

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

Sixteenth Congress
First Regular Session



House Bill No. **3346**

Introduced by AKBAYAN Representatives
Ibarra "Barry" M. Gutierrez III and Walden F. Bello

EXPLANATORY NOTE

The 1987 Philippine Constitution, in Section 14 of Article II, recognizes the role of women in nation-building, and ensures the fundamental equality before law of women and men. This Constitutional policy led to the enactment of pieces of legislation which promote rights of women and which eliminates gender bias and discrimination. The latest of these laws is Republic Act No. 9710 or the *Magna Carta of Women*, which establishes the government's role in taking appropriate measures to eliminate discrimination against women, especially with regard to marriage and family relations. In fact, Section 12 of RA 9710 provides that "(t)he State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women within three (3) years from the effectivity" of the *Magna Carta of Women*.

The Constitutional mandate and the provisions of RA 9710 show that it is incumbent upon the State to ensure that steps are taken in reviewing existing laws which are discriminatory to women. This, of course, includes a review of the *Revised Penal Code*.

Article 351 of the *Revised Penal Code* makes it a crime for a woman to re-marry within a certain period of three hundred days after the termination of a previous marriage. This curtailment of the right of a woman to marry has no corresponding curtailment on the part of a man, and is discriminatory against women. While no person has been convicted of violating Article 351, the threat of its application still exists and continues to be an obstacle in the attainment of gender equality on matters relating to marriage and family relations.

This bill will repeal Article 351 and will remove the offense of premature marriages. It is a step towards the full realization of gender equality, and is a satisfaction of the State's responsibility to ensure that women and men are equally assured of their fundamental rights.

In view of the foregoing, immediate approval of this measure is earnestly sought.



IBARRA "BARRY" M. GUTIERREZ III



WALDEN F. BELLO

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AN ACT
REPEALING ARTICLE 351 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE “REVISED PENAL CODE,”
AND FOR OTHER PURPOSES

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

1 **SECTION 1.***Repeal of Article 351 of Act No. 3815.*—Article 351 of Act No. 3815, as
2 amended, otherwise known as the “*Revised Penal Code*” which reads:

3
4 “*Article 351. Premature marriages.*—Any widow who shall marry
5 within three hundred and one day from the date of the death of
6 her husband, or before having delivered if she shall have been
7 pregnant at the time of his death, shall be punished by *arresto*
8 *mayor* and a fine not exceeding 500 pesos.”

9
10 is hereby repealed.

11
12 **SECTION 2.***Retroactive effect.*—All pending criminal cases, and accompanying civil cases, if
13 any, for a violation of Article 351 of the *Revised Penal Code* shall be dismissed upon the effectivity
14 of this Act.
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Pursuant to Section 22 of the *1987 Philippine Constitution* prohibiting the enactment of *ex-post facto* laws or bills of attainder and to Article 22 of the *Revised Penal Code*, the provisions of this Act shall have retroactive effect insofar as they are favorable to the person charged or convicted under Article 351 of the *Revised Penal Code*, who is not a habitual criminal, as defined in Rule 5 of Article 62 of the said *Code*, even if at the time of the publication of this Act a final sentence has been pronounced and the convict is serving the same. Therefore, all persons serving sentence for a violation of Article 351 of the *Revised Penal Code* shall be immediately released upon the effectivity of this Act: *Provided*, That they are not serving sentence or detained for any other offense or felony.

SECTION 3. *Separability clause*.—If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SECTION 4. *Repealing clause*.—All laws, decrees, orders, rules and regulations or other issuances, particularly that of the *Revised Penal Code*, which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly. Article 351 of the *Revised Penal Code* is repealed.

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

Approved,