

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City

17th CONGRESS

Third Regular Session

House Bill No. 7992



Introduced by ***Representative Wes Gatchalian***

EXPLANATORY NOTE

The fundamental theory in constitutional law is that as a general rule the state cannot, through legislation, interfere with the lives nor limit the choices of its citizens unless it can show that it has a compelling interest to do so. This proposed legislation, as will be discussed below, follows this framework.

Although it is beyond dispute that every individual has the fundamental freedom to choose who he or she desires to be intimate with, it must equally be asserted that the state possesses an interest both in the outcome of these intimate relationships when they lead to pregnancy as well as in the emotional and mental faculties of individuals before they consent to it. With these premises now stated, this law is proposed to increase the age of consent in relation to statutory rape from twelve years old, to eighteen years old.

There are several reasons for why this law should be enacted. First and perhaps most fundamental of which is the fact that before a certain age of maturity, persons are highly susceptible to suggestions, coercions, and abuses. Increasing the age of consent therefore acts as a first line of defense. For all intents and purposes, a woman below the age of 18 is considered by our laws as a child. This is a standard that we adopt in our laws on child exploitation, child pornography, violence against women and children, etc., in recognition that before this threshold age, a person is generally helpless. It is therefore reasonable to also consider this fact when we are talking of sexual intimacy.

Second is in the area of teenage pregnancy and abortion. According to the 2017 study of the National Demographic and Health Survey (NDHS) conducted by the Philippine Statistics Authority (PSA), teenage pregnancy in the Philippines remains relatively high with almost 9% of women between the age of 15-19 already having begun childbearing. Aside from the financial burden that this brings to a woman who has barely started her life, there is also the inevitable emotional cost of public stigma and the personal burden of an unwanted pregnancy. In 2005, the World Health Organization has reported that almost seventy percent (70%) of unwanted pregnancy in the Philippines resulted in abortion and that most, if not all, of these patients are minors.

HON. WES GATCHALIAN

Representative

First District, Valenzuela City

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**AN ACT INCREASING THE COVERAGE OF
STATUTORY RAPE AS DEFINED IN ARTICLE 266-A (1) (d) OF
ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE,
AMENDING FOR THE PURPOSE ACT NO. 3815 AS AMENDED BY
REPUBLIC ACT 8353, OTHERWISE KNOWN AS THE
ANTI-RAPE LAW OF 1997**

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

Section 1. Short Title. – This Act shall be known as “The Statutory Rape Law of 2018.”

Section 2. Statutory Rape. – Article 266-A (1)(d), of Act No. 3815, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

“Article 266-A. Rape: When And How Committed. - Rape is committed:

“1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a. xxx
- b. xxx
- c. xxx
- d. When the offended party is under EIGHTEEN (18) YEARS OF AGE or is demented, even though none of the circumstances mentioned above be present.”

Section. 3. Separability Clause. - If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

Section. 4. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,