

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 1748

25 JAN 2012

Submitted by the Committee on Women & Gender Equality on _____

Re: House Bill No. 5734

Recommending its approval in substitution of House Bill Nos. 682, 912, 3301, 3502, 3721, 3761 & pursuant to Privilege Speech No. 120

Sponsors: Representatives Ma. Angelica M. Amante-Matba, Maria Isabelle G. Climaco, Josephine Veronique Lacson-Noel and Susan A. Yap

Mr. Speaker:

The Committee on Women & Gender Equality to which were referred House Bill No. 682 introduced by Representative Maria Isabelle G. Climaco, entitled:

"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,"

House Bill No. 912 introduced by Representative Susan A. Yap, entitled:

"AN ACT

DEFINING AND PENALIZING THE CRIME OF MARITAL INFIDELITY, AMENDING FOR THE PURPOSE ARTICLES 333, 334 AND 344 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,"

House Bill No. 3301 introduced by Representative Josephine Veronique Lacson-Noel, entitled:

"AN ACT

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

House Bill No. 3502 introduced by Representative Teddy Brawner Baguilat, entitled:

"AN ACT

DEFINING AND PENALIZING THE CRIME OF MARITAL INFIDELITY, AMENDING FOR THE PURPOSE ARTICLES 333, 334 AND 344 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,"

House Bill No. 3721 introduced by Representative Linabelle Ruth R. Villarica, entitled:

"AN ACT

SIMPLIFYING THE ACTS CONSTITUTING CONCUBINAGE AMENDING FOR THIS PURPOSE ARTICLE 334 OF THE REVISED PENAL CODE OF THE PHILIPPINES,"

House Bill No. 3761 introduced by Representative Pablo P. Garcia, entitled:

"AN ACT
AMENDING REPUBLIC ACT NUMBERED THREE THOUSAND EIGHT HUNDRED FIFTEEN, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE OF THE PHILIPPINES, AND FOR OTHER
PURPOSES,"

and

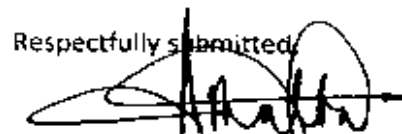
Privilege Speech No. 120 on Concubinage & Adultery delivered by Representative Linabelle Ruth R. Villarica

has considered the same and recommends that the attached House Bill No. **5734**, entitled:

AN ACT
DEFINING THE CRIME OF SEXUAL INFIDELITY AND PROVIDING PENALTIES THEREFOR, AMENDING
FOR THE PURPOSE ARTICLE 333 (ADULTERY), ARTICLE 334 (CONCUBINAGE) AND ARTICLES 344 AND
345 OF TITLE ELEVEN, BOOK II OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE
REVISED PENAL CODE

be approved in substitution of House Bill Nos. 682, 912, 3301, 3502, 3721, 3761 and ^{pursuant to} Privilege Speech No. 120 with Representatives Maria Isabelle G. Climaco, Susan A. Yap, Josephine Veronique R. Lacson-Noel, Teddy Brawner Baguilat, Linabelle Ruth R. Villarica, Pablo P. Garcia, and Ma. Angelica M. Amante-Matba as authors thereof.

Respectfully submitted,



MA. ANGELICA M. AMANTE-MATBA

Chairperson, Committee on Women & Gender Equality

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Fifteenth Congress
Second Regular Session

(In Substitution to House Bill Nos. 682, 912, 3301, 3502, 3721 & 3761 and pursuant to Privilege Speech No. 120)

AN ACT

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

SECTION 1. The provisions of Articles 333 and 334 of Act No. 3815 are hereby repealed and, in lieu thereof, Articles 333 and 334 should now read as follows:

"Title Eleven

CRIMES AGAINST CHASTITY

Chapter One

[ADULTERY AND CONCUBINAGE]

SEXUAL INFIDELITY

ART. 333. *Who are guilty of adultery.* – Adultery is committed by any married woman who shall have sexual intercourse with a man not her husband and by the man who has carnal knowledge of her, knowing her to be married, even if the marriage be subsequently declared void.

Adultery shall be punished by *prision correccional* in its medium and maximum periods.

If the person guilty of adultery committed this offense while being abandoned with justification by the offended spouse, the penalty next lower in degree than that provided in the next preceding paragraph shall be imposed.

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*.]

ART. 333. *SEXUAL INFIDELITY.* – SEXUAL INFIDELITY IS COMMITTED BY ANY LEGALLY MARRIED PERSON WHO SHALL HAVE SEXUAL INTERCOURSE

1 WITH ANOTHER PERSON OTHER THAN THE MARRIED
2 PERSON'S SPOUSE AND BY THE PERSON WHO HAS
3 CARNAL KNOWLEDGE WITH THE MARRIED PERSON,
4 KNOWING THAT PERSON TO BE LEGALLY MARRIED,
5 EVEN IF THE MARRIAGE BE SUBSEQUENTLY DECLARED
6 VOID.

7
8 ART. 334. *PENALTY.* -- SEXUAL INFIDELITY SHALL
9 BE PUNISHED BY *PRISION CORRECCIONAL*.

10 THE PENALTY OF *PRISION CORRECCIONAL* IN ITS
11 MAXIMUM PERIOD SHALL BE IMPOSED UPON AN
12 OFFENDER WHO SHALL KEEP A PARAMOUR IN THE
13 CONJUGAL DWELLING.

