

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

SENATE

Senate Bill No. 795 K

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

Under Executive Order No. 209 also known as the Family Code of the Philippines, Article 37 and 38, incestuous marriages are void *ab initio* for being contrary to public policy.

Act No. 3815, as amended, also known as the Penal Code, Article 335 par. 7 No. 1 imposes previously the death penalty for rape when "*the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.*"

However, under the above-mentioned circumstances there is no law which penalizes sexual relations between consenting parties eighteen (18) years of age and above.

This bill criminalizes such sexual relations because they are contrary to public morals and public policy. It also responds to reports of rising incest statistics among families of overseas contract workers.

In view of the foregoing, immediate enactment of this bill is earnestly solicited.

  
JINGGOY EJERCITO ESTRADA  
Senator

10 JUL 7 1990

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AN ACT PENALIZING INCEST

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

**SECTION 1. Short Title.** - This Act shall be known as the "**Anti-Incest Act.**"

**SEC. 2. Coverage.** - Incestuous sexual relations with consent are unlawful and prohibited between the following parties who have knowledge of their relationship and are eighteen (18) years of age and above:

- a) between ascendants and descendants of any degree;
- b) between brothers and sisters, whether of the full or half blood;
- c) between collateral blood relatives, whether legitimate or illegitimate, up to the fourth civil degree;
- d) between step-parents and step-children;
- e) between parents-in-law and children-in-law;
- f) between the adopting parent and the adopted child;
- g) between the surviving spouse of the adopting parent and the adopted child;
- h) (h) between the surviving spouse of the adopted child and the adopter;
- i) between an adopted child and a legitimate child of the adopter; and
- j) between adopted children of the same adopter.

**SEC. 3. Penalties.** - The ascendant, elder brother or sister, elder blood relative, step-parent, parent-in-law, adopting parent, or surviving spouse of the adopting parent convicted under Section 2 shall be punished by *prison correctional* in its minimum and maximum periods.

The descendant, younger brother or sister, younger blood relative, step-child, son or daughter-in-law, the adopted, or the surviving spouse of the adopted shall be punished two degrees lower if he or she is between the ages of eighteen (18) and twenty five (25) at the time of the sexual relations.

The maximum penalty as provided in the above paragraph shall be imposed when the incestuous sexual relations occur while the spouse of the ascendant, step-parent, parent-in-law, adopting parent, or the adopted is employed in another city, municipality or province, with a radius of at least one hundred fifty (150) kilometers from his or her habitual residence or is employed abroad.

**SEC. 4. Separability Clause.** - If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SEC. 5. Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

**SEC. 6. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*