

## RECORD OF THE SENATE

**THURSDAY, JUNE 6, 1996**

### RESUMPTION OF THE SESSION

*At 10:25 a.m., the session was resumed with the Senate President, Hon. Neptali A. Gonzales, presiding.*

**The President.** The session is resumed. The Majority Leader is recognized.

### **BILL ON SECOND READING** **S. No. 1316—Prescribing Officer Grade Distribution** **in the Active Force of the AFP** (Continuation)

**Senator Romulo.** Mr. President, I move that we resume consideration of Senate Bill No. 1316 as reported out under Committee Report No. 40/51.

**The President.** Resumption of consideration of Senate Bill No. 1316 is now in order. We are now in the period of amendments, Mr. President.

May I therefore ask that the distinguished Chairman of the Committee on National Defense and Security and Sponsor of the bill, Senator Mercado, be recognized.

**The President.** Senator Mercado, Chairman of the Committee on National Defense and Security is hereby recognized.

### COMMITTEE AMENDMENTS

**Senator Mercado.** Thank you very much, Mr. President.

The following are our Committee amendments:

On page 1, line 22, insert the following between the colon (:) and the word "Provided:" **PROVIDED, FURTHER, THAT IN THE DETERMINATION OF OFFICER TO ENLISTED PERSONNEL RATIO, THE MISSION REQUIREMENT, CAPABILITIES, AND EQUIPMENT INVENTORY OF UNITS SHALL BE TAKEN INTO CONSIDERATION:**

**The President.** Is there any objection to this amendment?  
[Silence] There being none, the amendment is approved.

**Senator Mercado.** On page 2, line 11, we move for the deletion of the number "31" before the word "per centum" and in lieu of the same, insert the number "27".

**The President.** Is there any objection to this amendment?

[Silence] There being none, the amendment is approved.

**Senator Mercado.** On the same page, Mr. President, line 12, we move for the deletion of the number "62" before the word "per centum" and in lieu thereof, insert the number "66".

**The President.** Is there any objection to this Committee amendment? [Silence] There being none, the amendment is approved.

**Senator Mercado.** On the same page, between lines 22 and 23, we move for the insertion of the following: **PURSUANT TO THIS SECTION, NO OFFICER SHALL BE PROMOTED TO THE GRADE OF BRIGADIER GENERAL/COMMODORE OR HIGHER UNLESS THERE IS AN EXISTING VACANCY, AND THE OFFICER IS OCCUPYING A POSITION IN THE TABLE OF ORGANIZATION THAT REQUIRES THE GRADE OR RANK FOR WHICH HE IS BEING CONSIDERED FOR PROMOTION.**

**The President.** Is there any objection to this amendment?  
[Silence] There being none, the amendment is approved.

**Senator Mercado.** On the same page, line 30, we move for the deletion of the word "Vice" and in lieu thereof, the insertion of the word REAR. So it would read "REAR Admiral" instead of "Vice."

**The President.** Is there any objection to this amendment?  
[Silence] There being none, the amendment is approved.

**Senator Mercado.** On page 3, line 5, we move for the deletion of the word "at" after the word "retired" and in lieu thereof, the insertion of the phrase **UPON THE ATTAINMENT OF.**

**The President.** Is there any objection to this amendment?  
[Silence] There being none, the amendment is approved.

**Senator Mercado.** On the same page, line 6, we move for the deletion of the phrase "at age Fifty-six (56)" and in lieu thereof, the insertion of the phrase **UPON REACHING THE AGE OF COMPULSORY RETIREMENT.**

**The President.** Is there any objection to this Committee amendment? [Silence] There being none, the amendment is approved.

**Senator Mercado.** On the same page, lines 16 to 17, we move for the deletion of the following: "effective three (3) years after approval of this Act."

**The President.** Is there any objection to the deletion?

**The President.** The session is resumed.

UNANIMOUS CONSENT

**Senator Romulo.** Mr. President, pursuant to Section 119, Rule XLII, of the Rules, I ask for the unanimous consent of this Chamber to adopt, for purposes of sponsorship on the Rape Bill, Senate Bill No. 950, reported out by the Committee on Women and Family Relations under Committee Report No. 78, the version marked "Version of Bill as of June 3, 1996," copies of which have been distributed to all the members.

