Abortion is a criminal offense in the Philippines as well. Abortion, as a violation of rights and dignity, is an injustice and opposed to public order. To defend the life of the unborn means taking the side of the most vulnerable. This is also consistent with the thrust of the CBCP in PCP II to make the Philippine Church a genuine Church of the Poor since the unborn child, perhaps, is the most vulnerable of all creation.

2. Freedom of Conscience and the Choice of Using Birth Control

The right to religious liberty guarantees that a person exercises his or her freedom according to one's conscience. One of the critiques against the CBCP's position was their insistence that Catholic legislators follow Church teaching, when they should have been encouraging the vote on laws according to their conscience. The RH Law mandates that birth control methods be made available to those who choose to plan their families. Religious freedom protects the right of the person in making that choice on contraceptive use by not endorsing any particular religious moral teaching. On the other

hand, religious liberty also informs the public that they cannot be coerced by the government to use birth control.

3. Seeking Exemption in Implementing the RH Law

Since religious liberty is both a right of an individual and of associations, Catholic institutions can seek for an exemption from the implementation of the RH Law, similar to the example of the US bishops. But there should be limits to this exemption. Catholic institutions, although exempted from providing contraception, must not refuse providing post-abortion care. Since cross-hospital referrals may happen, a Catholic hospital must be obligated to ascertain that the said patient is stabilized. Refusing a patient post-abortion gynecological care is unjust and inhuman. It is making a judgment against a woman because she procured an abortion, something that is contrary to the Gospel message of charity and compassion.

4. Promoting Conscientious Objections for Health Providers

Religious freedom is the basis for the Supreme Court to uphold conscientious objections based on religious convictions. This was also mentioned in the CBCP *Guidelines in Implementing the RH Law*. Promoting this right among health workers, not only in Catholic hospitals, but also those in public service, is a valuable contribution that Church leaders can provide in the implementation of the RH Law. So far, there is a general lack of awareness about conscientious objection among physicians, midwives, and other providers who are attending to the women, especially in public hospitals, municipal health units, and Barangays. Taking this role is a valuable service to society.

Another matter that was not fully considered in the debates was the position of non-Catholics, particularly Muslims. Even non-Catholics have their own beliefs and attitudes towards abortion and birth control. The debates centered so much on Catholic teachings that the religious beliefs of other religions were often forgotten in the mainstream discussion. Consultation and dialogue are also necessary at this point. Doing it now, for their own sake, is academic and moot. But doing it, in view of conscientious objection, makes the matter relevant.

5. Women's Reproductive Rights

The language of rights and dignity introduced by *Dignitatis Humanae* in Church teaching, also promotes the recognition and protection of women's rights. In his recent exhortation, *Amoris Laetitia*, Pope Francis spoke highly of the dignity and rights of women. The apprehension that Catholic bishops had towards women's rights was its link with "reproductive rights." But as we have seen, women's reproductive rights are not about abortion and the culture of death, but it is about protecting the woman's capacity to give life. This paradigm may be new and unacceptable to some conservative Catholics, but it is not also contradictory to the Church's social teaching that advanced women's dignity. The recent apostolic exhortation by Pope Francis on the family, *Amoris Laetitia*, included an appraisal of the dignity and rights of women, which may prove valuable to the CBCP.

The RH Law also ensures that women's well-being is protected. It requires local government units to constantly monitor the services provided by the barangay health services and municipal health units by checking facilities and making regular Maternal

Death Review and Fetal and Infant Death Review.²⁰⁹ It also provides disease prevention and surveillance, vaccination, and nutrition. While it is the government and auxiliary agencies that are directly responsible, the Church can support them by encouraging its members to provide these services, especially given that majority of Catholic women and children are also poor.

6. Values Education to Complement Age- Appropriate Sex Education

One of the controversial provisions of the RH bill was the age-appropriate sex education to be introduced into the school system. The fear was that it encourages promiscuity at an early age. The concerns may be valid since many Filipino have conservative attitudes towards sexuality. This is an area where the Philippine Church can contribute much. Through the parishes, schools, and associations, the Church can provide values education and formation to balance this campaign. Section 11 of the Implementing Rules and Regulations identified the need for the appropriate course content, scope and methodology in each educational level or group, training of competent teachers, and the consultations with parents, teachers, the community, school officials, civil society organizations, and other interest groups.²¹⁰ The output will greatly benefit young people.

7. Correcting Misconceptions

The conflation of abortion and contraception was the result of misconceptions that were left uncorrected. These were reinforced by well-meaning pastors by not correcting

209. Implementing Rules, Sec. 12.02.

210. Implementing Rules, Sec 11.01

them. In future pastoral statements, distinctions should be made between abortion and contraception, abortifacients and contraceptives. The example given by John Paul II in *Evangelium Vitae* is valuable because it distinguishes one from the other. Pastoral statements are intended to guide the faithful in order to help them in making moral choices. Sweeping statements, like contraceptives causing promiscuity or condoms having high failure rates, need to be verified and substantiated with evidence. Sound doctrine must come with correct information. Otherwise, if the information is erroneous, it might cast doubts on the authority of the statement itself.

8. Beyond the RH Debates: Extrajudicial Killings

It has been four years since the RH bill became law. But while the implementation is slow, and the issues unresolved, there are other emerging concerns in the country that arose recently. Among them are the spate of extrajudicial killings that were perpetrated by the government's anti-drug campaign. In the three months after the incumbent president, Rodrigo Duterte, took office, the number of victims rose to more than 2,400.²¹¹ Many were killed by motorcycle-riding gunmen or became victims by police rub-out. The president was reported to have encouraged these actions, which make people ask if these killings were sanctioned by him.

The manner by which the victims are killed are deplorable: the victim is usually shot at close range, sometimes it is done in front of other family members. After shooting, the body is left lying where the victim was shot with a piece of cardboard identifying the

211. "Philippines: Rodrigo Duterte's Drug War Claims 2,400 Lives," Time, , accessed November 10, 2016, <http://time.com/4478954/philippines-rodrigo-duterte-drug-war-vigilante-killing-deaths/>.

person as a drug pusher. The majority of those killed so far belong to the poorer classes. Many police personnel were linked to the killings. The extrajudicial killing of suspected drug pushers and users deprives him or her the due process of law and the opportunity for rehabilitation and conversion. While advocates for human rights strongly condemn these acts, the general attitude of the public is indifference. The nation is divided between those who are against it and those who see it as a means to attain a drug-free and peaceful society. But the division is also politically colored. The president himself attacked the Commission on Human Rights who called his attention to the many violations against human rights. This fueled many of his supporters to attack the commission as well. While Duterte might not have ordered the killing of every victim, he created a situation that allowed the killings with impunity to happen.

Similar summary executions and threats are done to members of the indigenous communities who are fighting for their right to their ancestral domain and who struggle to protect the land and its resources that are part of their identity. The militarization in their ancestral domains are intended to intimidate them to give up their claims over the land. These areas are then leased to multinational companies for mining or other agricultural projects. As a result, many indigenous communities are displaced and the natural environment destroyed.

Catholic teaching, the *Universal Declaration*, and the *Philippine Constitution* all protect the dignity and rights of every person. Among these rights are the rights to life, liberty and security; the right to due process; the right to be presumed innocent; and not to be submitted to torture and inhuman forms of punishment. So far, many religious

orders have issued statements condemning them. The CBCP took a more cautious approach, although many bishops have spoken against it.

The framework of human dignity is relevant to this issue, because extrajudicial killing attacks the very dignity and right of a person. The way out of this situation is to condemn the atrocities. And while the Church must stand strong against the killings, the institution must also provide support to those drug users seeking rehabilitation. The 1997 CBCP statement on the drug crisis, *Choose Life*, is more relevant than ever. It was a statement founded on the appreciation of human life and dignity, an argument that is relevant today as it was almost twenty years ago.

