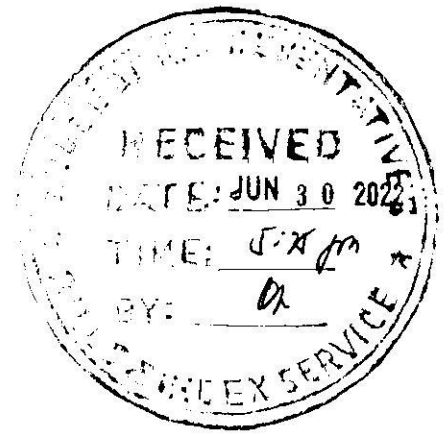


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **401**



Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party),
FRANCE L. CASTRO (ACT Teachers Partylist),
and **RAOUL A. MANUEL (Kabataan Partylist)**

AN ACT PROVIDING FOR STRONGER PROTECTION AGAINST RAPE, AND OTHER FORMS OF SEXUAL ABUSE AND EXPLOITATION, AMENDING CHAPTER 3 OF REPUBLIC ACT 8353, ALSO KNOWN AS THE ANTI-RAPE LAW OF 1997, AND REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE "REVISED PENAL CODE"

EXPLANATORY NOTE

Rape is undoubtedly the most horrendous of all forms of sexual violence and is one of the most heinous crimes committed against a person¹. Rape causes immeasurable anguish to the victim and his/her family. Simply put, rape ruins the life of the victim and that of his or her family.

It becomes exceptionally appalling when committed by a person with public or moral authority, with willful use of one's office or authority, resources, and facilities, or when committed with the knowledge or even help of the head of a public office or institution to which the perpetrator belongs.

While RA 8353, which reclassified rape from a crime against chastity to that a crime against persons, also did away with the case law requirement of tenacious resistance, courts still have differing interpretations as to resistance. Moreover, the apparent failure of the law in defining consent from the victim's perspective paved the way for some judges to rule that the victims had consented to the sexual intrusion when they could not put up any amount of resistance. Despite the enactment of Republic 11648, which raised the age for determining the commission of statutory rape from 12 to 16 years old, there is still a need to pass amendments highlighting the absence of consent as the central element in the crime of rape.

¹ The following data on Rape cases have been gathered by Center for Women's Resources Philippines (CWR)

- The number of reported cases of rape increased from 5,132 in 2010 to 9,363 in 2017 (83% increase). This means that 1 woman or child was raped every 53 minutes. And 7 out of 10 of those rape victims are children.
- Only 3 out of 10 women who experienced physical or sexual violence sought help to put an end to the same.
- Based from CWR's record, the youngest victim of rape is 3 years old while the oldest is 65 years old. [CWR, 2012]
- 8 out of 10 cases of sexual abuse were committed by the victim's husband or partner.
- From June 2010 to November 2015, there were 10 reported cases of military rape where the usual victims were children and indigenous women [Karapatan, 2016].
- From July 2016 to October 2018, there were 56 policemen involved in abuses versus women [CWR, 2018].
- Out of several thousands of rape cases, only 7,416 cases were in jail as of December 2017. A lesser number of these cases have fast-track provisions.

What for many may be the most intimate expression of love or oneness, when done without the consent or against the will of one party, is transformed into that heinous crime called rape. The lack of or inability to give consent violates the victim's body and dignity. The lack of or inability to give consent leaves a lasting mark on the victim's psyche and whole being.

In the views on the *Karen Tayag Vertido vs. the Philippines* (Communication No. 18/2008) adopted by the CEDAW Committee on July 16, 2010, the CEDAW Committee recommended that the Philippine definition in the anti-rape law should center on the lack of consent as the core of the definition of rape. ***It is the lack of or inability to give consent that is the very essence of the crime of rape.***

[1] The following data on Rape cases have been gathered by the Center for Women's Resources Philippines (CWR):

- The number of reported cases of rape increased from 5,132 in 2010 to 9,383 in 2017 (83% increase). This means that one woman or child was raped every 53 minutes. *Furthermore, 7 out of 10 of those rape victims are children.*
- Only 3 out of 10 women who experienced physical or sexual violence sought help to put an end to the same.
- Based on CWR's record, the youngest victim of rape is three years old, while the oldest is 86 years old [CWR, 2012].
- 8 out of 10 cases of sexual abuse were committed by the victim's husband or partner.
- From June 2010 to November 2015, there were 10 reported cases of military rape where the usual victims were children and indigenous women [Karapatan, 2016].
- *From July 2016 to October 2018, there were 56 policemen involved in abuse against women [CWR, 2018].*
- Of several thousands of rape cases, only 7,416 accused were in jail as of December 2012. A fewer number of these cases reached conviction.
 - It addresses the special situation of those who, by reason of their mental or physical state, are unable to give consent.

