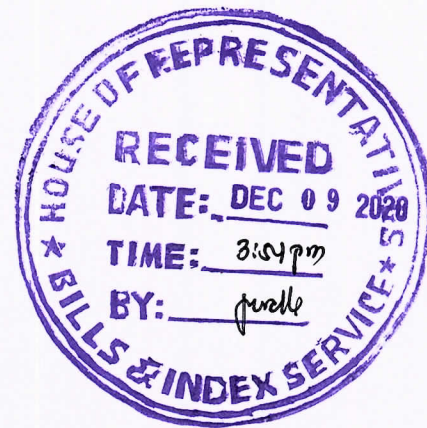


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 8176

AN ACT

AMENDING ARTS. 266-A, 333, 334, 337, 338, 342, 343, 349, 350 and 351 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE OF THE PHILIPPINES AND REPUBLIC ACT NO. 8353 (ANTI-RAPE LAW OF 1997), AND FOR OTHER PURPOSE.

Introduced by: Congressman BIENVENIDO M. ABANTE, JR.

EXPLANATORY NOTE

God created man in his own image, and created male and female only (*Genesis 1:27*), and gave the decree of procreation to a male and female only (*Genesis 1:27-28*), from which it is clear that God created only two (2) genders. As time passes by, however, and quite unfortunately, man continuous to change with flaming persistence the physiological, moral and social order, and environment that God designed for him. Today, what was virtually unknown and unimaginable since time immemorial, have become detestable realities right in our beloved country, of which we are proud to be called as the only 'Christian' country in the Far East.

Today, we have lesbians, gays, bisexuals, transgenders, queers and intersex (LGBTQI), and growing and/or expanding, who are clamoring for 'legislated rights' and 'state protection' tailored for their specific kind and/or class, all in contravention to God' law of creation and procreation and in utter defiance to His statutes and commandments, and the principles and standards of proper conduct and righteous living that He set for an orderly and morally upright society. To name a few: (1) on **adultery** - "And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, *the adulterer and the adulteress shall surely be put to death* (*Leviticus 20:10, KJV, italics for emphasis*). "But whoso committeth adultery with a woman lacketh understanding: he that doeth it destroyeth his own soul" (*Proverbs 6:32, KJV*); (2) on **lust** - "But I say unto you, That whosoever

looketh on a woman to lust after her hath committed adultery with her already in his heart" (*Matthew 5:28, KJV*). "This I say then, Walk in the Spirit, and ye shall not fulfill the lust of the flesh" (*Galatians 5:16, KJV*). "For all that is in the world, the lust of the flesh, and the lust of the eyes, and the pride of life, is not of the father, but is of the world" (*1 John 2:16, KJV*); and (3) on **reprobates** - "Because that, when they knew God, they glorified him not as God, neither were thankful; but became vain in their imaginations, and their foolish heart was darkened". "Professing themselves to be wise, they became fools", "And changed the glory of the uncorruptible God into an image made like to corruptible man, and to birds, and fourfooted beasts, and creeping things". "Wherefore God also gave them up to *uncleanness* through the lusts of their own hearts, *to dishonour their own bodies between themselves*": "Who changed the truth of God into a lie, and worshipped and served the creature more than the Creator, who is blessed forever. Amen". "For this cause God gave them up unto *vile affection*: for even their women did *change the natural use into that which is against nature*". "And likewise also the men, leaving the *natural use of the women, burned in their lust one towards another: men with men* working that which is *unseemly*, and receiving in themselves their recompence of their error which was meet". "And even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, *to do the things which are not convenient*"; "Being filled with all unrighteousness, fornication, wickedness, covetousness; full of envy, murder, debate, deceit, malignity, whisperers", "Backbiters, haters of god, despiteful, proud, boasters, inventors of evil things, disobedient to parents", "Without understanding, covenant-breakers, without natural affection, implacable, unmerciful": and "Who knowing the judgment of God, that *they which commit such things are worthy of death, not only do the same, but have pleasure in them* that do them." (*Romans 1:21-32, KJV, italics for emphasis*).

