


FOURTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
First Regular Session }

7 JUL 18 19:08

SENATE

S.B. NO. 1249

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Introduced by Senator Francis N. Pangilinan

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**EXPLANATORY NOTE**

Republic Act No. 8353 (Republic Act No. 8353) or the "Anti-Rape Act of 1997" expanded the definition of rape to cover indignities that women suffer, which may be worse than non-consensual sex. With the advent of R.A. 8353, rape includes the insertion of the penis into another person's mouth or anal orifice, and the insertion of "any instrument or object, into the genital or anal orifice of another person."

However, on 28 September 2000, the Department of Justice (DOJ) issued Memorandum Circular No. 22, which provides guidelines on the interpretation of R.A. No. 8353, and it concluded that "the insertion of a finger into a woman's vagina is not rape" under the said law.

With the DOJ's guidelines, an unusual situation arises where the insertion of any object into any orifice of a person qualifies as rape; but the insertion of a person's fingers alone will not. This interpretation defies common sense, and worse, suggest that the insertion of an assailant's finger is less offensive than the insertion of other objects or instrument into a woman's vagina. This interpretation also allows perpetrators of the act of inserting a finger into the vagina to be charged only with the lesser offense of "acts of lasciviousness".

Congress must act to repair the unsound interpretations of R.A. 8353.

In view of the foregoing, approval of this bill is urgently recommended.

  
FRANCIS N. PANGILINAN

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7 JUL 18 12:08

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**AN ACT**  
**AMENDING REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS "THE ANTI-RAPE LAW OF 1997"**

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

1           **SECTION 1.** Section 2 of Republic Act No. 8353, otherwise known as the "Anti-Rape Law" is  
2 hereby amended to read as follows:

3                   "SEC. 2. *Rape as a Crime Against Persons.* - The crime of rape shall hereafter  
4 be classified as a Crime Against Persons under Title Eight of Act No. 3815, as amended,  
5 otherwise known as the Revised Penal Code. Accordingly, there shall be incorporated into  
6 Title Eight of the same Code a new chapter to be known as Chapter Three on Rape, to  
7 read as follows:

8   Chapter Three

9   Rape

10                   Article 266-A. *Rape: When and How Committed.* - Rape is committed:

11                   1) By a man who shall have carnal knowledge of a woman under any of the  
12 following circumstances:

- 13                   a) Through force, threat, or intimidation;
- 14                   b) When the offended party is deprived of reason or otherwise  
15                   unconscious;
- 16                   c) By means of fraudulent machination or grave abuse of authority; and
- 17                   d) When the offended party is under twelve (12) years of age or is  
18                   demented, even though none of the circumstances mentioned above be  
19                   present.

1                   2) By any person who, under any of the circumstances mentioned in paragraph  
2                   1 hereof, shall commit an act of sexual assault by inserting **[his] THE** penis  
3                   into another person's mouth or anal orifice, or any instrument **[or]** object, **OR**  
4                   **ANY OTHER PART OF THE BODY** into the genital or anal orifice of another  
5                   person. "

6                   **SEC. 2. Separability Clause.** - If any part or provision of this Act is declared unconstitutional or  
7                   invalid, other parts or provisions hereof, which are not affected, shall continue to remain in full force and  
8                   effect.

9                   **SEC. 3. Repealing Clause.** - All laws, presidential decrees and issuances, executive orders,  
10                  rules and regulations, or parts thereof inconsistent with or contrary to the provisions of this Act are hereby  
11                  repealed or modified accordingly.

12                  **SEC. 4. Effectivity.** - This Act shall take effect fifteen (15) days following completion of its  
13                  publication in at least two (2) newspapers of general circulation.

Approved,