

CONGRESS OF THE PHILIPPINES
EIGHTEENTH CONGRESS
Third Regular Session

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SENATE

S. No. 2332

(IN SUBSTITUTION OF SENATE BILL NOS. 163, 305, 622, 739,
762, 744, 1258 AND 1853)

PREPARED BY THE COMMITTEES ON JUSTICE AND HUMAN RIGHTS; AND WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY WITH SENATORS HONTIVEROS, ZUBIRI, DE LIMA, GATCHALIAN, BINAY, MARCOS, REVILLA JR., GORDON, PANGILINAN, VILLANUEVA, CAYETANO AND POE AS AUTHORS

AN ACT INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION TO PROTECT CHILDREN, AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE, REPUBLIC ACT NO. 8353, ALSO KNOWN AS THE ANTI-RAPE LAW OF 1997, AND REPUBLIC ACT NO. 7610, ALSO KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT

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

1 SECTION 1. Article 266-A (1)(d) of Act No. 3815,
2 otherwise known as “The Revised Penal Code,” as amended
3 by Republic Act No. 8353 otherwise known as “The Anti-
4 Rape Law of 1997,” is hereby further amended to read as
5 follows:

6 “Article 266-A. *Rape – When and How*
7 *Committed.* Rape is committed:

8 (1) By a [~~man~~] PERSON who shall have carnal
9 knowledge of [~~a woman~~] ANOTHER PERSON under
10 any of the following circumstances:

11 X X X

12 (d) When the offended party is [~~under~~ ~~twelve~~
13 ~~(12)] SIXTEEN (16) years of age AND BELOW or is~~
14 demented, even though none of the circumstances
15 mentioned above be present: *PROVIDED, THAT*
16 *THERE SHALL BE NO CRIMINAL LIABILITY ON*
17 *THE PART OF THE PERPETRATOR IF THE*
18 *VICTIM IS SIXTEEN (16) YEARS OF AGE AND*
19 *BELOW; THE AGE DIFFERENCE BETWEEN THE*
20 *VICTIM AND THE PERPETRATOR IS NOT MORE*

1 THAN THREE (3) YEARS; AND THE SEXUAL
2 ACT IN QUESTION IS PROVEN TO BE
3 CONSENSUAL: *PROVIDED, FURTHER*, THAT IF
4 THE VICTIM IS THIRTEEN (13) YEARS OF AGE
5 OR BELOW, THIS EXCEPTION SHALL NOT
6 APPLY.

7 SEC. 2. *Amendatory Clause.* – For purposes of
8 aligning the age of consent as provided under this Act, the
9 provisions of the following laws are hereby amended
10 accordingly:

11 (1) Articles 337, 338, 339, 340, 342 and 343 of Act
12 No. 3815 or The Revised Penal Code; and

13 (2) Section 5 (b), 7, 9 and 10 (b) of Republic Act No.
14 7610 or the “Special Protection of Children Against Abuse,
15 Exploitation and Discrimination Act”.

16 All laws, decrees or rules inconsistent with the
17 provisions of this Act are hereby modified accordingly.

18 SEC. 3. *Separability Clause.* – If any provision of
19 this Act is held invalid or unconstitutional, the remainder

1 of the Act or the provision not otherwise affected shall
2 remain valid and subsisting.

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

Approved,