On the other hand, the environment today was not the environment when we adopted the Revised Penal Code and subsequently adopted other penal laws. Consistent with the Constitutional mandate for the State to protect life, liberty and property and promote the general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society, therefore, and in the spirit of justice, equity and fair play, there is a need to amend certain provisions of the Revised Penal Code and other penal laws so as to extend with clarity their protection and efficacy to the LGBTQI and other similar group(s) that may be born hereafter.

In the light of the foregoing, the immediate passage of this Bill is earnestly requested.



BIENVENIDO M. ABANTE, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 8176

Introduced by: Congressman BIENVENIDO M. ABANTE, JR.

AN ACT

AN ACT AMENDING ARTS. 266-A, 333, 334, 337, 338, 342, 343, 349, 350 and 351 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE OF THE PHILIPPINES AND REPUBLIC ACT NO. 8353 (ANTI-RAPE LAW OF 1997), AND FOR OTHER PURPOSE.

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

SECTION 1. Declaration of Policy. – It is hereby declared the policy of the State to protect and promote liberty, human dignity, moral and spiritual values, discipline, moral character, and the sanctity of the family, all for the general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society. Likewise, it is the policy of the State to extend with clarity, to serve the spirit of justice, equity and fair play, the protection and efficacy of specific provisions of the Revised Penal Code and other penal laws to the LGBTQI and other similar group(s) that may hereafter exist.

SEC. 2. Art. 266-A of the Revised Penal Code is hereby amended to read as follows:

Art. 266-A. Rape, When and How Committed. – Rape is committed –

1. By a man who shall have carnal knowledge of a woman **whether the man and/or the woman referred to in this Article are such by birth or a gay, lesbian, bisexual,**

[2]

transgender, queer or intersex and/or regardless of their sexual orientation, gender identity or gender expression under any of the following circumstances:

- a. xxx;
- b. xxx;
- c. xxx;
- d. xxx.

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person, **regardless of the sexual orientation, gender identity or gender expression of the offender or the victim.**

SEC. 3. Art. 333 of the Revised Penal Code is hereby amended to read as follows:

Art. 333. *Who are guilty of Adultery.* – Adultery is committed by any married woman **or a woman with a subsisting civil partnership** who shall have sexual intercourse with a man not her husband and by the man who has carnal knowledge of her, knowing her to be married **or with a subsisting civil partnership**, even if the marriage **or civil partnership** be subsequently declared void, **whether the woman, man or husband referred to in this Article are female or male by birth or a lesbian, gay, bisexual, transgender, queer or intersex, as the case may be, and/or regardless of their sexual orientation, gender identity or gender expression.**

Civil partnership as used in this Article and in succeeding Articles herein shall refer to a contract of a union between two (2) persons of opposite or same sex who enter into a mutual agreement to live together and perform rights and obligations as husband and wife.

Adultery shall be punished by *prision mayor* in its medium and maximum periods.

xxx.

SEC. 4. Art. 334 of the Revised Penal Code is hereby amended to read as follows:

Art. 334. *Concubinage.* – Any husband who shall keep a mistress in the conjugal dwelling, or, shall have sexual intercourse, under scandalous **or non-scandalous** circumstances with a woman who is not his wife or shall cohabit with her in any other place, shall be punished by

prision **mayor** in its minimum and medium periods, **whether the husband, mistress, woman, or wife referred to in this Article are male or female by birth or a gay, lesbian, bisexual, transgender, queer or intersex, as the case may be, and/or regardless of their sexual orientation, gender identity or gender expression, and whether the husband is married or with a subsisting civil partnership as defined in Article 333 hereof.**

The concubine shall suffer the penalty of **prision correccional in its minimum and medium periods.**

SEC. 5. Art. 337 of the Revised Penal Code is hereby amended to read as follows:

Art. 337. *Qualified seduction.* – The seduction of a virgin, **whether male or female**, over twelve years and under eighteen years of age, committed by any person in public authority, priest, home-servant, domestic, guardian, teacher, or any person who, in any capacity, shall be entrusted with the education or custody of the woman seduced, **whether the virgin seduced be a male or female by birth or a gay, lesbian, bisexual, transgender, queer or intersex and/or regardless of his/her sexual orientation, gender identity or gender expression,** shall be punished by prision **mayor** in its minimum and medium periods,

The penalty next higher in degree shall be imposed upon any person who shall seduce his sister, **brother** or descendant **whether such sister or brother is a female or male by birth or a lesbian, gay, bisexual, transgender, queer or intersex, and/or regardless of his/her sexual orientation, gender identity or gender expression and** whether or not she/he be a virgin or over eighteen years of age.

xxx.

