

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

'17 MAY 18 A9:46

SENATE

RECEIVED BY: 

Committee Report No. 99

Prepared and submitted jointly by the Committees on Women, Children, Family Relations and Gender Equality; and Justice and Human Rights on MAY 18 2017

Re: Senate Bill No. 1252

Recommending its approval with amendments.

Sponsor: Senator Hontiveros

MR. PRESIDENT:

The Committees on Women, Children, Family Relations and Gender Equality; and Justice and Human Rights, to which was referred Senate Bill No. 1252, entitled:

AN ACT
STRENGTHENING REPUBLIC ACT NO. 8353, OTHERWISE KNOWN
AS THE ANTI-RAPE ACT OF 1997

have considered the same and have the honor to report back to the Senate with the recommendation that it be approved with the following amendments:

1. On page 1, line 1, delete "2016" and replace it with "2017."
2. On page 1, line 22, between the article "A" and the word "WHO", delete the word "MAN", and replace it with the word "PERSON".
3. On the same page and line, between the words "OF" and "WITHOUT", delete the phrase "A WOMAN", and replace it with the word "ANOTHER".
4. On the same page, line 23, delete the word "HER" and replace it with the phrase "THE LATTER'S".
5. On the same page and line, after the word "NOT", delete the phrase "THE WOMAN SUFFERS". Then, after the word "INJURIES", insert the phrase, "ARE INCURRED".

Thus, the amended text on page 1, lines 22-23 under Section 4, subsection A.1 shall now read as follows:

- 1) **BY A PERSON WHO HAS CARNAL KNOWLEDGE OF ANOTHER WITHOUT THE LATTER'S CONSENT, WHETHER OR NOT INJURIES ARE INCURRED;**
6. On page 2, line 13, between the word "PRESENT" and the punctuation mark period (.), insert the punctuation mark colon (:), and the phrase "**PROVIDED, THAT THERE SHALL BE NO CRIMINAL LIABILITY ON THE PART OF THE PERPETRATOR IF THE VICTIM IS BETWEEN FOURTEEN AND EIGHTEEN YEARS OF AGE; THE AGE DIFFERENCE BETWEEN THE PERPETRATOR**

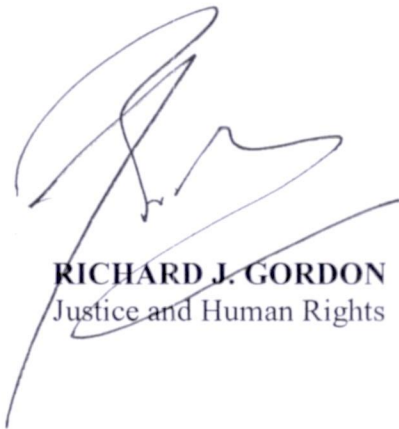
AND THE VICTIM IS NOT MORE THAN FOUR (4) YEARS; AND THE SEXUAL ACT IN QUESTION IS PROVEN TO BE A PART OF AN INTIMATE CONSENSUAL RELATIONSHIP”.

Thus, the amended text under Section 4, subsection B.5 shall now read as follows:

5) WHEN THE VICTIM IS UNDER EIGHTEEN (18) YEARS OF AGE, EVEN THOUGH NONE OF THE CIRCUMSTANCES MENTIONED ABOVE BE PRESENT: *PROVIDED*, THAT THERE SHALL BE NO CRIMINAL LIABILITY ON THE PART OF THE PERPETRATOR IF THE VICTIM IS BETWEEN FOURTEEN AND EIGHTEEN YEARS OF AGE; THE AGE DIFFERENCE BETWEEN THE PERPETRATOR AND THE VICTIM IS NOT MORE THAN FOUR (4) YEARS; AND THE SEXUAL ACT IN QUESTION IS PROVEN TO BE A PART OF AN INTIMATE CONSENSUAL RELATIONSHIP.


