

**SENATE**  
S.B. No. 416

'19 JUL 15 A8:53

---

Introduced by **SENATOR IMEE R. MARCOS**

RECEIVED BY: 

---

**AN ACT REDEFINING ADULTERY, FURTHER AMENDING FOR THIS  
PURPOSE REPUBLIC ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED  
PENAL CODE, AS AMENDED**

**EXPLANATORY NOTE**

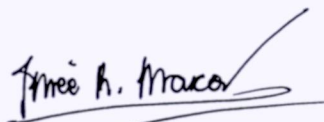
Section 14, Article II of the 1987 Constitution provides that "the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men."

Yet, under our existing laws, there is a sharp distinction between adultery or sexual infidelity committed by a man or a woman. A married woman may be charged for adultery by a single sexual act with a man other than her husband, the crime established by mere circumstantial evidence. On the other hand, the very public scenarios envisioned in the concubinage provision of the Revised Penal Code applied to married men are well-nigh impossible to establish.

Further, the law provides stiffer penalties for adultery than for concubinage.

This bill seeks to uphold gender equality as enshrined in the Constitution, making both married men and women liable for the crime of adultery.


Thus, to give truth and life to the Constitutional mandate that women and men be treated with fundamental equality under our laws, the passage of this bill is urgently recommended.



**IMEE R. MARCOS**  
Senator

'19 JUL 15 A 8 :53

SENATE  
S.B. No. 416

RECEIVED BY: 

---

Introduced by **SENATOR IMEE R. MARCOS**

---

**AN ACT REDEFINING ADULTERY, FURTHER AMENDING FOR THIS PURPOSE  
REPUBLIC ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL  
CODE, AS AMENDED**

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

1 SECTION 1. Article 333, Chapter One, Title Eleven, Book II of Republic Act No.  
2 3815, otherwise known as the Revised Penal Code, as amended, is hereby amended  
3 to read as follows:

4 "Article 333. *Who are guilty of adultery.* - Adultery is committed by any married  
5 [woman] **PERSON** who shall have sexual intercourse with a [man] **PERSON** not **HIS**  
6 **OR** her [husband] **SPOUSE** and by the [man] **PERSON** who has carnal knowledge of  
7 **HIM OR** her, knowing **HIM OR** her to be married, even if the marriage be  
8 subsequently declared void.

9 xxx

10 Sec. 2. Article 334 (Concubinage), Chapter One, Title eleven, Book II of Republic  
11 Act No. 3815, as amended, is hereby repealed.

12 Sec. 3. The succeeding articles of the Revised Penal Code are hereby  
13 renumbered accordingly.

14 Sec. 4. The first two paragraphs of Article 344 of the Revised Penal Code are  
15 hereby amended as follows:

16 "Article 344. *Prosecution of the crimes of adultery, [concubinage,] seduction,*  
17 *abduction, rape and acts of lasciviousness.* - The crime[s] of adultery [and  
18 concubinage] shall not be prosecuted except upon a complaint filed by the offended  
19 spouse.

20 The offended party cannot institute criminal prosecution without including both  
21 the guilty parties, if they are both alive, nor, [in any case,] if he **OR SHE** shall have  
22 consented or pardoned the offenders, **NOR IF HE OR SHE IS LIKEWISE GUILTY OF**

1 **ADULTERY, AND NOR IF HE OR SHE HAS ABANDONED HIS OR HER SPOUSE**  
2 **WITHOUT JUST CAUSE FOR A PERIOD OF NOT LESS THAN ONE YEAR.**

3       *Sec. 5. Separability Clause.* – If any portion or provision of this Act is declared  
4 unconstitutional, the remainder of this Act or any provision not affected thereby shall  
5 remain in force and effect.

6       *Sec. 6. Repealing Clause.* – Any law or parts thereof inconsistent with any  
7 provision of this Act shall be deemed repealed, but without prejudice to any liability  
8 under special laws.

9       *Sec. 6. Effectivity.* – This Act shall take effect after fifteen (15) days following its  
10 publication in at least two newspapers of general circulation.

11

12       Approved,