

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1651



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

The constitutional provision which seeks to establish fundamental equality of men and women before the law must be realized in existing statute books. It considers women as important partners in the achievement of national development goals. As such they must be treated equally with their male partners in the eyes of the law.

Presently, however, certain provisions of the Revised Penal Code are burdened with inequities that hamper the realization of this constitutional provision.

This proposed bill identifies pertinent provisions on adultery and concubinage in the RPC by introducing amendments thereto to implement the principle of gender equality under Section 14, Article II of the Constitution.

Moreover, this will protect and strengthen the institution of marriage and family life.

This bill was filed during the 15th Congress and was included in the House Plenary Order of Business. However, no further legislative action was taken on the bill due to time constraints. This bill is filed for the consideration of the 16th Congress.

Support for the enactment of this measure is earnestly requested.

REP. LINABELLE RUTH R. VILLARICA

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1651

Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

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 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 The provisions of Articles 333 and 334 of Act No. 3815 are hereby repealed and, in lieu thereof, Articles 333 and 334 should now read as follows: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 WITH ANOTHER PERSON OTHER THAN THE MARRIED PERSON'S SPOUSE AND BY THE PERSON WHO HAS CARNAL KNOWLEDGE WITH THE MARRIED PERSON, KNOWING THAT PERSON TO BE LEGALLY MARRIED, EVEN IF THE MARRIAGE BE SUBSEQUENTLY DECLARED VOID.

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

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

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

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

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

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

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

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

The offended party cannot institute criminal prosecution without including both the guilty parties [,] if they are both alive, nor in any case, if [he] THE OFFENDED PARTY IS LIKEWISE GUILTY OF SEXUAL INFIDELITY, OR HAD ABANDONED THE GUILTY SPOUSE WITHOUT JUST CAUSE FOR MORE THAN ONE YEAR OR [shall have] HAD CONDONED, consented or pardoned the offenders.

xxx

xxx

xxx.”

“ART. 345. *Civil liability of persons guilty of crimes against chastity*. - Persons guilty of rape, seduction or abduction shall also be sentenced:

1. To indemnify the offended woman.
2. To acknowledge the offspring, unless the law should prevent him from so doing.
3. In every case to support the offspring.

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

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

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

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

Approved,