


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

7 JUL -4 P1:43

SENATE  
S.B. No. **1047**

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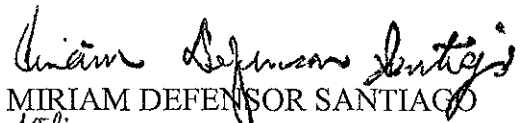
Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

Under the present law on rape, Penal Code, Article 266-A, as amended by Republic Act No. 8353, also known as the Anti-Rape Law of 1997, which took effect on 22 October 1997, and interpreted in *People v. Camilo Soriano*, 388 SCRA 140 (2002), insertion of one's finger into the genital of another constitutes "rape through sexual assault."

This bill seeks to amend Article 266-A, paragraph 2, to incorporate the Supreme Court ruling, in order to avoid inconsistent interpretation of the phrase "any instrument or object" in the said provision.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO  
*edh*

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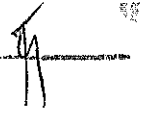
<sup>1</sup> This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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1 AN ACT  
2 AMENDING ARTICLE 266-A OF THE PENAL CODE, AS AMENDED  
3 BY REPUBLIC ACT NO. 8353 ALSO KNOWN AS  
4 THE ANTI-RAPE LAW OF 1997

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

7 SECTION 1. Article 266-A of the Penal Code, on the definition of rape is hereby  
8 amended to read as follows:

9 Article 266-A. Rape: *When and How Committed.* - Rape is committed:

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

12 a) Through force, threat, or intimidation;

13 b) When the offended party is deprived of reason or otherwise unconscious;

14 c) By means of fraudulent machination or grave abuse of authority; and

15 d) When the offended party is under twelve (12) years of age or is demented,

16 even though none of the circumstances mentioned above be present.

17 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof,  
18 shall commit an act of sexual assault by inserting his penis into another person's mouth or anal  
19 orifice, or any instrument or object, OR ANY OTHER PART OF THE BODY, into the genital  
20 or anal orifice of another person. (As amended by Republic Act No. 8353, 30 September 1997).

21 SECTION 2. *Repealing Clause.* - The provisions of Article 266-A of the Penal Code, as  
22 amended by Republic Act No. 8353 and any law, presidential decree or issuance, executive

1 order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the  
2 provisions of this Act is hereby repealed, modified or amended accordingly.

3 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
4 publication in at least two (2) newspapers of general circulation.

Approved,