

CONGRESS OF THE PHILIPPINES  
TENTH CONGRESS  
*Second Regular Session*



## HOUSE OF REPRESENTATIVES

H. No. 6265

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INTRODUCED BY HONORABLE DE VENECIA, JR., SATOR, AQUINO-ORETA, REYES, APOSTOL, GULLAS, GILLEGO, GOLEZ, CRUZ-DUCUT, LEDESMA IV, AUMENTADO, LIBAN, DRAGON, LARA, BAKUNAWA, MANGOTARA, BRAGANZA, LUCIANO, ANGARA-CASTILLO, ESPINOSA, RAMIRO, TY, RUIZ, ALMARIO, NOGRALES, RAMA, SR., TAJON, FUENTES, PALMA GIL, ERMITA, OCAMPO, CANDAZO, ADIONG, SEACHON, JR., CLAUDIO, PAREDES, JR., LACSON, LORENZO-VILLAREAL, DEL MAR, LOBREGAT, VERCELES, JR., FIGUEROA, GARCIA (E.), NATIVIDAD, ACOSTA, PEREZ (H.), ROXAS, YAP, SILVERIO, LAUREL-TRINIDAD, TILANDUCA, TIRADOR, JAAFAR, BADELLES, SR., FUA, ANTONIO, COSALAN, TAÑADA, CERILLES, IMPERIAL, SAN BUENAVENTURA, CABILAO, PLAZA, ANTONINO, BORJA-AGANA, MATTI, LAUDICO, ESCUDERO III, SHAHANI, PERIQUET, LOPEZ (J.), VILLAR, JR., RODRIGUEZ, AVILA, FAJARDO (P.), MONFORT, ANDOLANA, ABAD, ABAYA (P.), ABUEG, JR., ARROYO, BAUTISTA, SR., CATANE, CHIPECO, JR., DAMASING, DATUMANONG, DEJON, SR., FUGOSO, GONZALEZ (R.), GUANZON (R.G.), JABAR, LOPEZ (E.), MONTEMAYOR, MUARIP, OLEGARIO, SR., TAGLE, TEVES, TUAZON, VERCELES (E.), VERGARA, AND VILLAROSA, PER COMMITTEE REPORT NO. 224

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AN ACT REDEFINING THE LAW ON RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS TO INCLUDE OTHER FORMS OF SEXUAL ASSAULT ON ANY PERSON, PRESCRIBING PENALTIES THEREFOR, AMENDING IN THIS CONNECTION ARTICLE 335 OF THE REVISED PENAL CODE, ACT NUMBER 3815, AS AMENDED, AND FOR OTHER PURPOSES

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

1           SECTION 1. *Title.* - This Act shall be known as the "Anti-rape  
2 Law of the Philippines."

3           SEC. 2. *Crime Against Persons.* - The crime of rape, which  
4 includes other forms of sexual assault, shall henceforth be classified  
5 as a crime against persons, and for this purpose there shall be  
6 embodied in Title 8 of Act No. 3815, otherwise known as the  
7 Revised Penal Code, as amended, a new chapter on rape.

8           SEC. 3. Article 335 of the Revised Penal Code, as amended  
9 by Republic Act No. 7659, is hereby further amended to read as  
10 follows:

11           "ART. 266-A [335]. *When and how rape is committed.* - Rape  
12 is committed by having carnal knowledge of a woman under any of  
13 the following circumstances:

14           "1. By using force or intimidation;

15           "2. When the woman is deprived of reason, DRUGGED or  
16 otherwise unconscious; and

17           "3. When the woman is under twelve (12) years of age or is  
18 demented,   EVEN THOUGH NEITHER OF THE CIRCUMSTANCES  
19 MENTIONED IN THE TWO NEXT PRECEDING PARAGRAPHS SHALL BE  
20 PRESENT.

1            "The crime of rape COMMITTED UNDER ANY OF THE  
2 CIRCUMSTANCES MENTIONED ABOVE shall be punished by *reclusion*  
3 *perpetua*.

4            "Whenever the crime of rape is committed with the use of a  
5 deadly weapon or by two or more persons, the penalty shall be  
6 *reclusion perpetua* to death.

