



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

Twentieth Congress
First Regular Session

HOUSE BILL NO. 7669



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

AN ACT
REMOVING GENDER-BIASED DISTINCTION ON THE FORMS OF
MARITAL INFIDELITY UNDER THE REVISED PENAL CODE

EXPLANATORY NOTE

Article II, Section 14 of 1987 Philippine Constitution recognizes “the role of women in nation-building and shall ensure the fundamental equality before the law of women and men”. It is imperative to ensure that the legal landscape translates the commitment to uphold equal protection and safeguard the rights of women, particularly in the context of marital and familial relations.

Presently, Article 344 of the Revised Penal Code (RPC) contextualizes marital infidelity specific to the sex of the spouse — adultery for the female and concubinage for the male. This gender-biased distinction promotes inequality on evidentiary burden and sanctions on women while offering lesser accountability for men. Circumstantial evidence of sexual intercourse is legal ground for adultery while concubinage sustained cohabitation, scandalous sexual conduct and keeping a mistress within the marital home. Regarding sanctions, adultery subjects both the wife and her paramour to a maximum prison term of six years, whereas concubinage imposes a maximum of four years on the husband, with no imprisonment for the mistress.

Thus, this bill seeks to amend Articles 333 and 344 of the Revised Penal Code by merging adultery and concubinage into a single, gender-neutral offense of “Marital Infidelity.” With the merging thereof, this bill also seeks to repeal Article 334 of the same Code. The proposed law provides for uniform correctional penalties in both medium and maximum periods, ensuring equality before the law regardless of sex. It also clarifies that no crime is committed if the act occurs after a final decree of legal separation and imposes a lesser penalty in cases where the offender acted after being unjustly abandoned or subjected to abuse.

Through standardizing penalties and use of gender-neutral schemes, it affirms the State’s commitment to equal protection, modernizes the legal landscape responsive to the realities of contemporary family, and promotes marital accountability.

Finally, we emphasize that this bill is in line with the Philippine Commission on Women (PCW)’s Priority Legislative Agenda for the 20th and 21st Congress.

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

SECTION 1. – Article 333 of Act No. 3815, also known as the Revised Penal Code
is hereby amended to read as follows:

“Article 333. MARITAL INFIDELITY [Who are guilty of adultery?]
– **MARITAL INFIDELITY** [Adultery] is committed by any married
PERSON [woman] who shall have sexual **RELATIONS** [intercourse]
with a **PERSON** [man] **OTHER THAN HIS OR her SPOUSE**

[husband], and by the **SEXUAL PARTNER** [man] of the **MARRIED PERSON**, knowing the **OTHER** [her] to be married, even if the marriage be subsequently declared void.

MARITAL INFIDELITY [adultery] shall be punished by prison correccional in its medium and maximum periods.

ANY PERSON ACCUSED OF MARITAL INFIDELITY SHALL BE EXEMPT FROM CRIMINAL LIABILITY IF THE OFFENSE WAS COMMITTED AFTER THE ISSUANCE OF A FINAL DECREE OF LEGAL SEPARATION BY A COMPETENT COURT. HOWEVER, IF THE OFFENSE WAS COMMITTED AFTER THE ACCUSED SPOUSE HAD BEEN JUSTIFIABLY ABANDONED [(If the person guilty of adultery committed this offense while): abandoned without justification] **OR SUBJECTED TO PHYSICAL VIOLENCE OR ABUSIVE CONDUCT** by the offended spouse, the penalty next lower in degree provided in the [next] preceding paragraph shall be imposed, **AND THE SAME PENALTY SHALL BE IMPOSED ON THE CO- ACCUSED IN THE MARITAL INFIDELITY CASE.”**

SEC. 2. – Article 344 of Act No. 3815, also known as the Revised Penal Code is hereby amended to read as follows:

“Article 33. Prosecution of the crimes of **MARITAL INFIDELITY** [adultery, concubinage], seduction, rape, and acts of lasciviousness –

“The crime[s] of **MARITAL INFIDELITY** [adultery and concubinage] shall not be prosecuted except upon a complaint filed by **EITHER** the offended spouse or **THE LEGITIMATE CHILDREN OF LEGAL AGE AGAINST THE ERRING PARENT.** xxx”

SEC. 3. - With the merging of the crimes of *adultery* and *concubinage* into *Marital Infidelity*, Article 334 of Act No. 3815, also known as the Revised Penal Code is hereby repealed.

SEC. 4. Separability Clause - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 5. 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. 6. 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,