



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

Twentieth (20th) Congress
First Regular Session
HOUSE BILL NO. 2258



Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

Republic Act No. 9710 otherwise known as The Magna Carta of Women was enacted in 2009 pursuant to our commitment to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In particular, Section 12 of the Act provides that 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 the said Act.

Up to date or more than a decade after the passage of RA 9710, discriminatory laws toward women are yet to be revisited such as Articles 333 and 334 of the Revised Penal Code on Adultery and Concubinage. Adultery, which covers married women, carries heavier penalty than concubinage, which covers married men. Further, adultery is easier proved than concubinage that requires the attendance of circumstances under Article 334.

Thus, this bill seeks to do away with gender-based discrimination by amending Articles 333 and 334 to punish acts of marital infidelity committed by either spouse. Accordingly, adultery and concubinage shall thereafter be sexual infidelity and maintaining a paramour, respectively.

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



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AN ACT
ACCORDING EQUAL RIGHTS TO WIVES AND HUSBANDS IN THE PHILIPPINES
BY AMENDING ARTICLES 333, 334, AND 344 OF THE REVISED PENAL CODE

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

SECTION 1. Article 333 of Act No. 3815, also known as the Revised Penal Code is hereby amended to read as follows:

Chapter One

[Adultery] SEXUAL INFIDELITY and [Concubinage] MAINTAINING A PARAMOUR

Article 333. *Who are guilty of [adultery] SEXUAL INFIDELITY.* - [Adultery] SEXUAL INFIDELITY is committed by any married [woman] PERSON who shall have sexual intercourse with a [man] PERSON not HIS OR her [husband] SPOUSE and by the [man] PERSON who has carnal knowledge of HIM OR her knowing HIM OR her to be married, even if the marriage be subsequently declared void.

[Adultery] SEXUAL INFIDELITY 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.]

SECTION 2. Article 334 of Act No. 3815, also known as the Revised Penal Code is hereby amended to read as follows:

Article 334. [Concubinage] MAINTAINING A PARAMOUR. - Any [husband] MARRIED PERSON who shall keep a [mistress] PARAMOUR in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with [a woman] ANOTHER PERSON who is not [his wife] THE SPOUSE, or shall cohabit with [her] A PARAMOUR in any other place, shall be punished by *prision correccional* in its minimum and medium periods.

The [concubine] PARAMOUR shall suffer the penalty of *destierro*.

AS USED IN THIS ARTICLE, 'PARAMOUR' SHALL INCLUDE ANY PERSON WHO COHABITS WITH A MARRIED PERSON UNDER CIRCUMSTANCES WHERE THEY ASSUME AND EXERCISE TOWARD EACH OTHER THE RIGHTS AND

1 PRIVILEGES WHICH PROPERLY BELONG TO PERSONS MARRIED TO EACH
2 OTHER.

3
4 **SECTION 3.** Article 344 of Act No. 3815, also known as the Revised Penal Code is hereby
5 amended to read as follows:

6 Article 344. *Prosecution of the crimes of [adultery] SEXUAL INFIDELITY,*
7 *[concubinage] MAINTAINING A PARAMOUR, seduction, abduction, rape and acts of*
8 *lasciviousness.* - The crimes of [adultery] SEXUAL INFIDELITY and [concubinage]
9 MAINTAINING A PARAMOUR shall not be prosecuted except upon a complaint filed
10 by the offended spouse.

11 The offended party cannot institute criminal prosecution without including both
12 the guilty parties, if they are both alive, nor, in any case, if he OR SHE shall have
13 consented or pardoned the offenders[.], NOR, IN ANY CASE, IF HE OR SHE IS
14 LIKEWISE GUILTY OF SEXUAL INFIDELITY OR MAINTAINING A PARAMOUR,
15 NOR, IN ANY CASE, IF HE OR SHE SHALL HAVE ABANDONED THE GUILTY
16 SPOUSE WITHOUT JUST CAUSE FOR MORE THAN ONE YEAR.

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

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

26
27 **SECTION 4. *Separability Clause*** – If any provision or part hereof, is held invalid or
28 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid
29 and subsisting.

30
31 **SECTION 5. *Repealing Clause*** – Any law, presidential decree or issuance, executive order, letter
32 of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of
33 this Act is hereby repealed, modified, or amended accordingly.

34
35 **SECTION 6. *Effectivity Clause*** – This Act shall take effect fifteen (15) days after its publication
36 in the Official Gazette or in a newspaper of general circulation.

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38 Approved,