

23 FEB 16 P2:41

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

RECEIVED BY: 

SENATE
S.B. No. 1896

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
REDEFINING ADULTERY, FURTHER AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO. 3815, OTHERWISE KNOWN AS THE
REVISED PENAL CODE, AS AMENDED**

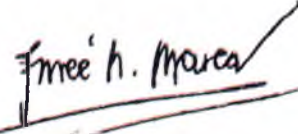
EXPLANATORY NOTE

Section 14, Article II of the 1987 Constitution provides that "*The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.*"

Yet, under our existing laws, there is a sharp distinction between adultery or sexual infidelity committed by a man or a woman. A married woman may be charged for adultery by a single sexual act with a man other than her husband, the crime established by mere circumstantial evidence. On the other hand, the very public scenarios envisioned in the concubinage provision of the Revised Penal Code applied to married men are well-nigh impossible to establish.

Further, the law provides stiffer penalties for adultery than for concubinage. This bill seeks to uphold gender equality as enshrined in the Constitution, making both married men and women liable for the crime of adultery.

Thus, to give truth and life to the Constitutional mandate that women and men be treated with fundamental equality under our laws, the passage of this bill is urgently recommended.


IMEE R. MARCOS

23 FEB 16 P2:41

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

RECEIVED BY: _____



SENATE

S.B. No. 1896

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
REDEFINING ADULTERY, FURTHER AMENDING FOR THIS
PURPOSE REPUBLIC 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:

1 **SECTION 1.** Article 333, Chapter One, Title Eleven, Book II of Republic Act
2 No. 3815, otherwise known as the Revised Penal Code, as amended, is hereby
3 amended to read as follows:
4

5 "Article 333. *Who are guilty of adultery.* - Adultery is committed by
6 any married [woman] **PERSON** who shall have sexual intercourse
7 with a [man] **PERSON** not HIS OR her [husband] **SPOUSE** and by the
8 [man] **PERSON** who has carnal knowledge of **HIM OR** her, knowing
9 **HIM OR** her to be married, even if the marriage be subsequently
10 declared void.

11
12 xxx"
13

14 **SEC. 2.** Article 334 (Concubinage), Chapter One, Title Eleven. Book II of
15 Republic Act No. 3815, as amended, is hereby repealed.
16

17 **SEC. 3.** The succeeding articles of the Revised Penal Code are hereby
18 renumbered accordingly.
19

20 **SEC. 4.** The first two paragraphs of Article 344 of the Revised Penal Code
21 are hereby amended as follows:
22

23 "Article 344. *Prosecution of the crimes of adultery,*
24 *[concubinage,] seduction, abduction, rape and acts of lasciviousness.*
25 - The crime[s] of adultery [~~and concubinage~~] shall not be prosecuted
26 except upon a complaint filed by the offended spouse.
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

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 IF HE OR SHE IS LIKEWISE GUILTY OF ADULTERY, AND NOR IF HE OR SHE HAS ABANDONED HIS OR HER SPOUSE WITHOUT JUST CAUSE FOR A PERIOD OF NOT LESS THAN ONE YEAR."**

SEC. 5. Separability Clause. - If for any reason, any provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 6. Repealing Clause. - Any law or parts thereof inconsistent with any provision of this Act shall be deemed repealed, but without prejudice to any liability under special laws.

SEC. 7. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,