

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )

24 SEP 25 7:40

SENATE

S. No. 2841



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Introduced by SENATOR RAMON BONG REVILLA, JR.

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**AN ACT**  
**FURTHER EXPANDING THE DEFINITION OF THE CRIME OF RAPE, AMENDING**  
**FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS**  
**THE REVISED PENAL CODE, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Rape remains to be among the most prevalent crimes in the Philippines.<sup>1</sup> The Philippine National Police (PNP) presented their data earlier this year which revealed that there were 9,387 cases of rape reported in 2023 that translate to almost 26 people being victimized every day.<sup>2</sup>

Such heinous crime violates the human rights of victims, and leaves in its wake wounds of trauma which not even time can heal. While we have already made significant strides in legislation to give more protection against rape, over the years, acts of sexual abuse leave gray areas with the tendency of giving perpetrators a free pass, which prevents justice from being fully attained.

Historically speaking, Philippine law used to treat rape as a crime against chastity, where only females can be victims. This left victims from the opposite sex especially vulnerable to sexual attacks without any recourse. With the amendment of the Revised Penal Code under Republic Act No. 8353, or The Anti-Rape Law of 1997, the crime of rape has been classified as a crime against persons which could then be

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<sup>1</sup> Dela Peña, K. *Rape declines, but numbers don't tell the story: Sexual violence still pervasive*. Inquirer.net. Retrieved from: <https://newsinfo.inquirer.net/1715756/rape-declines-but-numbers-dont-tell-the-story-sexual-violence-still-pervasive#ixzz8ilM6RBjV>

<sup>2</sup> Abad, M. *How can Philippine laws better protect rape victims*. Rappler. Retrieved from: <https://www.rappler.com/newsbreak/iq/how-can-philippine-laws-better-protect-rape-victims/>

committed against any person, no matter the gender or sexual orientation. However, as currently worded, there remains gaps in the law which fail to not only be gender sensitive, but ultimately, gender-neutral.

“Gender neutrality within rape statutes is the concept that the criminal law should recognize that both men and women can be rape victims as well as perpetrators. Gender neutrality within rape reflects modern understandings of the nature, effects, and dynamics of nonconsensuai penetrative sex acts, and is an evidence-led means of appropriately labeling criminal conduct.”<sup>3</sup>

Globally, the trend is towards introducing reforms through legislation that would protect the rights of victims no matter their gender. It cannot be gainsaid that rape is genderless, and that our laws must adapt gender neutrality in order to protect the entire population. And this is exactly what this measure seeks to stress. This proposed measure reflects the State’s response to the realities that victims endure. It is hoped that its eventual enactment will allow victims to find refuge in a law that treats acts of sexual assault forced on unwilling victims equally grave offenses regardless of the victim and the perpetrator’s gender or sexual orientation.

In addition, considering the circumstances usually surrounding rape cases, it is proposed that the lack of resistance should not be taken against victims. Sexual intercourse that is not consensual, regardless of the absence of resistance, should not automatically give rise to a presumption of consent. This reiterates the most recent Supreme Court ruling in *People v. ZZZ*<sup>4</sup>, where it said that, if the law is to be interpreted that resistance must first be proved otherwise the victim is deemed to have consented to the sexual assault, we become complicit to an interpretation that is simply unacceptable in any civilized society. The Court even went as far to say that “in many rape cases, the assailant is someone the victim knows and it is not unusual that the victim is often already subjected to abuse. To demand tenacious physical resistance from these victims worsens the impact of the rape.”

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<sup>3</sup> Rumney, P. “*In Defence of Gender Neutrality Within Rape.*” *Seattle Journal for Social Justice*, Volume 6 Issue 1 (2007). Retrieved from:

<https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1546&context=sjsj>

<sup>4</sup> G.R. No. 266706 (2004)

It is stressed that not all victims react the same way. “Some people may cry out, some may faint, some may be shocked into insensibility, while others may appear to yield to intrusion.”<sup>5</sup> Rape is inherently evil and cruel – so much, that the reaction of victims should not be trivialized; or even worse, be taken against them. No matter the victim, no matter the circumstance, it must be dealt with to the full extent of the law.

In view of the foregoing, approval of this measure is most earnestly sought.

