


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

7 JUL 25

SENATE
 S. No. 1363

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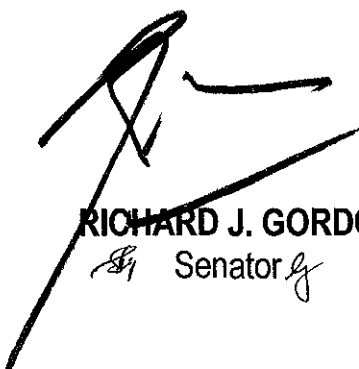
Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

It is the policy of the State to ensure the fundamental equality before the law of women and men. While significant changes in legislation have been made since the declaration of this State policy under the Constitution, the crimes of adultery and concubinage in the Revised Penal Code, which manifestly show unequal treatment of husband and wife, still remain.

The unequal treatment of husband and wife in the crimes of adultery and concubinage is plain and obvious. One sexual intercourse by a wife with a man not her husband is already adultery, while concubinage is committed by a husband, only when he keeps a mistress in the conjugal dwelling, has sexual intercourse under scandalous circumstances with a woman not his wife, or cohabits with a concubine in any other place. Thus, if the husband's sexual relations with a woman not his wife does not fall in any one of these circumstances, he is not criminally liable, unlike the wife where all it takes for her to be criminally liable is one sexual intercourse with a man not her husband.


This bill proposes to punish marital infidelity or sexual intercourse by a husband or wife with another person not his or her spouse, amending the crimes of adultery and concubinage under the Revised Penal Code, to eliminate the double standard between husband and wife and promote the fundamental equality before the law of women and men.


RICHARD J. GORDON
 Senator

FOURTEENTH CONGRESS OF THE)
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AN ACT CHANGING THE CRIME OF ADULTERY INTO MARITAL INFIDELITY, AMENDING ARTICLE 333 AND ARTICLE 334 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, FOR THIS PURPOSE

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

1 **SECTION 1.** Article 333 of Act No. 3815, as amended, otherwise known as the
2 Revised Penal Code, is hereby amended to read as follows:

3 **Art. 333. [Who are guilty of adultery] MARITAL INFIDELITY. –**
4 [Adultery] MARITAL INFIDELITY is committed by any [married woman]
5 HUSBAND OR WIFE who shall have sexual intercourse with [a man]
6 ANOTHER PERSON not HIS OR her [husband] SPOUSE and by the [man]
7 PERSON who has carnal knowledge of [her] A HUSBAND OR WIFE,
8 knowing HIM OR her to be married, even if the marriage be subsequently
9 declared void.

10 [Adultery] MARITAL INFIDELITY shall be punished by *prison*
11 *correccional* in its medium and maximum periods.

12 If the person guilty of [adultery] MARITAL INFIDELITY committed this
13 offense while being abandoned without justification by the offended spouse,
14 the penalty next lower in degree than that provided in the next preceding
15 paragraph shall be imposed.

16
17 **Sec. 2.** Art. 334 of the Revised Penal Code is hereby deleted.

18 **Sec. 3. Repealing Clause.** - Act No. 3815, as amended and all laws, decrees,
19 orders, rules and regulations or other issuances or parts thereof inconsistent with the
20 provisions of this Act are hereby repealed or modified accordingly.

1 **Sec. 4. Separability Clause.** – If any portion or provision of this Act is declared
2 unconstitutional, the remainder of this Act or any provisions of this Act or any provisions not
3 affected thereby shall remain in force and effect.

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

7 Approved,