

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

NINETEENTH CONGRESS
2nd Regular Session

House Bill No. 10235



Introduced by Representatives JOCELYN P. TULFO, EDVIC G. YAP,
ERWIN T. TULFO, and RALPH WENDEL P. TULFO

EXPLANATORY NOTE

This bill seeks to strengthen penal provisions for the crimes of rape, seduction, abduction, and acts of lasciviousness by removing the subsequent marriage of an offender to a victim, as one of the grounds for the extinguishment of criminal liability or penalties for the foregoing crimes.

Currently, Article 266-C of the Revised Penal Code as amended by Republic Act No. 8353 allows the subsequent marriage of the offender to the offended woman in rape cases to extinguish the criminal action or the penalty imposed under the law. Similarly, Articles 89 and 344 provide that the subsequent marriage of the offender to the offended woman in cases of seduction, abduction, and acts of lasciviousness extinguishes the criminal action or penalty imposed by law.

An offender's offer to marry his victim allows them to pressure or even coerce sexual abuse survivors to reach a compromise to evade criminal liability. It also exposes the victims to further danger from recurring sexual violence after marriage. Furthermore, it does not consider the possible impact of said marriage on a victim's mental health because of the recurring trauma from the sexual abuse.

Sexual violence cannot and should never be tolerated. The foregoing provisions in the Revised Penal Code reinforce the centuries-old notion that women are owned and dominated by their husbands which contradicts the Constitutionally guaranteed rights of women to fundamental equality before the law¹.

Allowing criminals to use marriage to escape criminal liability undermines the rights of women and provides a loophole for sexual predators. Hence, this proposed measure seeks to empower victims of sexual violence and ensure the fundamental equality of women and men before the law.

¹ 1987 Constitution, Article II, Section 14, "The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men".

In view of the foregoing, the authors of this proposed measure seek the immediate approval of this bill.



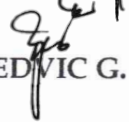
HON. JOCELYN P. TULFO



HON. ERWIN T. TULFO



HON. RALPH WENDEL P. TULFO



HON. EDVIC G. YAP

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House Bill No. **10235**

Introduced by Representatives EDVIC G. YAP, ERWIN T. TULFO,
JOCELYN P. TULFO, and RALPH WENDEL P. TULFO

AN ACT
REMOVING THE SUBSEQUENT MARRIAGE OF THE OFFENDER TO THE
OFFENDED PARTY AS A CAUSE TO EXTINGUISH CRIMINAL LIABILITY,
AMENDING FOR THIS PURPOSE ARTICLE 266-C OF THE REVISED PENAL
CODE, AS AMENDED, AND ARTICLES 89 AND 344 THEREOF, AND FOR
OTHER PURPOSES

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

1 **SECTION 1.** Article 266-C of Act No. 3815, as amended, otherwise known as
2 the Revised Penal Code, extinguishing criminal liability of the offender in the crime
3 of rape by subsequent valid marriage to the offended party, is hereby repealed.
4

5 **SEC. 2.** Article 89 of Act No. 3815, otherwise known as the Revised Penal Code,
6 is hereby amended to read as follows:
7

8 “Article 89. How criminal liability is totally extinguished. - Criminal
9 liability is totally extinguished:
10

11 1. By the death of the convict, as to the personal penalties and as to
12 pecuniary penalties, liability therefor is extinguished only when the death
13 of the offender occurs before final judgment.
14

15 2. xxx
16

17 3. xxx
18

19 ~~[7. By the marriage of the offended woman, as provided in Article 344 of~~
20 ~~this Code.]~~
21
22
23

1 **SEC. 3.** Article 344 of Act No. 3815, as amended, otherwise known as the
2 Revised Penal Code, is hereby amended to read as follows
3

4 “Article 344. Prosecution of the crimes of adultery, concubinage, seduction,
5 abduction, rape and acts of lasciviousness. - The crimes of adultery and
6 concubinage shall not be prosecuted except upon a complaint filed by the
7 offended spouse.
8

9 The offended party cannot institute criminal prosecution without including
10 both guilty parties, if they are both alive, nor in any case, if he shall have
11 consented or pardoned the offenders.
12

13 The offenses of seduction, abduction, rape or acts of lasciviousness, shall
14 not be prosecuted except upon a complaint filed by the offended party or
15 her parents, grandparents, or guardian, nor, in any case, if the offender has
16 been expressly pardoned by the above named persons, as the case may be.
17

18 ~~[In cases of seduction, abduction, acts of lasciviousness and rape, the~~
19 ~~marriage of the offender with the offended party shall extinguish the~~
20 ~~criminal action or remit the penalty already imposed upon him. The~~
21 ~~provisions of this paragraph shall also be applicable to the co-principals,~~
22 ~~accomplices and accessories after the fact of the above mentioned crimes.]~~
23

24 **SEC. 4. Repealing Clause.** - All other laws, decrees, orders, and issuances, or
25 portions thereof, which are inconsistent with the provisions of this Act, are hereby
26 repealed, amended, or modified accordingly.
27

28 **SEC. 5. Effectivity.** - This Act shall take effect fifteen (15) days after its complete
29 publication in the Official Gazette or in a newspaper of general circulation.
30

31
32 Approved,