

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **8716**



Introduced by Representative LEILA M. DE LIMA

AN ACT
STRENGTHENING LEGAL PROTECTIONS AGAINST RAPE AND OTHER
FORMS OF SEXUAL ABUSE AND EXPLOITATION, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 11648, REPUBLIC ACT NO. 8353, OTHERWISE
KNOWN AS “THE ANTI-RAPE LAW OF 1997,” AND ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS “THE REVISED PENAL CODE”

EXPLANATORY NOTE

By amending Republic Act No. 8353, otherwise known as the “Anti-Rape Law of 1997”, Republic Act No. 11648 strengthened legal protections against rape and sexual abuse, including raising the age of sexual consent from 12 to 16 years old. However, despite these legislative measures, rape and sexual exploitation, particularly against women and children, remain serious and persistent concerns.

Data from the Philippine Statistics Authority (PSA) recorded 11,479 cases of rape involving girls below 16 years old in 2023, yet no case was filed under Republic Act No. 11648 during the same period¹. Reports from child protection organizations further estimate that millions of children in the Philippines experience sexual abuse each year, with the majority of victims between 10 and 18 years old². These alarming figures highlight the continued vulnerability of children and the urgent need to strengthen legal safeguards and enforcement mechanisms.

Moreover, sexual violence is often framed primarily as a crime against women, leaving the experiences of male rape victims largely hidden and underreported. Although current laws recognize that any person, regardless of gender, may be a victim of rape, disparities in legal definitions and penalties create additional barriers for male victims. Under existing law, rape by sexual assault only carries a penalty of *prison mayor*, which is significantly lower compared to rape by sexual intercourse, which has the penalty of *reclusion perpetua*. This disparity underscores the need to

¹ Perez III, J. (28 January 2025). More than 11,000 rape incidents in 2023 but no case filed. Retrieved from: <https://www.sunstar.com.ph/cebu/tell-it-to-sunstar-more-than-11000-rape-incidents-in-2023-but-no-case-filed>

² Cameleon Association (n.d.). Child Sexual Abuse. Retrieved from: <https://cameleon-association.org/contexte-aux-philippines/?lang=en>

strengthen and clarify the legal framework to ensure equal protection for all victims of sexual violence.³

While reports from the Philippine National Police (PNP) indicate a decline in rape cases in recent years⁴, incidents of sexual violence remain significantly underreported due to fear, stigma, and barriers to accessing justice. Moreover, evolving methods of exploitation, including grooming and abuse facilitated through digital platforms, create new risks that require clearer legal definitions and stronger accountability.

This bill seeks to strengthen the legal framework against rape and sexual exploitation by refining and expanding the definition of rape to emphasize the absence of consent, recognizing grooming as a form of predatory conduct that may lead to sexual abuse, and strengthening aggravating circumstances when the crime is committed by persons in positions of authority or trust. The measure also introduces stronger procedural safeguards, including mandatory reporting obligations, the prohibition of amicable settlements and affidavits of desistance in rape cases, and enhanced protections for the privacy and confidentiality of victims.

By strengthening definitions, penalties, and accountability mechanisms, this measure aims to reinforce the State's commitment to protect individuals, particularly women and children, from sexual violence and exploitation and to uphold their fundamental rights to dignity, safety, and justice.

In the 20th Congress, this bill adopts the version of Representative Sarah Jane Elago. A similar bill has been filed by Representatives Renee Louise Co, Antonio Tinio, and Iris Marie Demesa Montes.

The immediate passage of this bill is earnestly sought.



