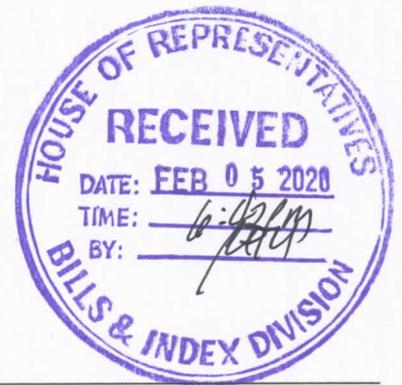


Republic of the Philippines
CONGRESS OF THE PHILIPPINES
Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill 6215



INTRODUCED BY **REP. MARIA LOURDES ACOSTA-ALBA** and
REP. LAWRENCE 'LAW' H. FORTUN

Explanatory Note

The age to determine statutory rape in the Philippines is far below international standards. A 2015 report released by the United Nations Children's Fund (UNICEF) East Asia and Pacific Regional Office revealed that it is, in fact, the lowest among ASEAN member states. The authors are proposing that the age be increased to below 16 years old, which is the global average.

Under Article 266-A of the Revised Penal Code states that rape is committed even without the presence of elements of force, threat, intimidation, or fraudulent machinations, as long as the victim is under the age of 12 or is demented. This crime is known as "statutory rape," wherein consent of the victim to engage in sex – even if present or was presumed given – cannot be used as a defense on account of the victim's age.

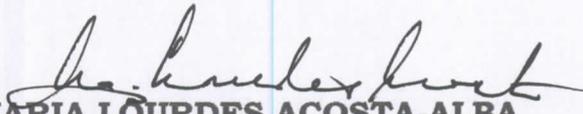
However, the 2015 Philippine National Baseline Study on Violence against Children and Young People released in 2015 has revealed that one in every five children (17.1%) aged (13 to below 18) years old experience sexual violence, while 124 (one in 25 or 3.2%) reported they were raped. In the same report, it was found that the perpetrators are often family members.

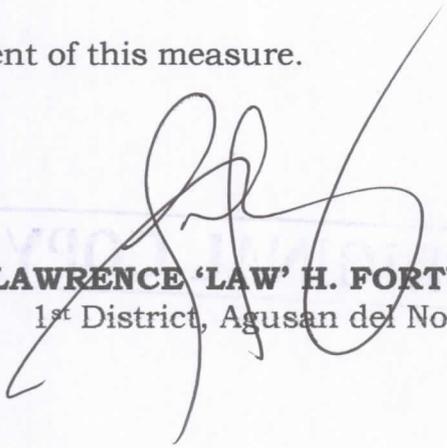
Moreover, the classification of rape against a boy child, or rape against persons of the same sex as rape by sexual assault carries a lower punishment of *prision mayor* or 6-12 years, unlike the punishment of *reclusion perpetua* (20-40 years) if the victim is a girl child.

The same study revealed that more boys (65.2%) than girls (60.4%) reported experiencing sexual violence.

Providing special and equal protection to children against sexual abuse is long overdue. As duty bearers, we can deliver the positive change that is desperately needed by our children and the time to work on it is now.

We hope and pray for the swift passage and enactment of this measure.


MARIA LOURDES ACOSTA-ALBA
1st District, Bukidnon


LAWRENCE 'LAW' H. FORTUN
1st District, Agusan del Norte

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

6215
House Bill No. _____

Introduced by Representative Maria Lourdes Acosta-Alba

**AN ACT PROVIDING STRONGER PROTECTION FOR CHILDREN
AGAINST SEXUAL ABUSE**

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

1 **Section 1. Short Title.** – This Act shall be known as “ANTI-CHILD RAPE LAW
2 OF THE PHILIPPINES.”
3

4 **Section 2.** Article 266-A of Act No. 3815, otherwise known as the Revised
5 Penal Code, as amended, is hereby further amended to read as follows:
6

7 “Article 266-A. *Rape, When and How Committed* – Rape is committed by
8 any person who shall commit any of the following acts against any person
9 without their consent, whether or not injuries were suffered:
10

11 1. Inserting a person’s penis into another person’s inner or
12 outer vaginal labia, mouth or anal orifice of another person;
13

14 2. Inserting any instrument or object, including a finger, into
15 another person’s inner or outer vaginal labia or anal orifice of
16 another person; or
17

18 3. Causing the insertion of another person’s penis into the
19 inner or outer vaginal labia, mouth or anal orifice of the offender
20 through force, threat, intimidation, verbal pressure, persuasion,
21 coercion, administration of alcohol or drugs resulting to deprivation
22 of reason or fraudulent machination or grave abuse of authority
23 shall also be guilty of the crime of rape.”

