



Republic of the Philippines
House of Representatives

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8125



INTRODUCED BY REP. LUISA LLOREN CUARESMA
Lone District of Nueva Vizcaya

EXPLANATORY NOTE

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2 The Constitution, Article 11, Section 13 provides, "*The State recognizes the*
3 *vital role of the youth in nation-building and shall promote and protect their physical,*
4 *moral, spiritual, intellectual, and social well- being. It shall inculcate in the youth*
5 *patriotism and nationalism, and encourage their involvement in public and civic*
6 *affairs.*"

7 The Convention on the Rights of the Child provides for minimum standard of
8 protection of children against sexual abuse and exploitation. The Philippines, in
9 compliance with its state obligation has provided legislative measure to address the
10 child sexual abuse and exploitation, which the Committee on the Rights of the Child
11 characterized as a "relatively advanced legal framework." Nevertheless, the
12 Committee still has grave concerns about the sexual exploitation of children,
13 including growing child prostitution, and the reported cases of child pornography in
14 the state party."

15 Based on a comparative observation, the Philippines has one of the lowest
16 minimum age established in determining statutory sexual abuses committed against
17 children. Existing legislation also provides differential treatment on children "in terms
18 of application of particular provisions of sexual abuse protection laws and in terms of
19 imposition of these laws when a child is below or above the minimum age of
20 consent. Pursuant to the obligation of the Philippines under the Convention on the
21 Rights of the Child, this bill amends the provision of the Penal Code by raising the
22 minimum age of consent to determine statutory rape to below eighteen (18) years of
23 age. In this regard, it amends or repeals the other provisions of the Penal Code, as

24 well as special laws with the attempt to address the disparity in the treatment of those
25 persons who are below twelve (12) years old and those twelve (12) years but below
26 18 years of age.

27 The Committee did not state the particular age that is acceptable at the
28 international level but a comparative observation of other countries' laws around the
29 world shows that the Philippines has one of the lowest minimum age for determining
30 statutory rape.

31 In view of the foregoing, the passage of this bill is earnestly sought.
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Luisa Loren Cuaresma
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**AN ACT INCREASING THE AGE FOR DETERMINING STATUTORY
RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION TO
BELOW EIGHTEEN YEARS OLD AND PROVIDE STRONGER
PROTECTION FOR CHILDREN AND AMENDING FOR THIS PURPOSE
ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL
CODE**

*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 "Age of
Statutory Rape and Acts of Sexual Abuse Act."

SECTION 2. The Penal Code, Article 266-A (1) (d) is hereby
amended to read as follows:

"Article 266-A. Rape - When and How Committed. Rape is committed:
I) By a man who shall have carnal knowledge of a woman under any of the
following circumstances:

60 : (d) When the offended party is **UNDER EIGHTEEN (18)** [twelve (12)]
61 years of age or is demented, even though none of the circumstances
62 mentioned above be present."

63 **SECTION 3. *Repealing Clause.*** - Republic Act No. 7610 Section 5
64 (b), Act No. 3815 Articles 337, 338, 339, 342 and 343, and all laws, acts, presidential
65 decrees, executive orders, administrative orders, rules and regulations inconsistent
66 with or contrary to the provisions of this Act are deemed amended, modified or
67 repealed accordingly.

68 **SECTION 4. *Separability Clause.*** - If any provision of this Act is held
69 invalid or unconstitutional, the remainder of the Act or the provision not otherwise
70 affected shall remain valid and subsisting.

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

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77 **Approved,**