Notably, in providing for instances when lack of consent is presumed, the responsibility to prove consent is placed on the accused, not the victim. Rape is committed under the following circumstances:

- 1) by any person who shall have sexual intercourse with another person without the latter's consent;
- 2) inserting or causing the insertion of a person's penis in another person's inner or outer vaginal labia, anal orifice or mouth;
- 3) inserting or causing the insertion of a finger, instrument or object, into another person's inner or outer vaginal labia or anal orifice;
- 4) placing or causing the placement of a person's penis between, or rubbing or causing the rubbing thereof on, the breasts of another person; or
- 5) causing a person or persons to perform any of the above-mentioned acts even if the offender does not participate therein;

6) under any of the following circumstances:

- by force, threat, intimidation, deception or coercion;
- by abuse of authority or moral ascendancy;
- by employment of means to deprive one person of reason or to render one unconscious;
- by other fraudulent machinations; or
- when the victim is incapable or has been rendered incapable of giving consent by reason of physical, mental, or psychological disability or condition of the victim.

To be consistent with the proposed definition of consent, Article 266-D provides that "any overt physical act manifesting resistance or that the victim is so situated that he/she is incapable of giving consent may be accepted as evidence in the prosecution of the crime" is proposed to be repealed.

Aside from clarifying the definition of consent, the bill also seeks to recognize that other forms of unwanted sexual conduct against males, young boys, in particular, be recognized as rape. It is not unknown that rape as a hate crime may be perpetrated against members of the LGBT (lesbians, gays, bisexuals, transgender people) community.

The bill also includes the act of recording and public dissemination of the rape in the list of aggravating circumstances. An example is a case of a university student in Las Pinas where the victim was drugged and raped by a group of young men; the commission of the crime was uploaded by the perpetrators on the internet for the public to see, increasing the humiliation and victimization of the offended party.

To further highlight the seriousness of the crime of rape and to address the power relations that currently exist in marriage, this bill also seeks to repeal Article 266-C, which pardons the rapist if he subsequently marries the victim or the rapist-husband if pardoned by the wife.

Notwithstanding the stigma of being victims and violated, some women brave their experiences and fight their battle. However, not everyone fought up to the end. Most succumbed to fear and trauma for recounting every act done against their will and their person. They retreat from being raped once more in public during trials. Tribulations are created in different forms; most are sugar-coated and deceiving. Only braver women kept their heads up, but not all rape victims end up victors.

While all rape victims may not be as brave as Karen Vertido, women and other victims of rape who would want to seek justice through the judicial system must be given ample remedies under the law.

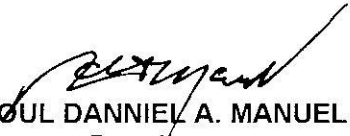
In view of the foregoing, the approval of this bill is earnestly sought.



ARLENE D. BROSAS
Gabriela Women's Party



FRANCE L. CASTRO
Act Teachers Partylist



RAOUL DANNIEL A. MANUEL
Kabataan Partylist

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EIGHTEENTH CONGRESS
First Regular Session

401
HOUSE BILL NO. _____

Introduced by Honorable Representatives
ARLENE D. BROSAS (Gabriela Women's Party),
FRANCE L. CASTRO (ACT Teachers Partylist),
and **RAOUL A. MANUEL (Kabataan Partylist)**

**AN ACT PROVIDING FOR STRONGER PROTECTION AGAINST RAPE, AND OTHER FORMS OF
SEXUAL ABUSE AND EXPLOITATION, AMENDING CHAPTER 3 OF REPUBLIC ACT 8353, ALSO
KNOWN AS THE ANTI-RAPE LAW OF 1997, REPUBLIC ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE "REVISED PENAL CODE"**

