

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

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SENATE
S. No. 1500

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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

Act No. 3135, as amended, also known as the Revised Penal Code, Article 335 par.7 no.1 impose 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 abovementioned circumstances there is no law which penalizes incestuous relations between consenting parties eighteen (18) year of age and above.

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

acr

MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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AN ACT
CRIMINALIZING INCESTUOUS SEXUAL RELATIONS

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

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

SECTION 2. *Coverage.* – The consent of both parties notwithstanding, incestuous sexual relations are prohibited between the following who have knowledge of their relationship and are eighteen (18) years of age and above:

- (A) between ascendant and descendant of any degree;
- (B) between brothers and sister, 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 an the adopted child;
- (G) between the surviving spouse of the adopting parent an the adopted child;
- (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.

SECTION 3. *Penalties.* – The ascendant, elder brother or sister, elder blood relative, step-parent, parent-in-law, adopting parent, or surviving spouse f the adopting parent convicted under Section 2 shall be punished by *prision correccional* in its minimum and maximum periods.

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

5 The maximum penalty a provide in the above paragraph shall be imposed when the
6 incestuous sexual relation occur while the spouse of the ascendant, step-parent, parent-in-law,
7 adopting parent, or the adopted is employed in another city, municipality, or province, with a
8 radius of at least 150 kilometers from his or her habitual residence or is employed abroad.

9 SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive
10 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
11 with the provision of this Act is hereby repealed, modified or amended accordingly.

12 SECTION 5. *Separability Clause.* – If any provision or part hereof, is held invalid or
13 unconstitutional, the remainder of the la or the provision not otherwise affected shall remain
14 valid and subsisting.

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

Approved,