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THIRTEENTH CONGRESS OF OF THE PHILIPPINES First Regular Session	THE REPUBLIC))	704 AUS -3 PX IS 6
	S.B. No	HEGEIVED BY:
Introduce	d 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:

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"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

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THIRTEENTH CONGRESS OF T	HE REPUBLIC)			
OF THE PHILIPPINES)	*64	Ոլսյ -3	P2:36
First Regular Session)			
	SENATE 595 S.B. No	HECEIV	ED BY:_	and the same
Introduced	by Senator Miriam Defenso	or Santiag	go	

AN ACT REPEALING ART. 351 OF THE PENAL CODE ON PREMATURE MARRIAGES

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

SECTION 1. Art. 351 of the Penal Code on Premature Marriages is hereby repealed without prejudice to the presumptions provided for in Title VI of the Family Code on Paternity and Filiation.

SECTION 2. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, a dministrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved.

FN: 985