Conclusion

The Philippines is a pluralistic society with a Catholic majority. Given this situation, it is the duty of the Philippine government to protect the public order and the rights of every citizen. Its legislators have an obligation to pass laws and policies that are fair, unbiased, and which promotes the common good. These public policies ensure the freedom to exercise the people's rights regardless of religious beliefs and affiliation. Under the right to religious freedom, the government does not legislate laws that endorse or support any particular religious tradition.

The RH debates were not about the Catholic bishops wanting to implement ecclesiastical laws in society, but their intention was to prevent the passage of legislation that was deemed *immoral* and inconsistent with Church teachings. But instead of putting it in the public forum, they sought to influence the legislation process by using the play of power, by employing threats, and by mobilizing the faithful. The intention of Philippine Catholic bishops may have been noble because it was directed to protecting the morality of our people, but they erred when they sought to impose their beliefs on the pluralistic minority as well. The stance on marriage was intended to protect the well-being of the family, but the bishops' statements excluded a significant number of Filipino Catholics who, by circumstance or by choice, do not live according to the conventional norms of family life. The position against population control and birth control were intended because it sought to protect human life.

Religious liberty provides a paradigm of responding to the moral questions of the reproductive health law. Although religious freedom doesn't solve dilemmas regarding

abortion or contraception confronting Catholics, it introduced the language of rights and dignity in Church teaching that proved significant in addressing the issues. Condemning abortion because of its violation of the dignity and rights of the unborn is a compelling argument against it, while the arguments against contraception based on a physicalist interpretation of natural law are not persuasive to warrant legislation in the pluralistic society. The debates were opportunities for reexamining how the state and the Church see the rights of women. The RH Law ensures to promote women's well-being, something that the Philippine bishops remain cautious. But now that the debates are over, it also an opportune time for the revered institution of the CBCP to re-evaluate its position on women, their rights, and their contribution to the Church and society.

The RH debates were a wake-up call for the bishops from the privileged and revered position they once held in society. The power struggle and the loss of moral authority in the public forum were signs that of a changing reality in Filipino consciousness that are more critical and involved in social issues. It took almost twenty years before the RH Law was passed, a reminder that the persistence and patience of the people enabled the provision of better healthcare services.

The Declaration on Religious Freedom ended with the hope that people of *different cultures and religions are being brought together in closer relationships*. There is a growing consciousness of the personal responsibility that every person has. So that relationship of peace and harmony will be established and maintained, the Declaration recognizes the need for respect be shown to every person to freely lead one's religious life in society (DH, # 15).

The history of our nation showed the resiliency of our people in the midst of colonial rule, revolutions, wars, and martial law. With unwavering faith and perseverance, our people faced the struggles and triumphs. Through it all, the Filipino people emerged stronger with our deep sense of religiosity and our love for freedom.

Appendix:

Chronology of CBCP Statements on Population Control and Reproductive Health

These are the documents from the Catholic Bishops Conference of the Philippines (CBCP) that address population control, the reproductive health bills, the Reproductive Health Law of 2012, and the Implementing Rules of the RH Law. The (13) key documents are written in bold. All documents are from the Media Office of the Catholic Bishops Conference of the Philippines. <http://cbcponline.net/v2/>

1960's

July 4, 1969 *Statement of the Catholic Bishops on Public Policy Regarding Population Growth Control* (Secretary General: Bishop Mariano Gaviola) The CBCP issued this statement after President Ferdinand Marcos signed the Declaration on Population by twelve World Leaders in 1966. The bishops were concerned of the rising demography and population problem, but supported the Government Commission on Population.

1970-1979

Dec. 8, 1973 *Moral Norms for Catholic Hospitals and Catholic Health Services* (President: Archbishop Teopisto Alberto) This guideline was addressed to medical institutions, hospital administrators and staff, and religious communities. It reiterated the message of *Dignitatis Humanae*, of protecting life from conception. and condemning contraception, particularly sterilization.

Dec. 8, 1973 *Pastoral Letter of the Catholic Hierarchy of the Philippines on the Population Problem and Family Life* (President: Archbishop Teopisto Alberto) Issued on the same day, this letter begged the faithful to reflect on the meaning of "improvement of the quality of life." It rejected contraception as depersonalizing and advocated for "inner control" in addressing the growing population problem.

Jan 30, 1976 *Statement on the Doctrine of the Church on Christian Marriage* (President: Cardinal Julio Rosales) The document defended the position against divorced as opposed to the teaching of Vatican II on the sanctity of marriage.

May 1, 1976 *Joint Pastoral Letter on Christian Marriage and Family Life* (President: Cardinal Julio Rosales) The letter affirmed the Filipino and Christian values. Here, the bishops defended the 'splendor' of Christian marriage and reiterated what

they perceived as threats to the institution of marriage, like divorce, abortion, and sterilization. It also promoted the role of critical parents in forming their children.

1980-1989

There were no statements addressing reproductive health during this time.

1990-1999

(Prior to the Second Plenary Council of the Philippines – PCP II)

July 10, 1990 *Guiding Principles of the Catholic Bishops' Conference of the Philippines on Population Control* (President: Bishop Leonardo Legaspi) This document that was intended for the faithful, underscored responsible parenthood, but rejected contraception and the supposed coercion by government to implement its programs.

Oct. 7, 1990 *“Love is Life”: A Pastoral Letter on the Population Control Activities of the Philippine Government and Planned Parenthood Associations* (President: Bishop Leonardo Legaspi) The document was addressed to various sectors of society, in line with the population control program initiated by the government at that time. No new arguments were made, but reiterated the body's position in 1973.

(Documents Issued Following PCP-II)

Jan. 23, 1993 *“In the Compassion of Jesus”: Pastoral Letter on AIDS* (President: Bishop Carmelo Morelos) This was a significant statement by the CBCP that addressed the growing HIV/AIDS problem worldwide. It called the faithful to a moral reflection and response to the AIDS problem.

July 13, 1993 *“Save the Family and Live”: A Pastoral Letter of the Catholic Bishops' Conference of the Philippines on the Family* (President: Bishop Carmelo Morelos) Issued in line with the International Year of the Family, this document described the changing realities affecting the Filipino family. It again reiterated its opposition to population and birth controls.

July 10, 1994 *Pastoral Statement on the Cairo International Conference on Population and Development* (President: Bishop Carmelo Morelos) In this letter, the bishops recounted its previous appeal to the Philippine president to remind the countries

representative to the conference of upholding Christian values and the Philippine law that prohibits divorce and abortion.

July 9, 1995 ***“I Will Make a Suitable Companion for Him” (Gen. 2:18) – Pastoral Statement on the Forthcoming Fourth World Conference on Women in Beijing*** (President: Bishop Carmelo Morelos) The document called for the delegates to the conference to uphold the values of the Filipino people and to stand against issues that are opposed to the dignity of women, particularly abortion.

Dec. 1, 1998 ***A Pastoral Letter on Human Rights*** (Archbishop Oscar Cruz) This letter was issued at the centennial of Philippine independence and in commemoration of the anniversary of the Declaration of Human Rights. It enumerated the areas in Philippine society where human rights are to be promoted and protected including the right of laborers, women, children, and indigenous communities.

2000-2009

Jan. 26, 2000 ***“That they may have life and have it abundantly”: Pastoral Statement on the Defense of Life and Family*** (President: Archbishop Orlando Quevedo) This statement condemned four legislative bills submitted in Congress that were deemed promoting abortion (HB 6343), population control (HB 8110), divorce (HB 6993,) and same-sex marriage (HB 7165).

