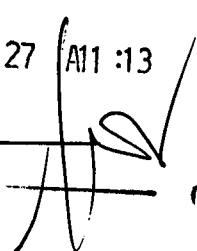




SENATE

20 APR 27 11:13

S.B. No. 1447

RECEIVED BY: 

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT

EXTENDING THE PRESCRIPTIVE PERIOD OF OFFENSES UNDER THE VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT, THE CRIME OF RAPE AND THE CRIMES CHARACTERIZED AS CRIMES AGAINST CHASTITY UNDER TITLE ELEVEN OF THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE SECTION TWENTY-FOUR OF REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004," AND ARTICLE 90 OF THE REVISED PENAL CODE, AS AMENDED.

EXPLANATORY NOTE

Article II, Section 14 of the 1987 Constitution recognizes the role of women in nation-building and ensures the fundamental equality before the law of women and men.

Violence against women (VAW) is one of the most prevalent social problems in the country. The Philippine Commission for Women (PCW) pointed out that the cause of VAW lies on the unequitable relationship between men and women, and archaic societal norms. Despite the country's unwavering efforts to develop effective legislation, inequities in power – economic, social, and financial, persist.

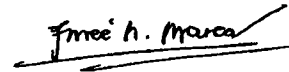
The Philippine 2017 National Demographic and Health Survey shows that seventeen percent (17%) of women age 15 to 49 experienced physical violence, and about 1 in 20 women endured some form of sexual violence. Strikingly, 1 in 4 married women endured physical, sexual, or emotional violence inflicted by their husband or partner.

The fear of reporting to and seeking assistance from proper authorities is one of the perennial challenges in domestic and sexual violence incidents. Psycho-social syndromes, such as the 'battered woman' and other trauma prevent victims from reporting these crimes for years on end, such that surveys reveal a mere 1/3 of women seek help, while the rest never sought help.

The infamous conviction of Harvey Weinstein, a former American film producer just this year, underlies the need and impossibility for a victim to break her silence and bring the case to court. In 2017, records reveal that while dozens of women had accused the latter of rape, sexual assault, and sexual abuse over a period of at least thirty years, they were barred by statute of limitations from pursuing criminal charges.

This bill thus seeks to amend Section 24 of Republic Act No. 9262 otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004," and article 90 of the Revised Penal Code by extending the prescriptive period of, and by making imprescriptible, certain offenses and crimes committed against women and children. The bill acknowledges the overwhelming psychological cost and social punishment that renders women and children unable to file said cases in court at the required period set by existing laws. If enacted into law, the State will no longer lose its right to prosecute the offenders and, shall be better able to protect women and children who have been victimized and silenced for too long.

Thus, the passage of this bill is earnestly sought.

A handwritten signature in black ink, reading "Imee R. Marcos", is written over a horizontal line.

IMEE R. MARCOS
Senator

SENATE

20 APR 27 A11 :13

S.B. No. 1447

RECEIVED BY

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
EXTENDING THE PRESCRIPTIVE PERIOD OF OFFENSES UNDER THE
VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT, THE CRIME OF
RAPE AND THE CRIMES CHARACTERIZED AS CRIMES AGAINST CHASTITY
UNDER TITLE ELEVEN OF THE REVISED PENAL CODE, AMENDING FOR THE
PURPOSE SECTION TWENTY-FOUR OF REPUBLIC ACT NO. 9262,
OTHERWISE KNOWN AS THE
"ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004,"
AND ARTICLE 90 OF 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. Section 24 of Republic Act No. 9262, otherwise known as the "Anti-
2 Violence Against Women and Their Children Act Of 2004," shall be amended to read
3 as follows:

4
5 **"SEC. 24. Prescriptive Period.** – Acts falling under Sec. 5(a)
6 to 5(f) shall prescribe in twenty (20) years. Acts falling under Sec. 5(g)
7 to 5(i) shall prescribe in ten (10) years.
8

9 **"PROVIDED, THAT WHEN THE OFFENDER IN THE ACTS**
10 **FALLING UNDER SEC. 5(A) TO 5(G) IS A PARENT, ASCENDANT,**
11 **STEP-PARENT, GUARDIAN, RELATIVE WITHIN THE FOURTH**
12 **CIVIL DEGREE OF CONSANGUINITY OR AFFINITY OF THE**
13 **OFFENDED PARTY, OR HAVING AUTHORITY, INFLUENCE OR**
14 **MORAL ASCENDANCY OVER THE OFFENDED PARTY IN A WORK**
15 **OR TRAINING OR EDUCATION ENVIRONMENT, THE OFFENSE**
16 **SHALL BE IMPRESCRIPTIBLE AND THOSE FALLING UNDER**
17 **SEC. 5(H) TO 5(I) SHALL PRECRIBE IN TWENTY YEARS."**
18

19 Section 2. Art. 90 of the Revised Penal Code, as amended by Republic
20 Act No. 4661" shall be further amended to read as follows:
21

1 **"Art. 90. Prescription of crimes.**—Crimes punishable by
2 death, *reclusion perpetua* or *reclusion temporal* shall prescribe in twenty
3 years.

4
5 Crimes punishable by other afflictive penalties shall prescribe in
6 fifteen years.

7
8 Those punishable by a correctional penalty shall prescribe in ten
9 years; with the exception of those punishable by *arresto mayor*, which
10 shall prescribe in five years.

11
12 The crime of libel or other similar offenses shall prescribe in one
13 year.

14
15 The offenses of oral defamation and slander by deed shall
16 prescribe in six months.

17
18 Light offenses prescribe in two months.

19
20 **"PROVIDED, THAT WHEN THE OFFENDER IN THE**
21 **CRIMES AGAINST CHASTITY IS A PARENT, ASCENDANT, STEP-**
22 **PARENT, GUARDIAN, RELATIVE BY CONSANGUINITY OR**
23 **AFFINITY WITHIN THE FOURTH CIVIL DEGREE, OR A PERSON**
24 **HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY**
25 **OVER THE OFFENDED PARTY IN A WORK OR TRAINING OR**
26 **EDUCATION ENVIRONMENT, THE CRIME IRRESPECTIVE OF**
27 **THE PENALTY SHALL PRESCRIBE IN 20 YEARS; PROVIDED**
28 **FURTHER, THAT IN THE CRIME OF RAPE, WHETHER**
29 **ATTEMPTED OR CONSUMMATED COMMITTED BY THE SAID**
30 **OFFENDER, THE CRIME SHALL BE IMPRESCRIPTIBLE."**

31
32 When the penalty fixed by law is a compound one, the highest
33 penalty shall be made the basis of the application of the rules contained
34 in the first, second, and third paragraphs of this article

35 Section 3. *Repealing Clause.* – All laws, presidential decrees, letters of
36 instructions, executive orders, rules and regulations insofar as they are inconsistent
37 with this Act, are hereby repealed or amended as the case maybe.

38 Section 4. *Separability Clause.* – In case any provision of this Act or any portion
39 thereof is declared unconstitutional by a competent court, other provisions shall not
40 be affected thereby.

41 Section 5. *Effectivity Clause.* – This Act shall take effect after its complete
42 publication in at least three (3) newspapers of general circulation.

Approved,