LEILA M. DE LIMA

³ Thornton, S. (29 May 2025). Silent Struggles: Male Rape Victim in the Philippines Face Barriers to Justice. Retrieved from: <https://broadsheet.asia/2025/05/29/silent-struggles-male-rape-victims-in-the-philippines-face-barriers-to-justice/>

⁴ Caliwan, C. (03 January 2026). 2025 crime rate down by 12.4% - PNP. Retrieved from: <https://www.pna.gov.ph/articles/1266122>

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AN ACT
STRENGTHENING LEGAL PROTECTIONS AGAINST RAPE AND OTHER FORMS
OF SEXUAL ABUSE AND EXPLOITATION, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 11648, REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS
“THE ANTI-RAPE LAW OF 1997,” AND ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS “THE REVISED PENAL CODE”

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

1 SECTION. 1. *Article 266-A of Act No. 3815, otherwise known as "The Revised*
2 *Penal Code," as amended by Republic Act No. 8353 and Republic Act No. 11648, is*
3 *hereby further amended to read as follows:*

4
5 “Article 266-A. Rape; When and How Committed:

6
7 1) By a person who shall have carnal knowledge of another person under any
8 of the following circumstances:

9
10 **A) HAVING SEXUAL INTERCOURSE WITH ANOTHER PERSON**
11 **WITHOUT THE LATTER'S CONSENT;**

12 **B) INSERTING OR CAUSING THE INSERTION OF A PERSON'S PENIS**
13 **IN ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA, ANAL**
14 **ORIFICE, OR MOUTH;**

15 **C) INSERTING OR CAUSING THE INSERTION OF A FINGER,**
16 **INSTRUMENT, OR OBJECT, INTO ANOTHER PERSON'S INNER OR**
17 **OUTER VAGINAL LABIA OR ANAL ORIFICE;**

18 **D) PLACING OR CAUSING THE PLACEMENT OF A PERSON'S PENIS**
19 **BETWEEN, OR RUBBING OR CAUSING THE RUBBING THEREOF**
20 **ON, THE BREASTS OF ANOTHER PERSON;**

21 **E) CAUSING A PERSON OR PERSONS TO PERFORM ANY OF THE**
22 **ABOVE-MENTIONED ACTS EVEN IF THE OFFENDER DOES NOT**
23 **PARTICIPATE THEREIN; OR**

1 F) ~~[d)]~~ When the offended party is under sixteen (16) years of age or is
2 demented, even though none of the circumstances mentioned above be
3 present: *Provided*, That there shall be no criminal liability on the part of
4 a person having carnal knowledge of another person under sixteen (16)
5 years of age when the age difference between the parties is not more
6 than three (3) years, and the sexual act in question is proven to be
7 consensual, non-abusive, and non-exploitative: *Provided, further*, That if
8 the victim is under thirteen (13) years of age, this exception shall not
9 apply.

10
11 xxx”
12

13 ~~[2) By any person who, under any of the circumstances mentioned in~~
14 ~~paragraph 1 hereof, shall commit an act of sexual assault by inserting his~~
15 ~~penis into another person's mouth or anal orifice, or any instrument or~~
16 ~~object, into the genital or anal orifice of another person.]~~
17

18 **2) RAPE IS ALSO COMMITTED UNDER THE FOLLOWING**
19 **CIRCUMSTANCES:**
20

- 21 **A) BY FORCE, THREAT, INTIMIDATION, DECEPTION, OR COERCION;**
22 **B) BY ABUSE OF AUTHORITY OR MORAL ASCENDANCY;**
23 **C) BY EMPLOYMENT OF MEANS TO DEPRIVE ONE PERSON OF**
24 **REASON OR TO RENDER ONE UNCONSCIOUS;**
25 **D) BY OTHER FRAUDULENT MACHINATIONS; OR**
26 **E) WHEN THE VICTIM IS INCAPABLE OR HAS BEEN RENDERED**
27 **INCAPABLE OF GIVING CONSENT BY REASON OF PHYSICAL,**
28 **MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION OF**
29 **THE VICTIM.**
30

