

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

7 JUL -4 1922

SENATE

RECEIVED BY



Senate Bill No. 1038

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

Forcible or violent violation of a woman's chastity under any circumstance is a most detestable crime (**See, People vs. Barbo, 56 SCRA 459, 467 citing Blackstone**). Indeed, it is declared an heinous crime and penalized, in qualified cases, with the penalty of death (**Art. 335 of the Revised Penal Code as amended by R.A. 7659**).

Cursory review of our penal statutes reveals that sexual violation of or sexual intercourse with a female corpse is presently beyond the pale of our criminal justice system. At most, desecration of the dead in this regard merely gives rise to liability for damages (**Art. 309, New Civil Code**).

Under existing provisions of the Revised Penal Code only defamation to blacken the memory of one who is dead is criminalized (**Art. 353, R.P.C. i.e. libel**).

This Bill seeks to plug this distinct lacuna in the law by penalizing necrophiles or those who morbidly derive sexual gratification by copulating with a corpse. That such forcible imposition of manhood is directed against a lifeless female does not make the grisly act any less detestable and heinous. In fact, this vicious bestiality is notoriously offensive and revolting to the feelings of the living even as it grossly desecrates the dead

Passage of this Bill is earnestly recommended.




MANNY VILLAR

FOURTEENTH CONGRESS OF THE
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7 JUL -4 2132

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**AN ACT
CRIMINALIZING NECROPHILIA OR CARNAL KNOWLEDGE WITH THE
DEAD AND IMPOSING APPROPRIATE PENALTIES THEREOF,
INCORPORATING FOR THIS PURPOSE ARTICLE 335-A INTO ACT NO.
3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

SECTION 1. There shall be incorporated after Article 335 of Act No. 3815,
as amended, otherwise known as the "Revised Penal Code" a new article which
shall read as follows:

**"ART. 335-A. Necrophilia. Penalty. – NECROPHILIA IS
COMMITTED BY A PERSON WHO ENGAGES IN SEXUAL
INTERCOURSE WITH A FEMALE CORPSE.**

PERSONS FOUND GUILTY OF NECROPHILIA SHALL
SUFFER THE PENALTY OF **RECLUSION PERPETUA** TO
DEATH AND A FINE OF ONE HUNDRED THOUSAND PESOS
(P100,000.00) TO FIVE HUNDRED THOUSAND PESOS
(P500,000.00) AT THE DISCRETION OF THE COURT.

WHENEVER THE CRIME OF NECROPHILIA IS
COMMITTED BY TWO OR MORE PERSONS, OR BY ANY
PERSON IN WHOSE CARE OR CUSTODY SUCH FEMALE
CORPSE IS FOUND, THE PENALTY SHALL BE DEATH."

SECTION 2. All laws, rules and regulations, decrees, issuances or any
parts thereof inconsistent with this Act, are hereby repealed, modified or
amended accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,