14 THE PENALTY OF *PRISION CORRECCIONAL* IN ITS
15 MEDIUM PERIOD SHALL BE IMPOSED UPON AN
16 OFFENDER WHO SHALL COHABIT WITH A PARAMOUR
17 IN ANY OTHER PLACE.

18 THE PENALTY OF *PRISION CORRECCIONAL* IN ITS
19 MINIMUM PERIOD SHALL BE IMPOSED IF THE OFFENSE
20 WAS COMMITTED UNDER ANY OF THE FOLLOWING
21 CIRCUMSTANCES:

1 A) WHEN THE ACCUSED SPOUSE HAD BEEN
2 ABANDONED WITHOUT JUST CAUSE FOR MORE THAN
3 ONE YEAR; AND

4 B) WHEN THE ACCUSED SPOUSE HAD BEEN
5 SUBJECTED TO REPEATED PHYSICAL VIOLENCE OR
6 GROSSLY ABUSIVE CONDUCT BY THE OFFENDED
7 SPOUSE.

8
9 SEC. 2. Articles 344 and 345 of the Revised Penal Code are, likewise,
10 amended to read as follows:

11 “ART. 344. *Prosecution of the crimes of [adultery;*
12 *concubinage.] SEXUAL INFIDELITY, seduction, abduction, rape*
13 *and acts of lasciviousness.* – The crime[s] of [adultery and
14 concubinage] SEXUAL INFIDELITY shall not be prosecuted
15 except upon complaint filed by the offended spouse.

16 The offended party cannot institute criminal prosecution
17 without including both the guilty parties[,] if they are both alive,
18 nor in any case, if [he] THE OFFENDED PARTY IS LIKEWISE
19 GUILTY OF SEXUAL INFIDELITY, OR HAD ABANDONED
20 THE GUILTY SPOUSE WITHOUT JUST CAUSE FOR MORE

1 THAN ONE YEAR OR [shall have] HAD CONDONED,
2 consented or pardoned the offenders.

3 XXX

 XXX

 XXX.

4 "ART. 345. *Civil liability of persons guilty of crimes*
5 *against chastity.* – Persons guilty of rape, seduction or abduction
6 shall also be sentenced:

7 1. To indemnify the offended woman.

8 2. To acknowledge the offspring, unless the law should
9 prevent him from so doing.

10 3. In every case to support the offspring.

11 [The adulterer and the concubine] PERSONS GUILTY
12 OF SEXUAL INFIDELITY in the case provided for in article[s]
13 333 [and 334] may also be sentenced, in the same proceeding or
14 in a separate civil proceeding, to indemnify for damages caused to
15 the offended spouse."

16 SEC. 3. If any provision or part of this Act is held invalid or
17 unconstitutional, the remaining parts or provisions not affected shall remain in
18 full force and effect.

19 SEC. 4. All laws, decrees, orders, rules and regulations, and other
20 issuances, or parts thereof, inconsistent with this Act are hereby repealed or
21 modified accordingly.

1 SEC. 5. This Act shall take effect fifteen (15) days after its publication in
2 the Official Gazette or in two (2) national newspapers of general circulation.

3 Approved,

165-013712

4

FACT SHEET

HOUSE BILL NO. 5734

(In Substitution of House Bill Nos. 682, 912, 3301, 3502, 3721 & 3761 and Privilege Speech No. 120)

AN ACT DEFINING AND PENALIZING SEXUAL INFIDELITY AMENDING FOR THE PURPOSE ARTICLES 333, 334 AND 344 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE

Introduced by: REPRESENTATIVES MARIA ISABELLE G. CLIMACO, SUSAN A. YAP, JOSEPHINE VERONIQUE R. LACSON-NOEL, TEDDY BRAWNER BAGUILAT, LINABELLE RUTH R. VILLARICA, PABLO P. GARCIA AND MA. ANGELICA M. AMANTE-MATBA

Committee Referral: COMMITTEE ON WOMEN AND GENDER EQUALITY (PRIMARY)

Committee Chairperson: REP. MA. ANGELICA M. AMANTE-MATBA

OBJECTIVES:

- To protect the institution of marriage by penalizing acts of sexual infidelity; and
- To eliminate gender bias in our statutes for the crimes of adultery and concubinage.

KEY PROVISIONS:

- Defines sexual infidelity as "committed by any legally married person who shall have sexual intercourse with another person other than his or her legal spouse, and by the person who has carnal knowledge of him or her, knowing him or her to be legally married, even if the marriage be subsequently declared void;"
- Metes the penalty of *prision correccional* in its maximum, medium and minimum periods, depending on the circumstances: in its maximum period, if the offender keeps a paramour in the conjugal dwelling; in its medium period, when an offender cohabits with a paramour in any other place; and in its minimum period, when the accused spouse had been abandoned or subjected to repeated physical violence or grossly abusive conduct by the offended spouse;
- Mandates that the crime of sexual infidelity shall not be prosecuted except upon complaint filed by the offended spouse.

RELATED LAWS:

- Articles 333, 334 and 344 of the Revised Penal Code
- Republic Act No. 8353 (Anti-Rape Law)
- Republic Act No. 9710 (Magna Carta of Women)

/jpiccio
/edited bks 10.29.11
/01.11.12
/01.16.12