

# Government Medical Practitioners as Conscientious Objectors: An Examination of the Compelling State Interest and Religious Freedom in *Imbong v. Ochoa*

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For more than a decade, advocates have pushed for the passage of a law that would facilitate the full realization of the constitutionally protected right to reproductive and sexual health. After opposition from religious groups, The Responsible Parenthood and Reproductive Health Act of 2012, also referred to as the RH Law, was enacted. Its constitutionality, however, was soon put to issue, and several important provisions of the law were declared unconstitutional in the case of *Imbong v. Ochoa*.

The Article discusses the Supreme Court's rationalization for invalidating some of the RH Law's penal provisions, such as Section 23 (a) (1); Section 23 (a) (3); and Section 23 (b), in the *Imbong* case. The main argument used by the *ponencia* was the protection of religious freedom of the medical practitioners, both public and private. However, the Author posits that the Court has lost sight of the duty of public health care providers to prioritize the health needs of their patients, as mandated by their code of ethics and by their position as public servants.

The *Imbong* case is also open to another criticism — the misapplication of the jurisprudential compelling state interest test. The Author posits that the Court should have ruled that women's access to reproductive health rights and needs qualify as a more compelling state interest than the right of public medical practitioners who are claiming to be conscientious objectors. This is in light of the fact that poor patients do not have much leeway in choosing where to go for their reproductive health needs, as compared to medical practitioners who have a wider array of employment options.