31 **3) “GROOMING” REFERS TO PREDATORY CONDUCT, ACT, OR**
32 **PATTERN OF ACTS, OF ESTABLISHING A RELATIONSHIP OF TRUST,**
33 **OR EMOTIONAL CONNECTION WITH A CHILD OR SOMEONE WHO IS**
34 **BELIEVED TO BE A CHILD, BY A GUARDIAN, TEACHER, COACH,**
35 **COUNSELOR, SPIRITUAL ADVISER, CAREGIVER, OR ANY OTHER**
36 **PERSON IN THE POSITON OF AUTHORITY OR TRUST WITH RESPECT**
37 **TO THE SAID CHILD OR SOMEONE BELIEVED TO BE A CHILD,**
38 **REGARDLESS OF WHETHER THE CONDUCT, ACT OR PATTERN OF**
39 **ACTS ARE DONE IN PERSON OR THROUGH ELECTRONIC AND**
40 **OTHER SIMILAR DEVICES, FOR THE PURPOSE OF PERPETRATING**
41 **SEXUAL ABUSE OR EXPLOITATION. FOR THE PURPOSES OF THIS**
42 **ARTICLE, ANY PERSON WHO HAS A PHYSICAL, MENTAL, OR**
43 **PSYCHOLOGICAL DISABILITY OR CONDITION AND UNABLE TO**
44 **FULLY UNDERSTAND THE CONSEQUENCES OF ANY SEXUAL**
45 **ACTIVITY MAY ALSO BE A VICTIM OF GROOMING.**
46

47 **WHEN GROOMING RESULTS IN THE CONSUMMATION OF ANY OF**
48 **THE ACTS OF SEXUAL ABUSE OR EXPLOITATION UNDER THE**

PRECEDING PARAGRAPHS, THE PERSON RESPONSIBLE FOR THE GROOMING SHALL BE LIABLE FOR RAPE.

4) WHEN IS RAPE DEEMED CONSUMMATED. - RAPE IS DEEMED CONSUMMATED WHEN THE VICTIM'S GENITAL, MOUTH, OR ANAL ORIFICE IS TOUCHED BY THE SEXUAL ORGAN OR ANY PART OF THE BODY OR ANY OBJECT USED TO COMMIT RAPE AS DEFINED IN SECTION 1, NUMBER 1 AND 2 OF THIS ACT;"

SEC. 2. Article 266-B and C of Act No. 3815, otherwise known as "The Revised Penal Code," as amended by Republic Act No. 8353 is hereby further amended to read as follows:

"Article 266-B. Penalties. - Rape [~~under paragraph 1 of the next preceding article~~] shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* [~~to death~~] **WITHOUT THE BENEFIT OF PAROLE.**

When by reason or on the occasion of the rape, the victim has become insane, **OR HAS DEVELOPED A PSYCHOLOGICAL DISORDER**, the penalty shall become *reclusion perpetua* [~~to death~~] **WITHOUT THE BENEFIT OF PAROLE.**

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* [~~to death~~] **WITHOUT THE BENEFIT OF PAROLE.**

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be [~~death~~] **RECLUSION PERPETUA WITHOUT THE BENEFIT OF PAROLE.**

The [~~death~~] penalty **OF RECLUSION PERPETUA WITHOUT THE BENEFIT OF PAROLE** shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

~~1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;~~

1) WHEN THE OFFENDER IS A BIOLOGICAL OR ADOPTIVE PARENT OR A DE FACTO PARENT OR A PERSON WHO HAS RAISED THE OFFENDED PARTY WITHOUT THE BENEFIT OF LEGAL ADOPTION, ASCENDANT, STEP-PARENT, DE FACTO OR LEGAL GUARDIAN, RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL DEGREE, OR THE COMMON-LAW SPOUSE OR LIVE-IN PARTNER OF THE PARENT OF THE VICTIM;

2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;

3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;

4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;

5) When the victim is a child below seven (7) years old;

6) When the offender knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;

~~7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;~~

7) WHEN COMMITTED BY PERSONS OF PUBLIC OR MORAL AUTHORITY, SUCH AS:

a) ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR PARAMILITARY UNITS THEREOF OR THE PHILIPPINE NATIONAL POLICE OR ANY LAW ENFORCEMENT AGENCY OR PENAL INSTITUTION, WHEN THE OFFENDER TOOK ADVANTAGE OF POSITION TO FACILITATE THE COMMISSION OF THE CRIME;

b) ANY ELECTED OFFICIAL OR APPOINTED OFFICIAL PERFORMING A PUBLIC FUNCTION, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION OF THE CRIME; OR

c) ANY ELECTED OFFICIAL OR APPOINTED OFFICIAL PERFORMING A PUBLIC FUNCTION, WHEN THE OFFENDER TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION OF THE CRIME.

