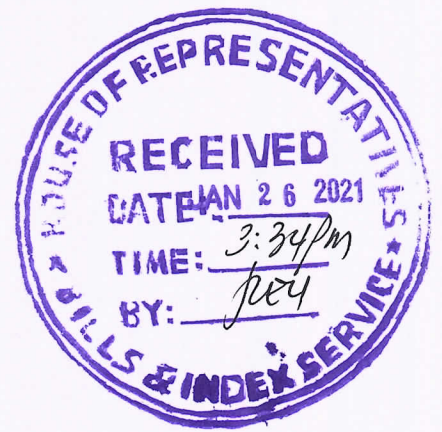


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8523



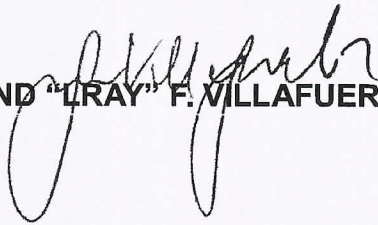
Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

AN ACT
AMENDING ARTICLES 333 AND 344, AND REPEALING ARTICLE 334, OF THE
PENAL CODE, ELIMINATING GENDER BIAS IN ADULTERY AND CONCUBINAGE

The Constitution, Article XI, Section 14, mandates the State to ensure the fundamental equality before the law of women and men. This requires the State to apply the law regardless of one's gender.

Under the Penal Code, Art. 333, adultery may only be committed by a married woman and by the man who shall have sexual intercourse with her. On the other hand, under the same law, Art. 334, concubinage may be committed by a husband only under certain conditions which are difficult to prove. These provisions have allowed other married persons not falling within the coverage to perpetuate marital infidelity but remaining unscathed from the application of the law. This bill seeks to eliminate this gender bias in adultery and concubinage.

This bill is a consolidation of related bills submitted in the Tenth Congress before the Committee on Constitutional Amendments, Revision of Codes and Laws, which the undersigned chaired.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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

SECTION 1. Article 333 of the Penal Code is hereby amended to read as follows:

"Art. 333. MARITAL INFIDELITY. (Who are guilty of adultery?) MARITAL INFIDELITY [ADULTERY] is committed by any married PERSON [woman] who shall have sexual RELATIONS [intercourse] with a PERSON [man] OTHER THAN HIS OR her SPOUSE [husband], and by the SEXUAL PARTNER [man] of the MARRIED PERSON knowing the LATTER [her] to be married, even if the marriage be subsequently declared void.

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

"ANY PERSON ACCUSED OF MARITAL INFIDELITY SHALL BE EXEMPT FROM CRIMINAL LIABILITY IF THE OFFENSE WAS COMMITTED AFTER THE ISSUANCE OF A FINAL DECREE OF LEGAL SEPARATION BY A COMPETENT COURT HOWEVER, IF THE OFFENSE WAS COMMITTED AFTER THE ACCUSED SPOUSE HAD BEEN JUSTIFIABLY ABANDONED [(If the person guilty of adultery committed this offense while): abandoned without justification] OR SUBJECTED TO REPEATED PHYSICAL VIOLENCE OR GROSSLY ABUSIVE CONDUCT by the offended spouse, the penalty next lower in degree than that provided in the [next] preceding paragraph shall be imposed, AND THE SAME PENALTY SHALL BE IMPOSED ON THE CO-ACCUSED IN THE MARITAL INFIDELITY CASE."

SECTION 2. Article 344, paragraph 1, of the Penal Code is hereby amended to read as

follows:

"Art. 344. Prosecution of the crimes of MARITAL INFIDELITY [adultery, concubinage], seduction, rape, and acts of lasciviousness. – "The crime[s] of MARITAL INFIDELITY [adultery and concubinage] shall not be prosecuted except upon a complaint filed by the offended spouse. xxx"

SECTION 3. Separability Clause. – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 4. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation contrary to or inconsistent with, the provisions of this Act are hereby repealed, modified or amended accordingly.

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

Approved,