


THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*Second Regular Session*

6 JUN -7 P4:31

SENATE

RECEIVED BY: 

S. No. 2364

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INTRODUCED BY HON. MANNY VILLAR


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EXPLANATORY NOTE

Under our constitutional hierarchy of values, the sanctity of the family as a basic autonomous social institution and foundation of our nation is accorded highest recognition (Article II, Section 12 of the 1987 Constitution). Towards this end, the State is mandated to strengthen its solidarity and actively promote its total development (Article XV, Section 1, supra), promote and protect the physical, moral, spiritual, intellectual and social well-being of the youth (Article II, Section 13, supra), and defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development (Article XV, Section 3, supra).

In view of the foregoing, the attached bill seeks to promote further the well-being of the children by penalizing mothers who, in incestuous rapes, refrain from proceeding against the father-rapists or tolerate the commission of the same.


Accordingly, the urgent passage of the bill is hereby recommended.

  
MANNY VILLAR

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**AN ACT STRENGTHENING FURTHER THE RIGHT  
OF DAUGHTERS AGAINST INCESTUOUS RAPE  
BY PENALIZING MOTHERS WHO REFRAIN  
FROM PROCEEDING AGAINST THE FATHER-RAPISTS  
OR TOLERATE ITS COMMISSION**

*Be<sup>it</sup> enacted by the Senate and House of Representatives of the  
Philippines in congress assembled:*

Section 1. Notwithstanding any law to the contrary and without prejudice to the provisions of Article 344 of Act No. 3815, as amended, otherwise known as the Revised Penal Code and Section 27 of Republic Act 7610 and Republic Act 8353, any mother who, in an incestuous rape, refrains from instituting prosecution for the punishment of the offender or who tolerates the commission of the same, shall suffer the penalty of twenty (20) to forty (40) years of imprisonment and a fine ranging from twenty thousand pesos (P20,000.00) to forty thousand pesos (P40,000.00) and shall be perpetually deprived of parental authority. For purposes of this Act, incestuous rape is a crime committed under Article 266-B of the Revised Penal Code, as amended by R.A. 8353 when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

Section 2. The term "mother" under this Act includes natural or legal mother, stepmother, common-law mother or any female person in whose legal or physical custody the victim is found at the time of the commission of the incestuous rape.

Section 3. Any law, decree, order, rule or regulation or part thereof which is inconsistent with this Act is hereby repealed or modified accordingly.

Section 4. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,