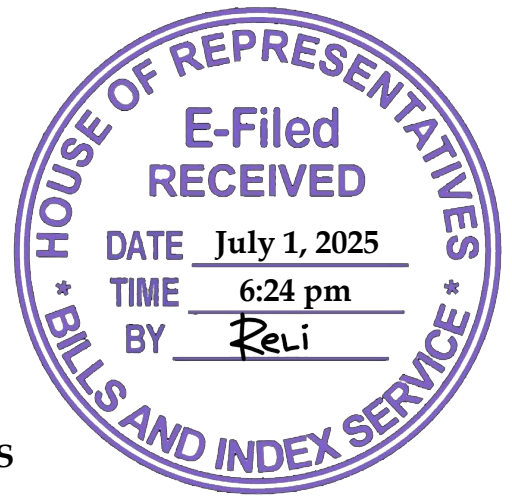




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1041

Introduced by 4Ps Partylist Representative
JC M. ABALOS

EXPLANATORY NOTE

Under the Bill of Rights of the Philippine Constitution, any person shall be accorded equal protection under the laws. This ensures that regardless of the gender of its citizens, the State shall enforce the law and provide them with due process equally.

The Revised Penal Code (RPC) provides for penal provisions in the implementation of our laws, which was enacted in 1930 and continues to be in effect to date. Although it had undergone numerous amendments, in the matter of penalties for crimes against chastity, RPC leans heavily against women or wives who commit adultery in contrast to the acts committed by men or husbands who commit concubinage. Undoubtedly, this goes against the fundamental principle of equality provided in the Constitution.

Hence, recognizing that the application of the laws should be the same for women and men who commit similar acts, this bill proposes amendments to Article 333 of the Revised Penal Code. The bill seeks to eliminate gender bias by substituting the term marital infidelity in place of adultery and concubinage or those acts

interpreted as sexual infidelity. It also aims to repeal Article 334 of the RPC to do away with concubinage or the distinction in the treatment of a husband's sexual infidelity.

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



JC M. ABALOS
Representative
4Ps Partylist



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**AN ACT ELIMINATING GENDER BIAS IN ADULTERY AND CONCUBINAGE,
FURTHER AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED**

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

SECTION 1. Article 333, Chapter One, Title Eleven, Book II of Republic Act No. 3815, otherwise known as the Revised Penal Code, as amended, is hereby amended to read as follows:

“ARTICLE 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 not] **OTHER THAN HIS OR** her **SPOUSE** [husband] and by the **PERSON** [man] who has carnal knowledge of **HIM OR** her, knowing **HIM OR** her to be married, even if the marriage be subsequently declared void.

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

**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 JUSTIFIABLY ABANDONED [If the person guilty of adultery 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[.], AND THE SAME PENALTY SHALL BE IMPOSED ON THE CO-ACCUSED IN THE MARITAL INFIDELITY CASE."

SEC. 2. Article 334, Chapter One, Title Eleven, Book II of Republic Act No. 3815, otherwise known as the Revised Penal Code, as amended, is hereby repealed.

SEC. 3. The succeeding articles of the Revised Penal Code are hereby renumbered accordingly.

SEC. 4. Article 344, Chapter Five, Title Eleven, Book II of Republic Act No. 3815, otherwise known as the Revised Penal Code, as amended, is hereby amended:

"ARTICLE 344. Prosecution of the Crimes of **MARITAL INFIDELITY** [Adultery, Concubinage], Seduction, Abduction, 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. 5. *Repealing Clause.* — All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provision of this Act, are hereby repealed, amended, or modified accordingly.

SEC. 6. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,