

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL No. 4780



Introduced by Honorable Representative
SARAH JANE I. ELAGO (Gabriela Women's Party)

**AN ACT PROVIDING FOR STRONGER PROTECTION AGAINST RAPE, AND
OTHER FORMS OF SEXUAL ABUSE AND EXPLOITATION, AMENDING CHAPTER
3 OF REPUBLIC ACT 8353, ALSO KNOWN AS THE ANTI-RAPE LAW OF 1997, AND
REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE
"REVISED PENAL CODE"**

EXPLANATORY NOTE

Rape is indisputably one of the most horrendous and heinous crimes committed against a person, causing lasting and immeasurable anguish to victim-survivors that extends even to their kith and kin. Its proliferation stems from the perpetuation of rape culture that emerged out of and is continuously shaped and maintained by feudal-patriarchal relations that have long been subjugating women, people of diverse SOGIESC, and the vast population of victim-survivors, including male sufferers of sexual violence.¹

Rape culture is reinforced by a set of shared beliefs, values, and practices normalizing and justifying rape such as victim-blaming, slut-shaming, sexual objectification, trivialization of rape, and the propagation of rape myths including but not limited to the thinking that "unchaste women ask to be raped," "victim-survivors lie about being raped," or "husbands cannot rape their wives."²

Particularly in the Philippines, despite the notable developments in terms of legislating against rape and sexual violence, thousands of cases of sexual abuse and violence are still being

¹Rape culture is broadly defined by the social sciences as a kind of culture lacking social constraints to discourage sexual violence and aggression and/or containing social arrangements that deliberately encourages and supports sexual violence and aggression, thus creating a social environment that is conducive for the commission of rape.
<https://www.sciencedirect.com/topics/social-sciences/rape-culture>

²<https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2021/08/towards-a-legal-reform.pdf>

reported annually in the country.³ Recent data from the PNP Crime Incident Reporting and Analysis System suggests that there were a total of 12,046 recorded cases of violence against women in January to November 2024 alone, with 1,428 of which being violations of the R.A. 8353 otherwise known as the Anti-Rape Law.⁴ These figures, however, are incomplete and inconclusive. According to the Center for Women's Resources, rape and other forms of violence against women are largely underreported in the country, where only 1 out of 10 cases are successfully reported and documented.⁵ This phenomenon, the Center added, is attributable to the prevailing culture of silence, victim-blaming, and victim-shaming in the Philippines, as accompanied by the lack of proper protection mechanisms for victim-survivors.

Apart from the overwhelming cases of violence perpetrated against women in the country, the members of the lesbian, gay, bisexual, transgender, queer, intersex, asexual, plus (LGBTQIA+) community are also at the receiving end of rape and sexual violence that are further exacerbated by the hate crimes targeting the community.⁶ Meanwhile, male victims, especially young boys, are not exempted from the injustices that are rape and sexual violence.⁷ But due to the limitations in the current conceptual and legal frameworks with women-only definitions of rape, the experiences of LGBTQIA+ and male victim-survivors are often invisibilized and underrepresented.

Additionally, cases of rape become exceptionally appalling when committed by public or moral authorities who willfully use their authority and resources to commit such a crime, most of the time with the knowledge or help of the heads of the public office or institution to which they belong. What binds the cases of rape and sexual violence experienced by the many faces of victims across all genders and sexualities, in general, is the common discontent and distrust toward authority figures and law enforcers who, one way or another, inflict additional layer of stigma, discrimination, disenfranchisement, neglect, and harassment to victim-survivors that contribute to the larger culture of silence and the resulting impunity and injustice.

The glaring gaps in the legal remedies and protections covering rape and sexual violence and supposedly paving the way for victim-survivors' path to justice are indicative of the deep-seated gender stereotypes and biases that have long permeated the key provisions of existing anti-rape and anti-sexual abuse and exploitation legislation.

