

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3301

Introduced by Honorable Josephine Veronique R. Lacson-Noel

EXPLANATORY NOTE

The Constitution, Article 11, Section 14 mandates the State to ensure the fundamental equality before the law of women and men. This requires the State to apply the law regardless of one's gender.

Under the Penal Code, Art. 333, adultery may only be committed by a married woman and by the man who shall have sexual intercourse with her. On the other hand, under the same law, Art. 334, concubinage may be committed by a husband only under certain conditions which are difficult to prove. These provisions have allowed other married persons not falling within the coverage to perpetuate marital infidelity but remaining unscathed from the application of the law. This bill seeks to eliminate this gender bias in adultery and concubinage.

This house bill is the counterpart of related senate bills filed by Senator Miriam Defensor Santiago during her chairwomanship of the Senate Committee on Constitutional Amendments.


JOSEPHINE VERONIQUE R. LACSON-NOEL

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AN ACT
ELIMINATING GENDER BIAS IN ADULTERY AND CONCUBINAGE, AMENDING
ARTICLES 333 AND 344, AND REPEALING ARTICLE 334, OF THE PENAL CODE

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

SECTION 1. Article 333 of the Penal Code is hereby amended to read as follows:

“Art. 333. **MARITAL INFIDELITY.** (Who are guilty of adultery?) **MARITAL INFIDELITY** [ADULTERY] is committed by any married **PERSON** [woman] who shall have sexual **RELATIONS** [intercourse] with a **PERSON** [man] **OTHER THAN HIS OR** her **SPOUSE** [husband], and by the **SEXUAL PARTNER** [man] of the **MARRIED PERSON** knowing the **LATTER** [her] to be married, even if the marriage be subsequently declared void.

“**MARITAL INFIDELITY** [adultery] shall be punished by *prision correccional* in its **MINIMUM** [medium] and **MEDIUM** [maximum] periods.”

“**ANY PERSON ACCUSED OF MARITAL INFIDELITY SHALL BE EXEMPT FROM CRIMINAL LIABILITY IF THE OFFENSE WAS COMMITTED AFTER THE ISSUANCE OF A FINAL DECREE OF LEGAL SEPARATION BY A COMPETENT COURT HOWEVER, IF THE OFFENSE WAS COMMITTED AFTER THE ACCUSED SPOUSE HAD BEEN JUSTIFIABLY ABANDONED** {(If the person guilty of adultery committed this offense while): abandoned without justification] **OR SUBJECTED TO REPEATED PHYSICAL VIOLENCE OR GROSSLY ABUSIVE CONDUCT** by the offended spouse, the penalty next lower in degree than that provided in the [next] preceding

paragraph shall be imposed, **AND THE SAME PENALTY SHALL BE IMPOSED ON THE CO-ACCUSED IN THE MARITAL INFIDELITY CASE.**"

SECTION 2. Article 344, paragraph 1, of the Penal Code is hereby amended to read as follows:

"Art. 344. Prosecution of the crimes of **MARITAL INFIDELITY** [adultery, concubinage], seduction, rape, and acts of lasciviousness. --"The crime[s] of **MARITAL INFIDELITY** [adultery and concubinage] shall not be prosecuted except upon complaint filed by the offended spouse. xxx"

SECTION 3. *Separability Clause.* If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 4. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 5. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,