

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 759

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Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

EXPLANATORY NOTE

The Revised Penal Code's disparity in the treatment of men and women with regards to infidelity has long been an example of legislation that has failed to evolve with the times. There is certainly no reason why it should remain in the law of the land in the year 2016.

This bill -- based on House Bill No. 405 filed by Rep. Susan A. Yap during the 16th Congress, but with adjustments made to the penalties and when an offended party may not file suit -- aims to equalize the treatment of sexual infidelity in the Revised Penal Code, as well as provide further mitigating factors for the offense when the offended party is guilty of certain acts against his or her spouse.

Emmeline Y. Villar
EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

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759
House Bill No. ____

Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

AN ACT
DEFINING THE CRIME OF SEXUAL INFIDELITY AND PROVIDING
PENALTIES THEREFOR, AMENDING FOR THE PURPOSE ARTICLE 333
(ADULTERY), ARTICLE 334 (CONCUBINAGE) AND ARTICLES 344 AND 345 OF
TITLE ELEVEN, BOOK II 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:

SECTION 1. The provisions of Articles 333 and 334 of Act No. 3815 are hereby repealed and, in lieu thereof, Articles 333 and 334 should now read as follows:

"Title Eleven
"CRIMES AGAINST CHASTITY
"Chapter One
"(ADULTERY AND CONCUBINAGE]
"SEXUAL INFIDELITY

[ART. 333. *Who are guilty of adultery* - Adultery is committed by any married woman who shall have sexual intercourse with a man not her husband and by the man who has carnal knowledge of her knowing her to be married, even if the marriage be subsequently declared void.

Adultery shall be punished by *prison correccional* in its medium and maximum periods.

If the person guilty of adultery committed this offense while being abandoned without justification by the offended spouse, the penalty next lower in degree than that provided in the next preceding paragraph shall be imposed.

ART. 334. *Concubinage*. - Any husband who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place, shall be punished by *prison correccional* in its minimum and medium periods.

The concubine shall suffer the penalty of *destierro*.]

"ART. 333. SEXUAL INFIDELITY. SEXUAL INFIDELITY IS COMMITTED BY ANY LEGALLY MARRIED PERSON WHO SHALL HAVE SEXUAL INTERCOURSE WITH ANOTHER PERSON OTHER THAN THE MARRIED PERSON'S SPOUSE AND BY THE PERSON WHO HAS CARNAL KNOWLEDGE WITH THE MARRIED PERSON, KNOWING THAT PERSON TO BE LEGALLY MARRIED, EVEN IF THE MARRIAGE BE SUBSEQUENTLY DECLARED VOID.

"ART. 334. PENALTY. - SEXUAL INFIDELITY SHALL BE PUNISHED BY PRISON CORRECCIONAL IN ITS MINIMUM PERIOD.

"THE PENALTY OF PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD SHALL BE IMPOSED UPON AN OFFENDER WHO SHALL KEEP A PARAMOUR IN THE CONJUGAL DWELLING.

"THE PENALTY OF PRISION CORRECCIONAL IN ITS MEDIUM PERIOD SHALL BE IMPOSED UPON AN OFFENDER WHO SHALL COHABIT WITH A PARAMOUR IN ANY OTHER PLACE.

SECTION 2. Articles 344 and 345 of the Revised Penal Code are, likewise amended co read as follows:

"ART. 344. *Prosecution of the crimes of [adultery, concubine] SEXUAL INFIDELITY, seduction, abduction, rape and acts of lasciviousness.* – The crime[s] of [adultery and concubinage] **SEXUAL INFIDELITY** shall not be prosecuted except upon a complaint filed by the offended spouse.

The offended party cannot institute criminal prosecution without including both the guilty parties [,] if they are both alive, nor, in any case, if [he] (1) THE OFFENDED PARTY IS LIKEWISE GUILTY OF SEXUAL INFIDELITY; OR (2) HAD ABANDONED THE GUILTY SPOUSE WITHOUT JUST CAUSE FOR MORE THAN ONE (1) YEAR; OR (3) [shall have] HAD CONDONED, consented or pardoned the offenders; or (4) WHEN THE OFFENDED PARTY HAS ENGAGED IN PHYSICAL VIOLENCE OR GROSSLY ABUSIVE CONDUCT TOWARD THE OFFENDED SPOUSE.

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"ART. 345. *Civil liability of persons guilty of crimes against chastity.* - Persons guilty of rape, seduction or abduction shall also be sentenced:

"(1) To indemnify the offended woman.

"(2) To acknowledge the offspring, unless the law should prevent him from so doing.

"(3) In every case to support the offspring

"[The adulterer and the concubine] PERSONS GUILTY OF SEXUAL INFIDELITY in the case provided for in Article[s] 333 [and 334] may also be sentenced, in the same proceeding or in a separate civil proceeding, to indemnify for damages caused to the offended spouse."

Approved,