



**NINETEENTH CONGRESS OF THE REPUBLIC )**  
**OF THE PHILIPPINES )**  
*First Regular Session )*

'22 JUL -7 P5 :43

RECEIVED BY: 

**SENATE**  
**Senate Bill No. 212**

Introduced by: **Senator Raffy T. Tulfo**

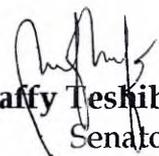
**AN ACT ENSURING THE FUNDAMENTAL EQUALITY OF MEN AND WOMEN  
ON LAWS RELATING TO CRIMES AGAINST CHASTITY, AMENDING FOR  
THIS PURPOSE ARTICLE 333 AND REPEALING ARTICLE 334 OF ACT 3815,  
OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER  
PURPOSES**

**EXPLANATORY NOTE**

The Revised Penal Code ("RPC") punishes marital infidelity through the crimes of adultery and concubinage. Adultery is committed by a married woman who shall have sexual intercourse with a man not her husband. On the other hand, concubinage is committed by the married man by (a) keeping a mistress in the conjugal dwelling; (b) having sexual intercourse under scandalous circumstances with a woman not his wife; or (c) cohabiting with her in any other place. While proving concubinage is much more difficult than proving adultery, the penalty for adultery is notably higher than the penalty for concubinage. The sex-based discrepancy in the said crimes and the corresponding penalties therefor perpetuate the discrimination against women in contravention of our State policy to "ensure the fundamental equality before the law of women and men."

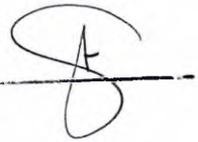
Consistent with the declaration in Republic Act No. 9710, or the Magna Carta of Women, provisions of law which engender inequality, such as the foregoing, must be abolished. This bill seeks to uphold gender equality by making both men and women liable for the crime of marital infidelity. Several proposals have already been made seeking to amend these discriminatory provisions. To this date, however, none has been enacted into law.

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

  
**Raffy Teshiba Tulfo**  
Senator

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PURPOSES**

1 *Be It enacted by the Senate and the House of Representatives of the Philippines in*  
2 *Congress assembled:*

3

4 **SECTION 1.** Article 333 of the Revised Penal Code, is hereby deleted in its entirety  
5 and replaced with the following:

6

7 Article 333. *Marital Infidelity.* – Marital infidelity is committed by any married  
8 person who shall have sexual intercourse with another person who is not  
9 such person's spouse and by the other person whom the offender has  
10 sexual intercourse with, knowing the offender to be married, even if the  
11 marriage be subsequently declared void.

12

13 Marital infidelity shall be punished by *prision correccional* in its medium and  
14 maximum periods.

15

16 **SECTION 2.** Article 334 of the Revised Penal Code is hereby repealed.

17

18 **SECTION 3.** The first two paragraphs of Article 344 of the Revised Penal Code are  
19 hereby amended to read as follows:

20

21 Article 344. *Prosecution of the crimes of [~~adultery, concubinage~~] **MARITAL***  
22 ***INFIDELITY**, seduction, abduction, rape, and acts of lasciviousness.* – The  
23 crime[s] of **MARITAL INFIDELITY** shall not be prosecuted except upon a  
24 complaint filed by the offended spouse. **THE OFFENDED SPOUSE MAY**  
25 **INSTITUTE CRIMINAL PROSECUTION AT THE PLACE OF HIS OR**  
26 **HER RESIDENCE AT THE TIME THE OFFENSE WAS COMMITTED.**

1 The offended party cannot institute criminal prosecution *(i)* without  
2 including both the guilty parties, if they are both alive; [~~nor, in any case,~~]  
3 *(ii)* if he **OR SHE** shall have consented or pardoned the offenders; *(iii)* **IF**  
4 **HE OR SHE IS LIKEWISE GUILTY OF MARITAL INFIDELITY; (IV)**  
5 **OR IF HE OR SHE HAS ABANDONED HIS OR HER SPOUSE WITHOUT**  
6 **JUST CAUSE FOR A PERIOD OF AT LEAST ONE YEAR.**  
7  
8

9 **SECTION 4.** *Effect on Pending Cases* – All pending cases under the provisions of  
10 Article 333 and Article 334 of the Revised Penal Code on Adultery and Concubinage  
11 prior to its amendment by this Act shall be dismissed upon effectivity of this Act.  
12

13  
14 **SECTION 5.** *Separability Clause.* - If, for any reason, any provision of this Act is  
15 declared to be unconstitutional or invalid, the other sections or provisions hereof which  
16 are not affected thereby shall continue to be in full force or effect.  
17

18  
19 **SECTION 6.** *Repealing Clause.* - All laws; decrees, orders, rules and regulations or  
20 parts thereof which are inconsistent with or contrary to the provisions of this Act are  
21 hereby repealed, amended, or modified accordingly.  
22

23 **SECTION 7.** *Effectivity.* - This Act shall take effect fifteen (15) days after its complete  
24 publication in the Official Gazette or in a national newspaper of general circulation.  
25

26 Approved,