³The following data and trends on rape cases and gender-based violence in the Philippines were documented by the Center for Women's Resources (CWR) throughout the years:

- The number of reported cases of rape increased from 5,132 in 2010 to 9,383 in 2017 (83% increase). This means that 1 woman or child was raped every 53 minutes. Furthermore, 7 out of 10 of those rape victims were children.
- 8 out of 10 cases of sexual abuse were committed by the victim's husband or partner.
- From June 2010 to November 2015, there were 10 reported cases of military rape where the usual victims were children and indigenous women (Karapatan, 2016).
- From July 2016 to October 2018, there were 56 policemen involved in abuse against women.
- Of several thousands of rape cases, only 7,416 accused were in jail as of December 2012. A fewer number of these cases reached conviction.

⁴2024 PNP Crime Incident Reporting and Analysis System

⁵Ulat Lila 2025, Center for Women's Resources

⁶<https://www.reuters.com/article/world/philippines-lgbt-group-accuse-police-of-failing-to-serve-and-protect-idUSKCN0ZE21D/>

⁷https://www.kfaw.or.jp/correspondents/docs/24-2_Philippine_E.pdf

While the Anti-Rape Law of 1997, which reclassified rape from a crime against chastity to that of a crime against persons, did away with the case law requirement of tenacious resistance, courts still have differing interpretations as to resistance. Failure of the law to define rape with the absence of consent as its central element oftentimes resulted in the unfair ruling of some judges where it is implied that rape victims who cannot establish any indication of resistance had consented to the sexual intrusion. When the law requires concrete signs of force, threat, or intimidation before characterizing a non-consensual act as rape, it confers undue and unjust burden to the victim by seeking specific proof and reaction from them so as to corroborate that they had indeed been sexually violated.

Furthermore, in spite of the favorable court decisions of the recent times which ruled that admission of being in a relationship with a perpetrator does not entail consenting to having sex,⁸ and that proof of resistance from victims are no longer required in rape cases,⁹ it remains imperative for these pronouncements to be integrated and institutionalized in existing legislation that serves as the primary basis for the legal interventions and actions available in cases of rape and sexual violence. What these rulings reaffirm is that it is the lack of or inability to give consent that truly indicates violation of the victim's body and dignity, thus constituting the commission of sexual violence that leaves a lasting mark on the victim's psyche and wellbeing. What for many may be considered the most intimate expression of mutual love or oneness, when committed without consent or against the will of one party, is transformed into that heinous crime called rape.

The pioneering case that addressed the necessity to focus on consent instead of the use of force is that of the *Karen Tayag Vertido vs. the Philippines* (Communication No. 18/2008), as adopted by the CEDAW Committee on July 16, 2010. The case became the basis of the CEDAW Committee to recommend that the Philippine definition of rape should center on the lack of consent as its core element. ***It is the lack of or inability to give consent that is the very essence of the crime of rape.***

To be consistent with the proposed definition of consent, Article 266-D provides that "any overt physical act manifesting resistance or that the victim is so situated that he/she is incapable of giving consent may be accepted as evidence in the prosecution of the crime" is proposed to be repealed.

Notably, in providing for instances when lack of consent is presumed, the responsibility to prove consent is placed on the accused, not the victim. Rape is committed under the following circumstances:

⁸<https://sc.judiciary.gov.ph/sc-love-affair-does-not-justify-rape/>

⁹<https://sc.judiciary.gov.ph/sc-proof-that-victim-resisted-not-required-in-rape-cases/>

- 1) by any person who shall have sexual intercourse with another person without the latter's consent;
- 2) inserting or causing the insertion of a person's penis in another person's inner or outer vaginal labia, anal orifice or mouth;
- 3) inserting or causing the insertion of a finger, instrument or object, into another person's inner or outer vaginal labia or anal orifice;
- 4) placing or causing the placement of a person's penis between, or rubbing or causing the rubbing thereof on, the breasts of another person; or
- 5) causing a person or persons to perform any of the above-mentioned acts even if the offender does not participate therein;
- 6) under any of the following circumstances:
 - by force, threat, intimidation, deception or coercion;
 - by abuse of authority or moral ascendancy;
 - by employment of means to deprive one person of reason or to render one unconscious;
 - by other fraudulent machinations; or
 - when the victim is incapable or has been rendered incapable of giving consent by reason of physical, mental, or psychological disability or condition of the victim.