Respectfully submitted:

Chairpersons:



RICHARD J. GORDON
Justice and Human Rights

*all
independent*



RISA HONTIVEROS
Women, Children, Family Relations
and Gender Equality;
Member, Justice and Human Rights

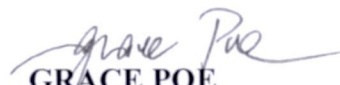
Vice-Chairperson:



PANFILO M. LACSON
Justice and Human Rights

Members:

EMMANUEL “MANNY” D. PACQUIAO
Justice and Human Rights




GRACE POE
Women, Children, Family Relations
and Gender Equality;
Member, Justice and Human Rights



JUAN MIGUEL “MIGZ” F. ZUBIRI
Justice and Human Rights




CYNTHIA A. VILLAR
Women, Children, Family Relations
and Gender Equality


*v regulations
and amendments*

ALAN PETER "COMPAÑERO" S. CAYETANO
Justice and Human Rights;
Member, Women, Children, Family Relations
and Gender Equality

LOREN B. LEGARDA
Women, Children, Family Relations
and Gender Equality



JOSEPH VICTOR G. EJERCITO
Justice and Human Rights

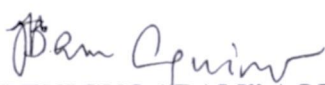


MARIA LOURDES NANCY S. BINAY
Women, Children, Family Relations
and Gender Equality



FRANCIS "KIKO" PANGILINAN
Justice and Human Rights

SONNY ANGARA
Women, Children, Family Relations
and Gender Equality

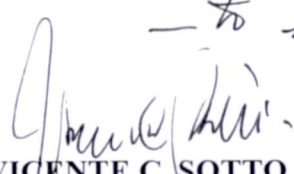


PAOLO BENIGNO "BAM" AQUINO IV
Women, Children, Family Relations
and Gender Equality

FRANCIS "CHIZ" G. ESCUDERO
Women, Children, Family Relations
and Gender Equality

Ex-Officio Members:

FRANKLIN M. DRILON
Minority Leader

— to interpellate

VICENTE C. SOTTO III
Majority Leader


RALPH G. RECTO
Senate President Pro-Tempore

HON. AQUILINO "KOKO" PIMENTEL III
Senate President

SENATE

S. B. No. 1252

RECEIVED BY: 

Introduced by Senator Ana Theresia "Risa" Hontiveros - Baraquel

**AN ACT STRENGTHENING REPUBLIC ACT NO. 8353, OTHERWISE KNOWN
AS THE ANTI-RAPE ACT OF 1997**

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

1 **Section 1. Title.** – This Act shall be known as the "Anti-Rape Act of 2016".
2

3 **Section 2. Declaration of Principles.** – It is the policy of the State to value the dignity of
4 every human person and guarantee full respect for human rights. It is likewise the policy
5 of the state to recognize the role of women in nation-building and ensure the
6 fundamental equality before the law of women and men.
7

8 **Section 3. Lack of consent as essential element of the crime of rape.** – Rape is a
9 sexual assault that violates a person's right to personal security and bodily integrity with
10 the essential element of lack of consent.
11

12 **Section 4. Rape, when and how committed.** Article 266A of Act No. 3815, otherwise
13 known as the Revised Penal Code, Title 8, Chapter 3 on Rape, is hereby deleted and
14 replaced with a new Article 266A, which will read as follows:
15

16 **ARTICLE 266A.**

17
18 **SECTION 1. RAPE, WHEN AND HOW COMMITTED.**

19
20 **A. THE CRIME OF RAPE IS COMMITTED:**

- 21
22 1) BY A MAN WHO HAS CARNAL KNOWLEDGE OF A WOMAN WITHOUT
23 HER CONSENT, WHETHER OR NOT THE WOMAN SUFFERS INJURIES;
24 2) BY A MAN WHO TOUCHES OR INSERTS HIS PENIS INTO THE
25 FEMALE'S INNER OR OUTER VAGINAL LABIA, WITHOUT HER
26 CONSENT, WHETHER OR NOT THE WOMAN SUFFERS INJURIES;
27 3) BY A MAN WHO TOUCHES OR INSERTS HIS PENIS INTO ANOTHER
28 PERSON'S MOUTH OR ANAL ORIFICE, WITHOUT THE PERSON'S
29 CONSENT, WHETHER OR NOT THE PERSON SUFFERS INJURIES;
30 4) BY A PERSON WHO TOUCHES OR INSERTS ANY INSTRUMENT OR
31 BODY PART OR OBJECT, INTO THE GENITAL OR ANAL ORIFICE OF
32 ANOTHER PERSON, WITHOUT THE LATTER'S CONSENT;
33

