

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

House Bill No. 682

Introduced by Honorable Maria Isabelle G. Climaco

EXPLANATORY NOTE

Marital infidelity is an immoral and deplorable act which leads to the breakdown of the Filipino family, the basic unit of our society, and indirectly contributes to the other social problems that beset our country.

Our existing laws on Adultery and Concubinage, as provided for under Articles 333 and 334 of the Revised Penal Code, creates a disparity in the treatment of erring spouses which tends to favor the male spouse.

The stringent provision on Adultery against the erring female spouse vis-à-vis the seemingly tolerant provision on Concubinage as applied to the male spouse lead to unequal treatment between the spouses and indirectly promotes promiscuity among married men.

The *raison d'être* for the difference in the treatment of erring spouses is allegedly to prevent the entry of illegitimate descendants to the bloodline to preserve the line of succession. This archaic point of view should be abolished pursuant to the constitutional guarantee of equality between men and women.

Marital infidelity is wrong and harmful, and there is no underlying difference whether it is committed by the male or female spouse. It is in the interest of the State to promote respect for the sanctity of marriage and to strengthen marital bonds by outlawing marital infidelity and fostering equality between the spouses.

The proposed bill seeks to abolish the gender bias on sexual infidelity, as provided for in the Revised Penal Code, by outlining the same elements of the crime and the same penalties whether committed by the male or female spouse.

In addition, the proposed bill provides for greater penalty when marital infidelity is committed by public officers and employees. Public officers and employees are penalized more because they are supposed to stand as models for our countrymen in upholding family values and

promoting respect for the sanctity. They are vanguards of the Filipino family, and the commission of marital infidelity on their part serves to exacerbate the erosion family values.


MARIA ISABELLE G. CLIMACO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

House Bill No. 682

Introduced by Honorable Maria Isabelle G. Climaco-Salazar

**AN ACT DEFINING AND PENALIZING MARITAL INFIDELITY
AMENDING FOR THE PURPOSE ARTICLES 333 AND 334 OF ACT NO. 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. This Act shall be known as the “**Anti-Marital Infidelity Act of 2010.**”

SECTION 2. Article 333 of Act No. 3815, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

“Article 333. Marital Infidelity. Any married person who shall have sexual intercourse with another not her or his legal spouse shall be guilty of marital infidelity and shall be punished by prision correccional in its medium and maximum periods.

Any person who shall knowingly and willingly engage in sexual intercourse with any married person shall likewise be punished by prision correccional in its medium and maximum periods.

Moslems and members of indigenous peoples communities who actively and continuously practice time immemorial customs and traditions allowing multiple spouses shall be held liable for marital infidelity if they engage in sexual intercourse with any person other than the official spouses recognized by their respective faiths and traditions.”

SECTION 3. Article 334 of Act No. 3815, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

“Article 334. Marital infidelity committed by public officers and employees. When marital infidelity, as defined in the preceding article, is committed by any officer or employee of the Government, including but not limited to military personnel, those employed in government-

owned and controlled corporations (GOCCs) with original charters, those nominated by the Government as members of the board of directors of GOCCs organized under Batas Pambansa Blg. 68 as amended (the Corporation Code), and Philippine representatives to international organizations, the penalty of prision mayor in its minimum period shall be imposed."

SECTION. 4. Article 344 of the same Act is likewise amended to read as follows:

"Article 344. Prosecution of the crimes of marital infidelity, seduction, abduction, rape and acts of lasciviousness. - The crimes of marital infidelity may be prosecuted upon a complaint filed by the offended spouse, their ascendants, descendants, and relatives by consanguinity or affinity within the fourth civil degree.

"Both the guilty parties, if they are both alive, shall be included in the prosecution of the criminal action for marital infidelity. A spouse shall not institute a criminal action for marital infidelity if she/he is likewise guilty of marital infidelity or has pardoned in writing the offenders. The infidelity or pardon of the complaining spouse shall bar the institution of the action by their ascendants, descendants, and relatives by consanguinity or affinity within the fourth civil degree. "The unreasonable abandonment by the offended spouse of the guilty spouse for more than three (3) years shall mitigate the offense and lower the imposable penalty by one degree.

"The unreasonable abandonment by the offended spouse of the guilty spouse for more than three (3) years shall mitigate the offense and lower the imposable penalty by one degree."

"The offenses of seduction, abduction, or acts of lasciviousness, shall not be prosecuted except upon complaint filed by the offended party or her parents, grandparents, or guardian, nor, in any case, if the offender has been expressly pardoned by the above named persons, as the case may be."

"In cases of seduction, abduction or acts of lasciviousness, the marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. The provisions of this paragraph shall also be applicable to the co-principals, accomplices and accessories after the fact of the above mentioned crimes."

SECTION 5. Separability Clause. – If any provision of this Act is declared unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

SECTION 6. Repealing Clause. – All laws, decrees, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 7. Effectivity. – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.