SECTION 1. Article 266-A (1)(d) of Act No. 3815, otherwise known as "The Revised Penal Code," as amended by Republic Act No. 8353 known as "The Anti-Rape Law of 1997," is hereby further amended to read as follows:

Chapter Three

Rape

~~[Article 266-A Rape; When And How Committed. — Rape Is Committed~~

"1) x x x

- a) ~~Through force, threat, or intimidation;~~
- b) ~~When the offended party is deprived of reason or otherwise unconscious;~~
- c) ~~By means of fraudulent machination or grave abuse of authority; and~~

"d) x x x

SECTION 2. Articles 266-B, 266-C and 266-D of the same Act are hereby repealed.

ARTICLE 266-A

SECTION 3. RAPE: WHEN AND HOW COMMITTED. -RAPE IS COMMITTED BY A PERSON AGAINST ANY PERSON BY:

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

"a) Through force, threat, or intimidation;

"b) When the offended party is deprived of reason or otherwise unconscious;

"c) By means of fraudulent machination or grave abuse of authority; and

"d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.]

- 1) **HAVING SEXUAL INTERCOURSE WITH ANOTHER PERSON WITHOUT THE LATTER'S CONSENT;**
- 2) **INSERTING OR CAUSING THE INSERTION OF A PERSON'S PENIS IN ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA, ANAL ORIFICE OR MOUTH;**
- 3) [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,] **INSERTING OR CAUSING THE INSERTION OF A FINGER, INSTRUMENT OR OBJECT, INTO ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA OR ANAL ORIFICE;**
- 4) **PLACING OR CAUSING THE PLACEMENT OF A PERSON'S PENIS BETWEEN, OR RUBBING OR CAUSING THE RUBBING THEREOF ON, THE BREASTS OF ANOTHER PERSON; OR**
- 5) **CAUSING A PERSON OR PERSONS TO PERFORM ANY OF THE ABOVE-MENTIONED ACTS EVEN IF THE OFFENDER DOES NOT PARTICIPATE THEREIN;**
- 6) **UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**
 - (A) **BY FORCE, THREAT, INTIMIDATION, DECEPTION OR COERCION;**
 - (B) **BY ABUSE OF AUTHORITY OR MORAL ASCENDANCY;**
 - (C) **BY EMPLOYMENT OF MEANS TO DEPRIVE ONE PERSON OF REASON OR TO RENDER ONE UNCONSCIOUS;**
 - (D) **BY OTHER FRAUDULENT MACHINATIONS; OR**
 - (E) **WHEN THE VICTIM IS INCAPABLE OR HAS BEEN RENDERED INCAPABLE OF GIVING CONSENT BY REASON OF PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION OF THE VICTIM.**

SECTION 4. A new Article 266-B is hereby added to Act No. 3815, as amended, to read as follows:

ARTICLE. 266-B, PRESUMPTION OF LACK OF CONSENT. - IN ALL CASES OF RAPE, LACK OF CONSENT IS PRESUMED. THE ABSENCE OR LACK OF PHYSICAL OVERT ACT OF RESISTANCE TO THE COMMISSION OF RAPE SHALL NOT BE CONSTRUED AS CONSENT.

SECTION 5. WHEN IS RAPE DEEMED CONSUMMATED. - RAPE IS DEEMED CONSUMMATED WHEN THE VICTIM'S GENITAL, MOUTH, OR ANAL ORIFICE IS TOUCHED BY THE SEXUAL ORGAN OR ANY PART OF THE BODY OR ANY OBJECT USED TO COMMIT RAPE AS DEFINED IN SECTION 1, NUMBER 2;

Article 266-C. Penalties. - Rape [under paragraph 1 of the next preceding article] shall be punished by *reclusion perpetua*.

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

When by reason or on the occasion of the rape, the victim has become insane **OR HAS DEVELOPED A PSYCHOLOGICAL DISORDER**, the penalty shall be *reclusion perpetua* to death.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua*.

