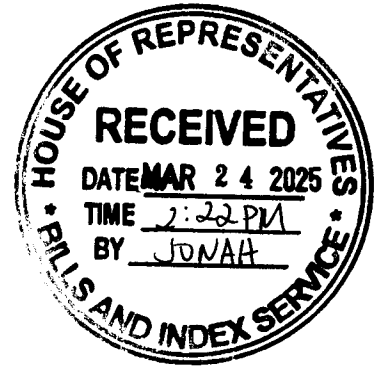


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Third Regular Session



HOUSE BILL NO. **11486**

Introduced by AKBAYAN Representative Percival Cendaña

EXPLANATORY NOTE

Article 266-C of Act No. 3815 or the Revised Penal Code, as amended by Republic Act No. 8353 or The Anti-Rape Law of 1997, is commonly known as a “forgiveness clause” in that “[t]he subsequent valid marriage between the offended party shall extinguish the criminal action or the penalty imposed.” It further states that in cases wherein the rape was committed by the legal husband of the victim, “the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty.”

The forgiveness clause perpetuates the notion that marriage between the victim and the perpetrator can somehow nullify the harm done to the victim, and even potentially causing further trauma and abuse on the victim for encouraging her to maintain a relationship with her perpetrator. It may also be used as a tool by offenders to avoid justice.

This bill seeks to repeal Article 266-C and amend similar provisions of the Revised Penal Code which grant pardon to the offender or extinguish their criminal liability on account of marriage to the victim or forgiveness by the married victim. The existence of such provisions undermines the gravity of the crime of rape and perpetuates violence against women behind the guise of marriage.

As succinctly discussed by the Philippine Commission on Women (PCW) in their policy brief on proposed amendments to the Anti-Rape Law:

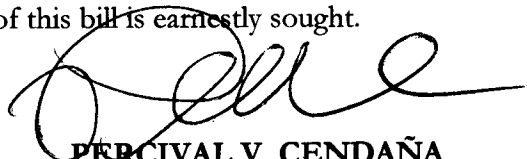
“A rapist’s offer to marry the rape survivor should never be a reason to let them off lightly for various reasons. It allows offenders to pressure rape survivors to reach a compromise. It likewise defeats the very purpose of reclassifying rape from a private to a public crime. Third, and most importantly, the “forgiveness clause” in R.A. No. 8353 exposes the victim to further danger as it does not consider the possibility that sexual violence may recur when the rape survivor is married off to her rapist.

With such provision in the law, women who have been raped by their husbands before or during the marriage are likely to be raped again, trapping them in a vicious cycle of physical, sexual and/or psychological abuse. The offender can coax or induce the wife to condone the violation of her rights and forgive him, under the shroud of preserving the sanctity of marriage or protecting their children from a broken family, among others.”¹

The objectives of the proposed bill is in line with Goal No. 5 on Gender Equality of the United Nations Sustainable Development Goals which targets the adoption and strengthening of policies and legislation for the promotion of gender equality and the empowerment of all women and girls at all levels. The proposal is also consistent with the State’s policy to value the dignity of every human person and guarantee full respect for human rights, vis-à-vis the policy to recognize the role of women in nation-building ensure the fundamental equality before the law of women and men.²

The repeal of the forgiveness clause in rape cases has been part of the Women’s Priority Legislative Agenda as championed by the PCW since the 15th Congress. The repeal of this provision is long overdue.

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



PERCIVAL V. CENDAÑA
AKBAYAN Representative

¹ Women’s Priority Legislative Agenda (19th Congress). Policy Brief No.4: Strengthening the Provisions of RA 8353 (Amending the Anti-Rape Law). Available at: <https://drive.google.com/file/d/1Mz40eJbVTnnyc028drEh9KWhBO9Brfs/view>

² 1987 Philippine Constitution, Article II, Sections 11 and 14

Sec. 4. Article 344 of Act No. 3815 is hereby amended to read as follows:

ART. 344. *Prosecution of the crimes of adultery, concubinage, seduction, abduction, rape and acts of lasciviousness. —*

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

Sec. 5. If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

Sec. 6. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,