Aside from positioning the lack of or inability to provide consent as central to the definition of rape, the bill also seeks to recognize that rape as a hate crime is perpetrated against the members of the LGBTQIA+ community, and that other forms of unwanted and unwarranted sexual conduct against males, young boys in particular, also occur in our society.

The bill also introduces important aggravating circumstances, one of which is the act of recording and publicly disseminating the conduct of rape. A concrete example of this is a case of a university student in Las Piñas where the victim was drugged and raped by a group of young men; the commission of the crime was uploaded by the perpetrators on the internet for public viewing, increasing the humiliation and victimization of the offended party.

Finally, to highlight the seriousness of the crime of rape and address the power relations that currently exist in marriages, this bill also seeks to repeal Article 266-C, which pardons the rapist if he subsequently marries the victim, or the rapist-husband if pardoned by the wife.

It is high time that the Philippines integrate gender and human rights perspectives in addressing the barriers to actualizing genuine justice in cases of rape and sexual violence. Centering the absence of free and informed consent as a key element of rape, instituting stronger penal provisions for aggravating circumstances, and broadening the definition of what constitutes as rape and who are the many faces of a rape victim not only attend to existing gaps in legal

frameworks, but also contributes to combatting cultural challenges in prosecuting and penalizing rape and sexual violence by bringing to the fore the rights of victim-survivors in the process.

The Gabriela Women's Party has been filing this measure since 2012 toward strengthening protection and accountability mechanisms against rape and other forms of sexual abuse and exploitation. More than a decade later, except for increasing the age for determining the commission of statutory rape through the passage of RA 11648, most of the comprehensive amendments and provisions imbued in this 13-year long proposed measure remain elusive in Philippine legislation.

For the foregoing reasons, the passage of this bill is earnestly sought.



REP. SARAH JANE I. ELAGO
Gabriela Women's Party

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REPUBLIC ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE
"REVISED PENAL CODE"**

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

SECTION 1. Article 266-A (1)(d) of Act No. 3815, otherwise known as "The Revised Penal
Code," as amended by Republic Act No. 8353 known as "The Anti-Rape Law f 1997," is hereby
further amended to read as follows:

Chapter Three

Rape

~~{Article 266-A Rape; When And How Committed. — Rape Is Committed~~

"1) x x x

- ~~a) Through force, threat, or intimidation;~~
- ~~b) When the offended party is deprived of reason or otherwise unconscious;~~
- ~~c) By means of fraudulent machination or grave abuse of authority; and]~~

"d) x x x

SECTION 2. Articles 266-B, 266-C and 266-D of the same Act are hereby repealed.

ARTICLE 266-A

SECTION 3. RAPE: WHEN AND HOW COMMITTED. -RAPE IS COMMITTED BY A PERSON AGAINST ANY PERSON BY:

~~[(1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:~~

~~_____ "a) Through force, threat, or intimidation;~~

~~_____ "b) When the offended party is deprived of reason or otherwise unconscious;~~

~~_____ "c) By means of fraudulent machination or grave abuse of authority; and~~