This version of Senate Bill No. 950 incorporates the provisions of Senate Bill No. 558 and Senate Bill No. 1436, as well as the proposed committee amendments contained in Committee Report No. 78.

**The President.** Is there any objection? [*Silence*] There being none, unanimous consent is hereby given, for purposes of sponsorship, for the adoption of the version of Senate Bill No. 950 marked "Version of Bill as of June 3, 1996."

**Senator Romulo.** Mr. President, I ask that the Chairman of the Committee on Women and Family Relations and principal author of the bill, the distinguished Senate President Pro Tempore, Senator Shahani, be recognized to deliver the first sponsorship speech. After which, the distinguished Chairperson of the Committee on Constitutional Amendments, Revision of Codes and Laws, Senator Santiago, and the distinguished Chairman of the Committee on Justice and Human Rights and our honorary woman, Senator Roco, coauthor of the bill, will deliver their respective cosponsorship speeches.

I, therefore, ask that the first sponsorship speech be delivered and that the Senate President Pro Tempore be recognized.

**The President.** For her sponsorship speech, the President Pro Tempore, Senator Shahani, is hereby recognized.

SPONSORSHIP SPEECH OF SENATOR SHAHANI

**Senator Shahani.** Thank you, Mr. President.

Mr. President, the reclassification of the crime of rape is an idea whose time has come. The need for drastic reforms in Philippine law on rape was borne out of the seeds of tragedy of the women victims of violence themselves. It is also drawn from the richness of experiences and collective consciousness of other women who, in so many ways possible, respond to this growing phenomenon.

The gross inadequacies of our present law on rape in

protecting victims and sanctioning perpetrators have made legal reform a compelling necessity towards the elimination of violence against women.

Mr. President, realistically speaking, amending laws on paper is not enough to ensure change. Gender violence is an extremely complex issue, deeply rooted in the unequal power relations between the sexes, self-identity, sexuality and social institutions. Any approach to eliminate violence against women must confront the deeply ingrained cultural beliefs and social structures that perpetuate it. No less than a deconstruction of our culturally accepted notions of gender stereotypes is needed to succeed in the effort.

But a strong law adds a considerable armor in helping women to protect themselves. Focusing on the issue of rape, three critical tasks in legal reform challenge us: 1) eliminating and changing aspects of the law that are prejudicial to women; 2) removing the barriers to prosecution; and 3) institutionalizing protective measures to ensure the rehabilitation of rape survivors.

Senate Bill No. 950, as amended, and principally authored by Senator Roco, is now formulated to address these vital requirements in the hope that a processual change may be provoked in our social attitudes and cultural beliefs.

In completing this Committee Report, Senate Bill No. 950 of Senator Roco, as I have mentioned, was considered in relation to my own Senate Bill No. 558. This report also introduced as amendments certain features of Senate Bill No. 1436 of Senator Santiago. But we also chose, Mr. President, during the committee hearings, to consult the women themselves who provided us with their own perspective of what a rape law should be. The women spoke on their ideals of a law that would reflect their collective experience and sufferings and be responsive and sensitive to the situation of victims and survivors of rape.

I am aware, Mr. President, that there are major points of disagreement that would result from the amended text of Senate Bill No. 950. The only palpable aspect of consensus is that rape should be reclassified as a crime against persons. As to how that reclassification should work raises certain contentious issues. Among these are:

1. the expanded definition of rape;
2. the addition of abuse of authority of relationship as a circumstance by which rape is committed and its concurrent effects on the other provisions of the Revised Penal Code;
3. its woman-focused formulation versus that of a gender-

neutral expression so that under the proposal, only a woman can become a victim of rape, and a man the perennial perpetrator; and

#### 4. the marital rape provision.

These, it will be understandable, are the most disputable issues and I know that they shall spark debate among us in this Chamber. When the proper opportunity comes, we shall be open, Mr. President, to recommendations and suggestions on how to improve upon the bill we are now reporting out.

One of the most significant aspects of this proposed rape bill dwells on the reclassification of the crime. As the law now stands, rape belongs to those cluster of offenses ranked as crimes against chastity. That archaic framework, adopted from the colonial Spanish Penal Code and which persists up to today, reinforces the gender stereotypes which discriminate against women.

