



Republic of the Philippines
House of Representatives

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2707



Introduced by Rep. Luisa Lloren Cuaresma
Lone District of Nueva Vizcaya

EXPLANATORY NOTE

The Constitution, Article II, Section 13 provides, “*The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.*”

The Convention on the Rights of the Child provides for a minimum standard of protection of children against sexual abuse and exploitation. The Philippines, in compliance with its state obligation has provided legislative measure to address the child sexual abuse and exploitation, which the Committee on Rights of the Child characterized as a “relatively advanced legal framework.” Nevertheless, the Committee still has grave concerns about the sexual exploitation of the children, including growing child prostitution, and the reported cases of child pornography in the state party.

Based on a comparative observation, the Philippines has one of the lowest minimum age established in determining statutory sexual abuses committed against children. Existing legislation also provides differential treatment on children in terms of application of particular provisions of sexual abuse protection laws and in terms of imposition of these laws when child is below or above the minimum age of consent. Pursuant to the obligation of the Philippines under the Convention on the Rights of a Child, this bill amends the provision of the Penal Code by raising the minimum age of consent to determine statutory rape to below eighteen (18) years of age. In this regard, it amends or repeals the other provisions of the Penal Code, as well as special laws with the attempt to address the disparity in the treatment of those persons who are below twelve (12) years old and those twelve (12) years but below 18 years of age.

The Committee did not state the particular age that is acceptable at the international level but a comparative observation of other countries' laws around the world shows that the Philippines has one of the lowest minimum age for determining statutory rape.

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

Luisa Loren Cuaresma
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AN ACT INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION TO BELOW EIGHTEEN YEARS OLD AND PROVIDE STRONGER PROTECTION FOR CHILDREN AND AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. Short Title – This Act shall be known as the “Age of Statutory Rape and Acts of Sexual Abuse Act”

SECTION 2. The Penal Code, Article 266-A (1) (d) is hereby amended as follows:

“Article 266-A. Rape – When and How Committed. Rape is committed:

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - (d) When the offended party is **UNDER EIGHTEEN (18)** [twelve (12)] years of age or is demented, even though none of the circumstances above be present.”

SECTION 3. Repealing Clause – Republic Act No. 7610 Section 5 (b), Act No. 3815 Articles 337, 338, 339, 342, and 343, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

The Committee did not state the particular age that is acceptable at the international level but a comparative observation of other countries' laws around the world shows that the Philippines has one of the lowest minimum age for determining statutory rape.

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

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