

Congress of the Philippines }  
TENTH CONGRESS }  
Second Regular Session }

SENATE

S. No. 950

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INTRODUCED BY SENATORS ROCO, SHAHANI AND SANTIAGO

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AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* — This Act shall be known as “*The*  
2 *Anti-Rape Law of 1996.*”

3 SEC. 2. *Rape as a Crime Against Persons.* — The crime of rape  
4 shall hereafter be classified as a Crime Against Persons under Title  
5 Eight of Act No. 3815, as amended, otherwise known as the Revised  
6 Penal Code. Accordingly, there shall be incorporated into Title Eight  
7 of the same Code a new chapter to be known as Chapter Three on Rape.  
8 to read as follows:

9 “CHAPTER THREE

10 “RAPE

11 “ARTICLE 266-A. RAPE; WHEN AND HOW COMMITTED.

12 - RAPE IS COMMITTED -

1           “1) BY A MAN WHO SHALL HAVE CARNAL KNOWLEDGE  
2           OF A WOMAN UNDER ANY OF THE FOLLOWING  
3           CIRCUMSTANCES:

4           “A) THROUGH FORCE, THREAT OR INTIMIDATION;

5           “B) WHEN THE WOMAN IS DEPRIVED OF REASON OR  
6           IS OTHERWISE UNCONSCIOUS;

7           “C) BY MEANS OF FRAUDULENT MACHINATION,  
8           ABUSE OF AUTHORITY OR RELATIONSHIP;

9           “D) WHEN THE WOMAN IS UNDER FOURTEEN (14)  
10          YEARS OF AGE OR IS DEMENTED, EVEN THOUGH NONE  
11          OF THE CIRCUMSTANCES MENTIONED ABOVE BE PRESENT:

12          “2) BY A MAN WHO SHALL INSERT HIS PENIS INTO  
13          THE MOUTH OR ANUS OF THE WOMAN UNDER ANY  
14          OF THE CIRCUMSTANCES STATED IN PARAGRAPH (1);

15          “3) BY A PERSON WHO SHALL INSERT ANY PART OF  
16          THE BODY OTHER THAN ONE’S SEXUAL ORGAN. OR WHO  
17          SHALL INTRODUCE ANY OBJECT OR INSTRUMENT, INTO  
18          THE GENITAL OR ANUS OF THE WOMAN UNDER THE  
19          CIRCUMSTANCES STATED IN PARAGRAPH (1);

20          “4) BY A PERSON WHO SHALL SUBJECT THE WOMAN  
21          TO HAVE SEXUAL INTERCOURSE WITH AN ANIMAL UNDER  
22          ANY OF THE CIRCUMSTANCES IN PARAGRAPH (1).

23          “SUBJECT TO THE PROVISIONS OF ARTICLE 266-F  
24          HEREOF, THE FACT THAT THE OFFENDER IS THE LEGAL  
25          HUSBAND OF THE OFFENDED PARTY SHALL NOT NEGATE  
26          THE COMMISSION OF THE OFFENSE.

1           “ARTICLE 266-B. *PENALTIES*. - RAPE SHALL BE  
2 PUNISHED BY *RECLUSION PERPETUA* TO DEATH.

3           “WHENEVER RAPE IS COMMITTED WITH THE USE OF  
4 A DEADLY WEAPON OR BY TWO OR MORE PERSONS, THE  
5 PENALTY SHALL BE *RECLUSION PERPETUA* TO DEATH.

6           “WHEN BY REASON OR ON THE OCCASION OF THE RAPE.  
7 THE OFFENDED PARTY BECOMES INSANE, THE PENALTY  
8 SHALL BE DEATH.

9           “WHEN THE RAPE IS ATTEMPTED OR FRUSTRATED AND  
10 HOMICIDE IS COMMITTED BY REASON OR ON THE OCCASION  
11 THEREOF, THE PENALTY SHALL BE *RECLUSION PERPETUA*  
12 TO DEATH.

13           “WHEN BY REASON OR ON THE OCCASION OF THE RAPE,  
14 HOMICIDE IS COMMITTED, THE PENALTY SHALL BE DEATH.

