

SENATE
S.B. No. 2922

FILE



INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT
ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN ON LAWS
RELATING TO CRIMES AGAINST CHASTITY, AMENDING FOR THIS PURPOSE
ARTICLE 333 AND REPEALING ARTICLE 334 OF ACT 3815, OTHERWISE
KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Under Art. II, Sec. 14 of the 1987 Constitution, it is the policy of the state to ensure the fundamental equality before the law of women and men. With the invaluable worth of women in our society, their fundamental role in nation building is also enshrined in the Constitution. Despite this, discriminatory provisions which prejudice women remain under our laws.

The Revised Penal Code provides for adultery and concubinage as crimes against chastity. Adultery is committed by any married woman who shall have sexual intercourse with a man not her husband and by the man who has carnal knowledge of her knowing her to be married, even if the marriage be subsequently declared void. On the other hand, concubinage is committed by any married man who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place.

With its elements, the crime of concubinage is harder to prove than adultery. There is also a heavier punishment for adultery than concubinage. A married woman

who commits adultery shall be punished by prision correccional in its medium and maximum periods. On the other hand, a married man who commits concubinage shall be punished by prision correccional in its minimum and medium periods.

These discriminatory provisions must be repealed. Consistent with the Magna Carta of Women, the provisions of our law must uphold the equality of women and men.

In view of the foregoing, the passage of this bill is earnestly sought.


RISA HONTIVEROS
Senator

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

1 SECTION 1. Article 333 of the Revised Penal Code, is hereby deleted in its
2 entirety and replaced with the following:

3 Article 333. Marital Infidelity. - Marital infidelity is committed by any
4 married person who shall have sexual intercourse with another person
5 who is not such person's spouse and by the other person whom the
6 offender has sexual intercourse with, knowing the offender to be
7 married, even if the marriage be subsequently declared void.

8 Marital infidelity shall be punished by prision correccional in its medium
9 and maximum periods.

10 Sec. 2. Article 334 of the Revised Penal Code is hereby repealed.

11 SECTION 3. The first two paragraphs of Article 344 of the Revised Penal
12 Code are hereby amended to read as follows:

13 Article 344. Prosecution of the crimes of [~~adultery, concubinage~~]
14 MARITAL INFIDELITY, seduction, abduction, rape, and acts of
15 lasciviousness. - The crime[s] of **MARITAL INFIDELITY** shall not be
16 prosecuted except upon a complaint filed by the offended spouse. **THE**
17 **OFFENDED SPOUSE MAY INSTITUTE CRIMINAL PROSECUTION**

1 **AT THE PLACE OF HIS OR HER RESIDENCE AT THE TIME THE**
2 **OFFENSE WAS COMMITTED.**

3 The offended party cannot institute criminal prosecution **(i)** without
4 including both the guilty parties, if they are both alive; ~~[nor, in any case,~~
5 **] (ii) if he OR SHE** shali have consented or pardoned the offenders;
6 **(iii) IF HE OR SHE IS LIKEWISE GUILTY OF MARITAL**
7 **INFIDELITY; (iv) OR IF HE OR SHE HAS ABANDONED HIS OR**
8 **HER SPOUSE WITHOUT JUST CAUSE FOR A PERIOD OF AT**
9 **LEAST ONE YEAR.**

10 Sec. 4. Effect on Pending Cases - All pending cases under the provisions
11 of Article 333 and Article 334 of the Revised Penal Code on Adultery and
12 Concubinage prior to its amendment by this Act shali be dismissed upon
13 effectivity of this Act.

14 Sec. 5. Separability Clause. - If, for any reason, any provision of this Act
15 is declared to be unconstitutional or invalid, the other sections or provisions
16 hereof which are not affected thereby shall continue to be in full force or effect.

17 Sec. 6. Repealing Clause. - All laws; decrees, orders, rules and
18 regulations or parts thereof which are Inconsistent with or contrary to the
19 provisions of this Act are hereby repealed, amended, or modified accordingly.

20 Sec. 7. Effectivity. - This Act shail take effect fifteen (15) days after its
21 complete publication in the Official Gazette or in a national newspaper of
22 general circulation.

Approved,