As a crime against chastity, it is implied that only pure, nubile and virginal women stand a chance at being credible rape victims. It perpetuates the belief also that a woman's chastity is her greatest value, an asset that must be reserved and maintained as a supreme gift brought to her husband in marriage. The consequence of that cultural notion works as the strongest impediment to rape prosecution.

Mr. President, nowhere in the black letter of the law may be found the requirement of chastity. Yet, our own socialization as regards the role of women and men pervades the mindset of society so that a woman who cries rape risks exposing herself to public ridicule and apathy, and even antipathy.

How do we shift the focus from the rape victim to its perpetrator? Senate Bill No. 950, as amended, corrects that false notion by reclassifying rape as a crime against persons. Rape violates a woman's core, breaks her spirit and diminishes her sense of self.

The consequences of the reclassification of rape as a crime against persons are manifold, Mr. President.

Thus, this bill contains an expanded definition of rape. The ways by which rape is committed has been widened to include not just penile penetration of the genitals of a woman, but also include the introduction of any object, instrument or any part of the body into anal or oral orifices. Forcing a woman into a sexual act with an animal shall likewise be penalized as rape. By so doing, Mr. President, we veer away from the phallocentric view existent in our present law, that the violation of a woman can only happen through penile penetration of her genitalia. The concept fails to

take into consideration other ways equally reprehensible by which a woman suffers violation upon her very person.

The inclusion of other forms of rape retains the woman-focused formulation of Senate Bill No. 950. Historically, Mr. President, women have suffered from rape and other forms of sexual abuses. By reclassifying rape as a crime against persons, we effectively remove the biases in the law that are actually prejudicial to women. This, we believe, is only consistent with the guiding framework that rape is a crime against a woman's person.

Mr. President, to the three circumstances embodied in Article 335 of the Revised Penal Code, we added another means through which rape is accomplished—abuse of authority or relationship. The chief intention in this attempt is to fill a glaring gap in our present law and quell the occurrence of incest, acquaintance rape and custodial rape.

When sexual assault of a woman is inflicted by someone who exercises moral influence upon her, the circumstances of force, threat or intimidation may be absent.

Mr. President, in relationships where trust and confidence or power is involved, such as between a parent and a child, a priest and a penitent, a doctor and a patient, a teacher and a student—an overt act of violence may be unnecessary to accomplish the rape. Yet, our law still requires that she put up a determined resistance in every case.

Mr. President, the natural effect of such amendment is the repeal of Article 337 of the Revised Penal Code on qualified seduction which also restricts prosecution only to those cases where the woman is a relative minor and a virgin. The element of virginity in qualified seduction is anathema then to the concept of rape as a crime, not against a woman's chastity but against her very person.

Mr. President, the bill also states that a complainant for rape may be filed by:

- 1) the offended party herself;
- 2) her parents and legal guardian;
- 3) her grandparents and collateral relatives;

4) the officer or social worker of the Department of Social Welfare and Development, or of a duly-licensed child-caring institution, orphanage, home for the aged, mental hospital or other similar institutions who maintain care and custody of the victim; or



5) a concerned, responsible resident of the barangay where the crime was committed.

Mr. President, this expands the number of parties who may report the crime of rape.

Mr. President, one of the most contentious provisions of the proposed bill dwells on marital rape. It is not clear from the present wording of Article 335 of the Revised Penal Code whether spousal rape indeed is sanctioned. The controversy arises from our mistaken belief that a woman surrenders her rights over her body to her husband upon entering the matrimonial bond. But a woman does not alienate her inherent rights to her body and to her identity because of marriage.

A woman's fundamental freedom from violence cannot be abridged by consenting to marriage, Mr. President. The right to consortium gained at matrimony is mutual to either spouses, and cannot be exercised against or in abuse of the other.

Mr. President, rape is possible even between a husband and wife. In fact, it happens rampantly undetected within the confines of the homes. To prohibit a wife from prosecuting her own husband for rape is to accuse the state, which recognizes marriage as an inviolable social institution, of allowing and shielding the violence against a particularly aggrieved wife. That the parties married to each other should not allow the man to parade scot-free and proud after committing rape, with his own wife as victim for a trophy.

From that context, we propose in this bill before us to penalize marital rape under certain conditions.

Mr. President, we also have attempted with this bill to abolish the standard barriers to a rape prosecution. Many women prefer to cower in silence and suffer the effects of rape rather than face the prospect of standing in trial and feel like an accused and not as a victim before a judicial system indifferent to her experience.

