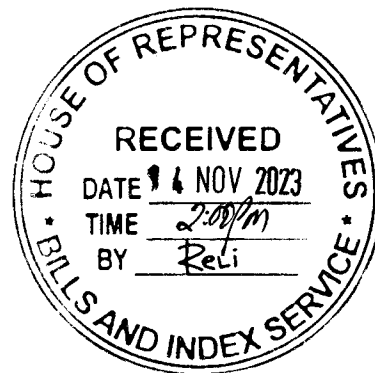




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 9542

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

EXPLANATORY NOTE

Article 247 of the Revised Penal Code refers to death or physical injuries inflicted under exceptional circumstances, that:

“Any legally married person who having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of *destierro*.

If he shall inflict upon them physical injuries of any other kind, he shall be exempt from punishment.

These rules shall be applicable, under the same circumstances, to parents with respect to their daughters under eighteen years of age, and their seducer, while the daughters are living with their parents.

Any person who shall promote or facilitate the prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.”

Death or physical injuries inflicted under exceptional circumstances is not a crime, but a defense that exempts the accused from punishment. In fact, our jurisprudence interprets the imposition of *destierro* not as a penalty but as a form of protection in favor of the killer spouse or parent from acts of reprisal principally by the relatives of the deceased spouse or child.

Previous attempts to repeal this provision were made but to no effect. To amplify the reasons of the legislators, Article 247 disguises as the Philippine version of “honour killing” enabling a patriarchal framework to women. Also, it runs counter to the recent enactment of Republic Act No. 7610 otherwise known

as “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” and Republic Act No. 9262 otherwise known as “Anti-Violence Against Women and Their Children Act of 2004” that proscribe corporal punishment to children and prohibit any form of violence against women.

Other than the foregoing rationale of the need to repeal Article 247 of the RPC, keeping the same in the nature of a defense is prejudicial to a third person who might incidentally die or suffer injury therefrom. As the killer spouse or parent is presumed to have not committed any crime, the incidental death or injury suffered by a third person is considered as a mere accident and the victim is left with no recourse to seek justice.

Immediate passage of this bill is earnestly sought.



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AN ACT
REPEALING ARTICLE 247 OF ACT NO. 3815, ALSO KNOWN AS
THE REVISED PENAL CODE, ON DEATH OR PHYSICAL INJURIES
INFLECTED UNDER EXCEPTIONAL CIRCUMSTANCES

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

1 **SECTION 1.** Article 247 of Act No. 3815, also known as the Revised Penal
2 Code is hereby repealed:

3 [Article 247. *Death or physical injuries inflicted under exceptional*
4 *circumstances.* - Any legally married person who having surprised
5 his spouse in the act of committing sexual intercourse with another
6 person, shall kill any of them or both of them in the act or
7 immediately thereafter, or shall inflict upon them any serious
8 physical injury, shall suffer the penalty of *destierro*.

9 If he shall inflict upon them physical injuries of any other
10 kind, he shall be exempt from punishment.

11 These rules shall be applicable, under the same
12 circumstances, to parents with respect to their daughters under
13 eighteen years of age, and their seducer, while the daughters are
14 living with their parents.

15 Any person who shall promote or facilitate the prostitution of
16 his wife or daughter, or shall otherwise have consented to the

1 infidelity of the other spouse shall not be entitled to the benefits of
2 this article.]

3

4 **SECTION 2. *Separability Clause*** – If any provision or part hereof, is held
5 invalid or unconstitutional, the remainder of the law or the provision not
6 otherwise affected shall remain valid and subsisting.

7

8 **SECTION 3. *Repealing Clause*** – Any law, presidential decree or issuance,
9 executive order, letter of instruction, administrative order, rule or regulation
10 contrary to or inconsistent with the provision of this Act is hereby repealed,
11 modified, or amended accordingly.

12

13 **SECTION 4. *Effectivity Clause*** – This Act shall take effect fifteen (15) days
14 after its publication in the Official Gazette or in a newspaper of general circulation.

15

16 Approved,