



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

20th CONGRESS
2nd Regular Session

HOUSE BILL NO. **10403**



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

AN ACT
AMENDING ARTICLES 333 AND 344, AND REPEALING ARTICLE 334, OF THE REVISED PENAL CODE,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Under Articles 333 and 334 of the Revised Penal Code of the Philippines, adultery and concubinage are criminalized, a blatant discrimination against wives as has been observed by many, because the crime of adultery can be committed and applies only to the wife and her paramour. The husband only needs to prove that his wife had sexual relations with another man.

Concubinage, on the other hand, can be committed by a husband and his concubine, but requires proof that the mistress was kept in the conjugal dwelling, or has had sexual relations under "scandalous circumstances" or has lived or is living together in any other place.

Even the penalties are not the same. For adultery, the guilty wife and her paramour may be imprisoned up to six (6) years; as for concubinage, the husband may be imprisoned for up to four (4) years and one (1) day, and his concubine merely banished but may not be imprisoned.

Without a doubt, the law discriminates against women, and while in many annulment cases, these provisions were used as leverage to compel the other party to cooperate, separated or abandoned wives, who have no remedy in the absence of a divorce law, are under constant threat of suit from their estranged husbands under Article 333.

Although women may also have grounds to file against their husbands under Article 334 thereof, proving the crime is complicated by the inherent difficulties in the standards set by law. In many cases, the women are forced to waive legitimate custodial claims of their children as well as claims over conjugal properties and other assets.

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

SITTIE SHAHARA "BAI DIMPLE" I. MASTURA
Representative

Lone District, Maguindanao del Norte 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 333 of the Revised Penal Code is hereby amended to read as follows:

“Article 333. **MARITAL INFIDELITY.** [Who are guilty of adultery] – **MARITAL INFIDELITY** [Adultery] is committed by any married **PERSON** [woman] who shall have sexual **RELATIONS** [intercourse] with a **PERSON** [man] **OTHER THAN HIS OR** her **SPOUSE** [husband], and by the **SEXUAL PARTNER** [man] of the **MARRIED PERSON** knowing the **LATTER** [her] to be married, even if the marriage be subsequently declared void.

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

[“If the person guilty of adultery committed this offense while being abandoned without justification by the offended spouse, the penalty next lower in degree than that provided in the next preceding paragraph shall be imposed.]

ANY PERSON ACCUSED OF MARITAL INFIDELITY SHALL BE EXEMPT FROM CRIMINAL LIABILITY IF THE OFFENSE WAS COMMITTED AFTER THE ISSUANCE OF A FINAL DECREE OF LEGAL SEPARATION BY A COMPETENT COURT. HOWEVER, IF THE OFFENSE WAS COMMITTED AFTER THE ACCUSED SPOUSE HAD BEEN ABANDONED OR SUBJECTED TO REPEATED PHYSICAL VIOLENCE OR GROSSLY ABUSIVE CONDUCT BY THE OFFENDED SPOUSE, THE PENALTY NEXT LOWER IN DEGREE THAN THAT 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 is hereby repealed.

SEC. 3. Paragraph 1, Article 344 of the Revised Penal Code is hereby amended to read as follows:

“Art. 344. Prosecution of the crimes of **MARITAL INFIDELITY** [adultery, concubinage], seduction, rape, and acts of lasciviousness. – The crime[s] of **MARITAL INFIDELITY** [adultery, and concubinage] shall not be prosecuted except upon a complaint filed by the offended spouse.

SEC. 4. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

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

SEC. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.