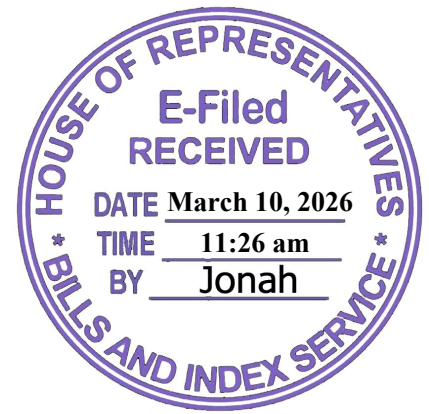


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 8400



Introduced by Representative ERIC G. YAP

EXPLANATORY NOTE

This bill seeks to strengthen the protection of rape victims by removing legal mechanisms that historically enabled coerced marriages and shielded perpetrators from accountability. Current annulment grounds under the Family Code mention force or intimidation but do not explicitly cover coercion stemming from the trauma of rape. Victims may initially agree to marry out of fear or pressure, only to later seek relief when circumstances allow.

Rape is a severe violation of human dignity and bodily autonomy, and its impact continues long after the crime is committed. While Republic Act (RA) No. 8353, otherwise known as the “*Anti-Rape Law of 1997*”, redefined rape as a public offense, allowing the State or any concerned individual to initiate prosecution, gaps in the law still allow practices that pressure victims into marrying their offenders.

RA No. 8353 marked progress by treating rape as a crime against persons rather than a private matter. However, the law retained Article 266-C, which states:

“Article 266-C. Effect of Pardon. – The subsequent valid marriage between the offended party shall extinguish the criminal action or the penalty imposed.

In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: Provided, That the crime shall not be extinguished or the penalty shall not be abated if the marriage is void ab initio.”

This provision dismisses criminal liability once the victim and the offender enter a valid marriage. This “marriage pardon” contradicts the principle that rape is a public crime, weakens State authority to prosecute offenders, and places undue burden on victims who may face pressure to marry out of fear, stigma, or familial coercion.

The United Nations have long criticized such provisions often referred to as “marry-your-rapist” laws for reinforcing patriarchal expectations and limiting a

woman's agency¹. Although several nations have already abolished similar clauses, the Philippines remains among the countries that still maintain them. Repealing Article 266-C is therefore a necessary step toward aligning domestic law with modern human rights standards.

This vital piece of legislation establishes coerced marriage as a consequence of rape as a separate ground for annulment, and extends the period within which victims may file cases. These reforms ensure that survivors retain meaningful access to justice and that the law recognizes the unique dynamics of coercion in rape cases.

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



HON. ERIC G. YAP

¹ Dubravka Šimonović. United Nations General Assembly. 19 April 2021. A/HRC/27/26 *Report of the Special Rapporteur on violence against women, its causes and consequences*. <https://docs.un.org/en/A/HRC/47/26>

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AN ACT

PROTECTING RAPE VICTIMS AGAINST COERCED MARRIAGE BY REMOVING PARDON AS A GROUND TO EXTINGUISH CRIMINAL LIABILITY AND ADDING COERCION AS A CONSEQUENCE OF RAPE AS A GROUND FOR ANNULMENT, REPEALING FOR THE PURPOSE ARTICLE 266-C OF REPUBLIC ACT NO. 8353, AS AMENDED, OTHERWISE KNOWN AS “THE ANTI-RAPE LAW OF 1997,” AND AMENDING ARTICLES 45 AND 47 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS “THE FAMILY CODE OF THE PHILIPPINES”

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

Section 1. *Short Title.* — This Act shall be known as “*Protection of Rape Victims against Coerced Marriage Act*”.

SEC. 2. Article 266-C of Republic Act No. 8353, otherwise known as “*The Anti-Rape Law of 1997*”, as amended, is hereby repealed.

SEC. 3. Article 45, Title I, Chapter 3 of Executive Order (EO) No. 209, otherwise known as “*The Family Code of the Philippines*”, is hereby amended to read as follows:

“Art. 45. A marriage may be annulled for any of the following causes, existing at the time of the marriage:

x x x

“(7) THAT EITHER PARTY WAS COERCED INTO CONSENTING TO ENTER INTO A MARRIAGE AS A CONSEQUENCE OF RAPE, IRRESPECTIVE OF THE PARTY’S SUBSEQUENT DECISION TO MAINTAIN COHABITATION WITH THE PARTNER WHO PERPETRATED THE ACT OF RAPE. (85a)”

SEC. 4. Article 47, Title I, Chapter 3 of EO No. 209, otherwise known as "*The Family Code of the Philippines*", is hereby amended to read as follows:

"Art. 47. The action for annulment of marriage must be filed by the following persons and within the periods indicated herein:

x x x

"(4) For causes mentioned in number 3 of Article 45, by the injured party, within five years after the discovery of the fraud; **AND**

"(5) For causes mentioned in number [5 and 6] **7** of Article 45, by the injured party, within [five] **TWENTY** years [after] **FROM** the [marriage] **COMMISSION OF THE CRIME OF RAPE**. (87a)"

SEC. 5. *Separability Clause*. — If any portion or provision of this Act is held unconstitutional or invalid, the remaining portions or provisions shall not be affected.

SEC. 6. *Repealing Clause*. — All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified, or repealed accordingly.

SEC. 7. *Effectivity*. — This Act shall take effect fifteen (15) days after completion of its publication in two (2) newspapers of general circulation.

Approved,