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SENATE
S.B. No 2187

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Introduced by SENATOR CYNTHIA A. VILLAR

**AN ACT
REPEALING ARTICLE 351 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED
PENAL CODE**

EXPLANATORY NOTE

Section 12 of RA 9710 particularly states that:

“The State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women within three (3) years from the effectivity of this Act.”

This law is in keeping with our commitment to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Republic Act No. 9710, otherwise known as The Magna Carta of Women, was passed into law. In its declared policies, it states that:

“[...] the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality.”

Thus, in furtherance of the foregoing, a review of the existing laws of the Philippines, particularly that of the RA 3815, otherwise known as the Revised Penal Code, would reveal the need to amend, if not repeal, several of its outdated provisions.

One in particular is Article 351, which penalizes any woman from contracting marriage within 300 days from the termination of her marriage. This provision is discriminatory for it curtails the right of a woman to marry under the stated circumstances when no such penalty is imposed on the man who does the same. Similarly, the effect of the provision is an enforced mourning period on the part of the woman although none is imposed on the man.

Granted, the purpose of the provision is the protection of lineage or avoiding confusion relative to paternity and filiation. However, this purpose is already met by the Family Code of the Philippines as it provides a sufficient framework to prevent doubtful paternity and protect the rights of common children may be achieved without restricting women’s right to remarry.¹

Thus, this bill seeks to do away with the discrimination perpetuated by this provision by expressly repealing the same. Passage of this bill is earnestly recommended.


CYNTHIA A. VILLAR

¹ Among others, these are Article 168 (providing the general rule on paternity and filiation in case a child is born under such circumstances), Article 170 and 171 (providing remedies to impugn the legitimacy of such child), Article 103 and 130 (prevents confusion on property relations as it imposes a complete separate of property regime on the property relations of subsequent marriages when the former marriage is not liquidated).

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



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1 **AN ACT**
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3 **REVISED PENAL CODE**
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in*
6 *Congress assembled:*
7

8 **SECTION 1.** Without prejudice to the provisions of Executive Order No. 209,
9 otherwise known as the Family Code of the Philippines, the Article 351² of Republic Act
10 No. 3815, as amended, otherwise known as the "Revised Penal Code" is hereby
11 repealed.

12 **SEC. 2.** All laws, decrees, executive orders, and rules and regulations that are
13 inconsistent with this Act are hereby repealed or modified accordingly.

14 **SEC. 3.** This Act shall take effect fifteen (15) days after its complete publication
15 in the Official Gazette or in at least two (2) national newspapers of general circulation,
16 whichever comes earlier.

17 Approved,

² ARTICLE 351. *Premature Marriages.* — Any widow who shall marry within three hundred and one days from the date of the death of her husband, or before having delivered if she shall have been pregnant at the time of his death, shall be punished by arresto mayor and fine not exceeding 500 pesos.

The same penalties shall be imposed upon any woman whose marriage shall have been annulled or dissolved, if she shall marry before her delivery or before the expiration of the period of three hundred and one days after the legal separation.