15           “THE DEATH PENALTY SHALL ALSO BE IMPOSED IF THE  
16 RAPE IS COMMITTED WITH ANY OF THE FOLLOWING  
17 ATTENDANT CIRCUMSTANCES:

18           “1) WHEN THE OFFENDED PARTY IS UNDER EIGHTEEN  
19 (18) YEARS OF AGE AND THE OFFENDER IS A PARENT,  
20 ASCENDANT, STEP-PARENT, GUARDIAN, RELATIVE BY  
21 CONSANGUINITY OR AFFINITY WITHIN THE THIRD CIVIL  
22 DEGREE, OR THE COMMON-LAW SPOUSE OF THE PARENT  
23 OF THE VICTIM;

24           “2) WHEN THE OFFENDED PARTY IS UNDER THE  
25 CUSTODY OF THE MILITARY OR ANY LAW ENFORCEMENT  
26 OR PENAL INSTITUTIONS;

1           “3) WHEN THE RAPE IS COMMITTED IN FULL VIEW  
2           OF THE HUSBAND, PARENT, ANY OF THE CHILDREN OR  
3           OTHER RELATIVES OF THE OFFENDED PARTY WITHIN THE  
4           THIRD CIVIL DEGREE OF CONSANGUINITY;

5           “4) WHEN THE OFFENDED PARTY IS A RELIGIOUS  
6           OR A CHILD BELOW SEVEN (7) YEARS OLD;

7           “5) WHEN THE OFFENDER KNOWS THAT HE IS  
8           AFFLICTED WITH HUMAN IMMUNO DEFICIENCY VIRUS (HIV)/  
9           ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) OR ANY  
10          OTHER SEXUALLY TRANSMISSIBLE DISEASE;

11          “6) WHEN COMMITTED BY ANY MEMBER OF THE  
12          ARMED FORCES OF THE PHILIPPINES OR THE PHILIPPINE  
13          NATIONAL POLICE OR ANY LAW ENFORCEMENT AGENCY;  
14          OR

15          “7) WHEN, BY REASON OR ON THE OCCASION OF THE  
16          RAPE, THE OFFENDED PARTY HAS SUFFERED PERMANENT  
17          PHYSICAL MUTILATION.

18          “ARTICLE 266-C. *OTHER AGGRAVATING*  
19          *CIRCUMSTANCES.* - IN ADDITION TO THE CIRCUMSTANCES  
20          ENUMERATED UNDER ARTICLE 14 OF THIS ACT, THE  
21          FOLLOWING SHALL BE CONSIDERED AS AGGRAVATING  
22          CIRCUMSTANCES IN THE CRIME OF RAPE:

23          “1) KNOWLEDGE BY THE OFFENDER OF THE  
24          PREGNANCY OF THE OFFENDED PARTY AT THE TIME OF  
25          THE COMMISSION OF THE CRIME;

1                   “2) KNOWLEDGE BY THE OFFENDER OF THE MENTAL  
2                   DISABILITY, OR EMOTIONAL DISORDER OF THE OFFENDED  
3                   PARTY AT THE TIME OF THE COMMISSION OF THE CRIME.

4                   “ARTICLE 266-D. *PRESUMPTIONS.* - ANY OVERT ACT  
5                   MANIFESTING RESISTANCE AGAINST THE ACT OF RAPE IN  
6                   ANY DEGREE FROM THE OFFENDED PARTY, OR WHERE  
7                   THE OFFENDED PARTY IS SO SITUATED AS TO RENDER HER  
8                   INCAPABLE OF GIVING VALID CONSENT, SHALL BE *PRIMA*  
9                   *FACIE* EVIDENCE THAT THE ACTS PUNISHED UNDER  
10                  ARTICLE 266-A WERE COMMITTED AGAINST THE WILL OF  
11                  THE OFFENDED PARTY.

12                  “ARTICLE 266-E. *CIVIL LIABILITY OF PERSONS GUILTY*  
13                  *OF THE CRIME OF RAPE.* - PERSONS GUILTY OF RAPE SHALL  
14                  ALSO BE SENTENCED:

- 15                  “1) TO INDEMNIFY THE OFFENDED PARTY;
- 16                  “2) TO ACKNOWLEDGE THE OFFSPRING;
- 17                  “3) IN EVERY CASE TO SUPPORT THE OFFSPRING.

