

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5936



Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

AN ACT
AMENDING ARTICLE 247 OF ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS “THE REVISED PENAL CODE”

EXPLANATORY NOTE

Laws must adapt to remain relevant and just in the context of changing societal values. In view of the recognition of gender equality and rights in the country, this bill seeks to amend Article 247 of the Revised Penal Code (RPC) to adopt a gender-fair language and reflect equal protection and rights among all sexes.

Under the current provisions of Art. 247 of the RPC, the words describing the exempted spouse is predominantly male, phrased as “*his*” or “*he*” which is not in line with the intent of the law to accommodate both men and women. Moreover, the 3rd and 4th paragraphs of the same article indicate circumstances that only cover “daughters” which fails to recognize the equal protection that should also be afforded to “sons” in a family.

As aptly pointed out by the Philippine Commission on Women in its legislative agenda, the foregoing provisions clearly show that the law is based on outdated views and espouses an archaic gender-based discrimination that must be amended.

Article 247 further contradicts the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which ensures that laws and legal practices do not discriminate based on gender. This proposed amendment of Article 247 aims to correct this gender-based discrimination with the goal of eliminating any gender biases in Philippine laws.

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


AUDREY KAY T. ZUBIRI
Representative, 3rd District of Bukidnon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5936

Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

AN ACT
AMENDING ARTICLE 247 OF 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:

1 **SECTION 1.** The provisions of Article 247 of Act No. 3815, as amended, is hereby
2 amended to read as follows:

3
4 “ARTICLE 247. *Death or Physical Injuries Inflicted Under Exceptional*
5 *Circumstances.* – Any legally married person who, having surprised [~~his~~]
6 **THEIR** spouse in the act of committing sexual intercourse with another
7 person, shall kill any of them or both of them in the act or immediately
8 thereafter, or shall inflict upon them or both of them in the act or immediately
9 thereafter, or shall inflict upon them any serious physical injury, shall suffer
10 the penalty of *destierro*.

11
12 If [~~he~~] **THE OFFENDED SPOUSE** shall inflict upon them physical injuries
13 or any other kind, [~~he~~] **THE OFFENDED SPOUSE** shall be exempt from
14 punishment.

15
16 These rules shall be applicable, under the same circumstances, to parents with
17 respect to their [~~daughters~~] **CHILDREN** under eighteen years of age, and
18 their seducers, [~~while the daughters are living with their parents~~].
19

1 Any person who shall promote or facilitate the prostitution of [~~his wife or~~
2 ~~daughter~~] **THEIR SPOUSE OR CHILDREN**, or shall otherwise have
3 consented to the infidelity of the other spouse shall not be entitled to the
4 benefits of this article.

5
6 **SEC. 2.** This Act shall take effect after fifteen (15) days after its publication in the
7 Official Gazette or in a newspaper of general circulation.

Approved,