Dec. 2, 2001 ***“Saving and Strengthening the Filipino Family”*** (President: Archbishop Orlando Quevedo). This document was written during the anniversary of *Familiaris Consortio*. It praised the relevance of the encyclical on family life, while renouncing the growing number of irregular unions among Filipino couples.

Dec. 2, 2002 ***The Christian Family, Good news for the Third Millennium*** (President: Archbishop Orlando Quevedo). This was a pastoral statement for the Fourth World Meeting of Families. The bishops highlighted the socio-economic problems affecting the family. At the same time, the bishops, in this statement, affirmed the mission of the family in the Church.

Feb. 18, 2005 ***“Hold on to Your Precious Gifts”: A Pastoral Letter on Population Control and Ligas Buntis Program*** (President: Fernando Capalla) The document addressed specifically the government program on maternal health care. The said program was suspected to have population control as a hidden agenda, which the CBCP condemned.

Sept. 18, 2005 ***“Karangalan ng Bayan, Pamilya ang Pinagmulan”*** (President: Archbishop Fernando Capalla) This pastoral letter was issued on the occasion of the National Celebration of Family Week. It introduced the theme on the well-being of society and its ties with the situation of the Filipino family. The bishops also called for discernment among married couples on the challenge of family planning.

Nov. 14, 2008 ***Standing Up for the Gospel of Life*** (President: Archbishop Angel Lagdameo) This was another letter that condemned HB 5043. It reiterated previous statements asking legislators to reject the bill in Congress to protect Christian family values.

Sept. 16, 2009 ***Reiterating the CBCP Position on Family*** (President: Archbishop Angel Lagdameo) This statement addressed HB 5043, an earlier version of the RH bill of 2011. HB 5043 was suspected to promote contraceptive techniques, particularly bi-tubal ligation and vasectomy as population control methods. It also rejected the proposal of mandatory sex education incorporated in the Grade V to high school curriculum.

Mar. 2, 2010 ***On the Government’s Revitalized Promotion of Condoms*** (President: Bishop Nereo Odchimar) In this document, the CBCP directly addressed the condom issue. They warned the public of the failure rate of condoms and asked the government to divert the funds to other medical services instead.

July 24, 2010 ***Securing our Heritage: Towards a Moral Society*** (President: Bishop Nereo Odchimar) This pastoral letter was against the proposed sex education that was to be incorporated in grade school curriculum.

Jan. 30, 2011 ***“Pili sa Kinabuhi Isalikway and RH Bill”*** and ***“Panigan ang Buhat, Tanggihan ang RH Bill”*** (President: Bishop Nereo Odchimar) These two pastoral letters written in Cebuano and in Tagalog reiterated the same position taken by the CBCP in the previous pastoral letter.

Dec. 15, 2012 ***“Contraception is Corruption!” Seeking Light and Guidance on the RH Bill Issue*** (by Vice President: Archbishop Socrates Villegas) This statement was issued at the height of the voting in Congress. In a final attempt, it appealed to the legislators to vote against the bill. The bishop also lauded those congressmen who already voted against it. Apart from the appeal, no new arguments were made.

July 7, 2014 ***Pastoral Guidance on the Implementation of the RH Law*** (President: Archbishop Socrates Villegas) This statement was issued after the Supreme Court of the Philippines upheld the constitutionality of the Philippine RH Law of 2012. The bishops called for vigilance on the part of the people in the programs for implantation. It highlighted salient points including conscientious objection. Notably, this was the first time the bishops clearly defined and differentiated abortion from contraception, when it described what abortifacient methods are.

Bibliography

Conciliar Documents

- Ad Gentes – Decree on the Church’s Missionary Activity.* Promulgated by Pope Paul VI. Vatican City 1965. Web. Accessed on October 22, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651207_ad-gentes_en.html.
- Apostolicam Actuositatem – Decree on the Apostolate of the Laity.* Promulgated by Pope Paul VI. Vatican City. 1965. Web. Accessed on October 28, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651118_apostolicam-actuositatem_en.html.
- Christus Dominus – Decree Concerning the Pastoral Office of Bishops in the Church.* Promulgated by Pope Paul VI. Vatican City. 1965. Accessed on Oct. 30, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_christus-dominus_en.html.
- Dei Verbum – Dogmatic Constitution on Divine Revelation.* Promulgated by Pope Paul VI. Vatican City 1965. Accessed on October 29, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651118_dei-verbum_en.html.
- Dignitatis Humanae – Declaration on Religious Freedom.* Promulgated by Pope Paul VI. Vatican City. 1965. Accessed on October 29, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html.
- Gaudium et Spes – Pastoral Constitution of the Church in the Modern World.* Promulgated by Pope Paul VI. Vatican City. 1965. Accessed on Oct. 29, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html.
- Lumen Gentium – Dogmatic Constitution of the Church.* Promulgated by Pope Paul VI. Vatican City. 1964. Web. Accessed October 29, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.
- Nostra Aetate – Declaration on the Relation of the Church to Non-Christian Religions.* Promulgated by Pope Paul VI. Vatican City. 1965. Accessed on October 30, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html.

Sacrosanctum Concilium – Constitution on the Sacred Liturgy. Promulgated by Pope Paul VI. Vatican City. 1963. Accessed on October 10, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19631204_sacrosanctum-concilium_en.html.

Unitatis Redintegratio – Decree on Ecumenism. Promulgated by Pope Paul VI. Vatican City. 1965. Accessed October 30, 2015.
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html.

Encyclicals

Francis, *Amoris Laetitia*. Vatican City: Libreria Editrice Vaticana, 2016. Accessed Aug. 10, 2016.
https://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf.

_____. *Evangelii Gaudium – Apostolic Exhortation on the Proclamation of the Gospel in the World Today*. Pasay City: Paulines. 2013.

_____. *Laudato Si – Encyclical letter of the Holy Father Francis on Care for Our Common Home*. Vatican City: Libreria Editrice Vaticana, 2015. Accessed October 19, 2015.
http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

John XXIII, *Mater et Magistra – Encyclical of Pope John XXIII on Christianity and Social Progress*. Vatican City: Libreria Editrice Vaticana, 1961. Accessed April, 2015.
http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html.

_____. *Pacem in Terris – Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity and Liberty*. Vatican City: Libreria Editrice Vaticana, 1963. Accessed April, 2015.
http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.

John Paul II. *Christi Fidelis Laici - Post-Synodal Apostolic Exhortation on the Vocation and the Mission of the Lay Faithful*. 1988. Accessed October 29, 2015.
http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici.pdf.

_____. *Evangelium Vitae – On the Value and Inviolability of Life*. Vatican City: Libreria Editrice Vaticana, 1995. Accessed April, 2015.
http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html.

- _____. *Laborem Exercens*. Vatican City: Libreria Editrice Vaticana, 1981. Accessed April 2015. http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens.html.
- _____. *Mulieris Dignitatem*. Vatican City, August 1988. Accessed November 2016. <https://www.ewtn.com/library/PAPALDOC/JP2MULIE.HTM>.
- _____. *Sollicitudo rei Socialis*. Vatican City: Libreria Editrice Vaticana, 1995. Accessed April 2015. http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis.html.
- _____. *Veritatis Splendor*. Vatican City: Libreria Editrice Vaticana, 1995. Accessed November 2016. http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html.
- Pius XI. *Casti Connubii – Encyclical on Christian Marriage*. Vatican City, 1930. Accessed November 2016. https://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19301231_casti-connubii.html.
- Pius XII. *Divino Afflante Spiritu – Encyclical on Promoting Biblical Studies*. Vatican City, 1943. Accessed October 2016. http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_30091943_divino-afflante-spiritu.html.
- Paul VI. *Humanae Vitae – Encyclical Letter on the Regulation of Birth*. Vatican City, 1968. Accessed on June 2015. http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae.html.
- _____. *Populorum Progressio – Encyclical on the Development of People*. Vatican City, 1967. Accessed October 2016. http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html.