8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; ~~and~~

10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime; **AND**

11) WHEN THE ACT OF RAPE IS DOCUMENTED THROUGH ANY KIND OF MEDIA, AND THE DOCUMENTED ACT OF RAPE HAS BEEN DISSEMINATED TO THE PUBLIC, SUCH AS THE INTERNET, SMS

1 **MESSAGING, OR THE USE OF ANY INFORMATION COMMUNICATION**
2 **TECHNOLOGY.”**

3
4 ~~["Rape under paragraph 2 of the next preceding article shall be punished by~~
5 ~~prision mayor.]~~

6
7 ~~["Whenever the rape is committed with the use of a deadly weapon or by two~~
8 ~~or more persons, the penalty shall be prision mayor to reclusion temporal.]~~

9
10 ~~["When by reason or on the occasion of the rape, the victim has become insane,~~
11 ~~the penalty shall be reclusion temporal.]~~

12
13 ~~["When the rape is attempted and a homicide is committed by reason or on the~~
14 ~~occasion thereof, the penalty shall be reclusion temporal to reclusion perpetua.]~~

15
16 ~~["When by reason or on the occasion of the rape, homicide is committed, the~~
17 ~~penalty shall be reclusion perpetua.]~~

18
19 ~~["Reclusion temporal shall be imposed if the rape is committed with any of the~~
20 ~~ten aggravating/ qualifying circumstances mentioned in this article.]~~

21
22 SEC. 3. *Article 266-C of Act No. 3815, otherwise known as "The Revised Penal*
23 *Code," as amended by Republic Act No. 8353 is hereby further amended to read as*
24 *follows:*

25
26 ~~"Article 266-C. Effect *{of Pardon. — The subsequent valid marriage*~~
27 ~~*between the offended party shall extinguish the criminal action or the penalty*~~
28 ~~*imposed.]* **OF RECONCILIATION OR SUBSEQUENT VALID MARRIAGE. -**~~
29 ~~**THE SUBSEQUENT VALID MARRIAGE BETWEEN THE VICTIM AND THE**~~
30 ~~**OFFENDER SHALL NOT EXTINGUISH THE CRIMINAL ACTION FOR RAPE**~~
31 ~~**OR THE PENALTY IMPOSED THEREON.**~~

32
33 ~~["In case it is the legal husband who is the offender, the subsequent forgiveness~~
34 ~~by the wife as the offended party shall extinguish the criminal action or the~~
35 ~~penalty: Provided, That the crime shall not be extinguished or the penalty shall~~
36 ~~not be abated if the marriage is void *ab initio*.] **SUBSEQUENT**~~
37 ~~**RECONCILIATION BETWEEN LEGITIMATE SPOUSES SHALL NOT**~~
38 ~~**EXTINGUISH THE CRIMINAL LIABILITY OF THE OFFENDER."**~~

39
40 SEC. 4. *Article 266-D of Act No. 3815, otherwise known as "The Revised Penal*
41 *Code," as amended by Republic Act No. 8353, is hereby further amended to read as*
42 *follows:*

43
44 Article 266-D. ~~*{Presumptions. — Any physical overt act manifesting*~~
45 ~~*resistance against the act of rape in any degree from the offended party, or*~~
46 ~~*where the offended party is so situated as to render her/him incapable of giving*~~
47 ~~*valid consent, may be accepted as evidence in the prosecution of the acts*~~
48 ~~*punished under Article 266-A."*~~ **PRESUMPTION OF LACK OF CONSENT. –**
49 **IN ALL CASES OF RAPE, LACK OF CONSENT IS PRESUMED. THE**

