

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 6305



Introduced by **REPRESENTATIVE LANI MERCADO-REVILLA**

AN ACT
REMOVING THE “THE FORGIVENESS CLAUSE” AS A GROUND TO EXTINGUISH CRIMINAL LIABILITY FOR RAPE, SEDUCTION, ABDUCTION AND ACTS OF LASCIVIOUSNESS, REPEALING ARTICLE 266-C OF REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS “THE ANTI-RAPE LAW OF 1997”, AS AMENDED, AND AMENDING ARTICLES 23, 89, AND 344 OF ACT NO. 3815, OTHERWISE KNOWN AS “THE REVISED PENAL CODE”

EXPLANATORY NOTE

Amid the unsettling backdrop of 9,387 reported rape cases in 2023, it becomes imperative for us to persistently seek avenues to enhance the legal framework governing rape, as well as the related crimes of seduction, abduction, and acts of lasciviousness.

This bill seeks to further strengthen the penal provisions of the above-stated crimes by removing loopholes that allow perpetrators to evade the rightful consequences of their heinous deeds, specifically through marriage with the victim, or the forgiveness of the perpetrator spouse.

The instrumentalization of forgiveness against women is an injustice that must be rectified. We need to draw a clear line between forgiveness and exoneration, especially in the context of sexual abuse. Viewing the victim’s act of forgiveness through the lens of complete absolution for the perpetrator’s criminal responsibility is a perspective that does not fully acknowledge the victim’s vulnerable state. Amidst these circumstances wherein the victim is contending with profound trauma, the sudden consideration of marrying the perpetrator must raise questions about the voluntariness of her decision.

The same holds true with marital rape. A reparational marriage in the context of sexual abuse is not the marriage that can properly serve as the very foundation of the family, which the state is duty-bound to protect. Marriage does not strip women of their innate right to exercise control over her sexuality, nor does it grant husbands permission to commit violence against their wives, for the principles of human rights remain inviolable.

The provisions outlined in Article 266-C of Republic Act No. 8353, otherwise known as “The Anti-Rape Law of 1997”, as amended, along with Articles 23, 89 and 344 of Act No. 3815, also known as “The Revised Penal Code”, continue to reflect an antiquated

perspective that violated women are a source of shame. Consequently, a significant number of women choose not to report their sexual assault due to the apprehension of bringing about dishonor and humiliation. These provisions also stem from the patriarchal notion that the marriage between a man and a woman implies a skewed sense of “ownership” that the man holds over his partner. Nothing can be more primitive than this at this day and age where women’s rights are accorded significant importance.

We must remain mindful of the precepts enshrined in Article II, Section 11 of the 1987 Philippine Constitution, which underscores the State’s commitment to upholding the dignity of every individual and safeguarding their human rights. Moreover, within the same Article, Section 14 emphasizes the State’s acknowledgment of women’s vital role in nation-building and its pledge to ensure the foundational equality of women and men under the law. Furthermore, Section 12 of Republic Act No. 9710, also known as the Magna Carta of Women, stipulates the need for amending or repealing discriminatory laws or provisions thereof.¹

In view of the foregoing, the authors request the urgent and immediate approval of this bill.



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¹ References:

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REMOVING THE “FORGIVENESS CLAUSE” AS A GROUND TO EXTINGUISH
CRIMINAL LIABILITY FOR RAPE, SEDUCTION, ABDUCTION AND ACTS OF
LASCIVIOUSNESS, REPEALING ARTICLE 266-C OF REPUBLIC ACT NO. 8353,
OTHERWISE KNOWN AS “THE ANTI-RAPE LAW OF 1997”, AS AMENDED, AND
AMENDING ARTICLES 23, 89 AND 344 OF 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:

SECTION 1. Article 266-C of Republic Act No. 8353, otherwise known as “The Anti-Rape Law of 1997”, as amended, commonly referred to as the “forgiveness clause”, is hereby repealed.

SECTION 2. Article 23 of Act No. 3815, otherwise known as “The Revised Penal Code”, is hereby amended as follows:

Article 23. *Effect of pardon by the offended party.* – A pardon of the offended party shall not extinguish criminal action [~~except as provided in Article 344 of this Code~~]; but civil liability with regard to the interest of the injured party is extinguished by his express waiver.

SECTION 3. Article 89 of the Revised Penal Code is hereby further amended as follows:

Article 89. *How criminal liability is totally extinguished.* – Criminal liability is totally extinguished:

xxx

~~7. By the marriage of the offended woman, as provided in Article 344 of this Code.]~~

SECTION 4. Article 344 of the Revised Penal Code is hereby further amended as follows:

Article 344. *Prosecution of the crimes of adultery, concubinage, seduction, abduction, rape and acts of lasciviousness. – xxx*

xxx

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

SECTION 5. All other laws, decrees, orders, other issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

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

Approved,