Thus, as part of the bill's provisions on evidence, a victim's sexual history, or nature of work or amorous relations with the offender shall be discarded at any stage of the prosecution and trial. Though entirely irrelevant in rape cases, these three factors are a constant ploy to discredit a woman victim of rape, as if a sexually active or a prostituted woman deserves no right to complain against rape.

Mr. President, for the rape victim, the right to a closed-door hearing is guaranteed at her option. And to guard against invasion of a victim's privacy, the nondisclosure of her identity to the media is likewise protected.

The terrors of rape are unimaginable for its victims. The responses we take must at least address the immediate needs of rape survivors. The Rape Crisis Centers proposed in Senate Bill No. 950, as amended, taps the various available resources and expertise, both governmental and nongovernmental.

The need to improve upon the present definition of rape was brought upon by the increasing incidence of sexual violence against Filipino women. In the Philippine National Police Crime Index report for 1995, rape accounted for at least seven percent of all reported crimes. For the first quarter of this year alone, there were 609 reported rape cases. The numbers naturally cannot accurately show how many women are actually raped in this country. Many cases still remain unreported, with the victims enduring their individual horrors alone.

Mr. President, I wish to inform this Chamber that I came from Davao City three weeks ago where a rape case between two notable local personalities is currently brewing. It was there that I learned firsthand from the members of the Justice for Karen Movement the trials women like Karen Vertido must face once she opts to come out in the open as a rape victim. The odds she must contend with by seeking legal protection and punishment for the offender are arduous. But the bigger and more acrimonious trial is being conducted, not in the courtroom, but right there in her own community in Davao, now sharply divided between condemning the rape and the rapist and blaming and bashing the victim for "asking for it," so to speak.

From that context, we propose in this bill before us to penalize marital rape under certain conditions. Freedom from violence cuts through as every person's birthright.

I therefore call upon my Colleagues in this Chamber to join me and my other cosponsors in supporting this bill. It has seen its way through three sessions of Congress. It was considered too radical then at the Eighth Congress. Now it may be too late to save with the law all the women victims of rape and violence while we debated on its provisions. The imperative for a new rape law has been staring us in the face since the Eighth Congress. As Chairperson of the Committee on Women and Family Relations and as a lifelong feminist, I would indeed be terribly disappointed if Congress cannot pass a new rape law before 1998 when my term ends.

In this connection, I would like to thank the cooperation and support of the cosponsors of this bill, Senators Roco and Santiago.

Mr. President, I am sure I am not just speaking for myself but for the countless Filipino women who have pinned their hopes on us. I hope, with all my heart, that in this Tenth Congress

we shall not fail all the women and men who look to us for solutions to rape and violence.

Thank you, Mr. President.

**The President.** For her sponsorship speech, Senator Santiago is recognized.

**Senator Santiago.** Thank you, Mr. President.

#### SPONSORSHIP SPEECH OF SENATOR SANTIAGO

Ladies and Gentlemen of the Senate:

The Committee on Constitutional Amendments, Revision of Codes and Laws, together with the Committee on Women and Family Relations, chaired by Sen. Leticia Ramos Shahani, and the Committee on Justice and Human Rights, chaired by Sen. Raul Roco, are pleased to sponsor jointly the Committee Report on Senate Bill No. 950, known by the short title as the "Anti-Rape Law."

The present bill is a consolidation of a separate version filed by Senators Shahani, Roco and myself.

Rape, like domestic violence, is the direct result of male aggression. Any solution to the brutal reality of rape must begin with an analysis of how society deals with aggression. Our society is structured to safeguard its members from the aggression of criminals. But if a woman is raped by her boyfriend or by a relative such as her stepfather, the rapist will most probably get away with his crime. I am arguing by analogy with the United States, where most rapes—that is to say, between 60 and 85 percent—are reportedly "acquaintance" rapes.

In my five years' experience as a Regional Trial Court judge, I reached the conclusion that Filipino society is ambivalent in its worldview of the raped person. When the victim is a woman, our society has a tendency in effect to blame the victim. This attitude is a legacy of sexism, which is now prohibited by our Constitution. Society should not collude with the perpetrator, for it thus "enables" women to be victimized. We should not allow the private domain of relationship to become an easy, available target for the killer instinct that the aggressive individual is unwilling to subdue. Blaming the rape victim is sexist and unjust, because this attitude violates both human rights and the basic social contract.

