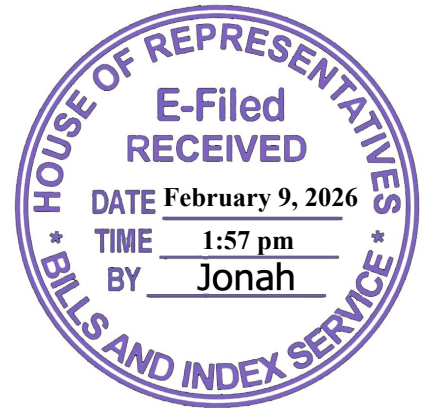




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 7664



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

AN ACT
ADOPTING A CONSENT-BASED DEFINITION OF RAPE

EXPLANATORY NOTE

As amended by Republic Act No. 8353, also known as the "Anti-Rape Law of 1997," Article 266-A of Act No. 3815, otherwise known as the Revised Penal Code, fundamentally defines the crime of rape through the persistence of “force, threat, and intimidation”. While these amendments help to promulgate stronger grounds for prosecution on the crime, it puts undue emphasis on the physical resistance, visibility of force and severity of injuries, which inadvertently invalidate other forms of violence that occur in the absence of overt ones, but nonetheless without the free and voluntary consent of the victim.

This current legal framework has been imposed as outdated by international human rights standards, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which the Philippines is a State Party. Today’s International best practice affirms absence of informed consent as the central inquiry of the crime of rape and not just the lack of physical resistance. This alleviates the excessive burden on survivors to demonstrate resistance, ensuring justice and reinforcing compliance with international human rights standards.

Thus, this bill seeks to recognize rape as committed sexual acts without the consent of the victim, regardless of whether physical injuries were suffered. This expands to the inclusion of non-consensual sexual acts beyond conventional notions of sexual intercourse, including acts committed through deceit, such as the non-consensual removal or tampering of a condom, commonly referred to as “stealthing,” which nullifies any consent previously given.

Moreover, this measure clarifies that the lack of physical resistance shall not be considered consent. Amending Article 266-D, it further strengthens the provision that consent, not resistance, is the central basis in rape cases. This shift promotes a more victim-centered, trauma-informed approach that aligns Philippine law with contemporary understandings of sexual violence and advances the State’s constitutional duty to protect human dignity, bodily autonomy, and equality before the law.

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


FERDINAND MARTIN G. ROMUALDEZ


YEDDA MARIE K. ROMUALDEZ


ANDREW JULIAN K. ROMUALDEZ


JUDE A. ACIDRE



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AN ACT
ADOPTING A CONSENT-BASED DEFINITION OF RAPE, AMENDING
FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN
AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

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

SECTION 1. Article 266-A of the Act No. 3815, otherwise known as the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as “The Anti-Rape Law of 1997”, is hereby further amended to read as follows:

“Article 266-A. Rape, When and How Committed – Rape is committed
BY A PERSON AGAINST ANY PERSON WITHOUT THEIR

**CONSENT, WHETHER OR NOT INJURIES WERE
SUFFERED, BY:**

- a. INSERTING OR CAUSING THE INSERTION OF A
PERSON'S PENIS INTO ANOTHER PERSON'S INNER OR
OUTER VAGINAL LABIA, ANAL ORIFICE OR MOUTH;**
- b. INSERTING OR CAUSING THE INSERTION OF A
FINGER, INSTRUMENT OR OBJECT, INTO ANOTHER
PERSON'S INNER OR OUTER VAGINAL LABIA OR
ANAL ORIFICE;**
- c. PLACING OR CAUSING THE PLACEMENT OF A
PERSON'S PENIS BETWEEN, OR RUBBING OR
CAUSING THE RUBBING THEREOF ON, THE BREASTS
OF ANOTHER PERSON;**
- d. CAUSING A PERSON OR PERSONS TO PERFORM
ANY OF THE ABOVEMENTIONED ACTS EVEN IF THE
OFFENDER DOES NOT PARTICIPATE THEREIN; OR**
- e. ENGAGING IN SEXUAL INTERCOURSE THROUGH
DECEIT, INCLUDING THE NON-CONSENSUAL
REMOVAL OR TAMPERING OF A CONDOM
("stealththing"), WHICH NULLIFIES THE CONSENT GIVEN
BY THE VICTIM.**

UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

- a. BY FORCE, THREAT, INTIMIDATION, DECEPTION
OR COERCION;**

- b. BY ABUSE OF AUTHORITY OR MORAL ASCENDANCY;**
- c. BY EMPLOYMENT OF MEANS TO DEPRIVE ONE PERSON OF REASON OR TO RENDER ONE UNCONSCIOUS;**
- d. BY OTHER FRAUDULENT MACHINATIONS; OR**
- e. WHEN THE VICTIM IS INCAPABLE OR HAS BEEN RENDERED INCAPABLE OF GIVING CONSENT BY REASON OF PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION OF THE VICTIM.”**

SEC. 2. Article 266-D of the same Revised Penal Code, as amended, is hereby further amended to read as follows:

“Article 266-D. Presumptions. - Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A. **HOWEVER, THE ABSENCE OR LACK OF PHYSICAL OVERT ACT OF RESISTANCE FOR THE COMMISSION OF RAPE SHALL NOT BE CONSTRUED AS CONSENT.”**

SEC. 3. Separability Clause. - If any part, Sec., or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 4. Repealing Clause - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SEC. 5. Effectivity Clause - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,