

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1375



Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
CRIMINALIZING NECROPHILIA AND IMPOSING APPROPRIATE PENALTIES
THEREFOR, INCORPORATING FOR THIS PURPOSE ARTICLE 335-A INTO ACT
NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

Necrophilia is defined as the sexual attraction to corpses. The Diagnostic and Statistical Manual of the American Psychiatric Association classifies it as a type of a mental disorder usually accompanied by individual motivations such as: (1) desire to possess an unresisting and unrejecting partner; (2) reunions with a romantic partner; (3) comfort or overcoming feelings of isolation; and (4) seeking self-esteem by expressing power over a homicide victim. Throughout the world, laws against this condition have been very variable. In the U.S, for example, there is no federal legislation banning sex with a corpse. Some States even have different categories of penal provisions which reprimand such a practice.

In the Philippines, forcible or violent violation of a woman's chastity under any circumstance is a most detestable crime (*See, People vs. Barbo*, 56 SCRA 459, 467 *citing Blackstone*). Indeed, it is declared a heinous crime and penalized, in qualified cases, with the penalty of death (*Art. 335 of the Revised Penal Code as amended by R.A. 7659*).

But a cursory review of our penal statutes reveals that sexual violation of or sexual intercourse with a female corpse is presently beyond the pale of our criminal

justice system. At most, desecration of the dead in this regard merely gives rise to liability for damages (*Art. 309, New Civil Code*).

Under existing provisions of the Revised Penal Code, only the defamation to blacken the memory of one who is dead is criminalized (*Art. 353, R.P.C. i.e. libel*).

This Bill, therefore, seeks to include such an integral missing piece in our present law by penalizing necrophiles or those who morbidly derive sexual gratification by copulating with a corpse. With the incorporation of a new Article imposing stiffer penalties on those who engage in such grisly and heinous act, it is the fervent hope of the authors of this measure to put a stop to such vicious bestiality, notoriously offensive and revolting to the feelings of the living as it grossly desecrates the dead.

In light of these considerations, passage of this bill is earnestly recommended.



DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur



GLORIA MACAPAGAL ARROYO
Second District, Pampanga

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **1375**

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
CRIMINALIZING NECROPHILIA AND IMPOSING APPROPRIATE PENALTIES
THEREFOR, INCORPORATING FOR THIS PURPOSE ARTICLE 335-A INTO ACT
NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. There shall be incorporated after Article 335 of Act No. 3815, as amended, otherwise known as "The Revised Penal Code" a new article which shall read as follows:

"ART. 335-A. Necrophilia. Penalty. – NECROPHILIA IS COMMITTED BY A PERSON WHO ENGAGES IN SEXUAL ACTS WITH A CORPSE.

FOR PURPOSES OF THIS ARTICLE, SEXUAL ACTS SHALL MEAN ENGAGING IN SEXUAL INTERCOURSE, ANAL AND/OR ORAL SEX.

PERSONS FOUND GUILTY OF NECROPHILIA SHALL SUFFER THE PENALTY OF PRISION MAYOR TO RECLUSION TEMPORAL AND A FINE OF ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) AT THE DISCRETION OF THE COURT.

WHENEVER THE CRIME OF NECROPHILIA IS COMMITTED BY TWO OR MORE PERSONS, OR BY ANY PERSON IN WHOSE CARE OR CUSTODY

SUCH CORPSE IS FOUND, THE PENALTY SHALL BE *RECLUSION TEMPORAL*."

SECTION 2. All laws, rules and regulations, decrees, issuances or any parts thereof inconsistent with this Act, are hereby repealed, modified or amended accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,