

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )

'21 AUG -3 P5 :03

SENATE

S. B. NO. 2345



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Introduced by **SENATOR JOEL VILLANUEVA**

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**AN ACT**  
**RAISING THE AGE OF SEXUAL CONSENT FROM TWELVE (12)**  
**YEARS OLD TO EIGHTEEN (18) YEARS OLD, AMENDING FOR THE**  
**PURPOSE ARTICLE 266-A (1) (d) OF ACT NO. 3815, AS AMENDED,**  
**OTHERWISE KNOWN AS THE REVISED PENAL CODE**

**EXPLANATORY NOTE**

Consent must be voluntary and intelligent. Unfortunately, the Philippines ranks second with the lowest age of sexual consent, beating only Nigeria, which set the age of sexual consent at 11 years old in 2015. The age of sexual consent around the world ranges from 11 to 21 years of age.

Our conservative society is reluctant to educate children about sex, and rightly so. Sigmund Freud tells us that children 12 years of age are scarcely past the latency stage of psychosexual development.<sup>1</sup> The onset of what Freud calls the genital stage of psychosexual development happens at puberty, ranging between ages 10 to 14 for girls and ages 12 to 16 for boys.<sup>2</sup> It is hard to imagine how a 12-year-old child can freely and intelligently give any consent, much less sexual consent.

This bill seeks to remedy one big loophole in our Revised Penal Code by raising the age of sexual consent to 18 years old to construe any sexual advantage committed against any Filipino youth below 18 years of age as statutory rape.

Pedophiles, sex predators, and human traffickers can easily take sexual advantage of young Filipinos aged 12 to 17. The Center for Women's Resources (CWR) estimated a 92% increase in rape cases from 2010 to 2014 and a 200% escalation in Violence Against Women and Children from 2010 to 2014.

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<sup>1</sup> <https://www.verywellmind.com/freuds-stages-of-psychosexual-development-2795962>

<sup>2</sup> <https://medlineplus.gov/puberty.html>

Rape takes physical, social, emotional, and psychological tolls on the victims, and the offense is particularly damaging if the victim is a minor. The CWR claims that 70% of rape victims are children. Moreover, 90% of children rape victims are females.

Different organizations are fighting to ensure that Filipino children are safe from sexual abuse and exploitation. Despite these, the incidents of prostitution and sexual solicitation involving victims under 18 years old are usual news that we encounter every single day.

As a State Party, the Philippines is bound, particularly by Article 34 of the Convention on the Rights of the Child, to protect children from all forms of sexual exploitation and abuse. Our task is to take all appropriate measures to prevent all forms of child engagement in any unlawful sexual activity and the exploitative use of children in prostitution and other illicit sexual practices.

We consider a person mature enough to exercise all rights and assume all the responsibilities of an adult upon reaching the age of majority. One acquires upon reaching the age of majority the right to vote, the right to obtain a Professional Driver's License, and the right to give consent to a contract. The age of majority is the proper age to give sexual consent because it is then that one gains the right to marry subject to obtaining parental consent.

This amendment will create a policy framework to protect children from rape and sexual violence, ensure justice for rape victims, address teen prostitution, and expand the scope of prohibited sexual relations with a minor construed as rape under any circumstances.

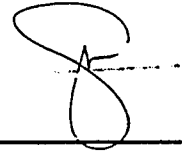
In view of the foregoing, the immediate passage of this bill is earnestly sought.

  
SENATOR JOEL VILLANUEVA

21 AUG -3 25 :03

SENATE

S. B. NO 2345



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Introduced by SENATOR JOEL VILLANUEVA

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**AN ACT**  
**RAISING THE AGE OF SEXUAL CONSENT FROM TWELVE (12) YEARS**  
**OLD TO EIGHTEEN (18) YEARS OLD, AMENDING FOR THE PURPOSE**  
**ARTICLE 266-A (1) (d) OF ACT NO. 3815, AS AMENDED, 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.** Article 266-A (1) (d) of Act No. 3815, as amended, otherwise known as the  
2 Revised Penal Code, shall be amended as follows:  
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4 "Article 266-A. Rape, When and How Committed. - Rape is committed  
5

6 1. By a man who shall have carnal knowledge of a woman under any of the  
7 following circumstances:  
8

9 **xxx xxx xxx**

10 (d) When the offended party is under [twelve (12)] **EIGHTEEN (18)** years of age or is  
11 demented, even though none of the circumstances mentioned above be present."  
12

13 **SEC. 2. Separability Clause.** – Any portion or provisions of this Act that may be declared  
14 unconstitutional or invalid shall not have the effect of nullifying other portions and  
15 provisions hereof as long as such remaining portions or provisions can still subsist and be  
16 given effect in their entirety.  
17

18 **SEC. 3. Repealing Clause.** – All laws, decrees, executive orders, proclamations and  
19 administrative regulations, or any parts thereof inconsistent with the provisions of this Act  
20 are hereby revoked, repealed or modified accordingly.  
21

22 **SEC. 4. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its  
23 publication in at least two (2) national papers of general circulation or in the Official  
24 Gazette.  
25

26 **Approved,**