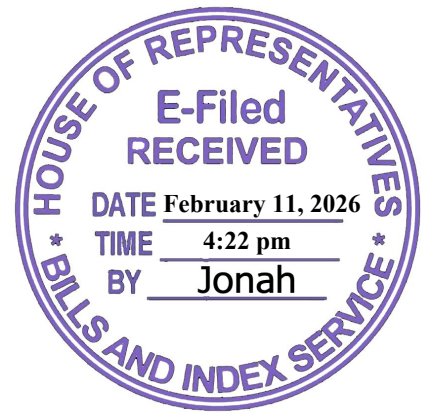


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 7762



Introduced by Representative ERIC G. YAP

EXPLANATORY NOTE

This bill seeks to remove gender-based discrimination in the treatment of death or physical injuries inflicted under exceptional circumstances, as well as in the prosecution of adultery and concubinage under Act No. 3815, otherwise known as the "*Revised Penal Code*", as amended.

Article 247 of the Revised Penal Code currently protects a spouse or parent who kills or injures a spouse or daughter caught in sexual intercourse under specific circumstances. However, the law excludes sons from this protection and does not clearly distinguish between the offending spouse and the innocent one. This proposed measure corrects these gaps by using gender-neutral terms and ensuring that the law covers all children. It also clarifies the roles of the erring and innocent spouse.

For adultery and concubinage, existing provisions impose unequal consequences on spouses. A married woman faces stricter penalties and a broader basis for prosecution than a married man, and the crime of adultery is easier to prove than concubinage. The bill replaces these two offenses with a single, gender-neutral crime of marital infidelity, ensuring equal accountability for either spouse and for the third party involved.

This vital piece of legislation removes longstanding inequities in the law by adopting one definition and one penalty structure for marital infidelity applicable to both husbands and wives. It upholds equality between women and men and affirms the State's duty under international conventions to eliminate discriminatory laws.

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


HON. ERIC G. YAP

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 7762

Introduced by Representative ERIC G. YAP

AN ACT
ELIMINATING GENDER DISCRIMINATION IN CERTAIN CRIMES
AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS
“THE REVISED PENAL CODE”, AS AMENDED

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

Section 1. Article 247 of Act No. 3815, otherwise known as the “*Revised Penal Code*”, is hereby amended to read as follows:

“ARTICLE 247. *Death or Physical Injuries Inflicted Under Exceptional Circumstances.* – Any legally married person who, having surprised [his] **THE ERRING** spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of *destierro*.

“If [he] **THE INNOCENT SPOUSE** shall inflict upon them physical injuries or any other kind, [he] **THE INNOCENT SPOUSE** shall be exempt from punishment.

“These rules shall be applicable, under the same circumstances, to parents with respect to their [daughters] **CHILDREN** under eighteen years of age, and their seducers, while the [daughters] **CHILDREN** are living with their parents.

“Any person who shall promote or facilitate the prostitution of [his wife or daughter] **THE SPOUSE OR CHILDREN**, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.”

SEC. 2. Chapter One under Title Eleven and Article 333 of the same Act are hereby amended to read as follows:

TITLE ELEVEN
Crimes Against Chastity

CHAPTER ONE
[Adultery and Concubinage]
MARITAL INFEDILITY

“ARTICLE 333. [Who are guilty of adultery.] – [Adultery] **MARITAL INFEDILITY** is committed by any married [woman] **PERSON** who shall have sexual [intercourse] **RELATIONS** with [a man not her husband] **ANY PERSON OTHER THAN THE SPOUSE** and by [the man] **SUCH OTHER PERSON** who has [carnal] knowledge of [her, knowing her to be married] **THE MARRIAGE OF THE SEXUAL PARTNER**, even if the marriage be subsequently declared void.

“[Adultery] **MARITAL INFIDELITY** shall be punished by *prisión correccional* in its medium and maximum periods.

“If the person guilty of [adultery] **MARITAL INFIDELITY** committed this offense while being abandoned without justification **OR SUBJECTED TO PHYSICAL VIOLENCE OR ABUSIVE CONDUCT** by the offended spouse, the penalty next lower in degree than that provided in the [next] preceding Paragraph shall be imposed.”

SEC. 3. Article 334 under Chapter One of Title Eleven of the same Act is hereby repealed.

SEC. 4. Article 344 of the same Act is 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 [adultery and concubinage] **MARITAL INFIDELITY** shall not be prosecuted except upon a complaint filed by the offended spouse.

“x x x.”

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

Approved,