

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 9962



Introduced by **Representative JEFFREY SORIANO**

EXPLANATORY NOTE

This bill seeks to promote gender equality and uphold the sanctity of marriage. It amends Articles 333 and 334 of Republic Act No. 3815, otherwise known as "*The Revised Penal Code*" and establishes equal standards of criminal liability for marital infidelity regardless of sex.

The existing provisions on adultery and concubinage impose different standards of liability on husbands and wives. A married woman may be prosecuted for a single act of sexual intercourse outside marriage, while a married man becomes liable only under more limited circumstances. These distinctions reflect outdated gender norms that no longer accord with the constitutional guarantee of equal protection under the law and the State's commitment to ensuring the equality of women and men.

The 1987 Constitution recognizes marriage as an inviolable social institution and affirms the fundamental equality of all persons before the law. Consistent with these principles, this measure removes discriminatory distinctions in the treatment of marital infidelity while preserving legal protections that safeguard the integrity of marriage and family life.

In holding spouses to the same standard of fidelity and accountability, this bill advances fairness, strengthens respect for marriage, and aligns existing penal laws with contemporary constitutional values.

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

A handwritten signature in black ink, appearing to be "Jeffrey Soriano", written over a horizontal line.

HON. JEFFREY SORIANO

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AN ACT
ESTABLISHING EQUAL CRIMINAL LIABILITY AND PENALTIES FOR
MARITAL INFIDELITY, PROMOTING GENDER EQUALITY AND
UPHOLDING THE SANCTITY OF MARRIAGE, 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. Title Eleven, Chapter One, Article 333 of the Revised Penal Code, as amended, is hereby amended to read as follows:

"Article 333. Who are guilty of adultery. – Adultery is committed by:

a. ANY married PERSON who shall have sexual intercourse with ANOTHER PERSON not HIS/HER SPOUSE and by the OTHER PERSON who has carnal knowledge of HIM/HER knowing HIM/HER to be married, even if the marriage be subsequently declared void;

b. ANY MARRIED MAN WHO SHALL COMMIT A SEXUAL ACT BY INSERTING HIS PENIS INTO ANOTHER PERSON'S ORAL OR ANAL ORIFICE AND BY THE OTHER PERSON WHO SHALL COMMIT A SEXUAL ACT WITH HIM KNOWING HIM TO BE MARRIED, EVEN IF THE MARRIAGE BE SUBSEQUENTLY DECLARED VOID; AND

c. ANY MARRIED PERSON WHO SHALL COMMIT AN ACT BY USING ANY BODY PART, INSTRUMENT OR OBJECT, IN A SEXUAL MANNER, WITH ANOTHER PERSON AND BY THE OTHER PERSON WHO SHALL COMMIT A SEXUAL ACT WITH HIM/HER KNOWING

**HIM/HER TO BE MARRIED, EVEN IF THE MARRIAGE BE
SUBSEQUENTLY DECLARED VOID.**

x x x"

SEC. 2. Title Eleven, Chapter One, Article 334 of the Revised Penal Code, as amended, is hereby amended to read as follows:

"Article 334. Concubinage. – Any **SPOUSE** who shall keep a mistress **OR PARAMOUR** in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a **PERSON** who is not **HIS/HER SPOUSE**, or shall cohabit with **HIM/HER** in any other place, shall be punished by **PRISON MAYOR** in its minimum and medium periods.

"The concubine **OR PARAMOUR KNOWING HIM/HER TO BE MARRIED** shall suffer the penalty of **PRISON MAYOR IN ITS MINIMUM AND MEDIUM PERIODS.**"

SEC. 3. *Separability Clause.* – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SEC. 4. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

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

Approved,