



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

20th CONGRESS
1st Regular Session

HOUSE BILL NO. 9051



Introduced by Representative SITTIE SHAHARA "BAI DIMPLE" I. MASTURA

AN ACT

TO PROTECT RAPE VICTIMS FROM COERCED MARRIAGES BY REPEALING FOR THIS 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"

EXPLANATORY NOTE

The crime of rape is classified as a Crime Against Persons under Title Eight of Act No. 3815, as amended, otherwise known as the Revised Penal Code. Rape and sexual assault laws in the Philippines today are broader and recognize a wide range of sexual violations, including the protection of minors, and present multiple avenues of redress for justice.

It is unfortunate, however, that there are instances, many of which were unrecorded and unreported, where victims are initially made to agree to marry the perpetrators out of fear or pressure, in effect allowing sexual offenders to evade the legal consequences of their crime by coercing their victims into marriage.

The cornerstone of a valid marriage is the consent of both parties involved, and forced marriages have no place even in Islam, much less in a civilized society, despite their occurrence in minority communities.

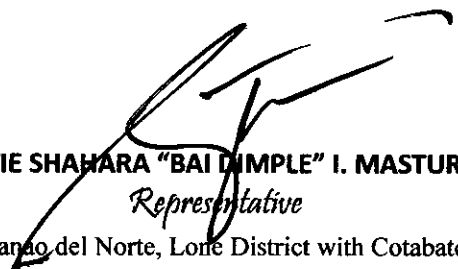
Historically, even during the pre-Islamic period, forced marriages existed, and Prophet Muhammad, peace and blessings be upon him, consistently condemned these.

Muslim women have the right to reject any marriage proposal she does not approve of, and this right cannot be overridden by her father or any family member, highlighting the unequivocal prohibition of forced marriages in Islamic teachings.

This bill, therefore, seeks the repeal of Section 266-C of RA 8353 because this provision, as it is in effect today, dismisses criminal liability once the victim and the offender enter into a valid marriage.

Additionally, this proposal seeks to establish forced marriage as a consequence of rape, a separate and distinct ground for annulment, and extends the prescriptive period within which victims may file cases.

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



SITTIE SHAHARA "BAI DIMPLE" I. MASTURA
Representative

Maguindanao del Norte, Lone District with Cotabato City



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

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

SEC.2. Article 45, Title I, Chapter 3 of Executive Order 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 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.

SEC. 3. Article 47, Title I, Chapter 3 of Executive Order 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 (5) 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.**

SEC. 4. *Separability Clause.* – Should any provisions of this Act be declared unconstitutional or invalid, the remaining portions or provisions shall continue to be valid and subsisting.

SEC. 5. *Repealing Clause.* – All laws, acts, executive orders, presidential decrees, issuances, rules and regulations, or parts thereof inconsistent with or contrary to the provisions of this Act, are hereby deemed amended, modified, or repealed accordingly.

SEC. 6. *Effectivity.* – This Act shall take effect after fifteen (15) days following the publication in the Official Gazette or in a newspaper of general circulation.

Approved.