

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4707

Introduced by: Congressman Mohammed Hussein P. Pangandaman
Representative, 1st Dist. Lanao del Sur

EXPLANATORY NOTE

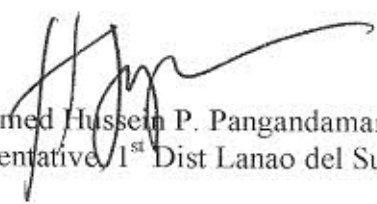
The Filipino people, regardless of status-- specifically gender, as this bill suggests, shall have the same and unbiased treatment in the criminal provisions that cover the cause and the punishment of the particular crime mentioned. As stated in Article III, Section 1 of the Philippine Constitution, "No person shall be deprived of life, liberty or property without due process of law. Nor shall any person be denied of the equal protection of the laws." There are few points from the original provision that suggest unequal treatment between men and women. This bill would like to set similar treatment between men and women, thus becomes aligned with the Article II, Section 14 of the Philippine Constitution that says, "The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men."

Adultery, a crime that is committed mainly by a married woman or the wife, is punished more severely. The consummation of such crime is done upon proof of one element only: sexual intercourse by the married woman with a man other than her husband. On the other hand, the crime of Concubinage, a crime committed by a married man or the husband, is a far more complicated crime to consummate compared to Adultery. In order for the married man to be considered guilty of the crime of Concubinage, there is a need to prove that (1) the man shall keep a mistress in the conjugal dwelling; (2) or shall have sexual intercourse with a woman other than her wife under scandalous circumstances; (3) or shall cohabit with her in any other place.

Clearly, it is shown that these penal laws favor the married men. The framers of the Constitution do not intend unequal treatment between men and women.

This Bill seeks to strengthen the commitment of the State to promote gender equality between men and women as enshrined in the Constitution.

In view hereof, early approval of this bill is earnestly urged.


Mohammed Hussein P. Pangandaman
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AN ACT

**AMENDING ARTICLE 334 OF ACT NO. 3815, OTHERWISE KNOWN AS
THE REVISED PENAL CODE OF THE PHILIPPINES, INCREASING ITS
PENALTY, AND FOR OTHER PURPOSES.**

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

SECTION 1. General Provision – Article 334 of Act No. 3815, otherwise known as the Revised Penal Code of the Philippines which reads

“Art. 334. *Concubinage*. — Any husband who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place, shall be punished by prision correccional in its minimum and medium periods.

The concubine shall suffer the penalty of destierro.”

Is hereby amended and **SHALL** now be read as follows:

“Art. 334. *Concubinage*. — Any husband who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, with a woman who is not his

wife, or shall cohabit with her in any other place, shall be punished by prision correccional in its **MEDIUM AND MAXIMUM PERIODS**.

The concubine shall suffer the penalty of destierro.”

SEC 2. Repealing Clause. - All laws, orders, decrees, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC 3.Effectivity. - This Act shall take effect within fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,