~~_____ "d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.]~~

- 1) **HAVING SEXUAL INTERCOURSE WITH ANOTHER PERSON WITHOUT THE LATTER'S CONSENT;**
- 2) **INSERTING OR CAUSING THE INSERTION OF A PERSON'S PENIS IN ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA, ANAL ORIFICE OR MOUTH;**
- 3) ~~[By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.]~~ **INSERTING OR CAUSING THE INSERTION OF A FINGER, INSTRUMENT OR OBJECT, INTO ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA OR ANAL ORIFICE;**
- 4) **PLACING OR CAUSING THE PLACEMENT OF A PERSON'S PENIS BETWEEN, OR RUBBING OR CAUSING THE RUBBING THEREOF ON, THE BREASTS OF ANOTHER PERSON; OR**
- 5) **CAUSING A PERSON OR PERSONS TO PERFORM ANY OF THE ABOVE-MENTIONED ACTS EVEN IF THE OFFENDER DOES NOT PARTICIPATE THEREIN;**
- 6) **UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**
 - (A) **BY FORCE, THREAT, INTIMIDATION, DECEPTION OR COERCION;**
 - (B) **BY ABUSE OF AUTHORITY OR MORAL ASCENDANCY;**
 - (C) **BY EMPLOYMENT OF MEANS TO DEPRIVE ONE PERSON OF REASON OR TO RENDER ONE UNCONSCIOUS;**

(D) BY OTHER FRAUDULENT MACHINATIONS; OR

(E) WHEN THE VICTIM IS INCAPABLE OR HAS BEEN RENDERED INCAPABLE OF GIVING CONSENT BY REASON OF PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION OF THE VICTIM.

SECTION 4. A new Article 266-B is hereby added to Act No. 3815, as amended, to read as follows:

ARTICLE. 266-B, PRESUMPTION OF LACK OF CONSENT. - IN ALL CASES OF RAPE, LACK OF CONSENT IS PRESUMED. THE ABSENCE OR LACK OF PHYSICAL OVERT ACT OF RESISTANCE TO THE COMMISSION OF RAPE SHALL NOT BE CONSTRUED AS CONSENT.

SECTION 5. WHEN IS RAPE DEEMED CONSUMMATED. - RAPE IS DEEMED CONSUMMATED WHEN THE VICTIM'S GENITAL, MOUTH, OR ANAL ORIFICE IS TOUCHED BY THE SEXUAL ORGAN OR ANY PART OF THE BODY OR ANY OBJECT USED TO COMMIT RAPE AS DEFINED IN SECTION 1, NUMBER 2;

Article 266-C. Penalties. - Rape ~~{under paragraph 1 of the next preceding article}~~ shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, the victim has become insane **OR HAS DEVELOPED A PSYCHOLOGICAL DISORDER**, the penalty shall be *reclusion perpetua* to death.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua*.

The penalty of *reclusion perpetua* shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

~~{1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common law spouse of the parent of the victim;}~~

1) WHEN THE OFFENDER IS A BIOLOGICAL OR ADOPTIVE PARENT OR A DE FACTO PARENT OR A PERSON WHO HAS RAISED THE OFFENDED PARTY

WITHOUT THE BENEFIT OF LEGAL ADOPTION, ASCENDANT, STEP-PARENT, DE FACTO OR LEGAL GUARDIAN, RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE, OR THE COMMON-LAW SPOUSE OR LIVE-IN PARTNER OF THE PARENT OF THE VICTIM;

- 2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;
- 3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;
- 4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;
- 5) When the victim is a child below seven (7) years old;
- 6) When the offender knows that he is afflicted with Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually-transmissible disease and the virus or disease is transmitted to the victim;

~~{7) When committed by any member of the Armed Forces of the Philippines or paramilitary units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;}~~

7) WHEN COMMITTED BY PERSONS OF PUBLIC OR MORAL AUTHORITY SUCH AS:

- a) **ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR PARAMILITARY UNITS THEREOF OR THE PHILIPPINE NATIONAL POLICE OR ANY LAW ENFORCEMENT AGENCY OR PENAL INSTITUTION, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION OF THE CRIME;**
- b) **ANY ELECTED OFFICIAL OR APPOINTED OFFICIAL PERFORMING A PUBLIC FUNCTION, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION OF THE CRIME;**
- c) **ANY PERSON WITH MORAL ASCENDANCY OR POSSESSING SIGNIFICANT POLITICAL OR RELIGIOUS INFLUENCE, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION OR INFLUENCE TO FACILITATE THE COMMISSION OF THE CRIME;**
- 8) When by reason or on the occasion of the rape, the victim has suffered

permanent physical mutilation or disability;

9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime;

10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime; and

11) WHEN THE ACT OF RAPE IS DOCUMENTED THROUGH ANY KIND OF MEDIA, AND THE DOCUMENTED ACT OF RAPE HAS BEEN DISSEMINATED TO THE PUBLIC SUCH AS THE INTERNET OR VIA CELLPHONE SMS.