Our times have rightly been described as a scenario of an epidemic of violence against women. In 1992, the US Crime Victims Research and Treatment Center reported that at least one woman is raped every minute in the United States. And, according to the US Justice Department, this statistic should be

adjusted for the estimate that only 14 percent of rapes is reported to the police.

The Philippines has no such comparative study on rape. But the Department of Social Welfare and Development notes that from January to March this year, or a three-month period, 104 rape cases were reported, while for the year 1995, a total of 435 rape cases were reported. This means that in the Philippines, more than one woman a day is raped, and this statistic must be revised upward, if we allow that only a small percentage of rape cases are actually reported to the police.

How can we solve the problem of this epidemic of rape against women? One solution is to pass a new, tougher law that will treat assaulters more severely. In the United States, only one percent of rapists are convicted. We have no equivalent statistic for our country, but a similar figure of one-percent conviction rate would be a safe guess, considering that rape is usually committed in private without eyewitnesses, and requires the highest standard of proof, which is proof beyond reasonable doubt.

Accordingly, this bill proposes the following major changes in the law:

1. Reclassifying the crime of rape, which at present is a crime against chastity, to a crime against persons. This means that rape is no longer a private crime, but is now a public crime which can be prosecuted by the state independently of the will or consent of the offended party;
2. Expanding the definition of rape, which I shall propose to qualify with the clause: "with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person;"
3. Criminalizing date rape and marital rape;
4. Changing the evidentiary requirements for rape;
5. Increasing the penalty in all cases to reclusion perpetua to death, by removing the seven restrictive circumstances enumerated by the Death Penalty Law, Republic Act No. 7659;
6. Making rape a hate crime that would permit witnesses to sue for damages, and, let me restate this: 6. Making rape a hate crime that would permit the offended party to sue for damages, and
7. Setting up a Rape Crisis Center in every city and municipality.

During the public hearing on this bill, a number of objections were raised, and they are well-taken. One of them is

constitutionality, on the ground that the provision for a public trial in the Constitution, Article III Sec. 14, par.(2) prevents the victim from claiming a right to a closed-door hearing. Another objection correctly pointed out the danger of making the definition of rape so all-encompassing that it might expose the law to ridicule, by qualifying harmless acts as rape.

To obviate all of these objections, I have to make the reservation that I shall propose a number of changes in the bill during the period of amendments. The purpose of the proposed bill, it should be emphasized, is not to favor one sex over the other, but to deter crime, and to achieve justice for those victimized by malicious predators.

The matrix that energizes this bill is the breakthrough of power occurring in women's struggle to reject the sexism of inherited constructions of female identity and to provide new legal constructs that affirm their own worth.

I beg the indulgence of my Colleagues in closing with this passage from an ancient Latin text:

Iron is strong, but fire tempers it.  
Fire is awesome, but water extinguishes it.  
Water is forceful, but the sun dries it.  
The sun is mighty, but a storm cloud conceals it.  
A storm cloud is explosive, but the earth subdues it.  
The earth is majestic, but men master it.  
Men are powerful, but grief overtakes them.  
Grief is heavy, but wine assuages it.  
Wine is powerful, but sleep renders it weak.  
Yet woman is strongest of all.

Thank you.

**The President.** Senator Roco, Chairman of the Committee on Justice and Human Rights, is hereby recognized for his cosponsorship speech.

#### SPONSORSHIP SPEECH OF SENATOR ROCO

**Senator Roco.** Mr. President, I rise as Vice Chairperson of the Committee on Women and Family Relations and as author of one of the bills. I am pleased to cosponsor with the distinguished Ladies, the Chairperson of the Committee on Women and Family Relations and the Chairperson of the Committee on Constitutional Amendments.

I hope, Mr. President, that when the Lady from Iloilo said "woman is the strongest," we do not necessarily now have to disagree with the provisions of the anti-rape bill which seeks to give protection, in fact, to the women.

My sponsorship remarks will try to avoid what have been touched on already by the two sponsors.

Let me say, Mr. President, that Article II, Section 14 of the 1987 Constitution declares that:

Sec. 14. The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.

