



**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

)
)
)

'22 AUG 11 P5:18

RECEIVED BY:

SENATE

S. B. NO. 1140

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT DEFINING AND PENALIZING MARITAL INFIDELITY,
AMENDING FOR THE PURPOSE ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

EXPLANATORY NOTE

The family is the basic autonomous social unit of the nation. It is the primary conduit where values and beliefs are passed on from one individual to another. A nation is only as strong as the millions of families that comprise it. However, one of the social ills that plagues the stability of the family is marital infidelity. This despicable practice causes strained relationships among spouses and children. This form of irresponsibility also undermines the duties of spouses to remain faithful and observe mutual affection. Without the stringent intervention of the State against infidelity, marriage as an institution will collapse.

This bill seeks to strengthen the law on marital infidelity, as well as to eliminate the unequal treatment between the crimes of adultery and concubinage under Article 333 and Article 334 of the Revised Penal Code, respectively. Indeed, the present penal framework for these crimes has created a bias in favor of married men. Currently, married men will only be guilty of concubinage if they commit intercourse with a woman who is not his spouse under very specific and hard-to-prove conditions. On the other hand, a married woman who engages in intercourse with a man who is not her spouse may be held liable for adultery already, without the necessity of proving the elements similar to that of the crime of concubinage.

This bill aims to remove this unequal and unfair distinction based on sex. Sex should not be used to favor one over the other without substantial distinctions. The archaic view towards men and women under the Revised Penal Code should not be allowed to persist today.

The immediate passage of this bill is earnestly sought.




SENATOR JOEL VILLANUEVA



NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 AUG 11 P5:18

RECEIVED BY: 

SENATE

S. B. NO. 1140

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT DEFINING AND PENALIZING MARITAL INFIDELITY,
AMENDING FOR THE PURPOSE ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

1 **SECTION 1.** This Act shall be known as the "*Anti-Marital Infidelity Act.*"

2

3 **SEC. 2.** Article 333 of Act No. 3815, otherwise known as the Revised
4 Penal Code, is hereby deleted in its entirety and replaced with the following:

5

6 ARTICLE 333. MARITAL INFIDELITY. – MARITAL INFIDELITY
7 IS COMMITTED BY ANY MARRIED PERSON WHO SHALL
8 HAVE SEXUAL INTERCOURSE WITH ANOTHER PERSON
9 WHO IS NOT HIS/HER LEGITIMATE SPOUSE, EVEN IF THE
10 MARRIAGE IS SUBSEQUENTLY DECLARED VOID, AND BY
11 THE PERSON WHOM HE/SHE HAS SEXUAL INTERCOURSE
12 WITH, KNOWING OR HAVING REASONABLE GROUNDS TO
13 BELIEVE THAT THE GUILTY SPOUSE IS MARRIED.

14

15 MARITAL INFIDELITY SHALL BE PUNISHED BY PRISION
16 CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS.

17

18 IF THE PERSON GUILTY OF MARITAL INFIDELITY
19 COMMITTED THIS OFFENSE WHILE BEING ABANDONED,
20 THE PENALTY NEXT LOWER IN DEGREE THAN THAT
21 PROVIDED ABOVE SHALL BE IMPOSED.

22

23 MUSLIMS AND MEMBERS OF INDIGENOUS PEOPLES
24 COMMUNITIES WHO ACTIVELY AND CONTINUOUSLY
25 PRACTICE SINCE TIME IMMEMORIAL CUSTOMS AND

1 TRADITIONS ALLOWING MULTIPLE SPOUSES SHALL BE
2 HELD LIABLE FOR MARITAL INFIDELITY IF THEY ENGAGE
3 IN SEXUAL INTERCOURSE WITH ANY PERSON OTHER
4 THAN THE OFFICIAL SPOUSES RECOGNIZED BY THEIR
5 RESPECTIVE FAITHS AND TRADITIONS.
6

7 **SEC. 3.** Article 334 of the Revised Penal Code is hereby deleted.
8

9 **SEC. 4.** Article 344 of the Revised Penal Code is hereby amended to
10 read as follows:
11

12 Article 344. Prosecution of the crimes of [adultery, concubinage,]
13 MARITAL INFIDELITY, seduction, abduction, rape and acts of
14 lasciviousness. - The [crimes] CRIME of MARITAL INFIDELITY
15 shall not be prosecuted except upon a complaint filed by the
16 offended spouse.
17

18 The offended party can institute criminal prosecution AGAINST
19 THE OFFENDING SPOUSE ALONE, OR AGAINST both the
20 guilty parties; *PROVIDED, THAT* the [he] OFFENDED SPOUSE
21 DID NOT consent TO SUCH ACT or pardon the offenders IN
22 WRITING; *PROVIDED, FURTHER,* THAT THE OFFENDED
23 SPOUSE IS NOT GUILTY OF MARITAL INFIDELITY;
24 PROVIDED, FINALLY, THAT NOTHING HEREIN SHALL
25 PREVENT THE OFFENDED SPOUSE, THE PARENTS AND
26 PARENTS-IN-LAW OF THE OFFENDED SPOUSE, OR THE
27 CHILDREN OF THE OFFENDED AND GUILTY SPOUSES
28 FROM FILING THE APPROPRIATE CIVIL ACTION UNDER
29 THE CIVIL CODE.
30

31 The offenses of seduction, abduction or acts of lasciviousness,
32 shall not be prosecuted except upon a complaint filed by the
33 offended party or her parents, grandparents, or guardian, nor, in
34 any case, if the offender has been expressly pardoned by the
35 above-named persons, as the case may be.
36

37 In cases of seduction, abduction and acts of lasciviousness, the
38 marriage of the offender with the offended party shall extinguish
39 the criminal action or remit the penalty already imposed upon
40 him. The provisions of this paragraph shall also be applicable to
41 the co-principals, accomplices and accessories after the fact of
42 the above-mentioned crimes.
43

44 **SEC. 5. Separability Clause.** – If any provision of this Act is declared
45 unconstitutional or invalid, the other provisions not affected thereby shall
46 continue to be in full force and effect.
47

48 **SEC. 6. Repealing Clause.** – All laws, decrees, rules and regulations,
49 or parts thereof inconsistent with this Act are hereby repealed or amended
50 accordingly.

1
2
3
4
5
6

SEC. 7. Effectivity. – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,