

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4946



Introduced by **HON. GUS S. TAMBUNTING**

AN ACT REPEALING ARTICLE 247 OF THE REVISED PENAL CODE

EXPLANATORY NOTE

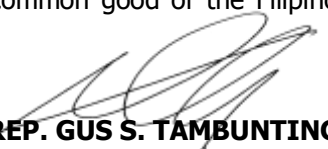
Honor-based violence is defined as an offense disproportionately committed against women who are committed to protecting the honor of the family and/or community. It is more commonly associated with regions in India, North America, and the Middle East, although in other countries there are laws that exempt husbands and family members from punishment should they commit violence against women who engage in sexual behaviors that defy societal and cultural gender norms and standards. Article 247 of Act No. 3815 otherwise known as the Revised Penal Code, is among such laws. It provides for Death or Physical Injuries Inflicted Under Exceptional Circumstances which specifies that should a married person "having surprised his spouse in the act of committing sexual intercourse with another person" kill or inflict any serious injury upon them in the act or immediately thereafter, he/she shall only suffer the penalty of destierro (or banishment which serves to protect the killer or attacker from retaliation of the family members of the deceased), instead of the supposed penalties to parricide and serious physical injuries which include imprisonment. Rather than punishment for having taken a life or inflicting harm, the said provision instead actually affords the offender "protection" from harm. The said article also provides that the offender shall be exempt from punishment for less than serious injuries inflicted.

Such a provision allows for a justification of grave or mortal harm to women. It provides a defense that may be invoked by offenders to justify the killing or infliction of injuries done under the circumstances specified under the provision.

This provision is violative of Article III, Section I which states, "No person shall be deprived of life, liberty, or property without due process of law." By allowing spouses and parents to take life without due process under the exceptional circumstances of Article 247, we are allowing for the perpetration of honor-based violence. The existence of such a provision is an affirmation to offenders that they can commit violence without consequences under the pretext of family honor.

Moreover, Article II Section 11 of the 1987 Philippine Constitution specifically provides that "the State values the dignity of every human person and guarantees full respect for human rights." It is imperative that the State repeal laws or provisions of laws that condone and allows for the perpetration of violence.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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

Section 1. Article 247 of the Revised Penal Code is hereby repealed.

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

Approved,