Yet, certain provisions of the law preserve inequality between men and women. Such fundamental equality before the law can never become real and meaningful where the law is biased and perpetuates wittingly or unwittingly discriminatory attitudes and assumptions, which in turn are based on myths that have no factual or scientific basis whatsoever.

From this perspective, Mr. President, social scientists have maintained that the act of rape is a way by which a man asserts his perceived superiority or mastery over a woman. Congress should lead the way in correcting this long-fostered myths by reshaping the values and attitudes concerning man-woman relationships.

We have ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. It is now incumbent upon us, Mr. President, to honor the Philippine commitment as a party to the internationally accepted principles of international law. Such being the case, Congress must now hasten the elimination of all forms of discrimination against women. The fundamental equality before the law can be achieved only when the lawmakers and the Legislature become truly sensitive to society's gender bias against women.

A universal symptom of gender discrimination and bias is in the treatment of rape victims. The fallacious concept of rape has made the crime more difficult to prove. Under existing law and jurisprudence, a rape victim is given the triple burden of proving that she is a rape victim, that she is telling the truth, and that the accused raped her not as a consequence of her provoking his sexuality. This situation breeds the inequity where the accused is justified in achieving sexual gratification, whereas the victim herself must be of a chaste character if only to give credence to her allegations.

The Philippine law on rape is an anachronism in that it fails to take into account the changing concept of rape. Worse, it perpetuates the myths already discussed. The Revised Penal Code, which is essentially Spanish in origin, classifies rape as one of the crimes against chastity when a woman's being chaste has no significant bearing to the crime. Actually, rape is an assault on the person of a woman with the male organ as the



weapon of aggression. Indeed, rape is a crime of violence that violates a woman's dignity as a person. It is the most intimate attack on the person of a woman.

Jurisprudence at present, Mr. President, suggests that the appreciation of the degree of resistance offered by the victim is necessary to prove her lack of consent to the act of rape. A socio-legal paradox exists when the law requires a woman to be harmed or to harm her attacker, in turn, yet at the same time she is patronizingly presumed to be a victim who is willing to suffer in silence to avoid shame and scandal. Worse, social stigma attaches to the rape victim rather than to the offender.

One of the worst cases in memory, Mr. President, is when the rape perpetrator was acquitted because the woman, in her testimony, failed to say that she crossed her legs. The court said that the most natural defense against rape that is available to the woman is that she should cross her legs. Since that particular point of testimony was forgotten, the culprit was acquitted for failure of the woman to assert that she exerted every natural defense within her power against the rapist.

Because of the misconception, Mr. President, even our rules on procedure presume that inasmuch as a rape victim is willing to suffer in silence, the law enforcers and the prosecuting officers can only move when the rape victim initiates the complaint. Procedural rules classify rape as a private crime in that it is a crime primarily against the person of the rape victim, it cannot be prosecuted *de officio*. Hence, incidents of rape in the country are often ignored, unacted upon, and remain unprosecuted by the very officers of government who have the primary responsibility to enforce the law and render justice.

That is why, Mr. President, it is not surprising that despite the two previous sponsorship speeches, there are no firm data on how many rape victims we have in one year. The fact is staring at us on our faces, everyday, any paper we pick up, even the broadsheets and not just the tabloids, would have at least four or five stories on rape or sexual violations. Despite that, there are no firm data available that can be relied upon as a scientific fact on the number of rape victims in the Philippines today within one year.

Through the years, more and more rape victims have articulated their experience and frustrations in prosecuting the offender. The provisions of the Revised Penal Code on rape has proved to be inadequate to cover the nuances and circumstances of the crime. Hence, the need, Mr. President, for a special law on rape.

Other than the need to change attitudes and social mores regarding man-woman relations, another situation which needs to be addressed is the improvement of the relations between

husband and wife. We can no longer accept the concept that the woman belongs to the man as property. In fact, in Roman Law, we were told the use of the word that was equivalent to the words "being possessed" or "being held by your hand." That was the description of the relationship between man and woman as husband and wife. Today, we do not think that possession of woman as property can be accepted by present society.

In the past, Mr. President, husbands used to invoke the marital relations as a justification for abusing their spouses. And yet, in the marriage contract and in the admonition of the priest in marriages, there is no license given to the man to beat up his spouse just to have sexual gratification. Congress, therefore, should take the lead in enunciating policies that would rectify this situation.

