



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City



NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11236

Introduced by
HON. ATTY. GERVILLE “JINKY BITRICS” R. LUISTRO

AN ACT
AMENDING ARTICLES 333 AND 344, AND REPEALING ARTICLE 334, OF THE
REVISED PENAL CODE, ELIMINATING GENDER BIAS IN ADULTERY AND
CONCUBINAGE

EXPLANATORY NOTE

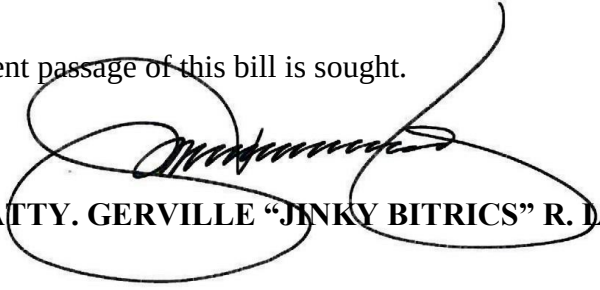
There is a pressing need to remove discrimination in the laws against concubinage and adultery under the Philippines Revised Penal Code because these provisions disproportionately affect women. Under current law, only wives can be charged with adultery, while husbands can commit concubinage without facing the same legal scrutiny. The law requires wives to provide proof that their husbands have maintained a mistress in the conjugal dwelling or have engaged in scandalous acts, which often makes it more difficult for women to seek justice compared to the less burdensome proof required in adultery cases.

The unequal penalties further emphasize this gender bias. A wife found guilty of adultery and her paramour can face up to six years in prison, while a husband convicted of concubinage may serve only up to four years and one day, and his mistress may face mere "banishment." This disparity in punishment reflects a societal imbalance that undermines gender equality, where the law seemingly holds women to higher standards of fidelity while allowing more leniency for men.

Moreover, these provisions have been exploited in legal battles, particularly in annulment cases, where one party uses the threat of an adultery or concubinage charge to force cooperation or settlement. For example, women in separated or abandoned marriages, lacking a divorce law, are often blackmailed by estranged husbands using Article 333 of the Revised Penal Code. This creates a power imbalance that pressures women to relinquish their custodial rights or their share

of property, highlighting the urgent need for reform to ensure equal treatment and protect the rights of all spouses.

In view of the foregoing, the urgent passage of this bill is sought.



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

SECTION 1. Article 333 of the Revised Penal Code is hereby amended to read as follows:

"Art. 333. **MARITAL INFIDELITY.** [Who are guilty of adultery] - **MARITAL INFIDELITY** [ADULTERY] is committed by any married **PERSON** [woman] who shall have sexual **RELATIONS** [intercourse] with a **PERSON** [man] **OTHER THAN HIS OR** her **SPOUSE** [husband], and by the **SEXUAL PARTNER** [man] of the **MARRIED PERSON** knowing the **LATTER** [her] to be married, even if the marriage be subsequently declared void.

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

["If the person guilty of adultery committed this offense while being abandoned without justification by the offended spouse, the penalty next lower in degree than that provided in the next preceding paragraph shall be imposed.]

"ANY PERSON ACCUSED OF MARITAL INFIDELITY SHALL BE EXEMPT FROM CRIMINAL LIABILITY IF THE OFFENSE WAS COMMITTED AFTER THE ISSUANCE OF A FINAL DECREE OF LEGAL SEPARATION BY A COMPETENT COURT. HOWEVER, IF THE OFFENSE WAS COMMITTED AFTER THE ACCUSED SPOUSE HAD BEEN ABANDONED OR SUBJECTED TO REPEATED PHYSICAL VIOLENCE OR GROSSLY ABUSIVE CONDUCT BY THE OFFENDED SPOUSE, THE PENALTY NEXT LOWER IN DEGREE THAN THAT PROVIDED IN THE PRECEDING PARAGRAPH SHALL BE IMPOSED, AND THE SAME PENALTY SHALL BE IMPOSED ON THE CO-ACCUSED IN THE MARITAL INFIDELITY CASE."

SEC 2. Article 334 is hereby repealed.

SEC 3. Paragraph 1, Article 344 of the Revised Penal Code is hereby amended to read as follows:

"Art. 344. Prosecution of the crimes of **MARITAL INFIDELITY** [adultery, concubinage], seduction, rape, and acts of lasciviousness. - The crime[s] of **MARITAL INFIDELITY** [adultery and concubinage] shall not be prosecuted except upon a complaint filed by the offended spouse.

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

SEC 5. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation contrary to or inconsistent with, the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC 6. *Effectivity Clause.* - This Act shall take effect thirty (30) days after its publication in at least two (2) newspapers of general circulation.

Approved,