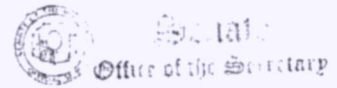


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

)
)
)



SENATE

S. B. NO. 617

'19 JUL 18 P1 :40

RECEIVED

A handwritten signature in black ink, appearing to be "J. Villanueva", written over a horizontal line.

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT DEFINING AND PENALIZING MARITAL INFIDELITY,
AMENDING FOR THE PURPOSE ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

EXPLANATORY NOTE

The family is the basic autonomous social unit of the nation. It is the primary conduit where values and beliefs are passed on from one individual to another. A nation is only as strong as the millions of families that comprise it. However, one of the social ills that plagues the stability of the family is marital infidelity. This despicable practice causes strained relationships among spouses and children. This form of irresponsibility also undermines the duties of spouses to remain faithful and observe mutual affection. Without the stringent intervention of the State against infidelity, marriage as an institution will collapse.

This bill seeks to strengthen the law on marital infidelity, as well as to eliminate the unequal treatment between the crimes of adultery and concubinage under Article 333 and Article 334 of the Revised Penal Code, respectively. Indeed, the present penal framework for these crimes has created a bias in favor of married men. Currently, married men will only be guilty of concubinage if they commit intercourse with a woman who is not his spouse under very specific and hard-to-prove conditions. On the other hand, a married woman who engages in intercourse with a man who is not her spouse may be held liable for adultery already, without the necessity of proving the elements similar to that of the crime of concubinage.

This bill aims to remove this unequal and unfair distinction based on sex. Sex should not be used to favor one over the other without substantial distinctions. The archaic view towards men and women under the Revised Penal Code should not be allowed to persist today.

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

)
)
)



Senate
Office of the Secretary

SENATE

'19 JUL 18 P1 :40

S. B. NO. 617

ED:

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT DEFINING AND PENALIZING MARITAL INFIDELITY,
AMENDING FOR THE PURPOSE ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

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

1 **SECTION 1.** This Act shall be known as the "Anti-Marital Infidelity Act."
2

3 **SEC. 2.** Article 333 of Act No. 3815, otherwise known as the Revised Penal
4 Code, is hereby deleted in its entirety and replaced with the following:
5

6 ARTICLE 333. MARITAL INFIDELITY. – MARITAL
7 INFIDELITY IS COMMITTED BY ANY MARRIED PERSON
8 WHO SHALL HAVE SEXUAL INTERCOURSE WITH
9 ANOTHER PERSON WHO IS NOT HIS/HER LEGITIMATE
10 SPOUSE, EVEN IF THE MARRIAGE BE SUBSEQUENTLY
11 DECLARED VOID, AND BY THE PERSON WHOM HE/SHE
12 HAS SEXUAL INTERCOURSE WITH, KNOWING THE
13 GUILTY SPOUSE TO BE MARRIED.
14

15 MARITAL INFIDELITY SHALL BE PUNISHED BY PRISON
16 CORRECCIONAL IN ITS MEDIUM AND MAXIMUM
17 PERIODS.
18

19 IF THE PERSON GUILTY OF MARITAL INFIDELITY
20 COMMITTED THIS OFFENSE WHILE BEING ABANDONED
21 WITHOUT JUSTIFICATION BY THE OFFENDED SPOUSE
22 FOR A PERIOD OF AT LEAST THREE (3) YEARS, THE
23 PENALTY NEXT LOWER IN DEGREE THAN THAT
24 PROVIDED ABOVE SHALL BE IMPOSED.
25

1 MUSLIMS AND MEMBERS OF INDIGENOUS PEOPLES
2 COMMUNITIES WHO ACTIVELY AND CONTINUOUSLY
3 PRACTICE SINCE TIME IMMEMORIAL CUSTOMS AND
4 TRADITIONS ALLOWING MULTIPLE SPOUSES SHALL BE
5 HELD LIABLE FOR MARITAL INFIDELITY IF THEY ENGAGE
6 IN SEXUAL INTERCOURSE WITH ANY PERSON OTHER
7 THAN THE OFFICIAL SPOUSES RECOGNIZED BY THEIR
8 RESPECTIVE FAITHS AND TRADITIONS.
9

10 **SEC. 3.** Article 334 of the Revised Penal Code is hereby deleted.
11

12 **SEC. 4.** Article 344 of the Revised Penal Code is hereby amended to read as
13 follows:
14

15 Article 344. Prosecution of the crimes of [adultery,
16 concubinage,] MARITAL INFIDELITY, seduction, abduction,
17 rape and acts of lasciviousness. - The [crimes] CRIME of
18 MARITAL INFIDELITY MAY BE PROSECUTED UPON A
19 COMPLAINT FILED BY THE OFFENDED SPOUSE. THEIR
20 ASCENDANTS, DESCENDANTS, AND RELATIVES BY
21 CONSANGUINITY OR AFFINITY WITHIN THE FOURTH
22 CIVIL DEGREE.
23

24 The offended party cannot institute criminal prosecution
25 without including both the guilty parties, if they are both alive,
26 nor, in any case, if the [he] OFFENDED SPOUSE consented
27 TO SUCH ACT or pardoned the offenders IN WRITING OR
28 IS LIKEWISE GUILTY OF MARITAL INFIDELITY. THE
29 CONSENT, PARDON OR INFIDELITY OF THE OFFENDED
30 OR COMPLAINANT-SPOUSE SHALL BAR THE
31 INSTITUTION OF THE ACTION BY HIS/HER
32 ASCENDANTS, DESCENDANTS, AND RELATIVES BY
33 CONSANGUINITY OR AFFINITY WITHIN THE FOURTH
34 CIVIL DEGREE.
35

36 The offenses of seduction, abduction or acts of
37 lasciviousness, shall not be prosecuted except upon a
38 complaint filed by the offended party or her parents,
39 grandparents, or guardian, nor, in any case, if the offender
40 has been expressly pardoned by the above named persons,
41 as the case may be.
42

43 In cases of seduction, abduction and acts of lasciviousness,
44 the marriage of the offender with the offended party shall
45 extinguish the criminal action or remit the penalty already
46 imposed upon him. The provisions of this paragraph shall
47 also be applicable to the co-principals, accomplices and
48 accessories after the fact of the above-mentioned crimes.
49

1 **SEC. 5. Separability Clause.** – If any provision of this Act is declared
2 unconstitutional or invalid, the other provisions not affected thereby shall
3 continue to be in full force and effect.

4
5 **SEC. 6. Repealing Clause.** – All laws, decrees, rules and regulations, or
6 parts thereof inconsistent with this Act are hereby repealed or amended
7 accordingly.

8
9 **SEC. 7. Effectivity.** – This Act shall take effect fifteen (15) days following its
10 complete publication in the Official Gazette or in at least two (2) newspapers
11 of general circulation.

12 **Approved,**

13