

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

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SENATE
S. B. No. 1407

RECEIVED BY: _____

Introduced by Senator Pangilinan

EXPLANATORY NOTE

Republic Act No. 8353 (RA 8353) or the "Anti - Rape Act of 1997" expanded the definition of rape to cover indignities that women suffer, which may be worse than non-consensual sex. With the advent of RA 8353, rape includes the insertion of the penis into another person's mouth or anal orifice, and the insertion of "any instrument or object, into the genital or anal orifice of another person."

However, on 28 September 2000, the Department of Justice (DOJ) issued Memorandum Circular No. 22, which provides guidelines on the interpretation of RA 83 53, and it concluded that "the insertion of a finger into a woman's vagina is not rape' under the said law.

With the DOJ's guidelines, an unusual situation arises where the insertion of any object into any orifice of a person qualifies as rape; but the insertion of a person's fingers alone will not. This interpretation defies common sense, and worse, suggest that the insertion of an assailant's finger is less offensive than the insertion of other objects or instrument into a woman's vagina. This interpretation also allows perpetrators of the act of inserting a finger into the vagina to be charged only with the lesser offense of "acts of lasciviousness."

Congress must act to repair the unsound interpretation of RA 8353.

In view of the foregoing, approval of this bill is urgently recommended.


FRANCIS N. PANGILINAN

SECTION 4. *Effectivity* - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,