~~{Rape under paragraph 2 of the next preceding article shall be punished by prison mayor.~~

~~Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be prison mayor to reclusion temporal.~~

~~When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be reclusion temporal.~~

~~When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion temporal to reclusion perpetua.~~

~~When by reason or on the occasion of the rape, homicide is committed, the penalty shall be reclusion perpetua.~~

~~Reclusion temporal shall also be imposed if the rape is committed with any of the ten aggravating/qualifying circumstances mentioned in this article.~~

~~Article 266 C. Effect of Pardon. The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed.~~

~~In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action Republic Act No. 8353 or the penalty. Provided, that the crime shall not be extinguished or the penalty shall not be abated if the marriage is void ab initio.~~

~~Article 266 D. Presumptions. Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266 A.~~

SECTION 6. A new article 266-C is hereby added to Republic Act No. 3815, as amended, to read as follows:

ARTICLE 266-C. GROOMING. - FOR PURPOSES OF THIS ACT, GROOMING IS

HEREBY DEFINED AS A PREDATORY CONDUCT, ACT, OR PATTERN OF ACTS, OF ESTABLISHING A RELATIONSHIP, TRUST, OR EMOTIONAL CONNECTION PERSONALLY, OR VIA ELECTRONIC AND OTHER SIMILAR DEVICES, BY ANY PERSON WITH A MINOR UNDER EIGHTEEN (18) YEARS OF AGE OR ANY OF THE MEMBERS OF THE FAMILY, GUARDIAN, OR CAREGIVER OF THE MINOR FOR THE PURPOSE OF PERPETRATING SEXUAL ABUSE OR EXPLOITATION. FOR PURPOSES OF THIS ARTICLE, ANY PERSON WHO HAS A PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION AND UNABLE TO FULLY UNDERSTAND THE CONSEQUENCES OF ANY SEXUAL ACTIVITY MAY ALSO BE A VICTIM OF GROOMING.

WHEN GROOMING RESULTS IN THE CONSUMMATION OF ANY OF THE ACTS OF SEXUAL ABUSE OR EXPLOITATION UNDER ARTICLE 265-A, THE PERSON RESPONSIBLE FOR THE GROOMING SHALL BE LIABLE FOR RAPE.

SECTION 7. A new Article 266-D is hereby added to Republic Act No. 3815, as amended, to read as follows:

ARTICLE 266-D. PENALTIES FOR RAPE – RAPE UNDER ARTICLES 266-A, 266-B, AND 266-C SHALL BE PUNISHED BY RECLUSION PERPETUA.

WHEN THE RAPE IS ATTEMPTED AND HOMICIDE IS COMMITTED BY REASON OR ON THE OCCASION THEREOF, THE PENALTY SHALL BE *RECLUSION PERPETUA*.

WHEN GROOMING WAS THE MEANS EMPLOYED TO COMMIT RAPE BUT THE SAME WAS ONLY ATTEMPTED, THE PENALTY NEXT LOWER IN DEGREE SHALL BE IMPOSED.

