

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

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SENATE
S.B. No. 1595

RECEIVED BY: pu

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

This Bill seeks to remove the discrimination against women from our penal statute books by repealing the three hundred and one (301) days penal prohibition to remarry.

Act. No. 3815, (The Revised Penal Code) Art. 351 states:

“any widow who shall marry within three hundred and one days 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 marriages shall have been annulled or dissolved, if she shall marry before their delivery or before the expiration of the period of three hundred and one days after the legal separation. (Emphasis supplied)

The above provision of law is intended to prevent confusion in connection with filiation and paternity.

This anachronistic provision smacks of pronounced discrimination against women, Besides, it must be distinctly observed that present advances in medical technology allows the detection of pregnancy even almost at its inception. In recognition of this medical phenomenon, Article 168 of Executive Order No. 209, as amended, merely provides:

“If the marriage is terminated and the mother contracted another marriage within three hundred days after such termination of the former marriage, these rules shall govern in the absence of proof to the contrary:

(1) A child born before one hundred eighty days after the solemnization of the subsequent marriage is considered to have been conceived during the former marriage, provided it be born within three hundred days after the termination of the former marriage;

(2) A child is born after one hundred eighty days following the celebration of the subsequent marriage is considered to have been conceived during such

marriage, even though it be born within three hundred days after the termination of the former marriage.” (Emphasis supplied)

While Article 351 might not have resulted to any conviction, its constant threat of application hangs like a “Damocle sword” over the head of women.

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the Tenth Congress.


MIRIAM DEFENSOR SANTIAGO

