

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4704



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.,**
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY "HORI" G.
HORIBATA AND HON. NICOLAS "NICK" C. ENCISO VIII

EXPLANATORY NOTE

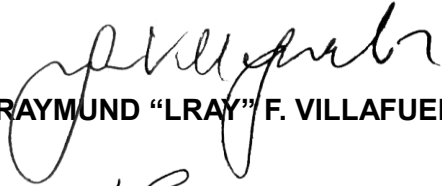
Articles 37 and 38 of Executive Order No. 209, also known as the Family Code state that incestuous marriages are void *ab initio* for being contrary to public policy.

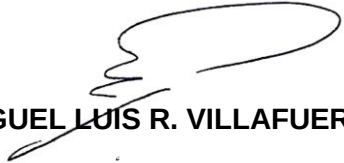
Further, Article 335 (par. 7) of Act No. 3815, also known as the Revised Penal Code imposes the death penalty for rape when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim."

However, under the abovementioned circumstances, there is no law which penalizes incestuous relations between consenting parties eighteen (18) years of age and above.

In the Philippines, a person is raped every hour and 33% of sexual abuse is incest rape. What's even more alarming is that authorities from the Department of Social Welfare and Development (DSWD) have said that their data is inaccurate and most cases are unreported.

This bill criminalizes such sexual relations because they are contrary to public policy and public morals. It also responds to reports of rising incest statistics among families of overseas contract workers.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.


MIGUEL LUIS R. VILLAFUERTE


TSUYOSHI ANTHONY "HORI" G. HORIBATA


NICOLAS "NICK" C. ENCISO VIII

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4704

Introduced by **HON. LUIS RAYMUND “LRAY” F. VILLAFUERTE, JR.,**
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY “HORI” G.
HORIBATA AND HON. NICOLAS “NICK” C. ENCISO VIII

AN ACT
CRIMINALIZING INCESTUOUS SEXUAL RELATIONS

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Anti-Incest Act*”.

SECTION 2. *Coverage.* – The consent of both parties notwithstanding, incestuous sexual relations are prohibited between the following who have knowledge of their relationship and are eighteen (18) years of age and above:

- (A) between ascendant and descendant of any degree;
- (B) between brothers and sister, whether of the full or half blood;
- (C) between collateral blood relatives, whether legitimate or illegitimate, up to the fourth civil degree;
- (D) between step-parents and step-children;
- (E) between parents-in-law and children-in-law;
- (F) between the adopting parent and the adopted child;
- (G) between the surviving spouse of the adopting parent and the adopted child;
- (H) between the surviving spouse of the adopted child and the adopter;
- (I) between an adopted child and a legitimate child of the adopter; and
- (J) between adopted children of the same adopter.

SECTION 3. *Penalties.* – The ascendant, elder brother or sister, elder blood relative, step-parent, parent-in-law, adopting parent, or surviving spouse of the adopting parent convicted under Section 2 shall be punished by prison correccional in its minimum and maximum periods.

The descendant, younger brother or sister, younger blood relative, stepchild, son or daughter-in-law, the adopted, or the surviving spouse of the adopted shall be punished two degrees lower if he or she is between the ages of eighteen (18) and twenty-five (25) at the time of the sexual relation.

The maximum penalty a provide in the above paragraph shall be imposed when the incestuous sexual relation occur while the spouse of the ascendant, step-parent, parent-in-law, adopting parent, or the adopted is employed in another city, municipality, or province, with a radius of at least 150 kilometers from his or her habitual residence or is employed abroad.

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

SECTION 5. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the la or the provision not otherwise affected shall remain valid and subsisting.

SECTION 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,