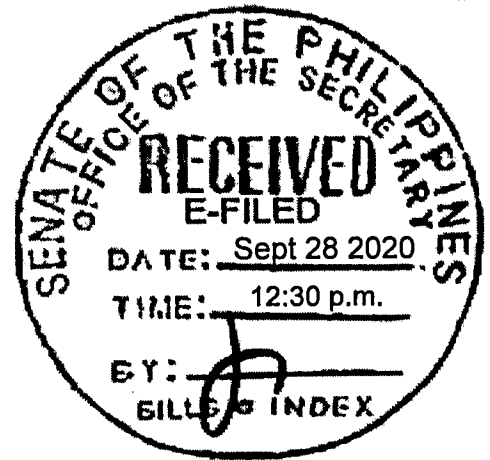


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
S.B. No. 1853

Introduced by **Senator Richard J. Gordon**

AN ACT INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION TO PROTECT CHILDREN AND AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE, AND REPUBLIC ACT NO. 7610, ALSO KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT.



EXPLANATORY NOTE

Article II, Section 13 of the 1987 Constitution provides that, "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

The Philippines is a party to the Convention on the Rights of a Child which obliges all State parties to take all measures to protect children from all forms of sexual exploitation and sexual abuse. Children experience sexual violence in a variety of settings, perpetrated by family members, partners, peers and strangers.

The first National Baseline Study on Violence Against Children conducted in 2015, which was led by the Council for the Welfare of Children (CWC) revealed that one in every five children (17.1%) aged 13-17 years old experienced sexual violence, while 124 (one in 25 or 3.2%) of all respondents experienced forced consummated sex during childhood. The study also revealed that the perpetrators are often family members and that more boys (65.2%) than girls (60.4%) reported experiencing sexual violence.

The Philippines has one of the lowest age of sexual consent in the world. The Revised Penal Code of the Philippines provides that statutory rape is committed when the offended party is under 12 years of age.

This bill seeks to provide stronger protection for children from sexual abuse. It accordingly aims to increase to fifteen (15) years from the current twelve (12) years the age for determining the crime of statutory rape and other acts of sexual abuse and exploitation, wherein for reasons of his or her age, the consent of the victim, even if present or was presumed given, cannot be used in defense of the offender.

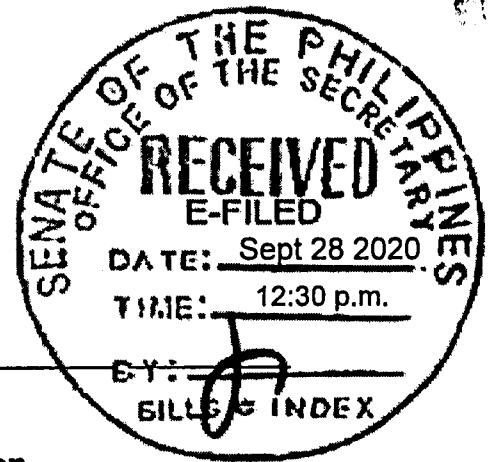
This bill seeks to ensure that the appropriate protection against sexual violence will be prioritized and gifted to every child in the Philippines.

It is for the reasons stated above that the passage of this measure is earnestly sought.



RICHARD J. GORDON
Senator

EIGHTEENTH CONGRESS OF THE)
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S. No. 1853

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

1 **SECTION 1.** *Title* - This Act shall be known as the "Age of Statutory Rape and Other
2 Sexual Abuse Act."
3

4 **SEC. 2.** Article 266-A (1)(d) of Republic Act No. 3815, otherwise known as the Revised
5 Penal Code, is hereby amended to read as follows:
6

7 "Article 266-A. Rape - When and How Committed. Rape is committed:
8

9 1) By a man who shall have carnal knowledge of a woman under any of the
10 following circumstances:
11

12 xxx
13

14 (d) When the offended party is under FIFTEEN (15) [~~twelve~~]
15 years of age or is demented, even though none of the
16 circumstances mentioned above be present."
17

18 **SEC. 3.** Article 337 of Republic Act No. 3815, otherwise known as the Revised Penal
19 Code, is hereby amended to read as follows:
20

21 "Article 337. Qualified Seduction. - The seduction of a virgin FIFTEEN (15)
22 [~~over twelve~~] years and under eighteen years of age, committed by any person
23 in public authority, priest, home-servant, domestic, guardian, teacher, or any
24 person who, in any capacity, shall be entrusted with the education or custody
25 of the woman seduced, shall be punished by *prision correccional* in its
26 minimum and medium periods.
27

