

13TH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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'04 JUN 30 P10:18

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SENATE

S. No. 754

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

Under Executive Order No. 209, also known as the Family Code, Articles 37 and 38, incestuous marriages are void *ab initio* for being contrary to public policy.

Act No. 3815, as amended, also known as the Penal Code, Article 335 par. 7 No. 1 imposes the death penalty for rape when "the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim."

However, under the abovementioned circumstances there is no law which penalizes sexual relations between consenting parties eighteen (18) years of age and above.

This bill criminalizes such sexual relations because they are contrary to public morals and public policy. It also responds to reports of rising incest statistics among families of overseas contract workers.


MANUEL B. VILLAR, JR.

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ANTI-INCEST ACT

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

- 1 SECTION 1. Short Title. This Act shall be known as the "Anti-Incest Act."
- 2 SECTION 2. Coverage. Incestuous sexual relations with consent are prohibited between the
3 following parties who have knowledge of their relationship and are eighteen (18) years of age
4 and above:
- 5 (a) Between ascendants and descendants of any degree;
- 6 (b) Between brothers and sisters, whether of the full or half blood;
- 7 (c) Between collateral blood relatives, whether legitimate or illegitimate, up to the fourth civil
8 degree;
- 9 (d) Between step-parents and step-children;
- 10 (e) Between parents-in-law and children-in-law;
- 11 (f) Between the adopting parent and the adopted child;
- 12 (g) Between the surviving spouse of the adopting parent and the adopted child;
- 13 (h) Between the surviving spouse of the adopted child and the adopter;
- 14 (i) Between an adopted child and a legitimate child of the adopter; and
- 15 (j) Between adopted children of the same adopter.
- 16 SECTION 3. Penalties. The ascendant, elder brother or sister, elder blood relative, step-parent,
17 parent-in-law, adopting parent, or surviving spouse of the adopting parent convicted under

1 Section 2 shall be punished by Prision Correccional in its minimum and maximum periods.

2 The descendant's younger brother or sister, younger blood relative, step-child, son or daughter-in-
3 law, the adopted, or the surviving spouse of the adopted shall be punished two degrees lower if
4 he or she is between the ages of eighteen (18) and twenty five (25) at the time of the sexual
5 relations.

6 The maximum penalty as provided in the above paragraph shall be imposed when the incestuous
7 sexual relations occur while the spouse of the ascendant, step-parent, parent-in-law, adopting
8 parent, or the adopted is employed in another city, municipality, or province, with a radius of at
9 least 150 kilometers from his or her habitual residence or is employed abroad.

10 SECTION 4. Separability Clause. If any provision, or part hereof, is held invalid or
11 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
12 valid and subsisting.

13 SECTION 5. Repealing Clause. Any law, presidential decree or issuance, executive order, letter
14 of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the
15 provisions of this Act is hereby repealed, modified, or amended accordingly.

16 SECTION 6. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication
17 in at least two (2) newspapers of general circulation.

Approved.