

THIRTEENTH CONGRESS OF THE REPUBLIC)
 OF THE PHILIPPINES)
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SENATE

RECEIVED BY: S. B. No. 177

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

The number of rape cases and other sexual offenses has been alarmingly increasing, despite enforcement of more stringent laws enacted in recent years. In fact, statistics show that a considerable percentage of death sentences imposed are rape-related.

Given the inability of the justice system to control rape and child molestation, there is a need to come up with measures, which in other countries, have proven to be effective in combating rape and other forms of sexual offenses.

One of these measures is castration.

Castration can be an ideal punishment for sex offenders. In fact, with surprisingly little fanfare, four states in the United States recently passed laws calling for castration – either chemical or surgical – of sex offenders. Florida, California, and Montana have all enacted more stringent laws to order involuntary chemical or surgical castration of these criminals.

The Czech Republic and Germany have likewise introduced castration in a much more seemingly humane form, although only among sex offenders who volunteer for treatment.

Castration is not actually a recent innovation. Compulsory castration, for instance, has been used as a punishment for crimes in all cultures dating back thousands of years. In Europe in the Middle Ages, the "eye for an eye" philosophy of *jus talionis* included castration as punishment for adultery or rape. In the 20th century, castration has been practiced in the Netherlands, Germany, Estonia, Iceland, Switzerland, and Scandinavia for rape, pedophilia and homosexuality.

The technology for castration has evolved considerably, and there is evidence that, in some circumstances, it can dramatically reduce the likelihood a sex offender will strike again.

More recently, research has produced powerful drugs, such as cyproproterone and medroxyprogesterone, which reversibly block testosterone production. The drugs' primary use in men is to control prostate cancer, but when injected daily or weekly they reduce testosterone to castration levels.

Surgical castration is less mutilating than it once was. Orchiectomy, as it is called is a day-surgery procedure done under local anesthesia. Each testicle is removed through a small scrotal incision similar to the kind made during a vasectomy.

In the US, castration laws are enforced with some variations. Florida requires judges to impose either injections or orchiectomy for repeat rapist. California does the same, but only for repeat child molesters. Montana allows, but does not require, judges to impose chemical castration on offenders who commit rape or incest after even one offense, if it is particularly heinous.


The justification over the imposition of castration as a form of penalty is that it controls sex offenders' irresistible urges to rape or molest again. Studies of the European experience would reinforce this. Of more than 700 Danish sex offenders castrated after multiple convictions, relapse rates dropped from between 17 percent and 50 percent to just 2 percent.

A Norwegian study showed the same for selected male and female sex offenders (the women had their ovaries removed). In smaller studies of cyproproterone in Scandinavia and Italy, chemical castration was equally effective in some groups of volunteer prisoners, with the most dramatic reductions among pedophiles.

These studies suggest the common argument – that rape is all about power, not sex, and therefore castration won't work – is wrong. Interestingly, a German study found that up to half of the castrated men still could have erections and sex, but their desire was weakened or even extinguished. Over 80 percent no longer masturbated while 70 percent gave up sex.

Given all these developments, the proposed measure aims to mandate castration for sex offenders with the end view of achieving the same result.

Immediate enactment of this bill is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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AN ACT
MANDATING CHEMICAL AND SURGICAL CASTRATION FOR SEX
OFFENDERS

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

SECTION 1. **Short Title.** - This Act shall be known as the "Women's Right Act".

SEC. 2. **Declaration of Policy.** - It is hereby declared as a policy of the State to protect women, particularly children, against any act of gender-based violence that results in, or is likely to result in physical, or psychological harm or suffering, whether occurring in public or private life.

SEC. 3. **Definition of Terms.** - As used in this Act, the following terms shall mean:

1. Chemical Castration - refers to the application of powerful drugs, such as cyproproterone and medroxyprogesterone, which reversibly block testosterone production or that which is responsible for determining an individual's sex drive.

2. Surgical Castration - refers to orchiectomy, a day-surgery procedure done under local anesthesia where each testicle is removed through a small scrotal incision similar to the kind made during a vasectomy.

SEC. 4. **Chemical Castration.** - (A) Any person found guilty of any sexual offense, defined and specified in the Revised Penal Code or any other special laws, except the crime of rape, may upon release from imprisonment, undergo medroxyprogesterone acetate treatment or its chemical equivalent, in addition to any other punishment prescribed for that offense or any other provision of law, at the discretion of the court.

(B) Any person found guilty of any sexual offense, defined and specified in the Revised Penal Code or any other special laws, except the crime of rape, where the victim is under twelve(12) years of age, shall upon release from imprisonment, undergo medroxyprogesterone acetate treatment or its chemical equivalent in addition to any other punishment prescribed for that offense or any other provision of law, at the discretion of the court..

(C) This section shall apply to the following offenses:

1. Articles 336, 337, 338, 339, 342, 343 of the Revised Penal Code;
2. R.A No. 7877; and
3. Any other provisions of law of similar character.

(D) Such person shall begin medroxyprogesterone acetate treatment one week prior to his or her release from

confinement and shall continue treatments until the court having original jurisdiction of his case has determined that such treatment is no longer necessary.

SEC. 5. ***Surgical Castration.*** - Any person found guilty of any crime of rape as defined and specified in the Revised Penal Code or any other special laws, shall upon conviction, undergo orchiectomy or its equivalent in addition to any other punishment prescribed for that offense or any other provision of law, at the discretion of the court.

SEC 6. ***Administration.*** - The Bureau of Jail Management and Penology shall, in coordination with government funded hospitals, administer and implement this Act. Nothing in this Act shall require an employee of the Bureau, who is a licensed physician or surgeon or any licensed physical or surgeon hired by the Bureau to participate against his or her will in the administration of the provisions of this Act.

SEC. 7. ***Information.*** - The Bureau of Jail Management and Penology shall inform the person undergoing treatment about the effect of hormonal chemical treatment and any side effects that may result . A person subject of this Act shall acknowledge the receipt of this information.

SEC. 8. ***Implementing Rules and Regulations.*** - The Bureau shall formulate and issue rules and regulations to carry out the provisions of this Act.

SEC. 9. **Appropriations.** - There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this Act.

SEC. 10. **Separability Clause.** - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 11. **Repealing Clause.** - All laws, rules and regulations, and municipal and city ordinances which may be inconsistent with this Act shall be deemed repealed, amended or modified accordingly.

SEC. 12. **Effectivity.** - This Act shall take effect fifteen (15) days following its complete publication in two newspapers of general circulation.

Approved,

GVL/tmd/gvlcastration