

EN BANC

**G.R. No. 204819 - James M. Imbong and Lovely-Ann C. Imbong, et al.,** *Petitioners, v. Hon. Paquito N. Ochoa, Jr., et al., Respondents.*

**G.R. No. 204934 - Alliance for the Family Foundation Philippines, Inc.,** *et al., Petitioners, v. Hon. Paquito N. Ochoa, Jr., et al., Respondents.*

**G.R. No. 204957 - Task Force for Family and Life Visayas, Inc., et al.,** *Petitioners, v. Hon. Paquito N. Ochoa, Jr., Executive Secretary, et al., Respondents.*

**G.R. No. 204988 - Serve Life Cagayan de Oro City, Inc., et al.,** *Petitioners, v. Office of the President, et al., Respondents.*

**G.R. No. 205003 - Expedito A. Bugarin, Jr.,** *Petitioner, v. Office of the President of the Republic of the Philippines, et al., Respondents.*

**G.R. No. 205043 - Eduardo B. Olaguer, et al.,** *Petitioners, v. DOH Secretary Enrique T. Ona, et al., Respondents.*

**G.R. No. 205138 - Philippine Alliance of XSeminarists, Inc., et al.,** *Petitioners, v. Hon. Paquito N. Ochoa, Jr., Executive Secretary, et al., Respondents.*

**GR No. 205478 - Reynaldo J. Echavez, M.D., et al.,** *Petitioners, v. Hon. Paquito N. Ochoa, Jr., Executive Secretary, et al., Respondents.*

**G.R. No. 205491 - Spouses Francisco S. Tatad and Maria Fenny C. Tatad, et al.,** *Petitioners, v. Office of the President, et al., Respondents.*

**G.R. No. 205720 - Pro-Life Philippines Foundation, Inc., et al.,** *Petitioners, v. Office of the President, et al., Respondents.*

**G.R. No. 206355 - Millennium Saint Foundation, Inc., et al.,** *Petitioners, v. Office of the President, et al., Respondents.*

**G.R. No. 207111 - John Walter B. Juat, et al.,** *Petitioners, v. Hon. Paquito N. Ochoa, Jr., et al., Respondents.*

**G.R. No. 207172 – Couples for Christ Foundation, Inc., et al.,  
Petitioners, v. Hon. Paquito N. Ochoa Jr., et al., Respondents.**

**G.R. No. 207563 – Almarim Centi Tillah, et al., Petitioners, v. Exec. Sec.  
Paquito N. Ochoa, et al., Respondents.**

Promulgated:

April 8, 2014

X-----

*J. Borlaga - Orana* X

### CONCURRING OPINION

**CARPIO, J.:**

I concur in the *ponencia* of Justice Jose Catral Mendoza. However, my opinion is that at this stage, the Court is simply not competent to declare when human life begins, whether upon fertilization of the ovum or upon attachment of the fertilized ovum to the uterus wall. The issue of when life begins is a scientific and medical issue that cannot be decided by this Court without the proper hearing and evidence. This issue has not even been settled within the scientific and medical community.

R.A. No. 10354, however, protects the ovum upon its fertilization without saying that life begins upon fertilization. This should be sufficient for purposes of resolving this case – for whether life begins upon fertilization or upon implantation of the fertilized ovum on the uterus wall, R.A. No. 10354 protects **both** asserted starting points of human life. Absent a definitive consensus from the scientific and medical community, this Court cannot venture to pronounce which starting point of human life is correct. We can only reiterate what Section 12, Article II of the Constitution provides, that the State shall “equally protect the life of the mother and the life of the unborn from conception x x x.”

Section 12, Article II of the Constitution is repeated in Section 2 of R.A. No. 10354. The law does not provide a definition of conception. However, the law is replete with provisions that embody the policy of the State to protect the travel of the fertilized ovum to the uterus wall. In fact, the law guarantees that the State will provide access only to “medically-safe, non-abortifacient, effective, legal, affordable, and quality reproductive health care services, methods, devices, supplies **which do not prevent the implantation of a fertilized ovum** as determined by the Food and Drug

*W*

Administration.”<sup>1</sup> R.A. No. 10354 protects the fertilized ovum by prohibiting services, methods, devices or supplies that prevent its implantation on the uterus wall.

**Accordingly**, I concur in the *ponencia* of Justice Jose Catral Mendoza.



**ANTONIO T. CARPIO**  
Associate Justice

---

<sup>1</sup> Section 2(d), second paragraph, R.A. No. 10354