

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

SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 1460



INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

EXPLANATORY NOTE

Article 351 of Act No. 3815, as amended, otherwise known as the Revised Penal Code (the "RPC"), states:

ART. 351. Premature marriages. – Any widow shall marry within three hundred and one day from the date of the death of her husband, or before having delivered if she shall have been pregnant at the time of his death, shall be punished by *arresto mayor* and a fine not exceeding 500 pesos.

The same penalties shall be imposed upon any woman whose marriage shall have been annulled or dissolved, if she shall marry before her delivery or before the expiration of the period of three hundred and one day after the legal separation.

It would seem that this provision was enacted to prevent confusion with regard to paternity and filiation as a widow or a woman whose marriage had been annulled might be pregnant by her deceased or former husband. However, with the current state of scientific and medical knowledge and technology, it is considerably easier to determine when a child was conceived and even who the father may be.

Executive Order No. 209, as amended, otherwise known as the Family Code of the Philippines (the "Family Code"), does not prohibit what the RPC penalizes as 'premature marriages.' On the contrary, the Family Code provides for presumptions as to the filiation of children born of such marriages, in the absence of proof to the contrary. Article 168 of the Family Code provides:

Article 168. If the marriage is terminated and the mother contracted another marriage within three hundred days after such termination of the former marriage, these rules shall govern in the absence of proof to the contrary;

- (1) A child born before one hundred eighty (180) days after the solemnization of the subsequent marriage is considered to have been conceived during the former marriage, provided it to be born within three hundred (300) days after the termination of the former marriage;
- (2) A child born after one hundred eight (108) days following the celebration of the subsequent marriage is considered to have been conceived during such marriage, even though it be born within the three hundred (300) days after the termination of the former marriage.

provision in our penal law may be construed as a form of discrimination by the State against women. Article 351 of the RPC should therefore be repealed. Hence, the approval of this proposed measure is earnestly sought.

A handwritten signature in black ink, consisting of a stylized 'X' followed by a series of loops and a long horizontal stroke.

XAVIER JESUS "XJ" D. ROMUALDO

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AN ACT
REPEALING THE CRIME OF PREMATURE MARRIAGES IN ARTICLE 351 OF
THE REVISED PENAL CODE

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

SECTION 1. Article 351 of Act No. 3815, as amended, otherwise known
as the Revised Penal Code, is hereby repealed.

SEC. 2. Repealing Clause. – Any law, presidential decree or issuance or
executive order or rules contrary to, or inconsistent with, the provisions of this Act
is hereby repealed, modified or amended accordingly.

SEC. 3. Effectivity Clause. – This Act shall take effect following the
completion of its publication in a newspaper of general circulation in the
Philippines.

Approved,