

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3475

Introduced by Representative Neri Javier Colmenares

AN ACT REPEALING ARTICLE TWO HUNDRED FORTY SEVEN [Art. 247]
OF ACT NUMBER THREE THOUSAND EIGHT HUNDRED FIFTEEN [Act
3815], AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL
CODE

EXPLANATORY NOTE

Art. 247 Any **legally** married person who having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of destierro [being prohibited from entering within a radius of at least 25 kilometers of a designated place].

If he shall inflict upon them physical injuries of any other kind, he shall be exempt from punishment.

These rules shall be applicable, under the same circumstances, to **parents with respect to their daughters** under eighteen years of age, and their seducer, while the daughters are living with their parents. (Art. 247 Revised Penal Code of the Philippines, emphasis supplied)

It is incomprehensible why the above law which essentially allows parents to kill their daughters and the offended spouse to kill the offending spouse remains in our criminal code. Instead of imprisonment, the killer is merely penalized with destierro or prohibited from entering a place designated by the court, surely a "non penalty" considering the seriousness of the crime. Despite the fact that the imposition of the death penalty has been abolished, there exists in the Philippines a law which practically penalizes with death spouses and daughters for committing the act of sexual intercourse.

Art. 247 of the Revised Penal Code is a product of feudal mentality deeply ingrained in our society for more than a century. The first question is why shall we allow a parent to kill a daughter for having sex with another? This is more than medieval!

The fact that the law merely focuses on the daughter and not the son only shows the discriminatory and feudal frame of mind of the authors of this obscurantist law. Worse, the law even vaguely provides that it applies not only during sexual intercourse but also "immediately after" sexual intercourse, which practically allows for the killing even if it is no longer sure that a sexual act has indeed been committed.

While adultery and concubinage is punished with imprisonment under our criminal laws, Art. 247 transforms the same act into a criminal offense punishable by death merely because the sexual act was seen by the parent or the spouse. Some may argue that the passion, obfuscation and the insult suffered by the parent or the spouse [provided the spouse is "legally married" to the person he or she will kill] justifies the exemption from penalty. However, insult or passion must never be a license to kill.

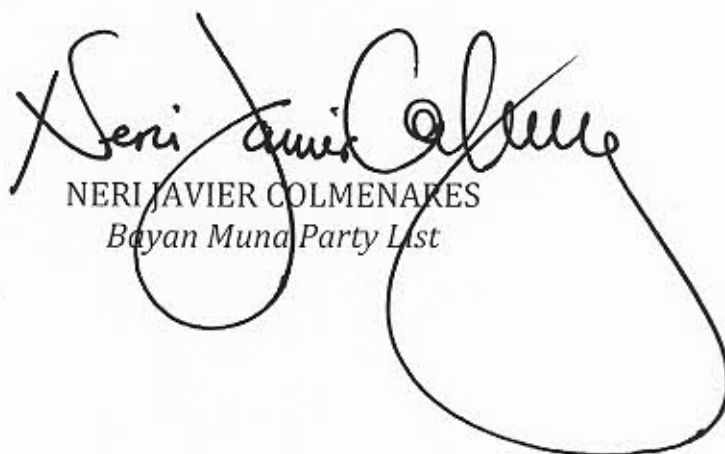
Art. 247 is in reality a de facto State-sponsored death penalty against an unfaithful or the disobedient and therefore inconsistent with the statute suspending the death sentence. Worse it is discriminatory, not only against female daughters, but also against non-marital relationships when they too are protected under our laws. But what makes it unacceptable is because it perpetuates the use of State power through criminal laws to define and re-define relationships, where the State engages in legal discourse to control how much love is available for whom and what reactions there should be when embroiled in such situations.

This Bill has no intention of encouraging acts of infidelity—not only because these acts remain punishable under our criminal laws and are also subject of civil liabilities under our Civil Code but also because it should not be relevant to the issue of parricide. Rather, the Bill seeks to discourage murder, especially the murder of a daughter by a parent or the murder of a spouse by the other.

By repealing this law we are not only encouraging parents and spouses to resolve intra-family problems in a non-violent manner but also eliminate this discriminatory and unjust law and gradually move forward in efforts to reforming our criminal laws.

For this reason, the repeal of this medieval provision of the Revised Penal Code is highly sought for: Art. 247 must be struck down.

Approved.


NERI JAVIER COLMENARES
Bayan Muna Party List

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[Art. 247] OF ACT NUMBER THREE THOUSAND EIGHT HUNDRED
FIFTEEN [ACT 3815], AS AMENDED, OTHERWISE KNOWN AS, THE
REVISED PENAL CODE**

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

Section 1. Declaration of Principle. The State values the dignity of every human person and guarantees full respect for human rights. It shall ensure fundamental equality before the law of women and men and no person shall be deprived of life, liberty and property without due process of law, nor shall any person be denied equal protection of the laws.

Section 2. Article 247, Title Eight, Chapter One of Act 3815, as amended, otherwise known as the Revised Penal Code which provides that "*Art. 247 Death or Physical injuries inflicted under exceptional circumstances—Any legally married person who having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of destierro. If he shall inflict upon them physical injuries of any other kind, he shall be exempt from punishment. These rules shall be applicable, under the same circumstances, to parents with respect to their daughters under eighteen years of age, and their seducer, while the daughters are living with their parents. Any person who shall promote or facilitate the prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article*" is hereby repealed.

Section 3. Repealing clause—All laws, decrees, resolutions, orders or ordinances or parts thereof inconsistent with this Act, are hereby repealed, amended or modified accordingly.

Section 4. *Effectivity.* – This law shall take effect after fifteen days following its publication for two consecutive weeks in the newspaper of general circulation in the Philippines.

Approved.