Other Church Documents

Catechism of the Catholic Church: Revised in Accordance with the Official Latin Text Promulgated by John Paul II. India: Claretian Publication. 1999.

Congregation for the Doctrine of Faith. *Declaration on Procured Abortion*. Vatican City: Libreria Editrice Vaticana, November 1974. Accessed October 2016. http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_faith_doc_19741118_declaration-abortion_en.html.

_____. *Dignitas Personae – Instruction on Certain Bioethical Questions*. Vatican City:

Libreria Editrice Vaticana, 2008. Accessed on Sept. 23, 2015, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_faith_doc_20081208_dignitas-personae_en.html.

_____. Doctrinal Note on Some Questions Regarding the Participation of Catholic in the Political Life. Vatican City: Libreria Editrice Vaticana, 2002. Accessed Nov. 2016. http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_faith_doc_20021124_politica_en.html.

_____. *Donum Vitae – Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation Replies to Certain Questions of the Day*. Vatican City: Libreria Editrice Vaticana, 1987. Accessed on Sept. 23, 2015, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_faith_doc_19870222_respect-for-human-life_en.html.

Pontifical Council for the Family. *Declaration on the Decrease of Fertility in the World*. February 14, 1988. Accessed September 30, 2016. http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_29041998_fecondita_en.html

Pontifical Council for Justice and Peace. *Compendium of the Social Doctrine of the Church*. Vatican City: Libreria Editrice Vaticana, 2004.

Pontifical Council for Pastoral Assistance to Health Care Workers. *The Charter for Health Care Workers*. Vatican City, 1995. Available Online in Women for Health and Family. Accessed April 2015. <http://www.wf-f.org/healthcarecharter.html>.

USCCB. *Called and Gifted the American Catholic Laity*. Washington, DC: USCCB, 1980. Accessed October 28, 2015. http://www.usccb.org/about/laity-marriage-family-life-and-youth/laity/upload/called_and_gifted.pdf.

_____. *Co-Workers in the Vineyard of the Lord: A Resource for Guiding the Development of Lay Ecclesial Ministry*. Washington, DC: USCCB, 2005. Accessed October 28, 2015. <http://www.usccb.org/upload/co-workers-vineyard-lay-ecclesial-ministry-2005.pdf>.

_____. *Ethical and Religious Directives for Catholic Health Care Services* 5th Edition. November 2009. Accessed Nov. 6, 2016. <http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/upload/Ethical-Religious-Directives-Catholic-Health-Care-Services-fifth-edition-2009.pdf>.

_____. “Twelve Things Everyone Should Know About the Contraceptive Mandate.”

Secretariat of Pro-Life. Accessed Nov. 6, 2016. <http://www.usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/upload/Twelve-Things-Everyone-Should-Know-About-the-Contraceptive-Mandate.pdf>.

Documents from the Catholic Bishops' Conference of the Philippines (CBCP)

Catholic Bishops' Conference of the Philippines. *Acts and Decrees of the Second Plenary Council of the Philippines*. Holy Apostles Seminary, Makati, Metro Manila from 20 January-17 February 1991. Manila: Paulines Pub. House, 1992.

Catholic Bishops' of the Philippines. "A Pastoral Letter on Human Rights." CBCP Online. December 1998. Accessed Sept. 1, 2016. <http://cbcponline.net/v2/?p=422>.

_____. "A Pastoral Letter on the National Celebration of Family Week." CBCP Online. September 18, 2005. Accessed August 2016. <http://cbcpwebsite.com/2000s/2005/2005karangalan.html>.

_____. "Choose Life: A Pastoral Letter on Drugs." CBCP Online. July 1997. Accessed October 4, 2016. <http://cbcponline.net/v2/?p=379>.

_____. "Choosing Life Rejecting the RH Bill" CBCP Online. January 30, 2011. Accessed September 2016. <http://cbcpwebsite.com/2010s/2011/choosing.html>.

_____. "Contraception Is Corruption: A CBCP Pastoral Letter on the latest decision on Reproductive Health Bill." CBCP Online. December 15, 2012. Accessed September 10, 2016. <http://cbcpwebsite.com/2010s/2012/contraception.html>.

_____. "Hold On To Your Precious Gift: A Pastoral Letter on Population Control Legislation and the "Ligtas Buntis" Program." CBCP Online. February 18, 2005. Accessed August 21, 2016. <http://cbcpwebsite.com/2000s/2005/holdon.html>.

_____. "I Will Make a Suitable Companion for Him" (Gen. 2:18) – Pastoral Statement on the Forthcoming Fourth World Conference on Women in Beijing," CBCP Online. July 5, 1995. Accessed September 10, 2016. <http://cbcponline.net/v2/?p=8085>.

_____. "In the Compassion of Christ – A Pastoral Letter on AIDS." CBCP Online. January 1993. Accessed September 10, 2016. http://cbcponline.net/v2/?page_id=1801.

_____. "*Karangalan ng Bayan* – A Pastoral Letter on the National Celebration of Family Week." CBCP Online. September 18, 2005. Accessed August 16, 2016. <http://cbcponline.net/v2/?p=8129>.

- _____. "On the Government's Revitalized Campaign on Condoms," CBCP Online. March 2, 2010. Accessed September 10, 2016. <http://cbcponline.net/v2/?p=580>.
- _____. "Pastoral Guide to the Implementation of the Reproductive Health Law." CBCP Online July 7, 2014. Accessed Sept. 10, 2016. <http://cbcpwebsite.com/Messages/rhlaw1.html>.
- _____. "Pastoral Statement on the Cairo International Conference on Population and Development." CBCP Online. July 10, 1994. Accessed September 10, 2016. <http://cbcponline.net/v2/?p=356>.
- _____. "Reiterating CBCP Position on Family." CBCP Online. September 16, 2009. Accessed August 8, 2016. <http://cbcpwebsite.com/2000s/2009/index.html>.
- _____. "Save the Family and Live (A Pastoral Letter of the Catholic Bishops' Conference of the Philippines on the Family)." CBCP Online. July 13, 1993. Accessed September 1, 2016. <http://cbcpwebsite.com/1990s/1993/index.html>.
- _____. "Saving and Strengthening the Filipino Family." CBCP Online. December 2, 2001. Accessed September 1, 2016. <http://cbcponline.net/v2/?p=465>
- _____. "Securing Our Moral Heritage: Towards a Moral Society." CBCP Online. July 24, 2010. Accessed August 8, 2016. <http://cbcpwebsite.com/2010s/2010Docs/index.html>.
- _____. "Standing up for the Gospel of Life: CBCP Pastoral Statement on Reproductive Health Bill." CBCP Online. November 14, 2008. Accessed July 16, 2016. <http://cbcpwebsite.com/2000s/2008/index.html>.
- _____. "Statement of the Catholic Bishops on Public Policy Regarding Population Growth Control." CBCP Online. 1963. Accessed September 10, 2016. <http://cbcponline.net/v2/?p=8028>.
- _____. "That They May Have Life, and Have It Abundantly: A Pastoral Statement on the Defense of Life and Family." CBCP Online. 2000. Accessed September 10, 2016. <http://cbcpwebsite.com/2000s/2000Docs/thatthey.html>.
- _____. "We Must Reject House Bill 4110 (A Pastoral Statement)." CBCP Online. May 31, 2003. Accessed September 1, 2016. <http://cbcpwebsite.com/2000s/2003/reject.html>.

