

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress
First Regular Session

HOUSE BILL NO. 810

Introduced by Representative Abayon

EXPLANATORY NOTE

Democracy implies the fundamental equality before the law of women and men. This is enshrined in the constitution, specially set forth in Section 14 of Article II, which reads:

“SEC. 14. The state recognizes the role of women in nation building, and shall ensure the fundamental equality before the law of women and men.”

Under the Revised Penal Code, Article 333 and 334 define the felonies of adultery and concubinage, respectively. Their modes of committing are evidently different. The women in an adultery case incurs a heavier penalty than the husband in a concubinage case. The marital infidelity of the husband is not treated as a felony unless the attendant circumstances in the felony of concubinage are present, creating therefore, a disadvantageous position on the part of the wife.

Thus, the need to amend Articles 333 and 334 of the Revised Penal Code to make the Code attuned to the fundamental equality before the law of women and men.

In view of the foregoing, approval of the attached bill is earnestly requested.


HARLIN CAST. ABAYON

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AN ACT GRANTING EQUAL RIGHT TO WIVES AND HUSBAND, AMENDING FOR THE PURPOSE ARTICLES 333, 334 AND 344 OF ACT NUMBERED 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE.

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

SECTION 1. Article 333 of Act No. 3815, otherwise known as the Revised Penal Code is hereby amended to read as follows;

“ART. 333. Who are guilty of INFIDELITY (adultery). - INFIDELITY (adultery) is committed by any married person (woman) who shall have sexual intercourse with ANOTHER PERSON (a man) not HIS OR HER SPOUSE (husband) and by the PERSON (man) who has carnal knowledge of HIM or HER, REGARDLESS OF HIS OR HER KNOWLEDGE THAT THE PERSON IS MARRIED (knowing her to be married), even if the marriage be subsequently declared void; KEEPING A PARAMOUR IN THE CONJUGAL DWELLING, OR SHALL COHABIT WITH A PARAMOUR IN ANY OTHER PLACE.”

INFIDELITY (adultery) shall be punished by prison correctional in its MINIMUM and medium (and maximum) periods.”

THE PARAMOUR SHALL SUFFER THE SAME PENALTY TO THAT OF THE OFFENDING SPOUSE.”

If the person guilty of adultery committed the offense while being abandoned without justification by the offended spouse, the penalty next lower in degree than that provided in the next preceding paragraph shall be imposed.)

SECTION 2. Article 334 of the same code is hereby repealed.

SECTION 3. Paragraphs one and two of Article 344 of the same code are hereby amended, to read as follows:

ART. 344. Prosecution of the crimes of INFIDELITY, (adultery) concubinage, seduction, abduction, rape and acts of lasciviousness. - The crime(s) of INFIDELITY (adultery and concubinage) shall not be prosecuted except upon a complaint filed by the spouse.

"The offended party cannot institute criminal prosecution without including both the guilty parties, if they are both alive, nor, if HE or SHE, shall have consented or pardoned the offenders, NOR IN ANY CASE, IF HE OR SHE IS LIKEWISE GUILTY OF INFIDELITY."

SECTION 4. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,