



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

13 SEP 11 P6:31

SENATE
S.B. No. 1648

RECEIVED BY. *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE


The 1987 Philippine Constitution affirmed the role of women in nation-building and endeavors to ensure the fundamental equality before the law of men and women. Despite major reforms in our laws to implement the State policy, there are still a number of discriminatory provisions under our laws which prejudice against women.

Act 3815, otherwise known as the Revised Penal Code, under Article 333 and Article 334 punishes the crime of adultery and concubinage. Adultery is committed by a married woman who shall have sexual intercourse with a man not her husband. On the other hand, concubinage is committed by the husband under circumstances provided under the law which are difficult to prove (*i.e.*, if the husband shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place). The penalty for adultery is remarkably higher than the penalty for concubinage.

These provisions which perpetuate discrimination against women are inconsistent with the policy of our law ensuring equality before the law. Thus, consistent with the declaration in Republic Act No. 9710, or the Magna Carta of Women, provisions of law which engender inequality should be abolished.

There have been, in the past, series of proposals to amend this anti-women provision in the Revised Penal Code. None however have been enacted into law. It is therefore strongly urged that the passing of this bill be granted utmost importance.

In view of the foregoing, the passage of this bill is earnestly recommended.


MARIA LOURDES S. BINAY
Senator



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1 ACT ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN ON
2 LAWS RELATING TO CRIMES AGAINST CHASTITY, AMENDING FOR THIS
3 PURPOSE ARTICLE 333 AND REPEALING ARTICLE 334 OF ACT 3815,
4 OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER
5 PURPOSES
6
7

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

10
11 **SECTION 1.** *Title.* Article 333 of Act 3815, otherwise known as the Revised Penal Code is
12 hereby amended to read as follows:
13

14 Art. 333. *Who are guilty of* **MARITAL INFIDELITY**. — **MARITAL INFIDELITY**
15 [Adultery] is committed by any married **PERSON** [woman] who shall have sexual
16 intercourse with [a man] **ANOTHER PERSON WHO IS** not **THE SPOUSE** [her
17 husband] and by the **OTHER PERSON** [man] who has carnal knowledge [of her]
18 knowing **SUCH PERSON** [her] to be married, even if the marriage be subsequently
19 declared void.

20
21 Adultery shall be punished by *prision correccional* in its medium and maximum
22 periods.
23

24 If the person guilty of [adultery] **MARITAL INFIDELITY** committed this offense
25 while being abandoned without justification by the offended spouse, the penalty next
26 lower in degree than that provided in the next preceding paragraph shall be imposed.
27

28 **SECTION 2.** Article 334 of Act 3815, otherwise known as the Revised Penal Code, is
29 hereby repealed.
30

31 **SECTION 3.** *Separability Clause.* If any portion or provision of this Act is declared void and
32 unconstitutional, the remaining portions or provisions hereof shall not be affected by such
33 declaration.
34

35 **SECTION 4.** *Repealing Clause.* All laws, decrees, orders, rules and regulations, other
36 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
37 modified accordingly.

1 **SECTION 5.** *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete
2 publication in at least two (2) national newspapers of general circulation.
3
4 Approved,