Official Documents from the Republic of the Philippines

- The 1987 Constitution of the Republic of the Philippines. Online: 1987. Accessed April 28, 2015. <http://www.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-xiii/>.
- Department of Health. "Philippine Statistics". Republic of the Philippines DOH: 2011. Accessed on April 2016. http://www.doh.gov.ph/kp/statistics/demographic_profile.html
- Department of Health - Epidemiology Bureau. "HIV/AIDS and Antiretroviral Therapy Registry of the Philippines." May 2015.
- National Statistics Office. "Philippine National Demographic and Health Survey 2013." National Statistics Office-Philippine Statistics Authority. 2014. Accessed April 28, 2015. <http://microdata.worldbank.org/index.php/catalog/2060>.
- Official Gazette. "Republic Act No. 10354 (2012)." April 18, 2014. Accessed April 9, 2015. <http://www.gov.ph/2012/12/21/republic-act-no-10354/>.
- Philippine Commission on Women. "Statistics on Filipino Women and Men's Labor and Employment." May 13, 2014, accessed September 19, 2016, <http://pcw.gov.ph/statistics/201405/statistics-filipino-women-and-mens-labor-and-employment>.
- Philippine Statistics Authority. "Mindanao Population". Online: 2007. Accessed May 7, 2015. <http://web0.psa.gov.ph/content/mindanao-comprised-about-24-percent-philippines-total-population>.
- Republic of the Philippines. *Family Code of the Philippines*. 1987. Accessed Aug. 17, 2016. <http://www.chanrobles.com/executiveorderno209.htm#.V7SkK1srLIU>.
- _____. "Implementing Rules and Regulations of Republic Act 10354." March 18, 2012. Accessed September 8, 2016. <http://www.gov.ph/2013/03/18/implementing-rules-and-regulations-of-republic-act-no-10354/>
- _____. "Memorandum: Carpenter Agreement." March 1915. Accessed October 2016. <http://www.gov.ph/1915/03/22/memorandum-carpenter-agreement-march-22-1915/>.
- _____. *Republic Act 9710 Magna Carta of Women*. Accessed May 2, 2016. http://pcw.gov.ph/sites/default/files/documents/laws/republic_act_9710.pdf.
- _____. Revised Penal Code. Manila, 1930. Accessed April 30, 2015.

<http://www.chanrobles.com/revisedpenalcodeofthephilippines.htm#>

_____. "The Indigenous Peoples Rights Act of 1987". Office of the Presidential Adviser for Peace Process. Online: Oct. 2011. Accessed on May 13, 2015. <http://www.opapp.gov.ph/resources/indigenous-peoples%E2%80%99-rights-act-1997>.

Rural Poverty Portal. "Poverty in the Philippines". International Fund for Agricultural: 2012. Accessed April 17, 2015. <http://www.ruralpovertyportal.org/country/home/tags/philippines>.

Books

Alberigo, Giuseppe. *A Brief History of Vatican II*. Maryknoll, NY: Orbis Books, 2006.

Ali, Kecia. *Sexual Ethics and Islam: Feminist Reflection on Qur'an, Hadith, and Jurisprudence*. London: One World, 2016.

American Psychiatric Association. *Diagnostic and Statistical Manual of Mental Disorders* 5th Edition (DSM-V). Washington, DC: AMA, 2013.

Anderson, Gerald. *Studies in Philippine Church History*. London: Cornell University Press, 1969. Banchoff, Thomas and Robert Wuthnow, ed., *Religion and the Global Politics of Human Rights* New York: Oxford University Press, 2011.

Bandt, Lawrence. *John Courtney Murray and Religious Liberty: An American Heritage*. Rome: Pontificia Universita Lateranense, 1983.

Beauchamp, Tom and James Childress. *Principles of Biomedical Ethics* 7th ed. Oxford: Oxford University, 2009.

Belita, Jimmy. *From Logos to Diwa*. Manila: De LaSalle University, 1986.

Bevans, Stephen and Jeffrey Gros. *Evangelization and Religious Freedom: Ad Gentes, Dignitatis Humanae*. Mahwah, New Jersey: Paulist Press, 2009.

Brigham, Erin, *See. Judge, Act: Catholic Social Teaching and Service Learning*, Winona Minnesota: Anselm Academic, 2013.

Brown, Raymond, Joseph Fitzmyer, and Ronald Murphey, eds. *The New Jerome Biblical Commentary*. New Jersey: Prentice Hall, 1990.

Cahill, Lisa Sowle. *Theological Bioethics: Participation, Justice and Change*. Washington, DC: Georgetown University Press, 2005.

- Caravias, Jose Luis. *Living in Christ, Basic Christian Communities, Christ-Centered Communities*. Quezon City: Claretian, 1990.
- Cannell, Fanella. *Power and Intimacy in the Christian Philippines*. Cambridge: Cambridge University Press, 1999.
- Chan, Simon. *Grassroots Asian Theology: Thinking the Faith from Ground Up*. Downers Grove, Illinois: Inter Varsity Press, 2014.
- Claver, Francisco, SJ. *The Making of a Local Church*. Maryknoll, New York: Orbis Books, 2008.
- _____. *The Stones Will Cry Out: Grassroots Pastorals*. Maryknoll, New York: Orbis Books, 1978.
- Crowley, Paul. *From Vatican II to Francis Charting a Catholic Future*. Maryknoll, NY: Orbis Press. 2014.
- Cunningham, F. Garry, Kenneth Leveno, et. al, *Williams Obstetrics 24th Ed*. New York: McGraw Hill, 2014.
- Curran, Charles. *Catholic Social Teaching 1891-Present: A Historical, Theological and Ethical Analysis*. Washington D.C.: Georgetown University Press, 2002.
- Dioniso, Eleanor, ed. *Becoming a Church of the Poor: Philippine Catholicism After the Second Plenary Council*. Quezon City, Philippines: John J. Carroll Institute on Church and Social Issue, 2011.
- Dominguez, Arsenio and Edith Dominguez. *Theological Themes for the Philippine Church*. Quezon City: New Day Publishers, 1989.
- Farley, Margaret. *A Framework for Christian Social Ethics*. New York: Continuum International, 2006.
- Faggioli, Massimo. *True Reform: Liturgy and Ecclesiology in Sacrosanctum Concilium*. Collegeville, MN: Liturgical Press, 2012.
- _____. *Vatican II The Battle for Meaning*. Mahwah, NJ: Paulist Press. 2012.
- Farmer, Paul. *In the Company of the Poor Conversations with Dr. Paul Farmer and Fr. Gustavo Gutierrez*. Michael Griffin and Jennie Weiss Block, ed. Maryknoll, New York: Orbis Books, 2013.
- Fauci, Anthony, Eugene Braunwald, et. al. *Harrison's Manual of Medicine*. 17th ed. New