1 xxx."
2

3 **SEC. 4.** Article 338 of Republic Act 3815, otherwise known as the Revised Penal Code,
4 is hereby amended to read as follows:
5

6 "Article 338. Simple Seduction. - The seduction of a woman who is single or a
7 widow of good reputation, FIFTEEN (15) ~~{over-twelve}~~ but under eighteen
8 years of age, committed by means of deceit, shall be punished by *arresto*
9 *mayor*."
10

11 **SEC. 5.** Article 342 of Republic Act No. 3815, otherwise known as the Revised Penal
12 Code, is hereby amended to read as follows:
13

14 "Article 342. Forcible abduction. - The abduction of any woman against her will
15 and with lewd designs shall be punished by reclusion temporal.
16

17 The same penalty shall be imposed in every case, if the female abducted be
18 under FIFTEEN (15) ~~{twelve}~~ years of age."
19

20 **SEC. 6.** Article 343, otherwise known as the Revised Penal Code, is hereby amended
21 as follows:
22

23 "Article 343. Consented abduction - The abduction of a virgin FIFTEEN (15)
24 ~~{over-twelve}~~ years and under eighteen years of age, carried out with her
25 consent and with lewd designs, shall be punished by the penalty of *prision*
26 *correctional* in its minimum and medium periods."
27

28 **SEC. 7.** Section 5 of Republic Act No. 7610, otherwise known as the Special Protection
29 of Children Against Abuse, Exploitation and Discrimination Act, is hereby amended to
30 read as follows:
31

32 "Section 5. Child Prostitution and Other Sexual Abuse. - Children, whether
33 male or female, who for money, profit, or any other consideration or due to
34 the coercion or influence of any adult, syndicate or group, indulge in sexual
35 intercourse or lascivious conduct, are deemed to be children exploited in
36 prostitution and other sexual abuse.
37

38 xxx
39

40 (b) Those who commit the act of sexual intercourse of lascivious
41 conduct with a child exploited in prostitution or subject to other
42 sexual abuse; Provided, That when the victims is under FIFTEEN (15)
43 ~~{twelve-(12)}~~ years of age, the perpetrators shall be prosecuted
44 under Article 335, paragraph 3, for rape and Article 336 of Act No.
45 3815, as amended, the Revised Penal Code, for rape or lascivious
46 conduct, as the case may be: Provided, That the penalty for

1 lascivious conduct when the victim is under FIFTEEN (15) {~~twelve~~
2 (~~12~~)} years of age shall be *reclusion temporal* in its medium period;
3 and

4
5 xxx"
6

7 **SEC. 8.** Section 10 of Republic Act No. 7610, is hereby amended to read as follows:
8

9 "Section 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other
10 Conditions Prejudicial to the Child's Development. –

11
12 xxx

13
14 (b) Any person who shall keep or have in his company a minor,
15 FIFTEEN (15) {~~twelve~~ (~~12~~)} years or under or who in ten (10) years
16 or more his junior in any public or private place, hotel, motel, beer
17 joint, discotheque, cabaret, pension house, sauna or massage parlor,
18 beach and/or other tourist resort or similar places shall suffer the
19 penalty of *prision mayor* in its maximum period and a fine of not less
20 than Fifty Hundred Thousand Pesos (P50,000): Provided, That this
21 provision shall not apply to any person who is related within the
22 fourth degree of consanguinity or affinity or any bond recognized by
23 law, local custom and tradition or acts in the performance of a social,
24 moral or legal duty.

25
26 xxx"
27

28 **SEC. 9. Repealing Clause.** - Republic Act No. 7610, Section 5(b) and Section 10(b),
29 Republic Act No. 3815, Articles 337, 338, 339, 340, 342 and 343, and all laws, acts,
30 presidential decrees, executive orders, administrative orders, rules and regulations or
31 other issuances inconsistent with or contrary to the provisions of this Act are hereby
32 amended, modified or repealed accordingly.
33

34 **SEC. 10. Separability Clause.** - If any provision of this Act is held invalid or
35 unconstitutional, the remainder of the Act or the provision not otherwise affected shall
36 remain valid and subsisting.
37

38 **SEC. 11. Effectivity Clause.** This Act shall take effect fifteen (15) days after
39 publication in the Official Gazette or in at least two (2) newspapers of general
40 circulation.
41

42
43 Approved