



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

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 8259

Introduced by Representative Howard A. Guintu

EXPLANATORY NOTE

Section 14, Article 2 of the 1987 Constitution provides that “the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.”

Over the years, laws have been enacted to recognize the crucial role of women in the society and to strengthen the protection afforded to them. This is evident in the passage of various Republic Acts, such as Republic Act No. 9710, or the Magna Carta of Women, which affirms the State’s commitment to eliminating discrimination and ensuring substantive equality for women; Republic Act No. 9262, or the Anti-Violence Against Women and Children, which provides the comprehensive protection against abuse; and Republic Act No. 8353, or the Anti-Rape Law of 1997, which reclassified rape as a crime against persons and expanded its definition to better protect victims.

While the enactment of these laws is commendable in advancing the protection of the rights of Filipino women, they remain insufficient in fully addressing the evolving realities of gender-based violence. Violence against women continues to persist despite the existence of these statutory safeguards, underscoring the need for further legislative reform.

Rape remains a pervasive social problem in the Philippines. Although the Philippine National Police reported fewer rape incidents in 2025¹, such figures should not be taken at face value. Rape is widely recognized as one of the most underreported crimes², as many incidents go unreported due to shame, trauma, fear of retaliation, and social stigma³. A 2021 study on sexual violence in the Philippines found that, beyond feelings of shame, victims commonly

¹ Sigales, J. 2026. *PH crime rate down 12.4% in 2025* — PNP. INQUIRER.net.
<https://newsinfo.inquirer.net/2162525/ph-crime-rate-down-12-4-in-2025-pnp>

² *Reasons for Non-Reporting in Cases of Sexual Violence*. Child Witness Institute.
https://media.lawlibrary.org.za/media/generic_document/61825/source_file/guide-to-reasons-for-non-reporting-in-sexual-violence-cases.pdf

³ D. Kilpatrick et al. 2007. *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study*.; U.S. Bureau of Justice Statistics, Planty, M. and Langton, L. 2013. *Female Victims of Sexual Violence, 1994-2010*.; Wolitzky-Taylor et al. 2010. *Is Reporting of Rape on the Rise? A Comparison of Women with Reported Versus Unreported Rape Experiences in the National Women’s Study-Replication*.

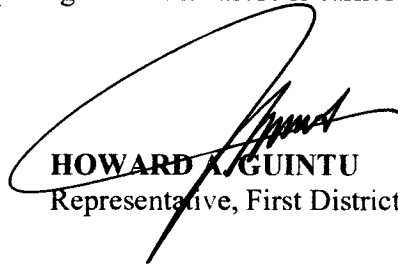
developed fear for their lives and fear of being stigmatized, and experienced lasting physical, psychological, and social effects⁴.

In this light, the law against the crime of rape must be strengthened to ensure that offenders are held fully accountable and are not absolved of criminal liability through outdated legal mechanisms. To this end, certain provisions like Articles 23, 89, 266-C, and 344 of the Revised Penal Code reflect an androcentric approach that no longer aligns with modern standards of gender equality and the protection of bodily autonomy.

An offender who admits to committing rape should not be absolved from criminal prosecution by the mere execution of a marriage contract entered for the purpose of evading liability. Marriage is a special contract founded on free, voluntary consent. Consent that is obtained under coercion, pressure, fear or as a means of escaping prosecution is legally and morally defective. Marriage should not be used as a mechanism for reparation, but as a union grounded in mutual respect and voluntary commitment. It cannot be justified as a protective measure for the woman when it effectively compels her to bind herself to the very person who violated her rights in order to escape the pressures of society.

This bill seeks to rectify this error by repealing these provisions of the Revised Penal Code that recognize marriage between the offended party and the perpetrator as an absolatory cause in cases of rape, as well as in crimes against chastity under Title XI, such as seduction, abduction, and acts of lasciviousness. By removing this exception, the measure eliminates a long-standing, victim-burdening practice rooted in patriarchal tradition and affirms that criminal liability for sexual offenses cannot be extinguished by private agreement.

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


HOWARD A. GUINTU
Representative, First District of Capiz

⁴ Department of Budget and Management Government Procurement Policy Board – Technical Support Office.
https://www.gppb.gov.ph/wp-content/uploads/2023/07/The-Rape-Law-as-Amended_1.pdf



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AN ACT
REMOVING AS ABSOLUTORY CAUSE THE SUBSEQUENT MARRIAGE OF THE
OFFENDED PARTY TO THE OFFENDER IN CASES OF RAPE, SEDUCTION,
ABDUCTION AND ACTS OF LASCIVIOUSNESS, THEREBY EXTINGUISHING
CRIMINAL LIABILITY, REPEALING ARTICLE 266-C OF REPUBLIC ACT NO.
8353, OTHERWISE KNOWN AS "THE ANTI-RAPE LAW OF 1997", AS
AMENDED, AND AMENDING ARTICLES 23, 89 AND 344 OF ACT NO. 3815,
OTHERWISE KNOWN AS "THE REVISED PENAL CODE"

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

SECTION 1. Article 266-C of the Republic Act No. 8353, otherwise known as "The Anti-Rape Law of 1997," as amended, is hereby repealed.

SEC. 2. Article 23 of Act No. 3815, otherwise known as "The Revised Penal Code", is hereby amended as follows:

"Article 23. Effect of pardon by the offended party. - A pardon of the offended party does not extinguish criminal action [~~except as provided in Article 344 of this Code~~]; but civil liability with regard to the interest of the injured party is extinguished by his express waiver."

SEC. 3. Article 89 of the same Act is hereby further amended as follows:

“Article 89. *How criminal liability is totally extinguished.* - Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.

2. By service of the sentence;

3. By amnesty, which completely extinguishes the penalty and all its effects;

4. By absolute pardon;

5. By prescription of the crime;

6. By prescription of the penalty;

~~[7. By the marriage of the offended woman, as provided in Article 344 of this Code.]”~~

SEC. 4. Article 344 of the same Act is hereby further amended as follows:

“Article 344. Prosecution of the crimes of adultery, concubinage, seduction, abduction, rape and acts of lasciviousness. - The crimes of adultery and concubinage shall not be prosecuted except upon a complaint filed by the offended spouse.

The offended party cannot institute criminal prosecution without including both the guilty parties, if they are both alive, nor, in any case, if he shall have consented or pardoned the offenders.

The offenses of seduction, abduction, rape or acts of lasciviousness, shall not be prosecuted except upon a complaint filed by the offended party or her parents, grandparents, or guardian, nor, in any case, if the offender has been expressly pardoned by the above named persons, as the case may be.

~~[In cases of seduction, abduction, acts of lasciviousness and rape, the marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. The provisions of this paragraph~~

~~shall also be applicable to the co-principals, accomplices and accessories after the fact of the above mentioned crimes.]”~~

SEC. 5. *Separability Clause.* - If, for any reason, any part, section, or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 6. *Repealing Clause.* – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances or parts thereof which are inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,