- York: McGraw Hill, 2009.
- Finnis, John. *Human Rights and Common Good* Vol. III. Oxford: Oxford University Press, 2011. Ford, John, ed. *Religious Liberty: Paul VI and Dignitatis Humanae*. Brescia: Istituto Pauli VI, 1995.
- Fischer, Anthony. *Catholic Bioethics for a New Millenium*. Cambridge: Cambridge University Press, 2012.
- Gaillardetz, Richard. *The Church in the Making*. Mahwah, NJ: Paulist Press, 2006.
- _____. *Witness to the Faith: Community, Infallibility, and the Ordinary Magisterium of Bishops*. New York: Paulist Press, 1992.
- Gaillardetz, Richard and Catherine Clifford. *Keys to the Council Unlocking the Teaching of Vatican II*. Collegeville, Minnesota: Liturgical Press, 2012.
- Gaspar, Karl. *How Long? Prison Reflections from the Philippines*. Melbourne: Dove Communications, 1986.
- Genillo, Eric Marcelo. "Church Power and the Reproductive Health Debate in the Philippines." *Doing Asian Theological Ethics in a Cross-cultural and an Interreligious Context*, Yiu Sing Lucas Chan, et. al. eds. Bengaluru, India: Dharmaram Publications, 2016.
- Gill, Robin. *Health Care and Christian Ethics*. Cambridge: Cambridge University Press, 2006.
- Grasso, Kenneth and Robert Hunt, eds. *Catholicism and Religious Freedom*. Lanham, MD: Roman and Littlefield, 2006.
- Green Joel, ed. *Dictionary of Scriptures and Ethics*. Grand Rapids: Baker Publishing Group. 2011.
- Gula, Ricahrd M. *Reason Informed by Faith: Foundation in Catholic Morality*. Mahwah, New York: Paulist, 1989.
- Gustafson, James. *Protestant and Roman Catholic Ethics: Prospects for Rapprochement*. Chicago: The University of Chicago Press, 1978.
- Gutierrez, Gustavo. *We Drink from Our Own Wells*. Maryknoll, New York: Orbis Books, 1984.
- Habermas, Jürgen. *Moral Consciousness and Communicative Action*. Cambridge,

- Massachusetts: The MIT Press, 1995.
- Hannenber, Edward. *A Concise Guide to the Documents of Vatican II*. Cincinnati, Ohio: Franciscan Media, 2007.
- Häring, Bernard. *The Law of Christ* Vol. 1. Westminster, Maryland: The Newman Press, 1961.
- _____. *The Law of Christ* Vol. 4. Westminster, Maryland: The Newman Press, 1964.
- _____. *The Law of Christ* Vol. 3. Westminster, Maryland: The Newman Press, 1966.
- Harrison, Brian. *Religious Liberty and Contraception*. Melbourne: John XXIII Fellowship Ltd., 1988.
- Himes, Kenneth, ed. *Modern Catholic Social Teaching: Commentaries and Interpretation*. Washington, D.C. Georgetown University, 2005.
- Hodge, Bryan. *The Christian Case Against Contraception*. Eugene, Oregon: Wipf and Stock, 2010.
- Hughson, Thomas. *The Believer as Citizen: John Courtney Murray in a New Context*. Mahwah: Paulist Press, 1993.
- Hudock, Barry. *Struggle, Condemnation, Vindication: John Courtney Murray's Journey Toward Vatican II*. Collegeville, MN: Liturgical Press, 2015.
- Irwin, Terence, ed. *Aristotle Nichomachean Ethics*. Indianapolis: Hackett Publishing Company, 1999.
- Jonsen, Albert, Mark Seigler and William Winslade. *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine*, 7th ed. USA: McGraw Hill, 2010.
- Jonsen, Albert and Stephen Toulmin. *The Abuse of Casuistry: A History of Moral Reasoning*. Berkeley, CA: UC Press, 1989.
- Keane, Philip S. *Catholicism and Health-Care Justice: Problems, Potential, and Solutions*. New York: Paulist Press, 2002.
- Keenan, James, ed. *Catholic Theological Ethics Past, Present and Future: The Trento Conference*. Maryknoll, New York: Orbis Books, 2011.
- Kinne, Warren. *A People's Church? The Mindanao, Sulu Church Debacle*. New York: P. Lang, 1990.

- Kotva, Joseph. *The Christian Case for Virtue Ethics*. Washington, D.C.: Georgetown University Press, 1996.
- Kroeger, James. *Human Promotion as an Integral Dimension of the Church Mission: A Philippine Experience since Vatican II 1965-1984*. Rome: Pontificia Univ. Gregoriana, 1985.
- Kroeger, James and Joseph Zaldivar. *A Fiery Flame Encountering God's Word*. Quezon City: Claretian Publications. 2010.
- Labayen, Julio. *Revolution and the Church of the Poor*. Manila: Claretian Publication, 1995.
- Lande, Carl. *Rebuilding A Nation: Philippine Challenges and American Policy*. Washington, DC: Washington Institute Press. 1987.
- Lawler, Michael, Todd Salzman, Ellen Burke-Sullivan. *The Church in the Modern World*. Collegeville, MN: Liturgical Press, 2014.
- Lefebvre, Marcel. *Religious Liberty Questioned*. James Pazat de Leys, Translator. Kansas City, MI: Angelus Press. 2002.
- Lysaught, M. Therese, Joseph Kotva, et. al., eds., *On Mora Medicine: Theological Perspectives in Medical Ethics 3rd ed.*, Grand rapids, MI: William B. Eerdmans Publishing Co., 2012.
- MacIntyre, Alasdair, *After Virtue 3rd ed.* Notre Dame, Indiana: Univ. of Notre Dame Press, 2007.
- McArtchy, Donald, ed., "The Right to Health Care and Its Limits" in *Scarce Medical Resources and Justice*. The Pope John Center, Braintree: The Pope John Center. 1987.
- McElroy, Robert. *The Search for an American Public Theology: The Contribution of John Courtney Murray*. New York: Paulist Press. 1989.
- Mahoney, Jack. *The Challenge of Human Rights: Origin, Development, and Significance*. Victoria: Blackwell Publishing, 2007.
- Martin-Schramm. *Population Perils and the Churches' Response*. Geneva: WCC Publication, 1997.

- May, William, Ronald Lawler and Joseph Boyle, Jr. *Catholic Sexual Ethics: A Summary, Explanation, and Defense*, 3rd Ed. Huntington, IN: Our Sunday Visitor Publ. Inc. 2011.
- Mich, Marvin L. Krier, *Catholic Social Teaching and Movements*, Mystic, Connecticut: Twenty-Third Publication, 2003.
- Mill, John Stuart. *On Liberty*. USA: BN Publishing, 2008.
- Miller, John H. *Vatican II an Interfaith Appraisal*. New York: Association Press. 1966
- Murray, John Courtney. *Religious Liberty: An End and a Beginning*. New York: The MacMillan Company, 1966.
- _____. *We Hold These Truths: Catholic Reflections on the American Proposition*. Oxford, UK: Rowman and Littlefield Publishing, Inc. 2005.
- Niebuhr, H. Richard. *Christ and Culture*. New York: Harper Collins Publishing, 2001.
- _____. *The Responsible Self: An Essay in Christian Moral Philosophy*. Louisville, Kentucky: Westminster John Knox Press.
- Nussbaum, Martha Craven. *Sex and Social Justice*. New York: Oxford University Press, 1999, eBook Collection (EBSCOhost), EBSCOhost. Accessed October 17, 2016.
- Nussbaum, Martha and John Glover, eds. *Women, Culture and Development: A Study Of Human Capabilities*. Oxford: Oxford University Press, 1995.
- O'Brien, David, Thomas Shannon, eds. *Catholic Social Thought*. Maryknoll, New York: Orbis. 1992.
- O'Malley, John. *What Happened at Vatican II*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2008.
- Outka, Gene and John Redder, Jr., eds. *Prospects for a Common Morality*. Princeton, New Jersey: Princeton University Press, 1993.
- Picardal, Amado, Gaspar, Karl, et.al. *Being Sent: Redemptorist Missions in Mindanao (1975-2005)*. Philippines: Claretian Publication, 2006.
- Porter, Jean. *Nature as Reason: A Thomistic Theory of the Natural Law*. Cambridge, UK: William B. Eerdmans Publishing Co., 2005.
- Powers, Madison and Ruth Faden. *Social Justice: The Moral Foundation of Public Health*

