

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

04 SEP 15 P 4:31

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SENATE

S. B. No. 1787

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The 1987 Constitution accords the highest recognition to the sanctity of the family as a basic autonomous social institution and foundation of our nation. Towards this end, the State is mandated to strengthen its solidarity and actively promote its total development, promote and protect the physical, moral, spiritual, intellectual and social well-being of the youth and defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

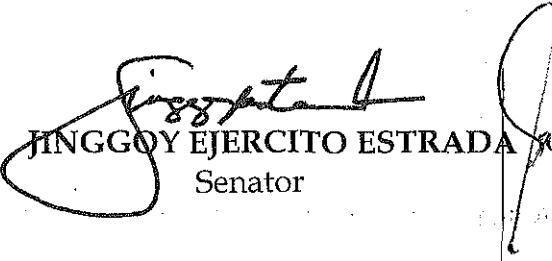
In his newspaper column, Justice Isagani Cruz once observed: "What makes incestuous rape doubly odious is the father's moral influence on the victim, who is thus, usually unable to resist his demands even without any force or intimidation being exerted on her. The poor girl simply yields because he is her father although she knows that what he is doing is wrong. What is worse is that if she does not tell on him, also because of his domineering authority, the usual consequence of her silence is to induce another attack."

Incestuous rape is difficult to punish because of the natural reluctance of the victim to report the foul act her father has committed. This reluctance may be due to physical fear of her molester, aversion to the visiting shame and scandal on herself and her family, unwillingness to put her father in prison, or uncertainty about her mother's reaction.

That reaction is not always indignation. While the victim's mother will normally be shocked and outraged and immediately report her husband to the authorities, some mothers have been known to berate their daughters for lying against their father. The wife will simply refuse to believe that her husband would do such a thing. A few will decide to just hush up the matter and have a "serious talk" with their husbands, hoping that this would end the problem once and for all. Others may do nothing at all because of their own fear of the rapist in the house.

In this sense, all of the individuals involved are liable, even the mothers. This bill seeks to uplift the courage of people to pursue justice in any way they can, given the information that they have.

In this regard, immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING ARTICLE 266-B OF THE REVISED PENAL CODE
AND FOR OTHER PURPOSES

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

SECTION 1. Article 266-B of the Revised Penal Code is hereby amended to read as follows:

"SEC. 266-B. - Penalties. - "xxx"

"xxx"

"xxx"

"xxx"

"xxx"

"xxx"

- 1) 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;

MOREOVER, ANY MOTHER WHO, IN AN INCESTUOUS RAPE, REFRAINS FROM INSTITUTING PROSECUTION FOR THE PUNISHMENT OF THE OFFENDER OR WHO TOLERATES THE COMMISSION OF THE SAME, SHALL SUFFER THE PENALTY OF TWELVE (12) TO TWENTY (20) YEARS OF

IMPRISONMENT AND A FINE RANGING FROM FIFTY THOUSAND (PHP 50,000) TO ONE HUNDRED FIFTY THOUSAND (PHP 150,000) PESOS AND SHALL BE PERPETUALLY DEPRIVED OF PARENTAL AUTHORITY. INCESTUOUS RAPE IS A CRIME COMMITTED BY THE LEGAL OR NATURAL FATHER, STEPFATHER OR DE FACTO FATHER LIVING WITH THE VICTIM AGAINST HIS "DAUGHTER.

THE TERM "MOTHER" UNDER THIS ACT INCLUDES THE NATURAL OR LEGAL MOTHER, STEPMOTHER OR ANY FEMALE PERSON IN WHOSE LEGAL CUSTODY THE VICTIM IS FOUND AT THE TIME OF THE COMMISSION OF THE INCESTUOUS RAPE.

"xxx"

SEC. 2. Repeal. - All Acts, executive orders, presidential decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 3. Effectivity. - This Act shall take effect after fifteen (15) days following the date of its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation, whichever comes first.

Approved,

SB-1287