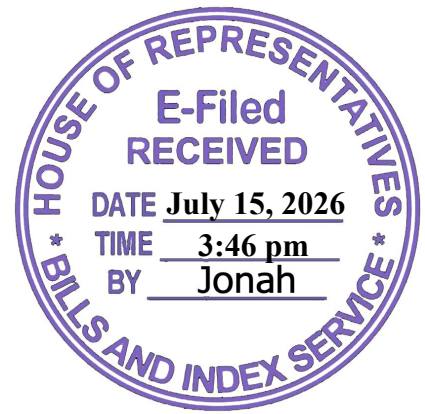


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **10091**



Introduced by **Representative ERIC G. YAP**

EXPLANATORY NOTE

This bill seeks to establish equal criminal liability and penalties for marital infidelity. It amends Articles 333, 334, and 344 of Act No. 3815, otherwise known as "*The Revised Penal Code*", to remove gender-based distinctions in the treatment of spouses.

Marriage is recognized by the Constitution as an inviolable social institution and the foundation of the family. The legal obligation of fidelity is reciprocal and must be enforced without regard to the gender of the offending spouse. The existing provisions on adultery and concubinage impose unequal standards of criminal responsibility. A wife may be held criminally liable for a single act of sexual relations outside the marriage, while a husband incurs liability only under specific circumstances. Criminal laws shall therefore be updated to impose the same standard of conduct and corresponding penalties upon husbands and wives alike, thereby upholding the sanctity of marriage.

The proposed measure reinforces the principles of equality before the law, fairness in the administration of justice, and mutual accountability within marriage. It ensures that the State's protection of the marital institution is carried out through a legal framework that is impartial and consistent to contemporary standards of justice.

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



HON. ERIC G. YAP

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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House Bill No. **10091**

Introduced by **Representative ERIC G. YAP**

AN ACT
ESTABLISHING EQUAL CRIMINAL LIABILITY AND PENALTIES FOR
MARITAL INFIDELITY AND MAINTAINING A PARAMOUR, 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. Article 333 of Act No. 3815, otherwise known as “*The Revised Penal Code*”, as amended, is hereby amended to read as follows:

“Article 333. [*Who are guilty of adultery*] **MARITAL INFIDELITY.**
– [*Adultery*] **MARITAL INFIDELITY** is committed by any married
[woman] **PERSON** who shall have sexual [*intercourse*]
RELATIONS with a [man] **PERSON** not **HIS/her** [husband]
SPOUSE and by the [man] **PERSON** who has carnal knowledge of
HIM/her knowing **HIM/her** to be married, even if the marriage be
subsequently declared void.

“[*Adultery*] **MARITAL INFIDELITY** shall be punished by
prison correccional in its **MINIMUM AND** medium [and maximum]
periods.

“[If the] **ANY** person [guilty] **ACCUSED** of [adultery]
MARITAL INFIDELITY SHALL BE EXEMPT FROM CRIMINAL
LIABILITY IF THE [committed this] offense **WAS COMMITTED**
AFTER [while being abandoned without justification by] the
ISSUANCE OF A FINAL DECREE OF LEGAL SEPARATION BY
A COMPETENT COURT. HOWEVER, IF [offended spouse,] the
OFFENSE WAS COMMITTED AFTER THE ACCUSED SPOUSE
HAD BEEN JUSTIFIABLY ABANDONED OR SUBJECTED TO
PHYSICAL VIOLENCE OF ABUSIVE CONDUCT BY [penalty
next lower in degree than that provided in] the **OFFENDED**

SPOUSE, THE PENALTY next LOWER IN DEGREE THAN THAN PROVIDED IN THE preceding Paragraph shall be imposed[.], AND THE SAME PENALTY SHALL BE IMPOSED ON THE CO-ACCUSED IN THE MARITAL INFIDELITY CASE."

SEC. 2. Article 334 of the same Act is hereby amended to read as follows:

"Article 334. [Concubinage] MAINTAINING A PARAMOUR. - Any [husband] MARRIED PERSON who shall keep a [mistress] PARAMOUR in the conjugal dwelling, or shall have sexual [intercourse] RELATIONS, under scandalous circumstances, with aNOTHER [woman] PERSON who is not [his wife] THE SPOUSE, or shall cohabit with [her] A PARAMOUR in any other place, shall be punished by *prison correccional* in its minimum and medium periods.

"The [concubine] PARAMOUR shall suffer the penalty of *destierro*.

"AS USED IN THIS ARTICLE, 'PARAMOUR' SHALL INCLUDE ANY PERSON WHO COHABITS WITH A MARRIED PERSON UNDER CIRCUMSTANCES WHERE THEY ASSUME AND EXERCISE TOWARDS EACH OTHER THE RIGHTS AND PRIVILEGES WHICH PROPERLY BELONG TO PERSONS MARRIED TO EACH OTHER."

SEC. 3. Article 344 of the same Act is hereby amended to read as follows:

"Article 344. *Prosecution of the crimes of [adultery] MARITAL INFIDELITY, [concubinage] MAINTAINING A PARAMOUR, secution, abduction, rape and acts of lasciviousness.* – The crimes of [adultery] MARITAL INFIDELITY and [concubinage] MAINTAINING A PARAMOUR 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 OR SHE shall have consented or pardoned the offenders[.], NOR, IN ANY CASE, IF HE OR SHE IS LIKEWISE GUILTY OF MARITAL INFIDELITY OR MAINTAINING A PARAMOUR, NOR, IN ANY CASE, IF HE OR SHE SHALL HAVE ABANDONED THE GUILTY SPOUSE WITHOUT JUST CAUSE FOR MORE THAN ONE (1) YEAR.

"x x x."

SEC. 4. *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. 5. *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. 6. *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,