

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

7 OCT 16 P5:19

SENATE  
S. No. 1745

RECEIVED BY: Jeb

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Act. No. 3815, otherwise known as the Penal Code, Art. 351 states that:

Any widow who shall marry within three hundred and one days from the date of the death of her husband, or before having delivered if she shall have been pregnant at the time of his death, shall be punished by arresto mayor and a fine not exceeding 500 pesos.

The same penalties shall be imposed upon any woman whose marriages shall have been annulled or dissolved, if she shall marry before their delivery or before the expiration of the period of three hundred and one days after the legal separation. (Emphasis supplied)

The above provision of law is intended to prevent confusion in connection with filiation and paternity. However, the anachronistic provision smacks of pronounced discrimination against women. Besides, it must be distinctly observed that present advances in medical technology allow the detection of pregnancy even almost at its inception. In recognition of this medical phenomenon, Article 168 of Executive Order No. 209, as amended, merely provides:

“If the marriage is terminated and the mother contracted another marriage within three hundred days after such termination of the former marriage, these rules shall govern in the absence of proof to the contrary:

(1) A child born before one hundred eighty days after the solemnization of the subsequent marriage is considered to have been conceived during the former marriage, provided it be born within three hundred days after the termination of the former marriage;

(2) A child is born after one hundred eighty days following the celebration of the subsequent marriage is considered to have been conceived during such marriage, even though it be born within three hundred days after the termination of the former marriage.” (Emphasis supplied)

While Article 351 might not have resulted to any conviction, its constant threat of application hangs like a “Damocles sword” over the head of women. This Bill seeks to remove the discrimination against women from our penal statute books by repealing the three hundred and one (301) days penal prohibition to remarry.

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the Tenth Congress.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*19th*

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\* This bill was re-filed during the Thirteenth Congress, First Regular Session.

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

7 OCT 16 P5:59

SENATE  
S. No. 1745

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

1 AN ACT  
2 REPEALING ART. 351 OF ACT NO. 3815, OTHERWISE KNOWN AS THE PENAL CODE,  
3 ON PREMATURE MARRIAGES IN ORDER TO CORRECT ITS INHERENT  
4 DISCRIMINATION AGAINST WOMEN

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

7 SECTION 1. Art. 351 of Act No. 3815, otherwise known as the Penal Code, on  
8 Premature Marriages is hereby repealed without prejudice to the presumptions provided for in  
9 Title VI of the Family Code on Paternity and Filiation.

10 SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
11 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent  
12 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

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

15 Approved,