THE BENEFITS OF GOOD CONDUCT TIME ALLOWANCE (GCTA) UNDER THE REPUBLIC ACT NO. 10592, ENTITLED “AN ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,” SHALL NOW APPLY WHEN RAPE COMMITTED WITH ANY OF THE AGGRAVATING CIRCUMSTANCES:

- 1) WHEN THE VICTIM IS UNDER EIGHTEEN (18) YEARS OF AGE AND THE OFFENDER IS A PARENT, ASCENDANT, STEP-PARENT, GUARDIAN, RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE, OR THE COMMON-LAW SPOUSE OF THE PARENT OF THE VICTIM;**
- 2) WHEN THE VICTIM IS UNDER THE CUSTODY OF THE POLICE**
- 3) WHEN THE RAPE IS COMMITTED IN FULL VIEW OF THE SPOUSE, PARENT, ANY OF THE CHILDREN OR OTHER RELATIVES WITHIN THE THIRD CIVIL DEGREE OF CONSANGUITY OR AFFINITY;**
- 4) WHEN THE VICTIM IS A RELIGIOUS ENGAGED IN LEGITIMATE RELIGIOUS VOCATION OR CALLING AND IS PERSONALLY KNOWN TO**

- BE SUCH BY THE OFFENDER BEFORE OR AT THE TIME OF THE COMMISSION OF THE CRIME;
- 5) WHEN THE VICTIM IS A CHILD BELOW THIRTEEN (13) YEARS OLD;
 - 6) WHEN THE OFFENDER IS AFFLICTED WITH THE HUMAN IMMUNO-DEFICIENCY SYNDROME (AIDS) OR ANY OTHER SEXUALLY TRANSMISSIBLE DISEASE AND THE VIRUS OR DISEASE IS TRANSMITTED TO THE VICTIM;
 - 7) WHEN COMMITTED BY ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR ITS PARA-MILITARY UNITS, THE PHILIPPINE NATIONAL POLICE (PNP) OR ANY LAW ENFORCEMENT AGENCY OR PENAL INSTITUTION, ANY PERSON IN AUTHORITY AS DEFINED BY LAW, OR ANY PRIVATE INDIVIDUAL WHO TOOK ADVANTAGE OF ONE'S POSITION, AUTHORITY, INFLUENCE OR MORAL ASCENDANCY;
 - 8) WHEN BY REASON OR ON THE OCCASION OF THE RAPE, THE VICTIM SUFFERED PERMANENT PHYSICAL MUTILATION OR DISABILITY;
 - 9) WHEN THE OFFENDER KNEW OF THE PREGNANCY OF THE VICTIM AT THE TIME OF THE COMMISSION OF THE CRIME;
 - 10) WHEN THE OFFENDER KNEW OF THE MENTAL DISABILITY, EMOTIONAL DISORDER, OR PHYSICAL HANDICAP OF THE VICTIM AT THE TIME OF THE COMMISSION OF THE CRIME;
 - 11) WHEN THE REASON OF THE RAPE, THE VICTIM BECOMES PREGNANT;
 - 12) WHEN THE VICTIM HAS SUFFERED PERMANENT MENTAL OR PSYCHOLOGICAL DISABILITY; OR
 - 13) WHEN THE OFFENDER USED GROOMING AS A MEANS TO COMMIT THE CRIME.

SEC. 6. A new article 266-E is hereby added to Act No. 3815, as amended, to read as follows:

“ARTICLE 266-E – EFFECT OF RECONCILIATION OR SUBSEQUENT VALID MARRIAGE. – THE SUBSEQUENT VALID MARRIAGE BETWEEN THE VICTIM AND THE OFFENDER SHALL NOT EXTINGUISH THE CRIMINAL ACTION FOR RAPE OR THE PENALTY IMPOSED THEREON.

SUBSEQUENT RECONCILIATION BETWEEN LEGITIMATE SPOUSES SHALL NOT EXTINGUISH THE CRIMINAL LIABILITY OF THE OFFENDER.”