1 **Section 3.** Article 266-B of Act No. 3815, otherwise known as the Revised
2 Penal Code, as amended, is hereby further amended to read as follows:
3

4 “Article 266-B. *Statutory Rape.* – The crime of statutory rape is
5 committed when any of the acts enumerated in Article 266-A is committed
6 against a minor under sixteen (16) years of age or those over but are unable
7 to fully take care of themselves from abuse, neglect, cruelty, exploitation or
8 discrimination because of a physical or mental disability or condition. There
9 shall be no valid consent in these instances.

10
11 Consensual, non-abusive and non-exploitative sexual activity between
12 persons whose difference of age is four (4) years and below shall not be
13 considered as statutory rape. If one or both parties is unable to fully take care
14 of himself/herself from abuse, neglect, cruelty, exploitation or discrimination
15 because of a physical or mental disability or condition his/her mental capacity
16 shall be considered In determining the difference of age.”
17

18 **Section 4.** Article 266-B of Act No. 3815, otherwise known as the Revised
19 Penal Code, as amended, enumerating the *penalties* for the crime of rape shall
20 be renumbered as Article 266-C. *Penalties* and is hereby further amended to
21 read as follows:
22

23 “Article 266-C. *Penalty.* - Rape under Article 266-A, as defined in this
24 law shall be punished by *reclusion perpetua*. The same penalty shall apply in
25 cases of statutory rape.
26

27 “Whenever the rape is committed with the use of a deadly weapon or by
28 two or more persons, the penalty shall be *reclusion perpetua* to death.
29

30 “When by reason or on the occasion of the rape, the victim has become
31 insane, the penalty shall become *reclusion perpetua* to death.
32

33 “When the rape is attempted and a homicide is committed by reason or
34 on the occasion thereof, the penalty shall be *reclusion perpetua* to death.
35

36 “When by reason or on the occasion of the rape, homicide is committed,
37 the penalty shall be death.
38

39 “The death penalty shall also be imposed if the crime of rape is
40 committed with any of the following aggravating/qualifying circumstances:
41

- 42 1. When the victim is under eighteen (18) years of age and the
43 offender is a parent, ascendant, step-parent, guardian, relative by
44 consanguinity or affinity within the third civil degree, or the
45 common-law spouse of the parent of the victim;

1 2. When the victim is under the custody of the police or military
2 authorities or any law enforcement or penal institution;
3

4 3. When the rape is committed in full view of the spouse,
5 parent, any of the children or other relatives within the third civil
6 degree of consanguinity;
7

8 4. When the victim is a religious engaged in legitimate religious
9 vocation or calling and is personally known to be such by the
10 offender before or at the time of the commission of the crime;
11

12 5. When the victim is a child below seven (7) years old;
13

14 6. When the offender knows that he is afflicted with the Human
15 Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency
16 Syndrome (AIDS) or any other sexually transmissible disease and
17 the virus or disease is transmitted to the victim;
18

19 7. When committed by any member of the Armed Forces of the
20 Philippines or para-military units thereof or the Philippine National
21 Police or any law enforcement agency or penal institution, when the
22 offender took advantage of his position to facilitate the commission
23 of the crime;
24

25 8. When by reason or on the occasion of the rape, the victim
26 has suffered permanent physical mutilation or disability;
27

28 9. When the offender knew of the pregnancy of the offended
29 party at the time of the commission of the crime; and
30

31 10. When the offender knew of the mental disability, emotional
32 disorder and/or physical handicap of the offended party at the time
33 of the commission of the crime.”
34

35 **Section 5.** Article 266-C of Act No. 3815, otherwise known as the Revised
36 Penal Code, as amended, shall be renumbered as Article 266-D and is further
37 amended to read as follows:
38

39 “Article 266-D. *Effect of Forgiveness and Subsequent Valid Marriage.* –
40 The subsequent valid marriage between the offended party and the offender,
41 shall not extinguish the criminal action or the penalty imposed.”
42

43 **Section 6.** Article 266-D of Act No. 3815, otherwise known as the Revised
44 Penal Code, as amended, on *Presumptions* shall be renumbered as Article 266-
45 E. *Presumptions.* Article 266-E. is further amended to read as follows:
46

47 “Article 266-E. *Presumptions.* Any act manifesting resistance against
48 the acts of rape in any degree from the offended party, or where the offended

1 party is so situated as to render her/him incapable of giving valid consent,
2 may be accepted as evidence in the prosecution of the acts punished under
3 Article 266-A and 266-B.”
4

5 **Section 7. Separability Clause** – If any part or provision of this Act is
6 declared invalid or unconstitutional, the other parts thereof not affected
7 thereby shall remain valid.
8

9 **Section 8. Repealing Clause** – Articles 266-A, 266-B, 337 and 338 of Act
10 No. 3815, otherwise known as the Revised Penal Code, as amended, and all
11 laws, acts presidential decrees, executive orders, administrative orders, rules
12 and regulations inconsistent with or contrary to the provisions of this Act are
13 deemed amended, modified or repealed accordingly.
14

15 **Section 9. Effectivity.** – This Act shall take effect fifteen (15) days after
16 completion of its publication in the Official Gazette or at least in two (2)
17 newspapers of general circulation.