
Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

The crime of premature marriages in the Revised Penal Code punishes any widow who shall marry within three hundred and one (301) 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, and 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 (301) days after the legal separation, with the penalty of *arresto mayor* and a fine not exceeding five hundred pesos (PhP500).

The purpose of the law in punishing premature marriages is to prevent doubtful paternity. It is intended to prevent confusion in connection with paternity and filiation, inasmuch as the widow might have conceived and become pregnant by her late husband or a woman might have conceived and become pregnant by her former husband in a previously annulled or dissolved marriage.

Given the available technology and conveniences of the present times where the issue of paternity and filiation may easily be resolved, the crime of premature marriages is no longer relevant. In the Family Code, there are no more restrictions for a widow or a woman from an annulled or dissolved marriage to marry again relative to the matter of paternity and filiation.

Art. 168 of the Family Code even creates a presumption that if the marriage is terminated and the mother contracted another marriage within three hundred days (300) days after such termination of the former marriage, in the absence of proof to the contrary, a child born before one hundred eighty (180) days after the solemnization of the subsequent marriage is considered to have been conceived during the former marriage, provided it be born within three hundred (300) days after the termination of the former marriage, while a child born after one hundred eighty (180) days following the celebration of the subsequent marriage is considered to have been conceived during such marriage, even though it be born within the three hundred (300) days after the termination of the former marriage. As civil law has recognized the contracting of a subsequent marriage by a woman within three hundred (300) days from the termination of the former marriage, criminal law should likewise be updated and the crime of premature marriages should be repealed.


RICHARD J. GORDON
Senator

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

SENATE
S. No. 1826

RECEIVED BY

Introduced by **Senator Richard J. Gordon**

**AN ACT REPEALING THE CRIME OF PREMATURE MARRIAGES IN ARTICLE 351 OF
THE REVISED PENAL CODE**

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

1 SECTION 1. The crime of Premature Marriages in Article 351 of the Revised Penal
2 Code is hereby repealed.

3 Sec. 2. *Effectivity.* – This Act shall take effect after fifteen (15) days following the
4 completion of its publication either in the Official Gazette or in a newspaper of general
5 circulation in the Philippines.

6 Approved,