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ANALYSIS

Philippines: The Reproductive Health Law: First step but not the last

Friday 16 December 2022, by [BELLO Walden](#) (Date first published: 16 December 2022).

The RH Law marks its 10th year - but there is unfinished business when it comes to promoting women's rights and gender equality

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The Reproductive Health Law [1] marks the 10th year of its passage by Congress on December 17.

While it was not the law that took the longest time to pass in Congress, it was certainly one of the most hard fought and most polarizing, as Marilen Dañguilan documents [2] in her excellent book, *The RH Bill Story*.

Stabilizing the population so as to contain poverty was the rationale of early attempts from the 1970s to the 1990s to mandate the state to promote the use of artificial contraceptives, making the effort vulnerable to opponents' efforts to discredit it as a "population control" effort, aside from being against Catholic Church doctrine. It was only when the paradigm justifying contraceptive use shifted from that of population control to that of women's reproductive rights in 2001 that the pro-Rh side gained traction.

The struggle against poverty was linked to women's control over their bodies, and this was the basis of the formation of a vibrant mass movement that undergirded and sustained the thrust at the legislative level over the next 11 years, something that the technocratic arguments for population management could not achieve. Against this mobilization of determined women and their allies, the attempt of the all-male hierarchy of the Catholic Church to instruct one half of the population on how to deal with their bodies was destined to be a losing battle.

But there were other factors that made possible the breakthrough of December 2012. The most important was a split among the representatives of the elite in Congress (meaning most of Congress) on whether to continue to kowtow to the Church hierarchy. A mix of motives led the to a critical mass of defectors. Some of them simply could not abide the plain foolishness of arguments of Church partisans, such as the claims that most contraceptives were abortifacients, that contraception was the first step on the slippery slope to abortion, or that condoms could be penetrated by the HIV virus, making them useless even as a health measure.

There were those that really believed in women's reproductive rights.

There were also pragmatic conservatives that felt that controlling the birth rate among the poor would bring about smaller families that would reduce pressures for structural change. And there were those who voted for the bill out of a mixture of these and other motives.

RH and the erosion of ecclesiastical influence

Clearly, one of the lasting consequences of the RH battle was to erode the once powerful ideological hold of the Church on both the elite and the masses. The strategic mistake the bishops made was to stake their credibility and resources on a strategy of hardline opposition. The fierce debates in the 11-year-long battle exposed the Church hierarchy to the population as an archaic institution battling a much needed social measure to address poverty that was supported by the vast majority of the poor.

The credibility of the Church could have been salvaged had progressive and liberal priests and nuns publicly expressed the contrary views to the bishops that they shared with people in private. What was surprising was that admirable people who had been in the forefront of the struggle against political dictatorship during the Marcos regime simply kept silent in the face of the ideological dictatorship of the religious hierarchy.

Unfazed by the image of a bitter, pig-headed loser, the hierarchy did not give up after they lost in Congress but took the battle over what was now the RH Law to the Supreme Court, where they again lost in 2014. Still undaunted, supporters of the bishops tried to gut or subvert the implementing rules and regulations of the new law, giving the image that the Church was not only breaching the divide between Church and State but also subverting majority rule, the central tenet of democracy.

The consequences of the loss of credibility and moral capital owing in great part to the bishops' hard line on the RH Law became evident when the wave of extra-judicial killings began under the Duterte administration in 2016. Just when the Church's moral leadership was needed most, it found itself exercising self-censorship, after Duterte lashed out savagely at clerics expressing opposition to the campaign. "Challenging the President's campaign could be fraught with danger," several clergymen told one reporter. One retired archbishop admitted that "the CBCP [Catholic Bishops Conference of the Philippines] has to be very careful because it might unnecessarily offend a good number of people with goodwill, who are Catholics themselves."

Apparently, the Church realized that hobbled by a crisis of credibility and legitimacy to which its ultra-doctrinaire stand on the RH Law had contributed, it would be the loser in a head-on confrontation with a popular though murderous president.

Rough going on the ground

As it marks its 10th year on Saturday, December 17, the RH Law has survived constitutional challenges [3]. Its great problem is that great enemy of Philippine laws: implementation. Implementing it since its passage has encountered big problems of underfunding and outright obstructionism. A major step to address the funding issue would be for the law's implementation being designated by Congress as a "priority medical concern," which would entitle it to the level of funding such a designation mandates.

But funding is just part of the problem. With much of the health system now decentralized, political

groups advancing a sectarian religious agenda have wide leeway at the local level in gutting contraceptive purchase, stopping distribution of contraceptives, and blocking sex education programs for minors in the public school system that is mandated by the program. For instance, three years after the RH Law was passed, the Commission on Human Rights found that the city government of Manila barred funding for artificial contraceptives while Sorsogon City refused to let women obtain contraceptives that were declared “abortifacients” by the Catholic Church.

Beyond RH

The RH Law was a great victory, and its 10th year must be celebrated – and it will be by many of those who participated in the fight at the Raffles and Fairmont Hotel in Makati on December 17. But while it was a milestone, there remains much unfinished business when it comes to promoting women’s rights and gender equality.

There is a crying need for a divorce law; the Philippines is, along with the Vatican, the only country in the world with no divorce law, forcing thousands of women and men to remain trapped in loveless relationships.

Marriage equality, or same sex marriage, is another priority. Important in paving the way for it would be passage of the Sexual Orientation and Gender Identity Expression Bill (also known as the SOGIE Bill [4]), different versions of which have been filed over the last 22 years.

And then, there is the urgent need to decriminalize abortion. The statistics are sobering. 600,000 unsafe abortions are performed in the Philippines yearly. 100,000 women have to be hospitalized owing to complications. And about 1000 of them end up dead. The conditions specified in a law governing abortion should be debated, but decriminalizing it is the first step.

The RH law was the first step in a long march. It will not be the last.

Walden Bello

P.S.

- Rappler.com. DEC 16, 2022 9:56 AM PHT:
<https://www.rappler.com/voices/thought-leaders/analysis-reproductive-health-law-ten-years-first-step-but-not-last/>

- Walden Bello was one of the principal sponsors of the RH Bill during the historic 15th Congress.

Footnotes

[1] <https://www.rappler.com/newsbreak/18730-rh-law-the-long-and-rough-road/>

[2] <https://www.rappler.com/nation/214843-rh-bill-story-contentions-compromises-book-launch/>

[3] <https://www.rappler.com/nation/54946-supreme-court-rh-law-constitutional/>

[4] <https://www.rappler.com/nation/sogie-anti-discrimination-bill-hurdles-senate-committee/>