Under the bill, the mere fact alone that the accused is the husband of the victim will not exculpate him from criminal liability if it is proved that he committed the acts defined and punished therein. We shall, therefore, release the women in the Philippines from the concept that they are still chattel or property of the husband. The marriage relationship is not transformative of the woman so that she becomes property. The marriage relationship and the matrimonial bonds are supposed to be based on equality and partnership.

Since the attitude of the law enforcer has a major effect on the prosecution of the offense, there is also need to train law enforcers and judicial officers on gender sensitivity and the legal management of rape.

The most excruciating experience we have heard from the women who have been victims of rape is when they report to the police station, and the policeman who confronts them to investigate the crime is somebody who is 5'10" tall, burly and looks as though he himself perpetrated the rape. The anxiety and the trauma of the woman is exacerbated under those circumstances.

The cosponsors have already mentioned the various modifications. Let me just stress one more aspect of marital rape.

The concept of marital rape herein introduced has two aspects. One instance is based on the proposition that being husband does not justify him for beating up his wife to have sex with her. The second aspect, Mr. President, imposes standards when a husband can be convicted of rape. Those standards apply when they have been legally separated for one year. We should not expect that when a man who abandons his wife for more than one year, he can, therefore, demand, as a matter of right, based on the marriage bond, that he shall have sex with his wife.

The second instance is something that was decided in other

lands—when the husband is infected with a communicable disease, he is not entitled, as a matter of right, to have sex with his wife, so that the disease will be transmitted to the wife.

The third instance that is mentioned here is when the husband forces the wife to have sex with him under scandalous circumstances. This is based on the report and the hearings of the Committee in the Ninth Congress where the husband, after having too much to drink with his "barkada", decided to call his wife so that he can show off in front of his "barkada." That, we feel, Mr. President, should be considered rape. And the fact that he is husband does not justify his doing so.

In view of all these reasons, Mr. President, we respectfully seek the support and approval of our Colleagues for the soonest approval of the proposed Anti-Rape Act.

Thank you, Mr. President.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION S. NO. 950

Senator Romulo. I move, Mr. President, that we suspend consideration of Senate Bill No. 950.

The President. Is there any objection to this motion? [Silence] There being none, consideration of Senate Bill No. 950 is hereby suspended.

Senator Romulo. May I ask the Secretary to read the Additional Reference of Business.

The President. The Secretary may read the Additional Reference of Business.

#### ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

June 6, 1996

Mr. President:

I have been directed to inform the Senate that the House of Representatives on June 5, 1996 passed House Bill No. 5550, entitled

AN ACT RESTRUCTURING THE EXCISE TAX ON PETROLEUM PRODUCTS, AMENDING FOR

THE PURPOSE PERTINENT SECTIONS OF THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED,

to which it requests the concurrence of the Senate.

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
NEPTALI A. GONZALES  
President of the Senate  
Manila

The President. Referred to the Committee on Ways and Means.

#### RESOLUTION

The Secretary. Proposed Senate Resolution No. 462, entitled

RESOLUTION DIRECTING THE COMMITTEE ON EDUCATION, ARTS AND CULTURE, TO INQUIRE, IN AID OF LEGISLATION, INTO THE UNMITIGATED INCREASE IN TUITION FEES IN PRE-SCHOOL, PRIMARY AND SECONDARY SCHOOLS, THE REPORTED POLICY OF SOME PRIVATE SCHOOLS FORCING STUDENTS TO BUY UNIFORMS AND SCHOOL SUPPLIES FROM THEM, AND THE CONTRIBUTIONS BEING COLLECTED FROM PUPILS AND STUDENTS, WITH THE END VIEW OF ANALYZING THE RESPONSIVENESS OF THE EDUCATION ACT OF 1982

Introduced by Senators Flavio, Coseteng and Revilla.

The President. Referred to the Committee on Education, Arts and Culture.

Senator Romulo. Mr. President, I ask that the distinguished Gentleman from Isabela, Senator Alvarez, be given 10 minutes of the Privilege Hour.

The President. Senator Alvarez is recognized for the Privilege Hour.

PRIVILEGE SPEECH OF SENATOR ALVAREZ  
(Protesting China Nuke Tests)

Senator Alvarez. Mr. President, distinguished Colleagues: