

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City**

**Twentieth Congress
Second Regular Session**

House Bill No. 10099



**Introduced by Honorable Representatives
DADAH KIRAM ISMULA (Akbayan Partylist)
JOSE MANUEL TADEO "CHEL" I. DIOKNO (Akbayan Partylist)
PERCIVAL V. CENDAÑA (Akbayan Partylist)
KAKA BAG-AO (Dinagat Islands)**

**AN ACT REPEALING ARTICLE 266-C (THE "FORGIVENESS CLAUSE") AND
AMENDING ARTICLES 23, 89, AND 344 OF ACT NO. 3815, OTHERWISE
KNOWN AS THE "REVISED PENAL CODE", AS AMENDED BY REPUBLIC ACT
NO. 8353, OTHERWISE KNOWN AS "THE ANTI-RAPE LAW OF 1997"**

EXPLANATORY NOTE

Article 266-C of Act No. 3815, otherwise known as the Revised Penal Code, as amended by Republic Act No. 8353 or the Anti-Rape Law of 1997, contains what has long been referred to as a "forgiveness clause." Under this provision, the criminal action or penalty for rape may be extinguished either by the subsequent marriage of the offender and the victim, or, in cases where the offender is the husband, by the wife's forgiveness.

This clause reflects an outdated and harmful notion that marriage or pardon can erase the trauma of rape. In practice, it risks compelling victims to remain tied to their aggressors, thereby perpetuating cycles of abuse and enabling offenders to escape accountability. Such a legal mechanism undermines the seriousness of rape as a crime and diminishes the rights and dignity of women.

The proposed measure seeks to repeal Article 266-C and related provisions of the Revised Penal Code that allow marriage or forgiveness to absolve perpetrators of rape. Its passage affirms the principle that sexual violence is a grave offense that cannot be excused by marital status or personal pardon.

This reform is aligned with the State's constitutional duty to uphold human dignity, guarantee respect for human rights¹, and ensure equality between women and men². It also advances the objectives of Goal No. 5 of the United Nations

¹ Article II, Section 11, 1987 Philippine Constitution

² Article II, Section 14, 1987 Philippine Constitution

Sustainable Development Goals, which calls for strengthened legislation to promote gender equality and empower women and girls.

The Philippine Commission on Women has consistently included the repeal of the forgiveness clause in its Women's Priority Legislative Agenda since the 15th Congress. The persistence of this provision in our laws is a glaring gap in the protection of women and survivors of sexual violence.

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



DADAH KIRAM ISMULA
Akbayan Representative



JOSE MANUEL TADEO
"CHEL" I. DIOKNO
Akbayan Representative



PERCIVAL V. CENDAÑA
Akbayan Representative



KAKA BAG-AO
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*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1.** Article 266-C commonly referred to as the "forgiveness clause" of Act
2 No. 3815, otherwise known as the Revised Penal Code, as amended by Republic Act
3 No. 8353, otherwise known as the "The Anti-Rape Law of 1997", is hereby repealed.
4

5 **SEC. 2.** Article 23 of Act No. 3815 is hereby amended to read as follows:
6

7 ART. 23. Effect of pardon by the offended party. – A pardon by the offended
8 party does not extinguish criminal action [~~except as provided in Article 344 of~~
9 ~~this Code~~]; but civil liability with regard to the interest of the injured party is
10 extinguished by his express waiver.
11

12 **SEC. 3.** Article 89 of Act No. 3815 is hereby amended to read as follows:
13

14 ART. 89. How criminal liability is totally extinguished. – Criminal liability is totally
15 extinguished:
16

17 xxx

18
19 6. By prescription of the penalty;

1 ~~7. By the marriage of the offended woman, as provided in Article 344 of this~~
2 ~~Code.~~

3
4 **SEC. 4.** Article 344 of Act No. 3815 is hereby amended to read as follows:

5
6 ART. 344. Prosecution of the crimes of adultery, concubinage, seduction,
7 abduction, rape and acts of lasciviousness. – The crimes of adultery and
8 concubinage shall not be prosecuted except upon a complaint filed by the
9 offended spouse.

10
11 The offended party cannot institute criminal prosecution without including both
12 the guilty parties, if they are both alive, nor, in any case, if he shall have
13 consented or pardoned the offenders.

14
15 The offenses of seduction, abduction, rape or acts of lasciviousness, shall not
16 be prosecuted except upon a complaint filed by the offended party or her
17 parents, grandparents, or guardian. ~~[nor, in any case, if the offender has been~~
18 ~~expressly pardoned by the above-named persons, as the case may be.]~~

19
20 ~~[In cases of seduction, abduction, acts of lasciviousness and rape, the marriage~~
21 ~~of the offender with the offended party shall extinguish the criminal action or~~
22 ~~remit the penalty already imposed upon him.]~~ The provisions of this paragraph
23 shall also be applicable to the coprincipals, accomplices and accessories after
24 the fact of the above-mentioned crimes.

25
26 **SEC. 5.** If any part, section or provision of this Act is held invalid or unconstitutional,
27 other provisions not affected thereby shall remain in full force and effect.

28
29 **SEC. 6.** This Act shall take effect fifteen (15) days after its publication in the Official
30 Gazette or in a newspaper of general circulation.

31
32 *Approved,*