

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 1556

INTRODUCED BY REPRESENTATIVE PEDRO P. ROMUALDO

EXPLANATORY NOTE

The crime of Premature Marriages found in Article 351 of Title Twelve, Chapter One of the Revised Penal Code is, as follows:

“ART. 351. Premature marriages. – Any widow shall marry within three hundred and one day from the date of the death of her husband, or before having delivered if she shall have been pregnant at the time of his death, shall be punished by *arresto mayor* and a fine not exceeding 500 pesos.

The same penalties shall be imposed upon any woman whose marriage shall have been annulled or dissolved, if she shall marry before her delivery or before the expiration of the period of three hundred and one day after the legal separation.

The rationale behind this is to prevent confusion as to the paternity and filiation of the child. With the advent of modern medical and scientific technology, it is easier to determine the period of conception of the child. Thus, Article 351 should be repealed to prevent further discrimination of widows and women, in general.

The Family Code has impliedly recognized the validity of the subsequent marriage of the widow within 300 days after the death of the husband, by providing rules on the legitimacy of children born to her after the remarriage which is enshrined in Article 168 of the Family Code, to wit:

“ART. 168. If the marriage is terminated and the mother contracted another marriage within three hundred days after such termination of the former marriage, these rules shall govern in the absence of proof to the contrary;

- (1.) A child born before one hundred eighty days after the solemnization of the subsequent marriage is considered to have been conceived during the former marriage, provided it be born within three hundred days after the termination of the former marriage;
- (2.) A child born after one hundred eight days following the celebration of the subsequent marriage is considered to have been conceived during such marriage, even though it be born within the three hundred days after the termination of the former marriage.

There is a need to repeal this provision explicitly to ensure that widows will not be considered an outcast by our society if they decide or opted to remarry less than a year from the death of her husband.

Approval of this proposed measure is earnestly sought.


PEDRO P. ROMUALDO

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**AN ACT
REPEALING THE CRIME OF PREMATURE MARRIAGES IN ARTICLE 351
OF THE REVISED PENAL CODE**

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

SECTION 1. The crime of Premature Marriages in Article 351 of the Revised Penal Code is hereby repealed without prejudice to the provisions of the Family Code on Paternity and Filiation.

SEC. 2. Repealing Clause. – Any law, presidential decree or issuance or executive order or rules contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 3. Effectivity Clause. – This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,