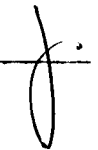


SEVENTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

16 JUL 18 P6:25

SENATE  
S. B. No. 409

RECEIVED BY: 

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**Introduced by SENATOR LOREN LEGARDA**

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**AN ACT CHANGING THE CRIME OF CONCUBINAGE INTO MARITAL INFIDELITY, AMENDING ARTICLES 333 AND 334 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE**

Explanatory Note

Even though there is no distinction between extramarital relations of a man from that of a woman, the country's current laws on concubinage and adultery under Articles 333 and 334 of the Revised Penal Code discriminates against women and violates Article II Section 14 of the 1987 Constitution which calls for fundamental equality before the law of women and men.

Apart from the higher penalty imposed on married women who commit infidelity as compared to married men, wives are burdened by higher evidentiary requirement in proving marital infidelity as compared to the husbands. While adultery by wives can be proven by circumstantial evidence, concubinage by husbands can only occur by proving that sexual intercourse with a woman who is not his wife happens "in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances,...or cohabit with her in any other place."

This measure seeks to address this by replacing the crimes of adultery and concubinage with marital infidelity and ensuring that punishment for the offending parties, whether husband or wife, shall be the same.

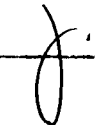
In order to address this outright gender bias, passage of this bill is earnestly requested.

  
**LOREN LEGARDA**  
Senator

16 JUL 18 P6:25

SENATE

S. B. No. 409

RECEIVED BY: 

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Introduced by SENATOR LOREN LEGARDA

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**AN ACT CHANGING THE CRIMES OF ADULTERY AND CONCUBINAGE INTO MARITAL INFIDELITY, AMENDING FOR THE PURPOSE ARTICLES 333 AND 334 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

1 **SECTION 1.** Title Eleven CRIMES AGAINST CHASTITY Chapter One  
2 ADULTERY AND CONCUBINAGE, is hereby amended to read as follows:  
3

4 "Title Eleven CRIMES AGAINST CHASTITY Chapter One  
5 [ADULTERY AND CONCUBINAGE] **MARITAL INFIDELITY**"  
6

7 **SEC. 2.** Articles 333 of Act No. 3815, as amended, otherwise known as  
8 the Revised Penal Code, is hereby repealed.  
9

10 **SEC. 3.** Article 334 of Act No. 3815, as amended, is hereby amended to  
11 read as follows:  
12

13 "Art. [334. Concubinage. - Any husband who shall keep a  
14 mistress in the conjugal dwelling, or shall have sexual intercourse, under  
15 scandalous circumstances, with a woman who is not his wife, or shall  
16 cohabit with her in any other place, shall be punished by prison  
17 correctional in its minimum and medium periods.] **333. MARITAL**  
18 **INFIDELITY SHALL BE COMMITTED BY ANY LEGALLY MARRIED**  
19 **PERSON WHO SHALL HAVE SEXUAL INTERCOURSE WITH ANOTHER**  
20 **PERSON OTHER THAN THE LEGAL SPOUSE, AND BY THE PERSON**  
21 **WHO HAS SEXUAL INTERCOURSE WITH THE MARRIED PERSON,**  
22 **KNOWING OR NOT KNOWING THAT PERSON TO BE LEGALLY**  
23 **MARRIED, EVEN IF THE MARRIAGE BE SUBSEQUENTLY DECLARED**  
24 **VOID.**  
25

26 **THE CRIME OF MARITAL INFIDELITY SHALL NOT BE**  
27 **PROSECUTED EXCEPT UPON COMPLAINT OF THE OFFENDED**  
28 **SPOUSE, PROVIDED THAT THE LATTER SHALL BE PROHIBITED**  
29 **FROM INSTITUTING CRIMINAL PROSECUTION IF SAID PARTY IS**  
30 **ALSO GUILTY OF COMMITTING THE SAME OFFENSE.**  
31

1                   **PARTIES FOUND GUILTY OF THE CRIME OF MARITAL**  
2 **INFIDELITY SHALL BE PUNISHED BY PRISION CORRECTIONAL IN**  
3 **ITS MINIMUM AND MEDIUM PERIODS.**

4  
5 **SEC. 4. Separability Clause.** – If any provision of this Act is declared  
6 unconstitutional, the same shall not affect the validity and effectivity of  
7 other provisions thereof.

8  
9 **SEC. 5. Effectivity.** – This Act shall take effect fifteen (15) days following  
10 its publication in at least two (2) newspapers of general circulation.

11  
12 Approved,