

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6875



Introduced by: Kababaihan Kabalikatan para sa Kapakanan at Kaunlaran ng Bayan (4K)
Party-list Representative Iris Marie D. Montes

AN ACT

**ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN ON LAWS RELATING TO
CRIMES AGAINST CHASTITY, AMENDING FOR THIS PURPOSE ARTICLE 333 AND
REPEALING ARTICLE 334 OF ACT 3815, OTHERWISE KNOWN AS THE REVISED PENAL
CODE**

EXPLANATORY NOTE

"The State values the dignity of every human person and guarantees full respect for human rights" (Article II, Section 11 of the Philippine Constitution).

Pursuant to this, the Philippines signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and enacted Republic Act No. 9710, otherwise known as the "Magna Carta of Women", which provides for the amendment or repeal of laws that are discriminatory to women.

However, the Revised Penal Code provides for adultery and concubinage as crimes against chastity where adultery is committed by any married woman who shall have sexual intercourse with a man not her husband and by the man who has carnal knowledge of her knowing her to be married, even if the marriage be subsequently declared void.

Concubinage, on the other hand, is committed by any married man who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place.

Given these elements, the crime of concubinage is harder to prove than adultery. There is also a heavier punishment for adultery than concubinage. A married woman who commits adultery shall be punished by prision correccional in its medium and maximum periods. However, a married man who commits concubinage shall be punished by prision correccional in its minimum and medium periods.

These discriminatory provisions must be repealed with the end in view of upholding the equality of women and men in line with the policy enunciated under the Magna Carta of Women.

Hence, the approval of this bill is earnestly sought.


IRIS MARIE D. MONTES
Kababaihan Kabalikatan para sa Kapakanan
at Kaunlaran ng Bayan (4K) Party-list

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AS THE REVISED PENAL CODE**

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

SECTION 1. Article 333 of the Revised Penal Code, is hereby deleted in its entirety and replaced with the following:

Article 333. Marital Infidelity. - Marital infidelity is committed by any married person who shall have sexual intercourse with another person who is not such person's spouse and by the other person whom the offender has sexual intercourse with, knowing the offender to be married, even if the marriage be subsequently declared void.

Marital infidelity shall be punished by prision correccional in its medium and maximum periods.

SEC. 2. Article 334 of the Revised Penal Code is hereby repealed.

SEC. 3. The first two paragraphs of Article 344 of the Revised Penal Code are hereby amended to read as follows:

Article 344. Prosecution of the crimes of [adultery, concubinage] MARITAL INFIDELITY, seduction, abduction, rape, and acts of lasciviousness. - The crime[s] of MARITAL INFIDELITY shall not be prosecuted except upon a complaint filed by the offended spouse. THE OFFENDED SPOUSE MAY INSTITUTE CRIMINAL PROSECUTION AT THE PLACE OF HIS OR HER RESIDENCE AT THE TIME THE OFFENSE WAS COMMITTED.

The offended party cannot institute criminal prosecution (i) without including both the guilty parties, if they are both alive; [nor, in any case,] (ii) if he OR SHE shall have consented or pardoned the offenders; (iii) IF HE OR SHE IS LIKEWISE GUILTY OF MARITAL INFIDELITY; (iv) OR IF HE OR SHE HAS ABANDONED HIS OR HER SPOUSE WITHOUT JUST CAUSE FOR A PERIOD OF AT LEAST ONE YEAR.

SEC. 4. Effect on Pending Cases. - All pending cases under the provisions of Article 333 and Article 334 of the Revised Penal Code on Adultery and Concubinage prior to its amendment by this Act shall be dismissed upon effectivity of this Act.

SEC. 5. Separability Clause. - If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

SEC. 6. Repealing Clause. - All laws; decrees, orders, rules and regulations or parts thereof which are Inconsistent with or contrary to the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 7. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a national newspaper of general circulation.

Approved,