The penalty of *reclusion perpetua* shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

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

1) WHEN THE OFFENDER IS A BIOLOGICAL OR ADOPTIVE PARENT OR A DE FACTO PARENT OR A PERSON WHO HAS RAISED THE OFFENDED PARTY WITHOUT THE BENEFIT OF LEGAL ADOPTION, ASCENDANT, STEP-PARENT, DE FACTO OR LEGAL GUARDIAN, RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE, OR THE COMMON-LAW SPOUSE OR LIVE-IN PARTNER OF THE PARENT OF THE VICTIM;

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

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

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

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

- 6) When the offender knows that he is afflicted with Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually-transmissible disease and the virus or disease is transmitted to the victim;
- ~~[7) When committed by any member of the Armed Forces of the Philippines or paramilitary units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;]~~

7) WHEN COMMITTED BY PERSONS OF PUBLIC OR MORAL AUTHORITY SUCH AS:

- a) ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR PARAMILITARY UNITS THEREOF OR THE PHILIPPINE NATIONAL POLICE OR ANY LAW ENFORCEMENT AGENCY OR PENAL INSTITUTION, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION OF THE CRIME;**
 - b) ANY ELECTED OFFICIAL OR APPOINTED OFFICIAL PERFORMING A PUBLIC FUNCTION, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION OF THE CRIME;**
 - c) ANY PERSON WITH MORAL ASCENDANCY OR POSSESSING SIGNIFICANT POLITICAL OR RELIGIOUS INFLUENCE, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION OR INFLUENCE TO FACILITATE THE COMMISSION OF THE CRIME;**
- 8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;
- 9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime;
- 10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime; and

11) WHEN THE ACT OF RAPE IS DOCUMENTED THROUGH ANY KIND OF MEDIA, AND THE DOCUMENTED ACT OF RAPE HAS BEEN DISSEMINATED TO THE PUBLIC SUCH AS THE INTERNET OR VIA CELLPHONE SMS.

~~[Rape under paragraph 2 of the next preceding article shall be punished by prision mayor.~~

~~Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be prision mayor to reclusion temporal.~~

~~When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be reclusion temporal.~~

~~When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion temporal to reclusion perpetua.~~

~~When by reason or on the occasion of the rape, homicide is committed, the penalty shall be reclusion~~

perpetua.

Reclusion temporal shall also be imposed if the rape is committed with any of the ten aggravating/qualifying circumstances mentioned in this article.

Article 266 C. Effect of Pardon. The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed.

In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action Republic Act No. 8353 or the penalty: Provided, that the crime shall not be extinguished or the penalty shall not be abated if the marriage is void ab initio.

Article 266 D. Presumptions. Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266 A.]

SECTION 6. A new article 266-C is hereby added to Republic Act No. 3815, as amended, to read as follows:

ARTICLE 266-C. GROOMING. - FOR PURPOSES OF THIS ACT, GROOMING IS HEREBY DEFINED AS A PREDATORY CONDUCT, ACT, OR PATTERN OF ACTS, OF ESTABLISHING A RELATIONSHIP, TRUST, OR EMOTIONAL CONNECTION PERSONALLY, OR VIA ELECTRONIC AND OTHER SIMILAR DEVICES, BY ANY PERSON WITH A MINOR UNDER EIGHTEEN (18) YEARS OF AGE OR ANY OF THE MEMBERS OF THE FAMILY, GUARDIAN, OR CAREGIVER OF THE MINOR FOR THE PURPOSE OF PERPETRATING SEXUAL ABUSE OR EXPLOITATION. FOR PURPOSES OF THIS ARTICLE, ANY PERSON WHO HAS A PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION AND UNABLE TO FULLY UNDERSTAND THE CONSEQUENCES OF ANY SEXUAL ACTIVITY MAY ALSO BE A VICTIM OF GROOMING.

WHEN GROOMING RESULTS IN THE CONSUMMATION OF ANY OF THE ACTS OF SEXUAL ABUSE OR EXPLOITATION UNDER ARTICLE 265-A, THE PERSON RESPONSIBLE FOR THE GROOMING SHALL BE LIABLE FOR RAPE.

SECTION 7. A new Article 266-D is hereby added to Republic Act No. 3815, as amended, to read as follows:

ARTICLE 266-D. PENALTIES FOR RAPE – RAPE UNDER ARTICLES 266-A, 266-B, AND 266-C SHALL BE PUNISHED BY RECLUSION PERPETUA.