SEC. 8. A new Article 266-F is hereby added to Act No. 3815, as amended to read as follows:

“ARTICLE 266-F. WHO MAY FILE A COMPLAINT FOR RAPE. – A COMPLAINT MAY BE FILED BY ANY OF THE FOLLOWING:

- (A) THE OFFENDED PARTY;**
- (B) PARENTS OR GUARDIANS OF THE OFFENDED PARTY;**
- (C) ASCENDANTS, DESCENDANTS OR COLLATERAL RELATIVES WITHIN THE FOURTH DEGREE OF CONSANGUINITY OR AFFINITY;**

(D) OFFICERS OR SOCIAL WORKERS OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) AND SOCIAL WORKERS OF LOCAL GOVERNMENT UNITS (LGU);

(E) POLICE OFFICERS;

(F) *PUNONG BARANGAY* OR *KAGAWAD*;

(G) LAWYER, COUNSELOR, THERAPIST OR HEALTHCARE PROVIDER OF THE OFFENDED PARTY; OR

(H) A CONCERNED CITIZEN WHO HAS KNOWLEDGE OF THE COMMISSION OF THE CRIME.

SECTION 9. A new Article 266-G is hereby added Republic Act No. 3815, as amended, to read as follows:

ARTICLE 266-G. PERSONS MANDATED TO REPORT RAPE CASES. - A) IT SHALL BE THE DUTY OF THE FOLLOWING PERSONS TO REPORT ALL INCIDENTS OF RAPE AND OTHER SEXUAL OFFENSES TO THE DSWD, THE DEPARTMENT OF EDUCATION (DEPED), THE PNP OR ANY LAW ENFORCEMENT AGENCY, OR THE CONCERNED LGU WITHIN FORTY EIGHT (48) HOURS FROM KNOWLEDGE THEREOF:

1. ANY I-HEALTHCARE PROVIDER, INCLUDING THE ATTENDING PHYSICIAN, NURSE, CLINICIAN, BARANGAY HEALTH WORKER; OR ANY PERSON WHO HAS CAUSED THE EXAMINATION OR TREATMENT OF THE VICTIM APPEARING TO HAVE SUFFERED FROM RAPE OR OTHER SEXUAL OFFENSES;

2. TEACHER, GUIDANCE COUNSELOR, PRINCIPAL, SCHOOL HEAD, OR ANY PERSON WHOSE WORK INVOLVES THE EDUCATION, TRAINING, AND CARE OF CHILDREN;

3. ANY SOCIAL WORKER WHO HAS REASON TO BELIEVE THAT RAPE OR OTHER & OFFENSES HAVE BEEN COMMITTED OR HAS BEEN DULY INFORMED THEREOF BY THE VICTIM;

4. ANY NATIONAL OR LOCAL PUBLIC OFFICER; OR

5. ANY PERSON WHO HAS KNOWLEDGE OF THE COMMISSION OF RAPE OR OTHER SEXUAL OFFENSES:

B) THE PERSONS MANDATED TO REPORT CASES OF RAPE OR OTHER SEXUAL OFFENSES SHALL HAVE, AS FAR AS APPLICABLE, THE FOLLOWING RESPONSIBILITIES:

1. PROPERLY DOCUMENT ANY OF THE VICTIM'S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL INJURIES;

2. PROPERLY RECORD OBSERVATION ON THE VICTIM'S CONDITION AND CIRCUMSTANCES DURING THE EXAMINATION OR VISIT;

3. SAFEGUARD THE RECORDS AND MAKE THEM IMMEDIATELY AVAILABLE TO THE VICTIM UPON REQUEST; AND

4. IMMEDIATELY REPORT THE SUSPECTED COMMISSION OF RAPE TO THE PROPER AUTHORITIES."

C) FAILURE TO REPORT POSSIBLE RAPE OR SEXUAL OFFENSES UNDER THIS ACT SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIFTY THOUSAND PESOS (P50,000.00) WITHOUT PREJUDICE TO ANY ADMINISTRATIVE LIABILITY, IF APPLICABLE.

D) NO CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION MAY BE FILED AGAINST ANY PERSON WHO IS PERFORMING THE RESPONSIBILITIES MANDATED UNDER THIS ARTICLE."

