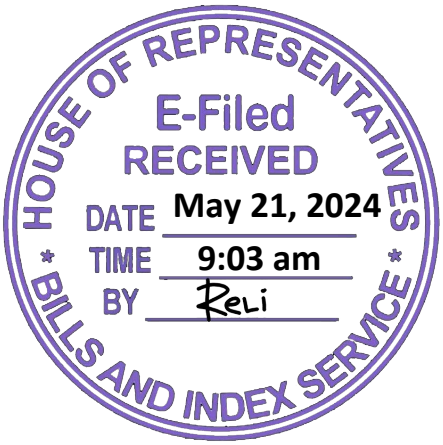
Republic of the Philippines

House of Representatives

Quezon City, Metro Manila



Nineteenth Congress
Second Regular Session

HOUSE BILL NO. **10458**

Introduced by Representative Lordan G. Suan

EXPLANATORY NOTE

This bill seeks to eliminate gender discrimination on the crime of death or physical injuries inflicted under exceptional circumstances and adultery and concubinage under Act No. 3815, as amended, otherwise known as *"The Revised Penal Code."*

Section 12 of Republic Act No. 9710, otherwise known as *"The Magna Carta for Women,"* provides:

> "SECTION 12. Equal Treatment Before the Law. – 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 this Act."

Consistent with the above provision, this proposed measure seeks to amend Articles 247 and 333 and repeal Article 334 of the Revised Penal Code (RPC).

Under the current Article 247 of the RPC, a legally married person or parent who shall surprise the spouse or daughter in the act of committing sexual intercourse with another and shall kill any or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, is exempt from adequate punishment. This provision fails to recognize that the same circumstances may also happen not only to the daughters but also to the sons. The proposed amendment therefore is to include the sons and change the word daughters to children. Further, the proposal clearly identifies the erring spouse and innocent spouse.

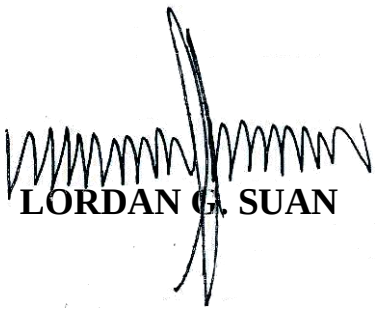
For the crimes of adultery and concubinage under Articles 333 and 334 of the RPC, the proposed amendment is to have an equal punishment for the erring spouse, either the man or the woman. The current provisions of the law provide harsher penalties to a married woman compared when a married man committed marital infidelity. Further, it is easier to prosecute the crime of adultery than the crime of concubinage.

By amending adultery and concubinage and making both crimes into a gender-neutral crime of marital infidelity, the disparity of penalties between a married man and woman is eliminated and both married man and woman shall be prosecuted using the same elements of the crime. The guilty spouse shall be appropriate punished regardless of sex.

Consequently, as adultery and concubinage are combined into marital infidelity, Article 334 of the RPC is no longer necessary and must be repealed. Article 344 is also amended to reflect the crime of marital infidelity.

With this proposed measure that eliminates gender discrimination, not only is the equality between man and woman recognized but the State's obligation under the Convention of the Elimination of all Forms of Discrimination Against Woman is complied with.

In view of the foregoing, the immediate approval of this bill is fervently sought.



LORDAN G. SUAN

Republic of the Philippines

House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. **10458**

Introduced by Representative Lordan G. Suan

AN ACT
ELIMINATING GENDER DISCRIMINATION IN CERTAIN CRIMES, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS *"THE REVISED PENAL CODE"*

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

SECTION 1. Article 247 of Act No. 3815 is amended to read as follows:

"ARTICLE 247. Death or Physical Injuries Inflicted Under Exceptional Circumstances. – Any legally married person who, having surprised **[**~~his~~**]** **THE ERRING** 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~~**]** **THE INNOCENT SPOUSE** shall inflict upon them physical injuries or any other kind, **[**~~he~~**]** **THE INNOCENT SPOUSE** shall be exempt from punishment.

These rules shall be applicable, under the same circumstances, to parents with respect to their **[**~~daughters~~**]** **CHILDREN** under eighteen years of age, and their seducers, while the **[**~~daughters~~**]** **CHILDREN** are living with their parents.

Any person who shall promote or facilitate the prostitution of **[**~~his wife or daughter~~**]** **THE SPOUSE OR CHILDREN**, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.

SEC. 2. Chapter One under Title Eleven and Article 333 of the same Act are amended to read as follows:

TITLE ELEVEN

Crimes Against Chastity

Chapter One

[~~*Adultery and Concubinage*~~***]***

MARITAL INFEDILITY

"ARTICLE 333. **[**~~Who are Guilty of Adultery~~**]**. – **[**~~Adultery~~**]** **MARITAL INFEDILITY** is committed by any married **[**~~woman~~**]** **PERSON** who shall have sexual **[**~~intercourse~~**]** **RELATIONS** with **[**~~a man not her husband~~**]** **ANY PERSON OTHER THAN THE SPOUSE** and by **[**~~the man~~**]** **SUCH OTHER PERSON** who has ~~carnal~~ knowledge of ~~her, knowing her to be married~~ **THE MARRIAGE OF**

THE SEXUAL PARTNER, even if the marriage be subsequently declared void.

[~~Adultery~~**] MARITAL INFIDELITY** shall be punished by *prisión correccional* in its medium and maximum periods.

If the person guilty of **[**~~adultery~~**] MARITAL INFIDELITY** committed this offense while being abandoned without justification **OR SUBJECTED TO PHYSICAL VIOLENCE OR ABUSIVE CONDUCT** by the offended spouse, the penalty next lower in degree than that provided in the next preceding paragraph shall be imposed.

SEC. 3. Article 334 under Chapter One of Title Eleven of the same Act is repealed.

SEC. 4. Article 344 of the same Act is amended to read as follows:

"ARTICLE 344. Prosecution of the Crimes of **[**~~Adultery, Concubinage~~**] MARITAL INFIDELITY**, Seduction, Abduction, Rape and Acts of Lasciviousness. – The crime**[**~~s~~**]** of **[**~~adultery and concubinage~~**] MARITAL INFIDELITY** shall not be prosecuted except upon a complaint filed by the offended spouse.

xxx

xxx

xxx."

SEC. 4. This Act shall take effect after fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,