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SENATE

Senate Bill No. 1410

RECEIVED BY: 

Introduced by Senator Grace Poe

**AN ACT
REPEALING ARTICLE 247 OF THE REVISED PENAL CODE**

Explanatory Note

Section 11, Article II of the 1987 Constitution provides that “the State values the dignity of every human person and guarantees full respect for human rights.” Section 1, Article III of the same prohibits the taking of life without due process of law.

Further, Section 12 of the Magna Carta of Women (Republic Act No. 9710) provides for the amendment or repeal of laws that are discriminatory to women. Section 2 of the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” (Republic Act No. 7610) mandates that the best interests of children shall be the paramount consideration in all actions undertaken by legislative bodies concerning them.

Our international commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Convention of the Rights of the Child similarly require the repeal of discriminatory laws against women and children, respectively.

This bill thus seeks the repeal of the following provision on honor killing for being patently unconstitutional and in violation of our international commitments:

“Art. 247. Death or physical injuries inflicted under exceptional circumstances. — Any legally married person who having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of destierro.

If he shall inflict upon them physical injuries of any other kind, he shall be exempt from punishment.

These rules shall be applicable, under the same circumstances, to parents with respect to their daughters under eighteen years of age, and their seducer, while the daughters are living with their parents.

Any person who shall promote or facilitate the prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.”

The unfair gender-based presumptions in above provision clearly legitimizes honor killings which are no longer morally accepted in this age. Far from defining a felony, this obsolete provision grants two privileges – first, exemption from punishment to a legally married person or parent who shall kill or seriously injure his spouse or minor daughter in the act of committing sexual intercourse with another; and second, protection of the accused from acts of reprisal or retaliation from the victim’s family members, via the imposition of *destierro* or banishment.

Moreover, the last paragraph of the provision refers only to daughters and not sons, which suggests that our society allows men to have the liberty to partake in any sexual conduct without consequence while women who do not maintain certain moral standards may be killed. The effect is the perpetuation of unfair double standards prejudicial to women, as well as the antiquated notion that daughters are merely property of their parents.

While penal code reforms are only one way to tackle gender-based violence, this bill also advances a more progressive way of looking at family life. It is time to stop treating marital and familial ties as licenses to kill or injure. Sexual infidelity and seduction are more justly treated in other articles of the Revised Penal Code and the Family Code. Thus, no reason exists to retain this provision in our statute books.


GRACE POE

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



Senate
Office of the Secretary

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

- 1 **SECTION 1.** Article 247 of the Revised Penal Code is hereby repealed.
- 2 **SECTION 2. Effectivity.** – This Act shall take effect after fifteen (15) days following
- 3 the completion of its publication either in the Official Gazette or in a newspaper of general
- 4 circulation in the Philippines.

Approved,