

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL No. 7020



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 DECRIMINALIZING ADULTERY AND CONCUBINAGE, REPEALING
FOR THIS PURPOSE ARTICLES 333 AND 334 OF THE REVISED PENAL CODE**

EXPLANATORY NOTE

Under the Revised Penal Code (RPC), extramarital affairs committed by married men and women are considered criminal acts but not treated equally. Under Article 333 of the RPC, a wife can be convicted of a crime of adultery for a single act of sexual intercourse with a man who is not her husband, while under Article 334, the husband can only be convicted of a crime of concubinage if he is found guilty of any of the following: (1) keeping a mistress in the conjugal dwelling; (2) having sexual intercourse under scandalous circumstances with a woman who is not his wife; or (3) cohabiting with her in any other place.

The husband needs only to prove that his wife engaged in sexual intercourse with a man, not her husband. In contrast, the wife needs to show that her husband's sexual intercourse with another woman was "under scandalous circumstances." And, under the third circumstance, when concubinage is committed, it is not enough that the husband is keeping a paramour in another house. It must be shown that the husband lives with the paramour in that house.

Articles 333 and 334 of the RPC, which criminalize marital infidelity (that of having sexual intercourse with a person other than his/her spouse), clearly discriminates against women spouses. The abolition of this stricter moral standard on fidelity on married women vis-a-vis their male counterparts, which standard was set in the 1930s when the RPC took effect, is long overdue.

Consultations with, and cases referred to, GABRIELA Alliance of Filipino Women show that in practice, Articles 333 and 334 are often resorted to only as "bargaining suits" to get the other party in a nullity petition to "cooperate" or to give in during support negotiations. While pursued in the initial stages, these suits are often withdrawn or dismissed. Worse, separated or abandoned wives, who have no remedy under the law in the absence of divorce, are always under constant threat of suit from their estranged husbands. Their estranged husbands blackmail them through Article 333 of the RPC. While they may also have grounds to file under Article 334, they face the difficulty of proving the crime due to the inherent difficulty in

the standards set by the law. In many cases, women faced with these threats are forced to forgo legitimate custodial claims of their children, while some are forced to give up their claims over conjugal properties, assets, and the like.

Considering that these provisions in the RPC discriminate against and result in more difficulty for women, the urgent 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
ACT Teachers Partylist

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

SECTION 1. Articles 333 and 334 of the Revised Penal Code (RPC) are hereby repealed.

SECTION 2. *Effect on Pending Cases.* All pending cases under the provisions of Article 333 and 334 of the Revised Penal Code prior to its amendment by this Act shall be dismissed upon effectivity of this Act.

SECTION 3. *Immediate Release of Convicted Persons.* All persons serving sentences for violation of the provisions of Articles 333 and 334 of the RPC on Adultery and Concubinage prior to its amendment by this Act shall be immediately released upon effectivity of this Act: *Provided*, they are not serving sentence or detained for any other offense or felony.

SECTION 4. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified or amended accordingly.

SECTION 5. *Effectivity Clause.* 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,