

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

10 JUL 26 P3:35

RECEIVED BY: 

SENATE

S.B. No. 2015

Introduced by Senator EDGARDO J. ANGARA

EXPLANATORY NOTE

Under Article 333 of the Revised Penal Code, "Adultery is committed by any married woman who shall have sexual intercourse with a man not her husband ... "

On the other hand, a married man is liable for concubinage only when he does any of the three acts specified in Article 334 of the Revised Penal Code, *to wit*:

- a. keeping a mistress in the conjugal dwelling; or
- b. having sexual intercourse under scandalous circumstances with a woman who is not his wife; or
- c. cohabiting with her in any other place.


Although both the crimes of adultery and concubinage violate marriage vows, the law treats them differently. A married woman can already be convicted of adultery by a single act of sexual intercourse. While the husband can be convicted of concubinage only if sexual intercourse was performed under scandalous circumstances, or if he does any of the two other acts specified in the Revised Penal Code. Therefore, the law makes the crime of concubinage more difficult to establish.

The law also imposes a lesser penalty for the crime of concubinage. Both the adulteress and her paramour are punished with imprisonment of *prision correccional* in its medium and maximum periods while the penalty for concubinage is *prision correccional* in its minimum and medium periods and *destierro* for the husband and the concubine respectively.

Prominent commentators justify such discrimination by the fact that adultery makes possible the introduction of bad blood into the family thereby destroying family harmony and solidarity. This justification is incorrect as both adultery and concubinage violate the marital vows thus shattering family solidarity.

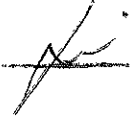
This Act seeks to remedy such inequality in the law by amending Article 334 of the Revised Penal Code. The amendment deletes the phrase "under scandalous circumstances", increases the penalty and qualifies the penalty to be imposed on the concubine.

The approval of this bill is therefore recommended.


EDGARDO J. ANGARA

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AN ACT
AMENDING ARTICLE 334 OF ACT NUMBER 3915, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

1 **SECTION 1.** Article 334 of Act Number 3815, as amended, otherwise known as
2 the Revised Penal Code is hereby amended to read as follows:

3
4 “**Article 334. Concubinage** - Any husband who shall keep a
5 mistress in the conjugal dwelling or, shall have sexual intercourse [, under
6 scandalous circumstances,] with a woman not his wife, or shall cohabit
7 with her in any other place shall be punished by *prision correccional* in its
8 [minimum and] medium **AND MAXIMUM** periods.

9
10 **IF THE PERSON GUILTY OF CONCUBINAGE**
11 **COMMITTED THE OFFENSE WHILE BEING ABANDONED**
12 **WITHOUT JUSTIFICATION BY THE OFFENDED SPOUSE, THE**
13 **PENALTY NEXT LOWER IN DEGREE THAN THAT PROVIDED**
14 **IN THE NEXT PRECEDING PARAGRAPH WILL BE IMPOSED.”**

15
16 The concubine shall suffer the penalty of **PRISION**
17 **CORRECCIONAL** IN ITS MEDIUM AND MAXIMUM PERIODS IF
18 **SHE PERFORMS SEXUAL INTERCOURSE WITH THE MAN**
19 **KNOWING HIM TO BE MARRIED, OTHERWISE, THE**
20 **CONCUBINE SHALL SUFFER THE PENALTY OF *destierro*.”**

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SEC. 2. All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 3. This Act shall take effect fifteen (15) days following the completion of its publication either in the official gazette or in at least two (2) newspapers of general circulation.

Approved,