

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 4033

Introduced by **REP. HENEDINA RAZON- ABAD**

EXPLANATORY NOTE

It is the declared policy of the State to recognize the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men. This requires the State to apply the law regardless of one's gender. However, provisions in the Penal Code still provide for discrimination between crimes committed by a married man and woman. Article 333 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, provides that a married woman can be convicted of Adultery for a single act of sexual intercourse with a man not her husband. On the other hand, a husband is liable for Concubinage under Article 334 of the Revised Penal Code if he commits any of the following acts as specified: (1) keeping a mistress in the conjugal dwelling; (2) having sexual intercourse under scandalous circumstances with a woman who is not his wife; or (3) cohabiting with her in any other place. A higher penalty is also imposed on married women who commit infidelity as compared to married men.

Marital infidelity should remain an illegal act. However, the same should not distinguish when the act of infidelity is committed by the married man or woman. This bill seeks to eliminate gender bias in adultery and concubinage and impose equal punishment for married men and women who are found unfaithful to their spouses

The urgency of the matter merited the issuance of Committee Report No. 1748 by the Committee on Women and Gender Equality during the 15th Congress. Its momentum should be sustained to achieve the noble objective sought to be achieved.

In view of the foregoing reasons, the immediate passage of this bill is urgently sought.


HENEDINA RAZON- ABAD

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**AN ACT AMENDING ARTICLES 333, 334 AND 344, OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE PENAL CODE, ELIMINATING GENDER BIAS IN
ADULTERY AND CONCUBINAGE**

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

1 **Section 1.** Article 333 of Act No. 3815, as amended, otherwise known as the
2 Penal Code, is hereby amended to read as follows:

3 “Art. 333 **MARITAL INFIDELITY.** [Who are guilty of adultery.] –
4 **MARITAL INFIDELITY** [Adultery] is committed by any married **PERSON**
5 [woman] who shall have sexual intercourse with a **PERSON** [man] **OTHER**
6 **THAN HIS OR** her **SPOUSE** [husband], and by the **OTHER PERSON** [man] who
7 has carnal knowledge of and [her], knowing **SUCH PERSON** [her] to be married,
8 even if the marriage is subsequently declared void.

9 **MARITAL INFIDELITY** [adultery] shall be punished by *prision*
10 *correccional* in its **MINIMUM** [medium] and **MEDIUM** [maximum] periods.

11 If the person guilty of **MARITAL INFIDELITY** [adultery] committed this
12 offense while being abandoned without justification by the offended spouse, the
13 penalty next lower in degree than that provided in the next preceding paragraph
14 shall be imposed

1 **Section 2.** Article 334 of the same law is hereby amended to read as follows:

2 “Art. 334. **MAINTAINING A PARAMOUR** [Concubinage] – Any **MARRIED**
3 **PERSON** [husband] who shall keep a **PARAMOUR** [mistress] in the conjugal
4 dwelling, or, [shall have sexual intercourse, under scandalous circumstances,
5 with a woman who is not his wife, or] shall cohabit with **A PARAMOUR** [her] in
6 any other place, shall be punished by *prision correccional* in its minimum and
7 medium periods.

8 The **PARAMOUR** [concubine] shall suffer the penalty of *destierro*.

9 “**AS USED IN THIS ARTICLE, PARAMOUR SHALL INCLUDE ANY**
10 **PERSON WHO COHABITS WITH A MARRIED PERSON OF EITHER SEX UNDER**
11 **CIRCUMSTANCES WHERE THEY ASSUME AND EXERCISE TOWARD EACH**
12 **OTHER THE RIGHTS AND PRIVILEGES WHICH PROPERLY BELONG TO**
13 **PERSONS MARRIED TO EACH OTHER.”**

14 **Section 3.** Article 344, paragraph 1, of the same law is hereby amended to read
15 as follows:

16 “Art. 344. Prosecution of the Crimes of **MARITAL INFIDELITY,**
17 **MAINTAINING A PARAMOUR** [Adultery, Concubinage], Seduction, Rape, and
18 Acts of Lasciviousness. – The crime[s] of **MARITAL INFIDELITY AND**
19 **MAINTAINING A PARAMOUR** [adultery and concubinage] shall not be
20 prosecuted except upon complaint filed by the offended spouse.

21 The offended party cannot institute criminal prosecution without
22 including both the guilty parties, if they are both alive, nor, in any case, if he **OR**
23 **SHE** shall have consented or pardoned the offenders. **IF HE OR SHE IS**
24 **LIKEWISE GUILTY OF MARITAL INFIDELITY OR MAINTAINING A**

1 PARAMOUR, NOR IF HE OR SHE SHALL HAVE ABANDONED THE GUILTY
2 SPOUSE, WITHOUT JUST CAUSE FOR MORE THAN ONE (1) YEAR.

3 The offenses of seduction, abduction, rape or acts of lasciviousness, shall
4 not be prosecuted except upon a complaint filed by the offended party or her
5 parents, grandparents, or guardian, nor, in any case, if the offender has been
6 expressly pardoned by the above named persons, as the case may be.

7 In cases of seduction, abduction, acts of lasciviousness and rape, the
8 marriage of the offender with the offended party shall extinguish the criminal
9 action or remit the penalty already imposed upon him. The provisions of this
10 paragraph shall also be applicable to the co-principals, accomplices and
11 accessories after the fact of the above-mentioned crimes."

12 **Section 4. *Separability Clause*** – If any provision of this Act is declared invalid,
13 the remainder or any of this provision hereof not affected thereby shall remain in force
14 and effect.

15 **Section 5. *Repealing Clause*** – Any law, decree, executive orders, presidential
16 issuance and other administrative rule and regulation or parts thereof which are
17 inconsistent with the provisions of this Act is hereby repealed, amended or modified
18 accordingly.

19 **Section 5. *Effectivity*** – This Act shall take effect fifteen (15) days after its
20 publication in at least two (2) national newspapers of general circulation.

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23 Approved,