18                  “IN ADDITION TO DAMAGES THAT MAY BE RECOVERED  
19                  UNDER EXISTING LAWS. THE FOLLOWING CIRCUMSTANCES  
20                  SHALL WARRANT THE AWARD OF ADDITIONAL DAMAGES:

21                  “1) WHEN THE OFFENDED PARTY BECOMES INSANE  
22                  OR SUFFERS SEVERE PSYCHOLOGICAL DAMAGE AS A RESULT  
23                  OR BY REASON OF THE RAPE:

24                  “2) WHEN THE OFFENDED PARTY IS KILLED BY  
25                  REASON OF OR ON THE OCCASION OF THE RAPE:

1           “3) WHEN THE OFFENDED PARTY SUFFERS SOCIAL  
2           DEGRADATION, EMBARRASSMENT, HUMILIATION OR ANY  
3           OTHER EMOTIONAL STRESS AND TRAUMA BROUGHT ABOUT  
4           BY UNDUE AND SENSATIONALIZED PUBLICITY. IN WHICH  
5           CASE THE REPORTER OR COLUMNIST, EDITOR AND  
6           PUBLISHER IN CASE OF PRINTED MATERIALS: AND  
7           THE NEWSCASTER OR ANNOUNCER, REPORTER, DIRECTOR  
8           AND PRODUCER IN CASE OF RADIO OR TELEVISION  
9           BROADCASTS, SHALL BE HELD SOLIDARILY LIABLE FOR  
10          DAMAGES SUFFERED BY THE OFFENDED PARTY AS A  
11          CONSEQUENCE OF THE UNDUE AND SENSATIONALIZED  
12          PUBLICITY;

13          “4) WHEN THE OFFENDED PARTY IS INFECTED WITH  
14          HIV/AIDS OR OTHER SEXUALLY TRANSMISSIBLE DISEASE  
15          AS A RESULT OF THE RAPE COMMITTED, IN WHICH CASE  
16          THE OFFENDER SHALL ALSO BE ORDERED TO PAY FOR  
17          ALL HOSPITAL AND/OR MEDICAL EXPENSES INCURRED  
18          AS A RESULT OF SUCH INFECTION, ALTHOUGH SUCH  
19          INFECTION MAY BECOME MANIFEST AFTER THE FINALITY  
20          OF THE DECISION IN THE CRIMINAL ACTION FINDING THE  
21          GUILT OF THE OFFENDER;

22          “5) WHEN THE OFFENDED PARTY BECOMES  
23          PREGNANT AS A RESULT OF THE RAPE. IN WHICH CASE  
24          THE OFFENDER SHALL ALSO BE ORDERED TO PAY FOR  
25          ALL HOSPITAL AND/OR MEDICAL EXPENSES OF THE  
26          OFFENDED PARTY;

1           “6) WHEN THE OFFENDED PARTY BECOMES  
 2           PHYSICALLY DISFIGURED OR DISABLED BY REASON OF THE  
 3           RAPE.

4           “ARTICLE 266-F. EFFECT OF PARDON. - THE  
 5           SUBSEQUENT VALID MARRIAGE BETWEEN THE OFFENDER  
 6           AND THE OFFENDED PARTY SHALL EXTINGUISH THE CRIMINAL  
 7           ACTION OR THE PENALTY IMPOSED: *PROVIDED*, THAT IN  
 8           CASE IT IS THE LEGAL HUSBAND WHO IS THE OFFENDER,  
 9           THE SUBSEQUENT FORGIVENESS BY THE WIFE AS THE  
 10          OFFENDED PARTY SHALL EXTINGUISH THE CRIMINAL ACTION  
 11          OR THE PENALTY: *PROVIDED, FURTHER*, THAT THE CRIME  
 12          SHALL NOT BE EXTINGUISHED OR THE PENALTY SHALL NOT  
 13          BE ABATED IF THE MARRIAGE IS VOID *AB INITIO*.”

14          SEC. 3. *Suspension of Certain Public Officers and Employees.*

15          — The filing of a criminal complaint for rape before a prosecutor’s  
 16          office against any government official or employee shall warrant his  
 17          or her immediate preventive suspension from the service: *Provided*,  
 18          however, That such suspension shall be for a period not longer than  
 19          ninety (90) calendar days: *Provided, further*, That in the event that the  
 20          complaint is dismissed at the conclusion of the preliminary investigation,  
 21          the public officer or employee concerned shall be immediately reinstated  
 22          without loss of seniority rights or other benefits.

23          It shall be the duty of the superior officer of the public official  
 24          or employee placed under preventive suspension to:

1           1) facilitate the free, speedy and objective investigation of the  
2 complaint; and

3           2) ensure the protection of the complainant and/or victim from  
4 the offender.

5           SEC. 4. *Duty of the Police Officer.* — Upon receipt by the police  
6 of the complaint for rape, it shall be the duty of the police officer  
7 to:

8           a) immediately conduct an investigation;

9           b) arrange for counselling and medical services for the offended  
10 party;

11          c) gather evidence for the arrest and prosecution of the offender;  
12 and

13          d) make a report on the investigation and endorse the same to  
14 the proper prosecution office within twenty-four (24) hours from the  
15 conclusion of the investigation but not later than seventy-two (72) hours  
16 from the time the complaint was filed.