WHEN THE RAPE IS ATTEMPTED AND HOMICIDE IS COMMITTED BY REASON OR ON THE OCCASION THEREOF, THE PENALTY SHALL BE *RECLUSION PERPETUA*.

WHEN GROOMING WAS THE MEANS EMPLOYED TO COMMIT RAPE BUT THE SAME WAS ONLY ATTEMPTED, THE PENALTY NEXT LOWER IN DEGREE SHALL BE IMPOSED.

THE BENEFITS OF GOOD CONDUCT TIME ALLOWANCE (GCTA) UNDER THE REPUBLIC ACT NO. 10592, ENTITLED "AN ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE," SHALL NOW APPLY WHEN RAPE COMMITTED WITH ANY OF THE AGGRAVATING CIRCUMSTANCES:

- 1) WHEN THE VICTIM IS UNDER EIGHTEEN (18) YEARS OF AGE AND THE OFFENDER IS A PARENT, ASCENDANT, STEP-PARENT, GUARDIAN, RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE, OR THE COMMON-LAW SPOUSE OF THE PARENT OF THE VICTIM;
- 2) WHEN THE VICTIM IS UNDER THE CUSTODY OF THE POLICE
- 3) WHEN THE RAPE IS COMMITTED IN FULL VIEW OF THE SPOUSE, PARENT, ANY OF THE CHILDREN OR OTHER RELATIVES WITHIN THE THIRD CIVIL DEGREE OF CONSANGUINITY OR AFFINITY;
- 4) WHEN THE VICTIM IS A RELIGIOUS ENGAGED IN LEGITIMATE RELIGIOUS VOCATION OR CALLING AND IS PERSONALLY KNOWN TO BE SUCH BY THE OFFENDER BEFORE OR AT THE TIME OF THE COMMISSION OF THE CRIME;
- 5) WHEN THE VICTIM IS A CHILD BELOW THIRTEEN (13) YEARS OLD;
- 6) WHEN THE OFFENDER IS AFFLICTED WITH THE HUMAN IMMUNO-DEFICIENCY SYNDROME (AIDS) OR ANY OTHER SEXUALLY TRANSMISSIBLE DISEASE AND THE VIRUS OR DISEASE IS TRANSMITTED TO THE VICTIM;
- 7) WHEN COMMITTED BY ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR ITS PARA-MILITARY UNITS, THE PHILIPPINE NATIONAL POLICE (PNP) OR ANY LAW ENFORCEMENT AGENCY OR PENAL INSTITUTION, ANY PERSON IN AUTHORITY AS DEFINED BY LAW, OR ANY PRIVATE INDIVIDUAL WHO TOOK ADVANTAGE OF ONE'S POSITION, AUTHORITY, INFLUENCE OR MORAL ASCENDANCY;
- 8) WHEN BY REASON OR ON THE OCCASION OF THE RAPE, THE VICTIM SUFFERED PERMANENT PHYSICAL MUTILATION OR DISABILITY;
- 9) WHEN THE OFFENDER KNEW OF THE PREGNANCY OF THE VICTIM AT THE TIME OF THE COMMISSION OF THE CRIME;
- 10) WHEN THE OFFENDER KNEW OF THE MENTAL DISABILITY, EMOTIONAL DISORDER, OR PHYSICAL HANDICAP OF THE VICTIM AT THE TIME OF THE COMMISSION OF THE CRIME;
- 11) WHEN THE REASON OF THE RAPE, THE VICTIM BECOMES PREGNANT;
- 12) WHEN THE VICTIM HAS SUFFERED PERMANENT MENTAL OR PSYCHOLOGICAL DISABILITY; OR
- 13) WHEN THE OFFENDER USED GROOMING AS A MEANS TO COMMIT THE CRIME.

SEC. 6. A new article 266-E is hereby added to Act No. 3815, as amended, to read as follows:

"ARTICLE 266-E – EFFECT OF RECONCILIATION OR SUBSEQUENT VALD MARRIAGE. – THE SUBSEQUENT VALID MARRIAGE BETWEEN THE VICTIM AND THE OFFENDER SHALL NOT EXTINGUISH THE CRIMINAL ACTION FOR RAPE OR THE PENALTY IMPOSED THEREON.