  
**RAMON BONG REVILLA, JR.<sup>a</sup>**

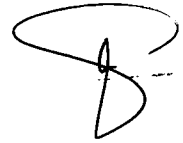
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<sup>5</sup> *People v. Bisora*; G.R. No. 218942 (2017).

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**SENATE**

S. No. ~~2841~~



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FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS  
THE REVISED PENAL CODE, AND FOR OTHER PURPOSES**

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

1           Section 1. Article 266-A of the Revised Penal Code as amended, is hereby  
2 amended to read as follows:

3                   "Article 266-A. *When and How Committed.* – Rape is committed:

4                                   xxx

5                                   **2. BY ANY PERSON WHO COMMITS AN ACT OF SEXUAL**  
6                                   **ASSAULT BY:**

7                                   a. **INSERTING HIS PENIS OR ANY OTHER BODY PART**  
8                                   **INTO ANOTHER PERSON'S ORAL OR ANAL ORIFICE;**

9                                   b. **INSERTING AN INSTRUMENT OR OBJECT, INTO THE**  
10                                   **GENITAL, ANAL, OR ORAL ORIFICE OF ANOTHER**  
11                                   **PERSON; OR**

12                                   c. **CAUSING THE INSERTION OF ANOTHER'S PENIS OR**  
13                                   **ANY OTHER BODY PART INTO HIS/HER GENITAL,**  
14                                   **ORAL, OR ANAL ORIFICE.**

1                   **3. CAUSING TWO OR MORE PERSONS TO ENGAGE IN**  
2 **SEXUAL ACTS, OR THEIR PERFORMANCE OF ANY OF THE**  
3 **AFOREMENTIONED ACTS THROUGH FORCE, THREAT,**  
4 **INTIMIDATION, VERBAL PRESSURE, PERSUASION, COERCION,**  
5 **ADMINISTRATION OF ALCOHOL, DRUGS OR SIMILAR**  
6 **SUBSTANCES RESULTING IN THE DEPRIVATION OF REASON, OR**  
7 **THROUGH FRAUDULENT MACHINATION OR GRAVE ABUSE OF**  
8 **AUTHORITY, EVEN IF THE PERPETRATOR DOES NOT**  
9 **PHYSICALLY PARTICIPATE.**

10           Sec. 2. Article 266-D of the Revised Penal Code as amended, is likewise  
11 hereby amended to read as follows:

12           Article 266-D. Presumptions. Any physical overt act manifesting  
13 resistance against the act of rape in any degree from the offended party,  
14 or where the offended party is so situated as to render him/her incapable  
15 of giving valid consent, may be accepted as evidence in the prosecution  
16 of the acts punished under Article 266-A.

17           **THE ABSENCE OF ANY FORM OF RESISTANCE SHALL NOT BE**  
18 **AUTOMATICALLY CONSTRUED AS CONSENT ON THE PART OF**  
19 **THE VICTIM. MOREOVER, IN CASES COMMITTED THROUGH**  
20 **FORCE, THREAT, OR INTIMIDATION, PROOF OF RESISTANCE**  
21 **SHALL NOT BE REQUIRED, PROVIDED, THAT SUCH FORCE,**  
22 **THREAT, OR INTIMIDATION WAS COMPELLING ENOUGH TO**  
23 **PREVENT THE VICTIM FROM ASSERTING HIS/HER WILL.**  
24 **PROVIDED FURTHER, THAT, THE EXISTENCE OF SUCH FORCE,**  
25 **THREAT OR INTIMIDATION IS DETERMINED FROM THE**  
26 **PERSPECTIVE OF THE VICTIM GIVEN, AMONG OTHER**  
27 **CONSIDERATIONS, THE CIRCUMSTANCES OF THE RAPE,**  
28 **HIS/HER RELATIONSHIP TO THE ASSAILANT, HIS/HER STATE OF**  
29 **MIND, AND THE DISPARITY IN THE ASSAILANT AND THE VICTIM'S**  
30 **PHYSICAL STRENGTH.**

1            **Sec. 3. *Separability Clause.*** – If any provision or part hereof is held invalid or  
2 unconstitutional, the remainder of the law or the provision or part not otherwise  
3 affected shall remain valid and subsisting.

4            **Sec. 4. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or  
5 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

6            **Sec. 5. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication  
7 in the *Official Gazette* or in two (2) newspapers of general circulation.

***Approved,***