- and Health Policy*. New York: Oxford University Press, 2008.
- Rawls, John. *A Theory of Justice* Revised Ed. Cambridge, MA: The Belknap Press of Harvard University Press, 1999.
- Rico, Herminio. *John Paul II and the Legacy of Dignitatis Humanae*. Washington, DC: Georgetown University Press, 2002.
- Rhoads, David. *Classic Sermons on Saving the Planet: Earth and Word*. London: Continuum, 2007.
- Salzman and Michael Lawler. *Sexual Ethics: A Theological Introduction*. Washington, DC: Georgetown University Press, 2010
- Schumacher, John. *Readings in Philippine Church History*. Manila: Loyola School of Theology, 1979.
- Schindler, David and Nicholas Healy, Jr. *Freedom, Truth, and Human Dignity. The Second Vatican Council's Declaration on Religious Freedom*. Grand Rapids: William B. Eerdmans Publishing, 2015.
- Shue, Henry. *Basic Rights Subsistence, Affluence and U.S. Foreign Policy*, 2nd ed. Princeton, NJ: Princeton University Press, 1996.
- Tanner, Norman. *The Church in the World*. Mahwah, NJ: Paulist Press, 2005.
- Tanner, Norman, ed. *Vatican II The Essential Texts*. New York: Image, 2012.
- Tierny, Brian. *The Idea of Natural Rights*. Atlanta: Scholar Press, 1997.
- Turner, Mark, May, R.J. and Turner, Lulu, eds. *Mindanao: Land of Unfulfilled Promise*. Quezon City: New Day Publishing. 1992.
- Thobaben, James R., *Health-care Ethics a Comprehensive Christian Resource*, Downers Grove, IL: IVP Academic, 2009.
- Wallack, Lawrence, Lori Dorfman, et.al. *A Media Advocacy and Public Health: Power of Prevention*, London: Sage Publication. 1993.
- Westly, Dick, *When Its Right to Die: Conflicting Voices Difficult Choices*, Mystic, CT: Twenty Third Publication, 1995.
- Williams, John, *Christian Perspectives on Bioethics*, Toronto: Novales. 1997.

Whitehead, Kenneth. *Affirming Religious Freedom*. New York: Society of St. Paul, 2010.

Witherup, Ronald. *Scripture: Dei Verbum*. Mahwah, NJ: 2006, ISBN 0-8091-4428-X.

Witte, John Jr. and M. Christian, ed. *Green Religion and Human Rights: An Introduction*. New York: Oxford University Press, 2012.

Wood, Susan, ed. *Ordering the Baptismal Priesthood*. Collegeville, Minnesota: Liturgical Press, 2003.

Periodicals

Aoanan, Melanio. "Christ and the Filipino Cultures: The Changing Faces of Christ in the Philippines." *The Asia Journal of Theology* 28, no 2 (Oct 2014): 283-299.

Accessed Nov. 3, 2015. [http://0-](http://0-web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=38&hid=4109)

[web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=38&hid=4109](http://0-web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=38&hid=4109).

Bacani Jr., Teodoro. "Church of the Poor: The Church of the Philippines' Reception of Vatican II" *East Asian Pastoral Review* 2005 42, no. 1 (2005): 1.

<http://www.eapi.org.ph/resources/eapr/east-asian-pastoral-review-2005/volume-42-2005-number-1-2/church-of-the-poor-the-church-in-the-philippines-reception-of-vatican-ii/>.

Boston, Rob. "'Conscience,' Contraception and the Courts: Sectarian Lobbies Are Demanding that Federal Judges Curtail Americans' Access to Reproductive Health Care." *Church & State* 66, no 2 (Feb 2013): 6-9. Accessed Nov. 2015. [http://0-](http://0-web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=52&hid=4109)

[web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=52&hid=4109](http://0-web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=52&hid=4109).

Cartagenas, Aloysius Lopez. "Religion and Politics in the Philippines: The Public Role of the Roman Catholic Church in the Democratization of the Filipino Polity."

Political Theology 11, no. 6 (Dec 2010): 846-872. Accessed Nov., 2015.

<http://www.maneyonline.com/loi/pol>.

Clifford, Catherine. "The Ecumenical Context of *Dignitatis Humanae* Forty Years After Vatican II." *Science et Esprit* 51, no. 2-3 (2007): 387-403. Accessed Oct. 26, 2015.

[http://0-](http://0-web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=43&hid=4109)

[web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=43&hid=4109](http://0-web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=43&hid=4109).

Crawford, Tazhmoye V, Joan Rawlins, Donovan McGrowder, and Robert Lee Adams.

- "The Church's Response to Sexual Reproductive Health Issues among Youths: Jamaica's Experience." *Journal of Religion and Health* 50, no 1 (Mar 2011): 163-176.
- De Lastic, Alan. "The Laity in Asia After Vatican II: A Pastoral Appraisal." *Tripod*, 42 (1987): 34-46.
- Doak, Mary. "Resisting the Eclipse of *Dignitatis Humanae*." *Horizons* 33, no. 1 (Spring, 2006): 33-35, Accessed Nov. 3, 2015. <http://0-web.a.ebscohost.com/grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=48&hid=4109>.
- Farmer, Paul. "Health, Healing and Social Justice: Insights from Liberation Theology" *On Moral Medicine: Theological Perspective in Medical Ethics*. Therese Lysaught, Joseph Kotva, et. al., eds., Grand Rapids, MI: William B. Eerdmans Publishing Co., (2012): 139-151.
- Ferrer, Cornelio. "Fear Church as Freedom's Foe: Philippine 'Spirit of 1896' Manifesto Calls on Nation to Resist All Religious Liberty Threats." *The Christian Century* 72, no. 32 (Aug 10 1955): 928.
- Garrett, James Leo Jr. "Religious Liberty, Vatican Council II, and Baptists." *Review & Expositor* 62, no. 2 (Spring 1965): 175-185. Oct. 26, 2015. <http://rande.org/>.
- Garrett, John. "Martha Nussbaum on Capabilities and Human Rights." April 29, 2008. Accessed October 17, 2016. <http://people.wku.edu/jan.garrett/ethics/nussbaum.htm>.
- Goodman, Lenn Evan. "Religious Pluralism," *Political Theology* 13, no. 4 (Aug 2012): 458-485. Accessed Dec. 15, 2015. <http://www.maneyonline.com/loi/pol>.
- Jacobson, Jodi L. "Women's Reproductive Health: The Silent Emergency," *Church & Society* 82, no 4 (Mar - Apr 1992): 33-49.
- Labayan, Julio. "Vatican II in Asia and the Philippines." *The Ecumenical Review* 37, no. 3 (July 1985): 275-282. Accessed April 2015. [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1758-6623](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1758-6623).
- Mundra, Anil. "From Plurality to Pluralism: A Philosophical Defense of Religious Relationship Against Relativism," *Journal of Ecumenical Studies* 48, no. 3(Summer 2013): 276-288. Accessed Dec. 15, 2015. <http://journal.iesdialogue.org/>.