SUBSEQUENT RECONCILIATION BETWEEN LEGITIMATE SPOUSES SHALL NOT EXTINGUISH THE CRIMINAL LIABILITY OF THE OFFENDER."

SEC. 8. A new Article 266-F is hereby added to Act No. 3815, as amended to read as follows:

"ARTICLE 266-F. WHO MAY FILE A COMPLAINT FOR RAPE. – A COMPLAINT MAY BE FILED BY ANY OF THE FOLLOWING:

- (A) THE OFFENDED PARTY;
- (B) PARENTS OR GUARDIANS OF THE OFFENDED PARTY;
- (C) ASCENDANTS, DESCENDANTS OR COLLATERAL RELATIVES WITHIN THE FOURTH DEGREE OF CONSANGUINITY OR AFFINITY;
- (D) OFFICERS OR SOCIAL WORKERS OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) AND SOCIAL WORKERS OF LOCAL GOVERNMENT UNITS

- (LGU);
- (E) POLICE OFFICERS;
- (F) *PUNONG BARANGAY* OR *KAGAWAD*;
- (G) LAWYER, COUNSELOR, THERAPIST OR HEALTHCARE PROVIDER OF THE OFFENDED PARTY; OR
- (H) A CONCERNED CITIZEN WHO HAS KNOWLEDGE OF THE COMMISSION OF THE CRIME.

SECTION 9. A new Article 266-G is hereby added to Republic Act No. 3815, as amended, to read as follows:

ARTICLE 266-G. PERSONS MANDATED TO REPORT RAPE CASES. - A) IT SHALL BE THE DUTY OF THE FOLLOWING PERSONS TO REPORT ALL INCIDENTS OF RAPE AND OTHER SEXUAL OFFENSES TO THE DSWD, THE DEPARTMENT OF EDUCATION (DEPED), THE PNP OR ANY LAW ENFORCEMENT AGENCY, OR THE CONCERNED LGU WITHIN FORTY EIGHT (48) HOURS FROM KNOWLEDGE THEREOF:

1. ANY HEALTHCARE PROVIDER, INCLUDING THE ATTENDING PHYSICIAN, NURSE, CLINICIAN, BARANGAY HEALTH WORKER; OR ANY PERSON WHO HAS CAUSED THE EXAMINATION OR TREATMENT OF THE VICTIM APPEARING TO HAVE SUFFERED FROM RAPE OR OTHER SEXUAL OFFENSES;
2. TEACHER, GUIDANCE COUNSELOR, PRINCIPAL, SCHOOL HEAD, OR ANY PERSON WHOSE WORK INVOLVES THE EDUCATION, TRAINING, AND CARE OF CHILDREN;
3. ANY SOCIAL WORKER WHO HAS REASON TO BELIEVE THAT RAPE OR OTHER OFFENSES HAVE BEEN COMMITTED OR HAS BEEN DULY INFORMED THEREOF BY THE VICTIM;
4. ANY NATIONAL OR LOCAL PUBLIC OFFICER; OR
5. ANY PERSON WHO HAS KNOWLEDGE OF THE COMMISSION OF RAPE OR OTHER SEXUAL OFFENSES:

B) THE PERSONS MANDATED TO REPORT CASES OF RAPE OR OTHER SEXUAL OFFENSES SHALL HAVE, AS FAR AS APPLICABLE, THE FOLLOWING RESPONSIBILITIES:

1. PROPERLY DOCUMENT ANY OF THE VICTIM'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL INJURIES;
2. PROPERLY RECORD OBSERVATION ON THE VICTIM'S CONDITION AND CIRCUMSTANCES DURING THE EXAMINATION OR VISIT;
3. SAFEGUARD THE RECORDS AND MAKE THEM IMMEDIATELY AVAILABLE TO THE VICTIM UPON REQUEST; AND
4. IMMEDIATELY REPORT THE SUSPECTED COMMISSION OF RAPE TO THE PROPER AUTHORITIES."

C) FAILURE TO REPORT POSSIBLE RAPE OR SEXUAL OFFENSES UNDER THIS ACT SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIFTY THOUSAND PESOS (P50,000.00) WITHOUT PREJUDICE TO ANY ADMINISTRATIVE LIABILITY, IF APPLICABLE.