SEC. 6. Art. 338 of the Revised Penal Code is hereby amended to read as follows:

Art. 338. *Simple seduction.* – The seduction of a **man or woman who is such by birth or a gay, lesbian, transgender, queer or intersex, and/or regardless of his/her sexual orientation, gender identity or gender expression,** who is single or a **widower or widow as a consequence of marriage or civil partnership as defined in Article 333 hereof,** of good reputation, over twelve but under eighteen years of age, committed by means of deceit, shall be punished by **prision correccional in its minimum and medium periods.**

SEC. 7. Art. 342 of the Revised Penal Code is hereby amended to read as follows:

Art. 342. *Forcible abduction.* – The abduction of any **man or woman who is such by birth or a gay, lesbian, bisexual, transgender,**

queer or intersex, and/or regardless of his/her sexual orientation, gender identity or gender expression, against his/her will and with lewd designs shall be punished by reclusion temporal **in its maximum period**.

The same penalty shall be imposed in every case, if the **male or female** abducted be under twelve years of age.

SEC. 8. Art. 343 of the Revised Penal Code is hereby amended to read as follows:

Art. 343. Consented abduction. – The abduction of a virgin, **whether male or female**, over twelve and under eighteen years of age, carried out with his/her consent, **whether the virgin referred to in this Article is male or female by birth or gay, lesbian, bisexual, transgender, queer or intersex, as the case maybe, and/or regardless of the victim's sexual orientation, gender identity or gender expression** and with lewd designs, shall be punished by the penalty of prison **mayor** in its minimum and medium periods.

SEC. 9. Art. 349 of the Revised Penal Code is hereby amended to read as follows:

Art. 349. Bigamy. – The penalty of **reclusion temporal in its medium and maximum periods** shall be imposed upon any person who shall contract a second or subsequent marriage **or civil partnership as defined in Article 333 hereof** before the former marriage **or civil partnership** has been legally dissolved, or before the absent spouse or **civil partner** has been declared presumptively dead by means of a judgment rendered in the proper proceedings.

SEC. 10. Art. 350 of the Revised Penal Code is hereby amended to read as follows:

Art. 350. – Marriage contracted against provisions of laws. – The penalty of prison **mayor** in its medium and minimum periods shall be imposed upon any person who, without being included in the provisions of the next preceding article, shall contract marriage **or civil partnership as defined in Article 333 hereof** knowing that the requirements of the law have not been complied with or that the marriage or civil partnership is in disregard of a legal impediment.

If either of the contracting parties shall obtain the consent of the other by means of violence, intimidation, or fraud, he/she shall be punished by the maximum period of the penalty provided in the next preceding paragraph.

SEC. 11. Art. 351 of the Revised Penal Code is hereby amended to read as follows:

Art. 351. Premature marriages. – Any widow, **whether a female by birth or a transgender, either by reason of marriage or civil**

partnership as defined in Article 333 hereof, who shall marry within three hundred and one day from the date of the death of her **partner by marriage or civil partnership** or before having delivered if she shall have been pregnant at the time of **her partner's** death, shall be punished by **prision correccional in its minimum and medium periods** and a fine of not exceeding **50,000 pesos** .

SEC. 12. Applicability of Other Laws. - The provisions of R.A. No. 7877 (otherwise known as the Anti-Sexual Harassment Act of 1995) and R.A. No. 9262 (otherwise known as the Anti-Violence Against Women and Their Children Act of 2004) shall apply whether the victim or the offender or both are lesbians, gays, bisexuals, transgenders, queers or intersex and/or regardless of their sexual orientation, gender identity or gender expression.

SEC. 13. Separability Clause. – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 14. – Repealing Clause. - All laws, executive orders, decrees and other issuances that are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 15. – Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved, _____.