7            "When by reason or on the occasion of the rape, the victim has  
8 become insane, the penalty shall be death.

9            "When the rape is attempted [or frustrated] and a homicide is  
10 committed by reason or on the occasion thereof, the penalty shall be  
11 *reclusion perpetua* to death.

12            "When by reason or on the occasion of the rape, a homicide is  
13 committed, the penalty shall be death.

14            "The death penalty shall also be imposed if the crime of rape  
15 is committed with any of the following [attendant]  
16 AGGRAVATING/QUALIFYING circumstances:

17            "1. When the victim is under eighteen (18) years of age and  
18 the offender is a parent, ascendant, step-parent, guardian, relative by  
19 consanguinity or affinity within the third civil degree, or the  
20 common-law spouse of the parent of the victim.

21            "2. When the victim is under the custody of the police or  
22 military authorities OR ANY LAW ENFORCEMENT OR PENAL

1 INSTITUTION: *PROVIDED*, THAT THE POLICE OR MILITARY  
 2 AUTHORITIES OR THE MEMBERS OF SUCH AUTHORITIES OR  
 3 INSTITUTIONS ARE THE CULPRITS OR THEY COMMITTED OR THEY  
 4 CONNIVED WITH THE OFFENDER IN THE COMMISSION OF THE  
 5 OFFENSE.

6 "3. When the rape is committed in full view of the husband,  
 7 parent, any of the children or other relatives within the third civil  
 8 degree of consanguinity.

9 "4. When the victim is a religious [or a child below seven (7)  
 10 years old] ENGAGED IN LEGITIMATE RELIGIOUS VOCATION OR  
 11 CALLING AND IS PERSONALLY KNOWN TO BE SUCH BY THE OFFENDER  
 12 BEFORE OR AT THE TIME OF THE COMMISSION OF THE CRIME.

13 "5. WHEN THE VICTIM IS A CHILD BELOW SEVEN (7) YEARS  
 14 OLD.

15 "6[5]. When the offender knows that he is afflicted with  
 16 Acquired Immune Deficiency Syndrome (AIDS) disease AND THE  
 17 VIRUS OR DISEASE IS TRANSMITTED TO THE VICTIM.

18 "7[6]. When committed by any member of the Armed Forces  
 19 of the Philippines or the Philippine National Police or any law  
 20 enforcement agency OR PENAL INSTITUTION, WHEN THE OFFENDER  
 21 TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION  
 22 OF THE CRIME.

1 "8[7]. When by reason or on the occasion of the rape, the  
2 victim has suffered permanent physical mutilation."

3 SEC. 2. The crime of sexual assault is hereby defined and  
4 penalized as follows:

5 "ART. 266-B. *Sexual assault.* - Sexual assault is committed:

6 "(a) By a man who shall insert his penis into another person's  
7 mouth or anal orifice, whether the latter is male or female;

8 "(b) By any person, [whether male or female,] who shall  
9 insert other parts of his or her body, or any instrument or object,  
10 into the genital or anal orifice of [another person, whether male or  
11 female] A WOMAN, EXCEPT WHEN THE PERSON PERFORMING SUCH  
12 ACTS IS DOING IT IN THE PERFORMANCE OF A MEDICAL, DENTAL OR  
13 SCIENTIFIC DUTY OR OTHER PROFESSIONAL OBLIGATION AND WITH  
14 THE CONSENT OF THE VICTIM; or

15 "(c) By any person who shall make [another person] A  
16 WOMAN submit to sexual intercourse with an animal, whether  
17 through the mouth, genital or anal opening[;].

18 "Under any of the following circumstances:

19 "(1) By using force, threat or intimidation;

20 "(2) When the victim is deprived of reason, DRUGGED or  
21 otherwise unconscious; AND

1           "(3) When the victim is under twelve (12) years of age or is  
2   demented;

3           ["(4) By using drugs, intoxicants or any other noxious means;  
4   and

5           ["(5) By means of abuse of authority or relationship."]