34 **B. THE CRIME IS COMMITTED UNDER ANY OF THE FOLLOWING
35 CIRCUMSTANCES:**

- 36
37 1) THROUGH LACK OF VICTIM'S CONSENT, FORCE, THREAT, OR

1 INTIMIDATION;

- 2 2) THROUGH FRAUDULENT MACHINATION OR ABUSE OF AUTHORITY;
3 3) IN COERCIVE OR OTHER SIMILAR CIRCUMSTANCES RENDERING THE
4 VICTIM INCAPABLE OF GIVING CONSENT, INCLUDING FORCING
5 ANOTHER INDIVIDUAL TO SEXUALLY ASSAULT THE VICTIM;
6 4) WHEN THE VICTIM IS DEPRIVED OF REASON OR OTHERWISE
7 UNCONSCIOUS, OR IS DEMENTED EVEN THOUGH NONE OF THE
8 CIRCUMSTANCES MENTIONED ABOVE BE PRESENT, PROVIDED THAT
9 HE/SHE IS NOT IN HIS/HER LUCID INTERVAL DURING THE SEXUAL
10 ACT;
11 5) WHEN THE VICTIM IS UNDER EIGHTEEN (18) YEARS OF AGE, EVEN
12 THOUGH NONE OF THE CIRCUMSTANCES MENTIONED ABOVE BE
13 PRESENT.
14

15 **Section 5. Aggravating circumstances.** The list of aggravating circumstances found in
16 Article 266-B shall be amended to include the following paragraphs:
17

18 "WHEN THE COMMISSION OF THE CRIME OF RAPE IS ATTENDED BY
19 VIDEO RECORDING ON ANY ELECTRONIC DEVICE, WHETHER OR NOT
20 SUCH RECORDING SHALL BE SUBSEQUENTLY MADE PUBLIC;"
21

22 "WHEN THE CRIME IS COMMITTED BY PERSONS OF PUBLIC OR
23 MORAL AUTHORITY, INCLUDING BUT NOT LIMITED TO GOVERNMENT
24 OFFICIALS AND RELIGIOUS LEADERS, WHEN THE OFFENDER TOOK
25 ADVANTAGE OF HIS POSITION AND INFLUENCE OVER THE VICTIM TO
26 FACILITATE THE COMMISSION OF THE CRIME;" *and*
27

28 "WHEN THE COMMISSION OF THE CRIME OF RAPE IS PROVEN TO
29 HAVE BEEN ATTENDED BY THE OFFENDER'S HATE AND PREJUDICE
30 AGAINST THE VICTIM'S SEXUAL ORIENTATION AND GENDER
31 IDENTITY, RACE OR RELIGION."
32

33 **Section 6. Repeal of the 'forgiveness clause'.** – Article 266-C of the Anti-Rape Law of
34 1997 shall be deleted.
35

36 **Section 7. Presumptions.** Article 266-D shall be amended to read as follows.
37

38 Article 266-D. *Presumptions.* – Any physical overt act manifesting resistance
39 against the act of rape in any degree from the offended party, or where the
40 offended party is so situated as to render her/him incapable of giving valid
41 consent, may be accepted as evidence in the prosecution of the acts
42 punished under Article 266-A, **PROVIDED THAT THE ABSENCE OF**
43 **PHYSICAL RESISTANCE MUST NOT BE TAKEN AS CONSENT ON THE**
44 **PART OF THE COMPLAINANT.**
45
46

47 **Section 8. Separability Clause.** - Should any provision of this Act be declared
48 unconstitutional, the remaining parts not affected thereby shall remain valid and
49 operational.
50

51 **Section 9. Repealing Clause.** - All laws, decrees, orders, circulars, issuances, rules and
52 regulations and parts thereof which are inconsistent with this act are hereby repealed,
53 amended or modified accordingly.

54 **Section 10. Effectivity.** - This act shall take effect fifteen (15) days after its publication in
55 the Official Gazette or in any two (2) newspaper of general circulation in the Philippines.
56

57 **Approved,**