

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



Senate  
Office of the Secretary

**SENATE**

S. No. 1258

20 JAN -7 P2:32

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Introduced by SENATOR RAMON BONG REVILLA, JR.

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RECEIVED BY:

**AN ACT**

**PROVIDING STRONGER PROTECTION TO CHILDREN BY INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION AND AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE, REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS THE ANTI-RAPE LAW OF 1997 AND REPUBLIC ACT NO. 7610, ALSO KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATORY ACT**

**EXPLANATORY NOTE**

According to a report done by CNN Philippines, from January to October 2018, there are more than 7,000 reported rape cases nationwide. That means approximately one (1) Filipino is raped every hour in this country alone. The country already has an existing law to defend rape victims. However, this law needs revisions to prevent loopholes and protect children from sexual abuse and exploitation.

This bill seeks to provide stronger protection for children from sexual abuse, It accordingly aims to increase to sixteen (16) years from the current twelve (12) years the age for determining the crime of statutory rape, wherein for reasons of his or her age, the consent of the victim, even if present or was presumed given, cannot be used in defense of the offender.

The establishment of a minimum age of sexual consent is a critical component in shielding children from sexual violence. Children below such age are considered

without the power to resist and to give their genuine and fully informed consent to any sexual activity.

The Philippines is party to the Convention on the Rights of a Child which obliges all State parties to take all measures to protect children from all forms of sexual exploitation and sexual abuse including coercion to engage in any unlawful sexual activity, including the passage of laws that prohibit engaging in sexual activity with children below the age of sexual consent.

Current Philippine laws provide that sexual intercourse with children below 12 years old is illegal and tantamount to rape. In addition, sexual activity with a person below 18 years of age may constitute child abuse and exploitation.

However, the current age for determining the crime of statutory rape is not compliant with the international average as evidenced by a 2015 Report released by the United Nations Children's Fund (UNICEF) East Asia and Pacific Region. In fact, the same study revealed that the age of sexual consent in the Philippines is the lowest in the Southeast Asian region.

It is highly imperative that a significant reform in our current legislation is required in order to comply with our international commitments in terms of the protection of children. To this end, this bill proposes amendments to the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997 and Republic Act No. 7610, also known as the Special Protection of Children Against Abuse, Exploitation and Discriminatory Act.

In view of the foregoing, the passage of this bill into law is earnestly sought.

  
**RAMON BONG REVILLA, JR.**

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

1 Section 1. Article 266-A (1) (d) of Act No. 3815, as amended, otherwise  
2 known as the Revised Penal Code, shall be amended as follows:

3  
4 "Article 266-A. Rape, When and How Committed. - Rape is committed

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

7 xxx xxx xxx

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

12           Sec. 2. *Separability Clause.* – If, for any reason, any section or provision of  
13 this Act is declared unconstitutional or invalid, the other sections or provisions which  
14 are not affected shall continue to be in full force and effect.

15           Sec. 3. *Repealing Clause.* – Republic Act No. 7610, Section 5 (b) and Section  
16 10 (b), Act No. 3815, Articles 337, 338, 339, 340, 342 and 343, and all laws, acts,  
17 presidential decrees, executive orders, administrative orders, proclamations, rules  
18 and regulations inconsistent with or contrary to the provisions of this Act are  
19 deemed repealed, amended, or modified accordingly.

20           Sec. 4. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
21 publication in the Official Gazette or in at least two (2) newspapers of general  
22 circulation.

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24           *Approved,*