6           "The crime of sexual assault shall be punished by [*reclusion*  
7   *perpetua*]**PRISION MAYOR.**

8           "Whenever the crime of sexual assault is committed with the  
9   use of a deadly weapon or by two or more persons, the penalty shall  
10   be [*reclusion perpetua* to death]**PRISION MAYOR TO RECLUSION**  
11   **TEMPORAL.**

12           "When by reason or on the occasion of the sexual assault, the  
13   victim has become insane, the penalty shall be [death]**RECLUSION**  
14   **TEMPORAL.**

15           "When the sexual assault is attempted and a homicide is  
16   committed by reason or on the occasion thereof, the penalty shall be  
17   [*reclusion perpetua* to death]**RECLUSION TEMPORAL TO RECLUSION**  
18   **PERPETUA.**

19           "When by reason or on the occasion of the sexual assault, a  
20   homicide is committed, the penalty shall be [death]**RECLUSION**  
21   **PERPETUA.**

1            "[The death penalty]**RECLUSION TEMPORAL** shall also be  
2 imposed if the crime of sexual assault is committed with any of the  
3 following attendant circumstances:

4            "(1) When the victim is under eighteen (18) years of age and  
5 the offender is a parent, ascendant, step-parent, guardian, relative by  
6 consanguinity or affinity within the third civil degree, or the  
7 common-law spouse of the parent of the victim.

8            "(2) When the victim is under the custody of the police or  
9 military authorities **OR ANY LAW ENFORCEMENT OR PENAL**  
10 **INSITTUTION: PROVIDED, THAT THE POLICE OR MILITARY**  
11 **AUTHORITIES OR THE MEMBERS OF SUCH AUTHORITIES OR**  
12 **INSITTUTIONS ARE THE CULPRITS OR THEY COMMITTED OR THEY**  
13 **CONNIVED WITH THE OFFENDER IN THE COMMISSION OF THE**  
14 **OFFENSE.**

15            "(3) When the sexual assault is committed in full view of the  
16 spouse, parent, any of the children or other relatives within the third  
17 civil degree of consanguinity.

18            "(4) When the victim is a religious **ENGAGED IN LEGITIMATE**  
19 **RELIGIOUS VOCATION OR CALLING AND IS PERSONALLY KNOWN TO BE**  
20 **SUCH BY THE OFFENDER BEFORE OR AT THE TIME OF THE**  
21 **COMMISSION OF THE CRIME.**

1           "(5) When the victim is a child below seven (7) years old.

2           "(6) When the offender knows that he or she is afflicted with  
3 Acquired Immune Deficiency Syndrome (AIDS) disease.

4           "(7) When committed by any member of the Armed Forces of  
5 the Philippines or the Philippine National Police or any law  
6 enforcement agency OR PENAL INSTITUTION, WHEN THE OFFENDER  
7 TOOK ADVANTAGE OF HIS POSITION TO FACILITATE THE COMMISSION  
8 OF THE CRIME.

9           "(8) When by reason or on the occasion of the sexual assault,  
10 the victim has suffered permanent physical mutilation.

11           "(9) When the offender knew of the pregnancy of the  
12 offended party at the time of the commission of the crime.

13           "(10) When the offender knew the victim is physically  
14 handicapped.

15           "The marital relationship between the offender and the  
16 offended party shall not serve as a legal impediment to the  
17 prosecution of the crime of [rape]SEXUAL ASSAULT by one against  
18 the other [where the spouses are legally separated or in fact  
19 separated for at least six months]."

20           SEC. 3. *Repealing Clause.* - Article 335 of Act No. 3815, as  
21 amended, otherwise known as the Revised Penal Code, and all laws,  
22 acts, presidential decrees, executive orders, administrative orders,



1 rules and regulations inconsistent with or contrary to the provisions  
2 of this Act, are deemed amended, modified or repealed accordingly.

3- SEC. 4. *Separability Clause.* - The declaration of  
4 unconstitutionality or invalidity of any provision of this Act shall not  
5 affect the other provisions hereof.

6 SEC. 5. *Effectivity Clause.* - This Act shall take effect after  
7 fifteen (15) days following the completion of its publication in the  
8 *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

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