

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



Senate  
Office of the Secretary

13 SEP -5 P1 56

SENATE

Senate Bill No. 1543

RECEIVED BY: *Jiu*

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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### 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.

  
JINGGOY EJERCITO ESTRADA  
Senator

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AN ACT  
CHANGING THE CRIME OF CONCUBINAGE INTO MARITAL INFIDELITY,  
AMENDING ARTICLE 333 AND ARTICLE 334 OF ACT NO. 3815, AS  
AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

**SECTION 1.** Article 333 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby deleted,

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

**"Art. 334. [Concubinage] MARITAL INFIDELITY.** - Any husband OR WIFE shall have keep a mistress OR PARAMOUR in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman OR MAN who is not his OR HER wife OR HUSBAND, or shall cohabit with her OR HIM in any other place, shall be punished by prision correccional in its minimum and maximum periods.

"IF THE PERSON GUILTY OF MARITAL INFIDELITY COMMITTED THIS OFFENSE WHILE BEING ABANDONED WITHOUT JUSTIFICATION BY THE OFFENDED SPOUSE, THE PENALTY NEXT LOWER IN DEGREE THAN THAT PROVIDED IN THE NEXT PRECEDING PARAGRAPH SHALL BE IMPOSED."

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rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

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

*Approved,*