



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 4158

Introduced by CIBAC Party-List Representative
EDUARDO “BRO. EDDIE” C. VILLANUEVA

EXPLANATORY NOTE

The Constitution recognizes the role of marriage in the family as it is the foundation of the nation. Marriage not only binds two individuals by the laws of their respective religions, but also, the laws of the land as citizens. Breach of marriage laws is treated as an illegal act in the constitution with penalty and punishment.

However, there have been arguments on how Article 333 and 334 of the Revised Penal Code deal with marital infidelity. The current law distinguishes whether the act of infidelity is committed by a married man or woman, thus, raising a concern for gender bias on cases of adultery and concubinage.

In the present framework, an offended wife could only file a case of concubinage if the male spouse is guilty of all three (3) elements. Adultery, on the contrary, needs to satisfy only a single element to be eligible for prosecution. In addition, disparity on the punishment also reflects a bias in favor of the male spouse. Such unequal treatment on different genders and strict rules on female spouses creates an impression that married women have greater vulnerability towards infidelity as compared to married men—an assumption in contrary with the constitution’s goals towards equality and upholding the rights of women.

This bill seeks to rectify the errors of the existing legal framework on marital infidelity.

First, it abolishes the gender bias of existing provisions against sexual infidelity. The same elements and penalties will be prescribed for both male and female spouses. One’s sex should never be an excuse or cover to desecrate the family as an institution.

Second, the amendments introduced by this bill bring the Revised Penal Code provisions against marital infidelity into the proper perspective. More than a property issue, marital infidelity is an ill that reflects a lack of virtue and value which endangers the family as a foundation of our country’s moral fiber.

This same lack of virtue and value of the family, which is promoted by the lax anti-infidelity provisions in our laws, is actually a root cause of woes besetting the Filipino family. Our existing legal framework makes room, in a way, for male spouses to disrespect the family and deny paramount consideration for the welfare of his spouse and children. It also opens opportunities for male spouses to have illegitimate children and also to be unmindful of the diseases that could be transmitted to him or to the person he has committed marital infidelity with.

This bill seeks to deter the practice of marital infidelity. It aims to revive virtue and restore value to the Filipino family. This is but one among many measures that should be taken to strengthen the family as an institution in this time of depreciating values and waning morals. Passage of this bill is of utmost importance.


EDUARDO "BRO. EDDIE" C. VILLANUEVA



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AN ACT
DEFINING AND PENALIZING MARITAL INFIDELITY, AMENDING FOR THE
PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

1 **SECTION 1. Short Title** - This Act shall be known as the “**Anti-Marital**
2 **Infidelity Act.**”
3

4 **SEC. 2.** Article 333 of Act No. 3815, otherwise known as the Revised Penal
5 Code, is hereby deleted in its entirety and replaced with the following:
6

7 **“ARTICLE 333. MARITAL INFIDELITY. – MARITAL INFIDELITY IS**
8 **COMMITTED BY ANY MARRIED PERSON WHO SHALL HAVE**
9 **SEXUAL INTERCOURSE WITH ANOTHER PERSON WHO IS NOT**
10 **HIS/HER LEGITIMATE SPOUSE, EVEN IF THE MARRIAGE BE**
11 **SUBSEQUENTLY DECLARED VOID, AND BY THE PERSON WHOM**
12 **HE/SHE HAS SEXUAL INTERCOURSE WITH, KNOWING OR**
13 **HAVING REASONABLE GROUNDS TO BELIEVE THAT THE**
14 **GUILTY SPOUSE IS MARRIED.**

15
16 **MARITAL INFIDELITY SHALL BE PUNISHED BY PRISION**
17 **CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS.**

18
19 **IF THE PERSON GUILTY OF MARITAL INFIDELITY COMMITTED**
20 **THIS OFFENSE WHILE BEING ABANDONED WITHOUT**
21 **JUSTIFICATION BY THE OFFENDED SPOUSE, THE PENALTY**
22 **NEXT LOWER IN DEGREE THAN THAT PROVIDED ABOVE SHALL**
23 **BE IMPOSED.**

24
25 **MUSLIMS AND MEMBERS OF INDIGENOUS PEOPLES**
26 **COMMUNITIES WHO ACTIVELY AND CONTINUOUSLY PRACTICE**

1 SINCE TIME IMMEMORIAL CUSTOMS AND TRADITIONS
2 ALLOWING MULTIPLE SPOUSES SHALL BE HELD LIABLE FOR
3 MARITAL INFIDELITY IF THEY ENGAGE IN SEXUAL
4 INTERCOURSE WITH ANY PERSON OTHER THAN THE OFFICIAL
5 SPOUSES RECOGNIZED BY THEIR RESPECTIVE FAITHS AND
6 TRADITIONS.”
7

8 **SEC. 3.** Article 334 of the Revised Penal Code is hereby deleted.
9

10 **SEC. 4.** Article 344 of the Revised Penal Code is hereby amended to read as
11 follows:
12

13 Article 344. Prosecution of the crimes of [~~adultery, concubinage,~~
14 **MARITAL INFIDELITY**, seduction, abduction, rape and acts of
15 lasciviousness. - The [~~crimes of adultery and concubinage~~] CRIME of
16 **MARITAL INFIDELITY** shall not be prosecuted except upon a
17 complaint filed by the offended spouse.
18

19 The offended party [~~cannot~~] **CAN** institute criminal prosecution [~~without~~
20 ~~including~~] **AGAINST THE OFFENDING SPOUSE ALONE, OR**
21 **AGAINST** both the guilty parties [~~, if they are both alive, nor, in any~~
22 ~~case, if he shall have consented or pardoned the offenders~~]:
23 **PROVIDED, THAT THE OFFENDED SPOUSE DID NOT CONSENT**
24 **TO SUCH ACT OR PARDON THE OFFENDERS IN WRITING,**
25 **PROVIDED, FURTHER, THAT THE OFFENDED SPOUSE IS NOT**
26 **GUILTY OF MARITAL INFIDELITY, PROVIDED, FINALLY, THAT**
27 **NOTHING HEREIN SHALL PREVENT THE OFFENDED SPOUSE,**
28 **THE PARENTS AND PARENTS-IN-LAW OF THE OFFENDED**
29 **SPOUSE, OR THE CHILDREN OF THE OFFENDED AND GUILTY**
30 **SPOUSES FROM FILING THE APPROPRIATYE CIVIL ACTION**
31 **UNDER THE CIVIL CODE.**
32

33 The offenses of seduction, abduction or acts of lasciviousness, shall
34 not be prosecuted except upon a complaint filed by the offended party
35 or her parents, grandparents, or guardian, nor, in any case, if the
36 offender has been expressly pardoned by the above named persons,
37 as the case may be.
38

39 In cases of seduction, abduction and acts of lasciviousness, the
40 marriage of the offender with the offended party shall extinguish the
41 criminal action or remit the penalty already imposed upon him. The
42 provisions of this paragraph shall also be applicable to the co-
43 principals, accomplices and accessories after the fact of the above-
44 mentioned crimes.
45

46 **SEC. 5. Separability Clause.** If any provision of this Act is declared
47 unconstitutional or invalid, the other provisions not affected thereby shall continue to
48 be in full force and effect.
49

1 **SECTION 6. Repealing Clause.** All laws, decrees, rules and regulations, or
2 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.
3

4 **SECTION 7. Effectivity.** This Act shall take effect fifteen (15) days following its
5 complete publication in the Official Gazette or in at least two (2) newspapers of general
6 circulation.
7

8 *Approved,*