1 **ABSENCE OR LACK OF PHYSICAL OVERT ACT OF RESISTANCE TO THE**
2 **COMMISSION OF RAPE SHALL NOT BE CONSTRUED AS CONSENT.**

3
4 SEC. 5. *Persons mandated to report rape cases and other sexual offenses.* –

5
6 A. It shall be the duty of the following persons to report all incidents of rape and
7 other sexual offenses to the Department of Social Welfare and Development (DSWD),
8 the Department of Education (DepEd), the Philippine National Police (PNP) or any law
9 enforcement agency, or the concerned Local Government Units (LGU) within forty
10 eight (48) hours from knowledge thereof:

- 11
12 1. Any healthcare provider, including the attending physician, nurse, clinician,
13 barangay health worker, or any person who has caused the examination or
14 treatment of the victim appearing to have suffered from rape or other sexual
15 offenses;
16 2. Teacher, guidance counselor, principal, school head, or any person whose
17 work involves the education, training, and care of children;
18 3. Any social worker who has reason to believe that rape or other & offenses
19 have been committed or has been duly informed thereof by the victim; or
20 4. Any national or local public officer.

21
22 B. The persons mandated to report cases of rape or other sexual offenses shall
23 have, as far as applicable, the following responsibilities:

- 24
25 1. Properly document any of the victim's physical, emotional, or psychological
26 injuries;
27 2. Properly record observation on the victim's condition and circumstances
28 during the examination or visit;
29 3. Safeguard the records and make them immediately available to the victim
30 upon request; and
31 4. Immediately report the suspected commission of rape to the proper
32 authorities.

33
34 C. Failure to report possible rape or sexual offenses under this act shall be
35 punishable by a fine of not more than Fifty Thousand Pesos (P50,000.00) without
36 prejudice to any administrative liability, if applicable.

37
38 D. No criminal, civil, or administrative action may be filed against any person
39 who is performing the responsibilities mandated under this article.

40
41 SEC. 6. *Affidavit of Desistance.* - The submission of an affidavit of desistance
42 at any stage of the criminal action or proceedings is not allowed.

43
44 SEC. 7. *Amicable Settlement.* - Any amicable settlement at any stage of the
45 proceedings for rape offenses is prohibited.

46
47 SEC. 8. *Confidentiality and Privacy.* - The judges, prosecutor, or any officer of
48 the court, shall ensure the confidentiality of the proceedings for rape offenses. For this
49 purpose, the investigating prosecutor or the judge shall hold closed-door proceedings
50 to protect the identity and privacy of the parties.

1
2 The judge, prosecutor, or any officer of the court who violates or fails to comply
3 with the provisions of this act shall be punished with a fine of not less than fifty
4 thousand pesos (P50,000) without prejudice to any administrative liability.

5
6 SEC. 9. *Enforcement and the Implementing Rules and Regulations.* – The
7 provisions of this Act shall be effective immediately upon the adoption of this Act. The
8 Department of Social Welfare and Development (DSWD), Department of Education
9 (DepEd), Philippine National Police (PNP), Department of Justice (DOJ), Department
10 of Health (DOH) and other concerned agencies shall issue the Implementing Rules
11 and Regulations to guide the efficient implementation of this Act within ninety (90) days
12 from the effectivity thereof.

13
14 SEC. 10. *Separability Clause.* – If any provision of this Act is declared invalid
15 or unconstitutional, the provisions not affected thereby shall continue to be in full force
16 and effect.

17
18 SEC. 11. *Repealing Clause.* – All laws, executive orders, presidential decrees,
19 presidential proclamations, letters of instruction, rules and regulations, or parts thereof
20 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
21 accordingly.

22
23 SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days following its
24 publication in the Official Gazette or in two (2) newspapers of general circulation in the
25 Philippines.

Approved,