17           It shall be the duty of the police officer or the examining physician,  
18 who must preferably be of the same gender as the offended party, to  
19 ensure that only persons expressly authorized by the offended party  
20 shall be allowed inside the room where the investigation or medical  
21 or physical examination is being conducted.

22           SEC. 5. *Protective Measures.* — At any stage of the investigation,  
23 prosecution and trial of a complaint for rape, the police officer, the  
24 prosecutor, the court and its officers, as well as the parties to the  
25 complaint, shall ensure that neither the offended party nor the accused



1 shall suffer from any social degradation, embarrassment, humiliation  
 2 or any other emotional stress and trauma brought about by undue  
 3 and sensationalized publicity. Towards this end, the police officer,  
 4 prosecutor or the court to whom the complaint has been referred may,  
 5 whenever necessary to ensure fair and impartial proceedings, and after  
 6 considering all the circumstances for the best interest of the parties,  
 7 order a closed-door investigation, prosecution or trial and that the name  
 8 and personal circumstances of the offended party and/or the accused,  
 9 or any other information tending to establish their identities, and such  
 10 circumstances or information on the complaint shall not be disclosed  
 11 to the public.

12 The investigating officer or prosecutor shall inform the parties  
 13 that the proceedings can be conducted in a language or dialect known  
 14 or familiar to them.

15 Any act committed in violation of the protective measures included  
 16 herein shall be punished by *prision correccional* in its minimum and  
 17 medium periods or a fine ranging from Twenty thousand pesos (P20,000)  
 18 to Fifty thousand pesos (P50,000) or both, in addition to the civil action  
 19 which may be brought by the offended party.

20 SEC. 6. *Rape Crisis Centers.* — The Department of Social  
 21 Welfare and Development (DSWD), the Department of Health (DOH),  
 22 the Department of Interior and Local Government (DILG), the Department  
 23 of Justice (DOJ), and a lead non-government organization (NGO) with  
 24 proven track record or experience in handling sexual abuse cases, shall  
 25 establish in every province and city a Rape Crisis Center located in

1 a government hospital or health clinic or in any other suitable place  
2 for the purpose of:

3 a) providing rape victims with psychological counselling, medical  
4 and health services, including their medico-legal examination:

5 b) securing legal assistance or services for rape victims:

6 c) assisting rape victims in investigations to hasten the arrest of  
7 offenders and the filing of cases in court:

8 d) ensuring the privacy and safety of rape victims:

9 e) providing psychological counselling and medical services  
10 whenever necessary for the family of rape victims:

11 f) developing and undertaking a training program for law  
12 enforcement officers, public prosecutors, lawyers, medico-legal officers,  
13 social workers, and barangay officials on human rights and  
14 responsibilities, gender sensitivity and legal management of rape cases,  
15 and

16 g) adopting and implementing programs for the rehabilitation  
17 of rape victims.

18 The DSWD shall be the lead agency in the establishment and  
19 operation of the Rape Crisis Centers.

20 SEC. 7. *Appropriation.* — For the establishment and operation  
21 of the Rape Crisis Centers during the first year of implementation of  
22 this Act, the amount of One hundred twenty million pesos (P120,000,000)  
23 is hereby authorized to be appropriated as follows: Sixty million pesos  
24 (P60,000,000) for the DSWD; and Twenty million pesos (P20,000,000)  
25 each for the DOH, DILG, and DOJ, respectively. Thereafter, the

1 necessary amounts for the Rape Crisis Centers shall be included in the  
2 budgetary allocations for the agencies concerned in the annual General  
3 Appropriations Act.

4 SEC. 8. *Separability Clause.* — If any part, section, or provision  
5 of this Act is declared invalid or unconstitutional, the other parts thereof  
6 not affected thereby shall remain valid.

7 SEC. 9. *Repealing Clause.* — Article 335 of Act No. 3815,  
8 as amended, and all laws, acts, presidential decrees, executive orders,  
9 administrative orders, rules and regulations inconsistent with or contrary  
10 to the provisions of this Act are deemed amended, modified or repealed  
11 accordingly.

12 SEC. 10. *Effectivity.* — This Act shall take effect fifteen (15)  
13 days after completion of its publication in two (2) newspapers of general  
14 circulation.

Approved.