- Landa, Apolos, "Short-Term Medical Missions: A Summary of Experiences," *Journal of Latin American Theology* 2, no.2 (2007): 104-118.
- Ljørup, Lene. "The Vatican and Women's Reproductive Health and Rights: A Clash of Civilizations?" *Feminist Theology* 21, (May 1999): 79-97.
- Murdick, Olin J. "Religious Freedom: Some New Perceptions in Light of Vatican II." *Religious Education* 71, no. 4 (Jul - Aug 1976): 416-426. Accessed Nov. 13, 2015. <http://0-www.tandfonline.com.grace.gtu.edu/loi/urea20#.VfJHrSM9>.
- Obaid, Thoraya Ahmed. "Religion and Reproductive Health and Rights," *Journal of the American Academy of Religion*, 73 no 4 (Dec 2005): 1155-1173. Dec. 15, 2015. <http://www.aarweb.org/>.
- Ocampo, Nino. "Structure and Agency in Contentious Reform: Reproductive Health Policy in the Philippines," *Room for Maneuver: Social Sector Policy Reform in the Philippines*. Raul Fabella, ed. Makati: Philippines: The Asia Foundation, 2014.
- O'Leary, Denyse. "No Room in the Womb," *Christianity Today* 43, no. 14 (Dec 06 1999): 60-65. Accessed Oct. 26, 2015. <http://www.christianitytoday.com/ct/archives/>.
- Orsy, Ladislav. "The Divine Dignity of Human Persons in *Dignitatis Humanae*." *Theological Studies* 75, no. 1 (March 2014): 8-22. Accessed Oct. 26, 2015. <http://0-web.a.ebscohost.com.grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=16&hid=4109>.
- Phan, Peter. "Reception of and Trajectories for Vatican II in Asia." *Theological Studies* 74, no 2 (June 2013) 302-320. Accessed Oct. 26, 2015. <http://0-web.a.ebscohost.com.grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=19&hid=4109>.
- Reiser, William. "Evangelization and Religious Freedom: *Ad Gentes* and *Dignitatis Humanae*." *Theological Studies* 71, no. 1 (March 2010): 229-230. Accessed Dec. 15, 2015. <http://0-web.a.ebscohost.com.grace.gtu.edu/ehost/pdfviewer/pdfviewer?sid=efaf4961-3043-4dc1-af8f-7afbea0de433%40sessionmgr4003&vid=22&hid=4109>.
- Rosemary R. Reuther, "Women, Reproductive Rights and the Catholic Church," *Feminist Theology*, 16 no. 2. (Jan 2008): 190 ff.
- Schilbrack, Kevin. "Religious Pluralism, A Check-up," *Religious Studies* 40, no. 1 (Mar 2014): 1-7. Dec. 2015. [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1748-0922](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1748-0922).

Wideman, Bernard. "Filipino Liberation Theology." *The Christian Century* 92, no. 14 (April 1975): 390-393. Access Oct. 26, 2015. <http://www.christiancentury.org/>.

Other Online Sources

Bacani Jr., Teodoro. "Church of the Poor: The Church of the Philippines' Reception of Vatican II" *East Asian Pastoral Review* 2005 42, no. 1 (2005): 1.

<http://www.eapi.org.ph/resources/eapr/east-asian-pastoral-review-2005/volume-42-2005-number-1-2/church-of-the-poor-the-church-in-the-philippines-reception-of-vatican-ii/>.

Balinski, Pete. "What the Church Actually Teaches about Population Control." Lifesite, December 25, 2015. Accessed September 28, 2016,

<https://www.lifesitenews.com/news/what-the-catholic-church-really-teaches-about-population-control/>.

Chua, Michael Charleston. "TORTYUR: Human Rights Violations During the Marcos Regime." *Academia*. (June 12, 2012). Accessed October 26, 2016.

http://www.academia.edu/7968581/TORTYUR_Human_Rights_Violations_During_The_Marcos_Regime.

Claver, Francisco. "The Empty Tomb of Kibawe" Online: April 1982. Accessed on April 8, 2015. <https://bukidnonews.wordpress.com/tag/fr-godofredo-alingal/>.

Diaz, Jesse. "Duterte Cut Health Budget." *The Philippine Star*. August 21, 2016. Accessed Sept. 30, 2016.

<http://www.philstar.com/headlines/2016/08/21/1615704/duterte-cuts-health-budget-p31-b>.

Economist Online. "The Sultan's Sabah Swing." *The Economist*. February 23, 2013.

Accessed November 3, 2016, <http://www.economist.com/news/asia/21572251-chaotic-south-philippines-muslims-launch-foreign-policy-sultans-sabah-swing>.

GMA News. "Maguindanao Massacre Timeline". Online: April 2015. Accessed April 30, 2015. <http://www.gmanetwork.com/news/maguindanaomassacre>

Havoscope. "Havoscope Global Black Market Information". March 2008. Accessed May 4, 2015. <http://www.havoscope.com/cheapest-kidneys-are-from-the-philippines/>.

Heritage Foundation. "2015 Index of Economic Freedom." Accessed April 22, 2015.

<http://www.heritage.org/index/country/philippines>.

- International Fund for Agricultural Development. "Rural Poverty in the Philippines." *Rural Poverty Portal*. Accessed Sept. 11, 2016. <http://www.ruralpovertyportal.org/country/home/tags/philippines>.
- Medical News Today. "CDC: Life Expectancy in the US Reaches Record High." CDC: 2014. Accessed April 17, 2015. <http://www.medicalnewstoday.com/articles/283625.php>.
- MindaNews. "Better Days for Sumilao Farmers, 6 Years after Walk for Land, Walk for Justice." Online: Oct. 15, 2013, Accessed on April 21, 2015, <http://www.mindanews.com/top-stories/2013/10/15/better-days-for-sumilao-farmers-6-years-after-walk-for-land-walk-for-justice/>
- National Security Council. "National Security Study Memorandum 200." Washington, DC, April 24, 1974. Accessed August 2016. <http://schillerinstitute.org/strategic/NSSM200.htm>.
- Paterno Esmaguelli. "CBCP Hits Bernas over RH Bill" Rappler. August 32, 2012. Accessed Oct. 26, 2016. <http://www.rappler.com/nation/11509-cbcp-hits-bernas-over-rh-bill>; Patricia Evangelista, "The Church of Joaquin Bernas | INQUIRER.net," *Philippine Daily Inquirer*, accessed October 26, 2016, <http://opinion.inquirer.net/35906/the-church-of-joaquin-bernas>.
- Rodriguez, Fritzie. "RH Law Full Implementation by November 30." Rappler. September 28, 2014. Accessed Nov.10, 2016, <http://www.rappler.com/nation/70432-rh-full-implementation-fda>.
- Rural Poverty Portal. "Poverty in the Philippines". International Fund for Agricultural. 2012. Accessed April 17, 2015. <http://www.ruralpovertyportal.org/country/home/tags/philippines>.
- Turbay Ayala, ed. "12 World Leaders: Declaration on Population" *Studies on Family Planning* Vol. 1 No. 26 (January 1968): 1-3. Accessed on April 27, 2015, <http://www.jstor.org/discover/10.2307/1965194?uid=2&uid=4&sid=21106629904603>.
- United Nations Entity for Gender Equality and the Empowerment of Women. *Report of the Fourth World Conference on Women*. Beijing. 1995. Accessed on April 30, 2016. <http://www.un.org/womenwatch/daw/beijing/>.
- United Nations Population Fund. *International Conference on Population and*

Development Program of Action 20th Anniversary Edition. Cairo, 1994. Accessed on April 30, 2016. http://www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf.

United Nations Population Division | Department of Economic and Social Affairs. "Reproductive Rights." UN News Center. Accessed September 11, 2016, <http://www.un.org/en/development/desa/population/theme/rights/>.

World Health Organization. "Country Profile: Philippines", World Health Organization: 2015. Accessed April 17, 2015. <http://www.who.int/countries/phl/en/>.

_____. "Maternal Mortality from 1990 to 2015: Philippines." 2015. Accessed Aug. 2016. http://www.who.int/gho/maternal_health/countries/phl.pdf

_____. "World Health Organization, Site Map Countries: Philippines". WHO. 2015. Accessed April 2, 2015 www.who.int/countries/phl/en/.