

The Curious Case of Maria Palad

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Fifty-five years ago, Martin Luther King, Jr. once said: “Injustice anywhere is a threat to justice everywhere.” This statement is not oversimplified. In a global village where we live today, the injustice that can happen in the United States can also happen in the Philippines or anywhere else. Moreover, the injustice that can happen to an American can also happen to a Filipino or another. In short, injustice cannot be confined to a single individual or place. Given this proposition, the specific topic that this writing wants to reveal is about the issue involving pregnant women who cannot exercise their given constitutional right to have a safe and legal abortion even if the said issue was long resolved four and a half decades ago in the US. It is about time to rethink it in the context of justice despite resistance from the mighty Catholic Church.

John Locke was one of the most influential thinkers during the Enlightenment. His writings influenced Jean-Jacques Rousseau who wrote *The Social Contract* and stated therein that justice could not be defined as the right of the stronger. His erstwhile writings inspired the framers of the United States Constitution. Meanwhile, the Philippines was discovered by Ferdinand Magellan. Subsequently, it became a colony of Spain until the signing of the Treaty of Paris in 1898. That document paved way for the Americans to rule over the Philippines. With the establishment of the Commonwealth of the Philippines in 1935, a new Constitution was ratified the same year. Its framers imported provisions from the Constitution of the United States like the Bill of Rights which included among others the due process of law.

Stated under Article III, Section 1, of the Constitution of the Philippines: “No person shall be deprived of life, liberty or property without due process of law.” This provision was incorporated in the Philippine Constitution from the American Constitution to guarantee a person or persons, for example the marginalized like women, against any arbitrariness on the part of the government. On the other hand, while the anti-abortion laws were enforced in some US states in the 1900s, abortion was later decriminalized nationwide in 1973. In the case of *Roe vs. Wade*, the Court deemed

abortion a fundamental right under the US Constitution. In connection with this settled issue, it could be argued that since the Philippine Constitution was patterned after the American Constitution, it should follow the same interpretation.

Beyond culture and religion, the concept of justice must be given another look. Law is not always necessarily moral. Even after the controversial case of *Roe vs. Wade*, abortion is still considered a crime in the Philippines. Afraid to be stigmatized as criminals, most pregnant women who want to abort the potential life in their wombs have left no other options but to resort to the clandestine and unsafe abortion practices available. As a result, more than a thousand of them die. This can be easily prevented if they are given access to safe and legal abortion like the way it is done in the United States. To legalize abortion here without amending the Constitution, the legislators should simply repeal the antiquated provisions of the Revised Penal Code, particularly Articles 256 to 259 that do not harmonize with the present Constitution.

Maria Palad (not her really) was born very pretty. Her mother worked as an entertainer in a bar in Makati. She never had the chance to see her father. She lived with her mother in a rented shanty home. When she reached four years old, she attended school hoping she could help her mother once she finished it. She was 11 years old when she experienced first menstruation. Five years later, on her way home one evening after her class in senior high school ended, a group of men riding in motorcycles forcefully kidnapped her. She was brought to an abandoned place somewhere in Cavite. There and then, she was gang-raped. The more she tried to defend herself, the more she received beatings. And when her sex perpetrators successfully took her virginity, she was left alone and helpless. Maria learned that she was pregnant six weeks after the rape incident; she tried to hide the truth. Her mother was clueless about her condition. Her pregnancy was both unwanted and unplanned. Weighing her options, she was at liberty to decide what she wanted to do. Afraid that the government would intervene against her personal choice to discontinue pregnancy, she resorted to the clandestine and unsafe abortion practices. Her supportive friends introduced her to a quack doctor near the church who could solve her case. Desperate, she took the concocted medicine in liquid form religiously even without supervision. She subsequently experienced heavy bleeding. Fortunately, it went well until her baby was gone forever.