SECTION 10. A new Article 266-H is hereby added to Republic Act No. 3815, as amended, to read as follows:

"ARTICLE 266-H AFFIDAVIT OF DESISTANCE - THE SUBMISSION OF AN AFFIDAVIT OF DESISTANCE AT ANY STAGE OF THE CRIMINAL ACTION OR PROCEEDINGS IS NOT ALLOWED."

SECTION 11. A new Article 266-I is hereby added to Republic Act No. 3815, as amended, to read as follows:

"ARTICLE 266-I AMICABLE SETTLEMENT. – ANY AMICABLE SETTLEMENT AT ANY STAGE OF THE PROCEEDINGS FOR RAPE OFFENSES IS PROHIBITED."

SECTION 12. A new Article 266-J is hereby added to Act. No. 3815, as amended, to read as follows:

"ARTICLE 266-J. CONFIDENTIALITY AND PRIVACY. – THE JUDGES, PROSECUTOR, OR ANY OFFICER OF THE COURT, SHALL ENSURE THE CONFIDENTIALITY OF THE PROCEEDINGS FOR RAPE OFFENSES. FOR THIS PURPOSE, THE INVESTIGATING PROSECUTOR OR THE JUDGE SHALL HOLD CLOSED DOOR PROCEEDINGS TO PROTECT THE IDENTITY AND PRIVACY OF THE PARTIES.

THE JUDGE, PROSECUTOR OR ANY OFFICER OF THE COURT, WHO VIOLATES OR FAILS TO COMPLY WITH THE PROVISIONS OF ARTICLES 266-H, 266-I, AND 266-J OF THIS ACT SHALL BE PUNISHED WITH A FINE OR NOT LESS THAN FIFTY THOUSAND PESOS (P50,000) WITHOUT PREJUDICE TO ANY

ADMINISTRATIVE LIABILITY.”

SECTION 13. Articles 337, 338, 342 and 343 of Republic Act No. 3815, as amended, are hereby repealed.

SECTION 14. A new Article 338 is hereby added to Republic Act No. 3815, as amended, to read as follows:

“ARTICLE 338. *QUALIFIED SEDUCTION.* – THE SEDUCTION OF A MINOR AGED SIXTEEN (16) YEARS AND UNDER EIGHTEEN (18) YEARS OF AGE, COMMITTED BY ANY PERSON IN PUBLIC AUTHORITY, OR PRIEST, OR RELIGIOUS ENGAGED IN A RELIGIOUS VOCATION OR CALLING, DOMESTIC, GUARDIAN, TEACHER, OR ANY PERSON WHO, IN ANY CAPACITY, SHALL BE ENTRUSTED WITH THE EDUCATION OR CUSTODY OF THE MINOR SEDUCED, SHALL BE PUNISHED BY PRISION MAYOR IN ITS MEDIUM AND MAXIMUM PERIODS.

THE PENALTY NEXT HIGHER IN DEGREE SHALL BE IMPOSED UPON:

(1) ANY PERSON WHO SHALL SEDUCE A FULL OR HALF-BLOOD SIBLING OR DESCENDANT;

(2) ANY EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY PERSON WHO, HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER IN A WORK, TRAINING OR EDUCATION ENVIRONMENT, SEDUCES A WORKER, EMPLOYEE, APPLICANT FOR EMPLOYMENT, STUDENT OR ONE UNDERGOING TRAINING, INSTRUCTION OR EDUCATION.”

UNDER THE PROVISIONS OF THIS CHAPTER, SEDUCTION IS COMMITTED WHEN THE OFFENDER HAS CARNAL KNOWLEDGE OF ANY OF THE PERSONS AND UNDER THE CIRCUMSTANCES DESCRIBED HEREIN.”

SECTION 20. Separability Clause - If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain in full force and effect.

SECTION 21. Repealing Clause - All laws, decrees, orders, ordinances, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

SECTION 22. Effectivity - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,