
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 13 provides:

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

The Convention on the Rights of the Child provides for minimum standard of protection of children against sexual abuse and exploitation. The Philippines, in compliance with its state obligation has provided legislative measure to address the child sexual abuse and exploitation which the United Nations Committee on the Rights of the Child characterized as a “relatively advanced legal framework.” Nevertheless, the Committee still has grave concerns about the sexual exploitation of children, including growing child prostitution, and the reported cases of child pornography in the state party.”

More specifically, the Committee observes that the “minimum age of sexual consent” is not “clearly established” in the law and that the Revised Penal Code “imposes maximum penalties for sexual offenses when the victim is under twelve (12) years of age but imposes lower penalties for sexual offenses against minors over twelve (12) years of age.” Thus, the Committee recommends that the Philippines review its domestic legislation on children’s protection against sexual abuse and exploitation including providing equal sanctions to all sexual offenders. It likewise recommends that the Philippines “set a clearly defined minimum age of sexual consent at an internationally acceptable level in its domestic law.”

Based on a comparative observation, the Philippines has one of the lowest minimum age established in determining statutory sexual abuses committed against children. Existing

legislation also provides differential treatment on children in terms of application of particular provisions of sexual abuse protection laws and in terms of imposition of these laws when a child is below or above the minimum age of consent. Pursuant to the obligation of the Philippines under the Convention on the Rights of the Child, this bill amends the provision of the Revised Penal Code by raising the minimum age of consent to determine statutory rape to below 16 years of age. In this regard, it amends or repeals the other provisions of the Revised Penal Code, as well as special laws with the attempt to address the disparity in the treatment of those persons who are below twelve (12) years old and those twelve (12) years but below 18 years of age.

The Committee did not state the particular age that is acceptable at the international level but a comparative observation of other countries' laws around the world shows that the Philippines has one of the lowest minimum age for determining statutory rape.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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* This bill was originally filed in the Fourteenth Congress.

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

Senate
Office of the Secretary

13 OCT 24 P 3:24

SENATE
S. No. 1879

RECEIVED

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 INCREASING THE AGE FOR DETERMINING STATUTORY RAPE TO PROVIDE
3 STRONGER PROTECTION FOR CHILDREN, AND AMENDING FOR THIS PURPOSE
4 ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE

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

5 SECTION 1. Act No. 3815, as amended, otherwise known as the Revised Penal Code,
6 Article 266-A (1) (d) is hereby amended to read as follows:

7 "Article 266-A. *Rape, When and How Committed.* - Rape is committed:

8 1. By a man who shall have carnal knowledge of a woman under any of
9 the following circumstances:

10 XXX . XXX XXX

11 (d) When the offended party is under **SIXTEEN (16)** [twelve (12)] years
12 of age or is demented, even though none of the circumstances mentioned above be
13 present."

14 SECTION 2. *Repealing Clause.* - All laws, acts, presidential decrees, executive orders,
15 administrative orders, rules, and regulations inconsistent with or contrary to this Act are deemed
16 amended, modified, or repealed accordingly.

17 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
18 publication in at least two (2) newspapers of general circulation.

Approved,