



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 9538

Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

Republic Act No. 9710 otherwise known as The Magna Carta of Women was enacted in 2009 pursuant to our commitment to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In particular, Section 12 of the Act provides that the State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women within three (3) years from the effectivity of the said Act.

Up to date or more than a decade after the passage of RA 9710, discriminatory laws toward women are yet to be revisited such as Articles 333 and 334 of the Revised Penal Code on Adultery and Concubinage. Adultery, which covers married women, carries heavier penalty than concubinage, which covers married men. Further, adultery is easier proved than concubinage that requires the attendance of circumstances under Article 334.

Thus, this bill seeks to do away with gender-based discrimination by amending Articles 333 and 334 to punish acts of marital infidelity committed by either spouse. Accordingly, adultery and concubinage shall thereafter be sexual infidelity and maintaining a paramour, respectively.

Immediate passage of this bill is earnestly sought.



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AN ACT
ACCORDING EQUAL RIGHTS TO WIVES AND HUSBANDS IN THE
PHILIPPINES BY AMENDING ARTICLE 333, 334, AND 344 OF THE
REVISED PENAL CODE

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

1 **SECTION 1.** Article 333 of Act No. 3815, also known as the Revised Penal
2 Code is hereby amended to read as follows:

3 Chapter One

4 [Adultery] SEXUAL INFIDELITY and [Concubinage] MAINTAINING A
5 PARAMOUR

6 Article 333. *Who are guilty of [adultery] SEXUAL INFIDELITY.*

7 - [Adultery] SEXUAL INFIDELITY is committed by any married
8 [woman] PERSON who shall have sexual intercourse with a [man]
9 PERSON not HIS OR her [husband] SPOUSE and by the [man]
10 PERSON who has carnal knowledge of HIM OR her knowing HIM
11 OR her to be married, even if the marriage be subsequently declared
12 void.

13 [Adultery] SEXUAL INFIDELITY shall be punished by *prision*
14 *correccional* in its medium and maximum periods.

15 [If the person guilty of adultery committed this offense while
16 being abandoned without justification by the offended spouse, the

1 penalty next lower in degree than that provided in the next
2 preceding paragraph shall be imposed.]

3

4 **SECTION 2.** Article 334 of Act No. 3815, also known as the Revised Penal
5 Code is hereby amended to read as follows:

6 Article 334. [*Concubinage*] **MAINTAINING A PARAMOUR.** -

7 Any [husband] **MARRIED PERSON** who shall keep a [mistress]
8 **PARAMOUR** in the conjugal dwelling, or shall have sexual
9 intercourse, under scandalous circumstances, with [a woman]
10 **ANOTHER PERSON** who is not [his wife] **THE SPOUSE**, or shall
11 cohabit with [her] **A PARAMOUR** in any other place, shall be
12 punished by *prision correccional* in its minimum and medium
13 periods.

14 The [concubine] **PARAMOUR** shall suffer the penalty of
15 *destierro*.

16 **AS USED IN THIS ARTICLE, 'PARAMOUR' SHALL**
17 **INCLUDE ANY PERSON WHO COHABITS WITH A MARRIED**
18 **PERSON UNDER CIRCUMSTANCES WHERE THEY ASSUME**
19 **AND EXERCISE TOWARD EACH OTHER THE RIGHTS AND**
20 **PRIVILEGES WHICH PROPERLY BELONG TO PERSONS**
21 **MARRIED TO EACH OTHER.**

22

23 **SECTION 3.** Article 344 of Act No. 3815, also known as the Revised Penal
24 Code is hereby amended to read as follows:

25 Article 344. *Prosecution of the crimes of [adultery] SEXUAL*
26 *INFIDELITY, [concubinage] MAINTAINING A PARAMOUR,*
27 *seduction, abduction, rape and acts of lasciviousness.* - The crimes of
28 [adultery] **SEXUAL INFIDELITY** and [concubinage]
29 **MAINTAINING A PARAMOUR** shall not be prosecuted except
30 upon a complaint filed by the offended spouse.

31 The offended party cannot institute criminal prosecution
32 without including both the guilty parties, if they are both alive, nor,
33 in any case, if he OR SHE shall have consented or pardoned the
34 offenders[.], NOR, IN ANY CASE, IF HE OR SHE IS LIKEWISE
35 GUILTY OF SEXUAL INFIDELITY OR MAINTAINING A

1 PARAMOUR, NOR, IN ANY CASE, IF HE OR SHE SHALL HAVE
2 ABANDONED THE GUILTY SPOUSE WITHOUT JUST CAUSE
3 FOR MORE THAN ONE YEAR.

4 The offenses of seduction, abduction, rape or acts of
5 lasciviousness, shall not be prosecuted except upon a complaint filed
6 by the offended party or her parents, grandparents, or guardian, nor,
7 in any case, if the offender has been expressly pardoned by the above
8 named persons, as the case may be.

9 In cases of seduction, abduction, acts of lasciviousness and
10 rape, the marriage of the offender with the offended party shall
11 extinguish the criminal action or remit the penalty already imposed
12 upon him. The provisions of this paragraph shall also be applicable
13 to the co-principals, accomplices and accessories after the fact of the
14 above-mentioned crimes.

15
16 **SECTION 4. *Separability Clause*** – If any provision or part hereof, is held
17 invalid or unconstitutional, the remainder of the law or the provision not
18 otherwise affected shall remain valid and subsisting.

19
20 **SECTION 5. *Repealing Clause*** – Any law, presidential decree or issuance,
21 executive order, letter of instruction, administrative order, rule or regulation
22 contrary to or inconsistent with the provision of this Act is hereby repealed,
23 modified, or amended accordingly.

24
25 **SECTION 6. *Effectivity Clause*** – This Act shall take effect fifteen (15) days
26 after its publication in the Official Gazette or in a newspaper of general circulation.

27
28 Approved,