

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL No. 7019



Introduced by Honorable Representative
SARAH JANE I. ELAGO (Gabriela Women's Party)
RENEE LOUISE M. CO (Kabataan Partylist)
ANTONIO L. TINIO (ACT Teachers Partylist)

**AN ACT REPEALING ARTICLE 247 OF THE REVISED PENAL CODE,
THEREBY REMOVING THE EXEMPTION OF A SPOUSE OR PARENT FROM
CRIMINAL LIABILITY FOR DEATH OR PHYSICAL INJURIES INFILCTED
UNDER EXCEPTIONAL CIRCUMSTANCES**

EXPLANATORY NOTE

The Revised Penal Code (RPC), or Act No. 3815, has been in existence since 1930. Even after several amendments, this ninety-five (95) year-old legislation still carries a provision that practically gives license to taking life without due process of law and a consequent penalty. This provision is Article 247, which provides for *Death or Physical Injuries Under Exceptional Circumstances*. Under this Article, a legally married person who has surprised his or her spouse in the act of committing sexual intercourse with another shall kill or seriously injure any or both of them in the act or immediately thereafter shall suffer the penalty of *destierro* (banishment). Far from being a penalty, *destierro* is not really intended to penalize, but to remove the killer spouse from the vicinity and to protect him or her from acts of reprisal principally by relatives of the deceased spouse. So, not only does the law absolve the killer, it also affords him or her protection via the imposition of *destierro*.

Worse, Article 247 also applies to parents who shall kill or injure their minor daughters (sons not included) who are living with them and/or their "seducers" under the same circumstances. Violative of the right to due process as it already is, Article 247 also clearly discriminates against women. It reinforces double standards of morality applied to women and men and unduly infringes on women's sexual rights.

As noted by legal experts, Article 247 does not define a crime since the accused will still have to be charged with parricide if the act resulted in death or with physical injuries if it

only resulted in physical injuries. Article 247 is only utilized as a defense which must be proven by the accused. That the law considers the spouse or parent as acting in a “justified burst of passion” had been cited as the justification for the existence of this Article in the Revised Penal Code.

But, the veiled truth is that the Article suggests that a married person’s sexual intercourse with a person, not his spouse, is considered dishonorable, in the same manner that the minor daughter’s sexual intercourse with her “seducer” is also prescribed to be dishonorable, such that when they are caught in the act, killing or injuring them is “justified.” Sadly, this is the Philippine version of honor killings being practiced in other countries but universally condemned by various human rights organizations. The last paragraph of Article 247 supports this position when it states that: “Any person who shall promote or facilitate the prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.” As in honor killings, the “justification” for the killing or injury under exceptional circumstances is the perceived shame or dishonor brought by the act of intercourse outside marriage or by minor daughters, and not the “justified burst of passion.”

The RPC already recognizes passion or obfuscation under Article 13 thereof. But it is only recognized as a mitigating circumstance, whereas in Article 247, it is an absolatory cause. This reinforces the observation that Article 247 provides a Philippine version of honor killing.

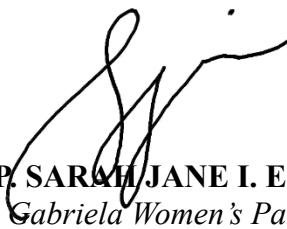
This bill was initially filed in the 15th Congress by the representative of Bayan Muna Partylist, and has been refiled consistently in succeeding congresses. In the 20th Congress, these representations have again filed this bill to overhaul the antiquated Revised Penal Code. Article 247 must be immediately repealed for the following reasons:

1. It violates Article III of the Philippine Constitution which prohibits taking life without due process of law. Article 247 allows spouses and parents to take life under exceptional circumstances without due process. The decision to take life is placed solely on the persons “benefited” by the Article.
2. The preposterous gender-based assumptions in the Article reinforces the double-standard applied to women and men regarding their sexual behavior and morality. This is very clear in that only parents of minor daughters can claim the “benefits” of this Article. The same gender-based assumptions are also present with respect to killings committed by spouses. Although both husband and wife are entitled to the “benefits” of the Article, almost all cases are decided by the Supreme Court shows that husbands carry out the killings under exceptional circumstances (except for the case of Corazon Zamora de Cortez in 1934 who admitted to the killing of her husband’s paramour when she caught them in the act of intercourse).

3. The Article violates international conventions and domestic laws, to cite only a few: Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child, RA 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, and RA 9710 or the Magna Carta of Women.

In sum, the immediate repeal of Article 247 of the Revised Penal Code will protect and preserve life, promote due process, protect children, and promote women's rights and gender equality.

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



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



REP. RENEE LOUISE M. CO
Kabataan Partylist



REP. ANTONIO L. TINIO
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*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Article 247 of the Revised Penal Code is hereby repealed.

SECTION 2. This Act shall take effect fifteen (15) days after its publication in the
Official Gazette or in at least two (2) newspapers of general circulation.

Approved,