D) NO CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION MAY BE FILED AGAINST ANY

PERSON WHO IS PERFORMING THE RESPONSIBILITIES MANDATED UNDER THIS ARTICLE."

SECTION 10. A new Article 266-H is hereby added to Republic Act No. 3815, as amended, to read as follows:

"ARTICLE 266-H AFFIDAVIT OF DESISTANCE - THE SUBMISSION OF AN AFFIDAVIT OF DESISTANCE AT ANY STAGE OF THE CRIMINAL ACTION OR PROCEEDINGS IS NOT ALLOWED."

SECTION 11. A new Article 266-I is hereby added to Republic Act No. 3815, as amended, to read as follows:

"ARTICLE 266-I AMICABLE SETTLEMENT. – ANY AMICABLE SETTLEMENT AT ANY STAGE OF THE PROCEEDINGS FOR RAOE OFFENSES IS PROHIBITED."

SECTION 12. A new Article 266-J is hereby added to Republic Act No. 3815, as amended, to read as follows:

"ARTICLE 266-J. CONFIDENTIALITY AND PRIVACY. – THE JUDGES, PROSECUTOR, OR ANY OFFICER OF THE COURT, SHALL ENSURE THE CONFIDENTIALITY OF THE PROCEEDINGS FOR RAPE OFFENSES. FOR THIS PURPOSE, THE INVESTIGATING PROSECUTOR OR THE JUDGE SHALL HOLD CLOSED DOOR PROCEEDINGS TO PROTECT THE IDENTITY AND PRIVACY OF THE PARTIES.

THE JUDGE, PROSECUTOR OR ANY OFFICER OF THE COURT, WHO VIOLATES OR FAILS TO COMPLY WITH THE PROVISIONS OF ARTICLES 266-H, 266-I, AND 266-J OF THIS ACT SHALL BE PUNISHED WITH A FINE OR NOT LESS THAN FIFTY THOUSAND PESOS (P50,000) WITHOUT PREJUDICE TO ANY ADMINISTRATIVE LIABILITY."

SECTION 13. Articles 337, 338, 342 and 343 of Republic Act No. 3815, as amended, are hereby repealed.

SECTION 14. A new Article 338 is hereby added to Republic Act No. 3815, as amended, to read as follows:

"ARTICLE 338. *QUALIFIED SEDUCTION*. – THE SEDUCTION OF A MINOR AGED SIXTEEN (16) YEARS AND UNDER EIGHTEEN (18) YEARS OF AGE, COMMITTED BY ANY PERSON IN PUBLIC AUTHORITY, OR PRIEST, OR RELIGIOUS ENGAGED IN A RELIGIOUS VOCATION OR CALLING, DOMESTIC, GUARDIAN, TEACHER, OR ANY PERSON WHO, IN ANY CAPACITY, SHALL BE ENTRUSTED WITH THE EDUCATION OR CUSTODY OF THE MINOR SEDUCED, SHALL BE PUNISHED BY PRISION MAYOR IN ITS MEDIUM AND MAXIMUM PERIODS.

THE PENALTY NEXT HIGHER IN DEGREE SHALL BE IMPOSED UPON:

(1) ANY PERSON WHO SHALL SEDUCE A FULL OR HALF-BLOOD SIBLING OR DESCENDANT;

(2) ANY EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY PERSON WHO, HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER IN A WORK, TRAINING OR EDUCATION ENVIRONMENT, SEDUCES A WORKER, EMPLOYEE, APPLICANT FOR EMPLOYMENT, STUDENT OR ONE UNDERGOING TRAINING, INSTRUCTION OR EDUCATION."

UNDER THE PROVISIONS OF THIS CHAPTER, SEDUCTION IS COMMITTED WHEN THE OFFENDER HAS CARNAL KNOWLEDGE OF ANY OF THE PERSONS AND UNDER THE CIRCUMSTANCES DESCRIBED HEREIN.”

SECTION 15. Separability Clause - If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain in full force and effect.

SECTION 16. Repealing Clause - All laws, decrees, orders, ordinances, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

SECTION 17. Effectivity - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved.