

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



Senate
Office of the Secretary

'13 SEP 11 P 6:30

SENATE
S.B. No. 1647

RECEIVED BY: *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

The 1987 Philippine Constitution affirms the policy of the state to ensure the fundamental equality of men and women before the law. Article II, Section 14 states, thus:

The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of men and women.

Since the adoption of the 1987 Constitution, congress has endeavored to introduce changes to our laws in order to eliminate bias against women. Despite efforts however, there still exists provisions embedded in our laws which discriminate against women. One such provision is Article 351 of Act 3815, or the Revised Penal Code, which punishes women who contract premature marriages as provided under the law. The provision reads:

Art. 351. *Premature marriages.* — Any widow who shall marry within three hundred and one day 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 marriage shall have been annulled or dissolved, if she shall marry before her delivery or before the expiration of the period of three hundred and one day after the legal separation.

Although there have been no known conviction for violation of Article 351 of the Revised Penal Code, it is high time that congress takes the necessary step to abolish provisions of our laws which are antiquated and serve no other purpose other than to perpetuate discrimination against women.

There have been, in the past, series of proposals to amend this anti-women provision in the Revised Penal Code. None however have been enacted into law. It is therefore strongly urged that the passing of this bill be granted utmost importance.

In view of the foregoing, the passage of this bill is earnestly recommended.


MARIA LOURDES NANCY S. BINAY
Senator

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AN ACT REPEALING THE CRIME OF PREMATURE MARRIAGE UNDER ARTICLE
351 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE

- 1 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
2 *assembled:*
3
4 **SECTION 1.** Without prejudice to the provisions of the Family Code on paternity and
5 filiation, Article 351 of Act No. 3815, otherwise known as the "Revised Penal Code",
6 punishing the crime of premature marriage committed by a woman, is hereby repealed.
7
8 **SECTION 2.** *Repealing Clause.* All laws, decrees, executive orders, rules and regulations
9 that are inconsistent with the provisions of this Act are hereby repealed or modified
10 accordingly.
11
12 **SECTION 3.** *Effectivity.* This Act shall take effect fifteen (15) days after its complete
13 publication in at least two (2) newspapers of general circulation.
14
15 Approved,