

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 369



Introduced by **Rep. Roseller L. Barinaga**

EXPLANATORY NOTE

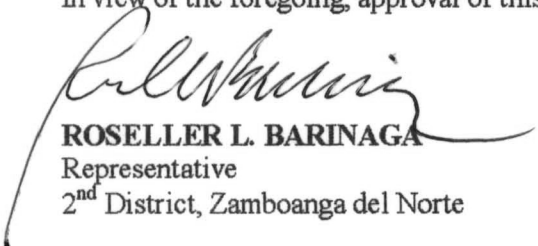
According to the Revised Penal Code and *People of the Philippines vs. Perez*, rape is committed even if the girl under 12 years old is a prostitute.

The law does not consider that kind of consent is voluntary as the offended party under 12 years old cannot have a will of her own.

However, a professional prostitute who engages in sex activities through the promotion of her parents or any person who is in charge or promotes her sex activities is nonetheless aware that she has given her consent, unlike a woman who is virgin. Therefore, the parents or any person in charge or promotes the sex activities of a woman should be held liable for rape under Sub-section 3, Article 335 of the Revised Penal Code, and not the person who has had sex relation with the prostitute.

If this bill is approved into law, any person who has violated Sub-section 3, Article 335 of the Revised Penal Code shall benefit from this amendment because its amended provision will have some retroactive effect.

In view of the foregoing, approval of this Act is strongly recommended.


ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

HB NO. 369

Introduced by **Rep. Roseller L. Barinaga**

AN ACT
TO PENALIZE A PARENT OR ANY PERSON IN CHARGE OF A MINOR FOUND
TO BE RESPONSIBLE FOR PROMOTING, INDULGING, FORCING OR
INSENUATING SUCH MINOR TO GET INVOLVED IN SEX ACTIVITIES IN
EXCHANGE OF MONETARY OR ANY MATERIAL CONSIDERATION,
AMENDING FOR THE PURPOSE SUB-SECTION 3, ARTICLE 335 OF THE
REVISED
PENAL CODE

Be it enacted by the Senate and the House of Representatives in Congress assembled:

SECTION 1. Sub-section 3, Article 335 of the Revised Penal Code is hereby amended as follows:

“Article 335. When and how rape is committed. – Rape is committed by having carnal knowledge of a woman under any of the following circumstances.

“1. XXX.”

“2. XXX.”

“3. When the woman is under twelve years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present [.]: *PROVIDED*, THAT THE WOMAN IS NOT A PROFESSIONAL PROSTITUTE, OTHERWISE A PARENT OR ANY PERSON IN CHARGE OF A MINOR FOUND TO BE RESPONSIBLE FOR PROMOTING, INDULGING, FORCING OR INSENUATING SUCH MINOR TO GET INVOLVED IN SEX ACTIVITIES IN EXCHANGE OF MONETARY OR ANY MATERIAL CONSIDERATION SHALL BE HELD LIABLE FOR RAPE UNDER THIS SUB-SECTION.”

SEC. 2. This Act shall take effect fifteen days after its publication in two newspapers of general circulation.

Approved.