



'22 NOV 23 P1:52

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

RECEIVED BY:

SENATE
S.B. No. 1535

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
EXTENDING THE PRESCRIPTIVE PERIOD OF OFFENSES UNDER THE
VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT, THE CRIME OF
RAPE AND THE CRIMES CHARACTERIZED AS CRIMES AGAINST CHASTITY
UNDER TITLE ELEVEN OF THE REVISED PENAL CODE, AMENDING FOR THE
PURPOSE SECTION TWENTY-FOUR OF REPUBLIC ACT NO. 9262,
OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND
THEIR CHILDREN ACT OF 2004," AND ARTICLE 90 OF THE REVISED PENAL
CODE, AS AMENDED.

EXPLANATORY NOTE

Article II, Section 14 of the 1987 Constitution recognizes the role of women in nation-building and ensures the fundamental equality before the law of women and men.

Violence against women (VAW) is one of the most prevalent social problems in the country. The Philippine Commission for Women (PCW) pointed out that the cause of VAW lies on the inequitable relationship between men and women, and archaic societal norms. Despite the country's unwavering efforts to develop effective legislation, inequities in power - economic, social, and financial, persist.

The 2017 Philippine National Demographic and Health Survey by the Philippine Statistics Authority showed that seventeen percent (17%) of women age 15 to 49 experienced physical violence, and about 1 in 20 women endured some form of sexual violence. Strikingly, 1 in 4 married women endured physical, sexual, or emotional violence inflicted by their husband or partner. Further, the Philippine National Police (PNP) stated that a total of 6,383 violence against women cases and 9,677 cases of violence against children were reported to the PNP Women and Children Protection Center as of August 2022.

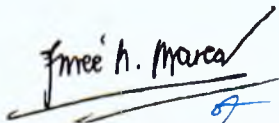
The fear of reporting to and seeking assistance from proper authorities is one of the perennial challenges in domestic and sexual violence incidents. Psycho-social

syndromes, such as the 'battered woman' and other trauma prevent victims from reporting these crimes for years on end, such that surveys reveal a mere 1/3 of women seek help, while the rest never sought help.

The infamous conviction of Harvey Weinstein, a former American film producer just this year, underlies the need and impossibility for a victim to break her silence and bring the case to court. In 2017, records reveal that while dozens of women had accused the latter of rape, sexual assault, and sexual abuse over a period of at least thirty years, they were barred by statute of limitations from pursuing criminal charges.

This bill thus seeks to amend Section 24 of Republic Act No. 9262 otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004," and Article 90 of the Revised Penal Code by extending the prescriptive period of, and by making imprescriptible, certain offenses and crimes committed against women and children. The bill acknowledges the overwhelming psychological cost and social punishment that renders women and children unable to file said cases in court at the required period set by existing laws. If enacted into law, the State will no longer lose its right to prosecute the offenders and, shall be better able to protect women and children who have been victimized and silenced for too long.

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


IMEE R. MARCOS



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THEIR CHILDREN ACT OF 2004," AND ARTICLE 90 OF THE REVISED PENAL
CODE, AS AMENDED.

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

1 **SECTION 1.** Section 24 of Republic Act No. 9262, otherwise known as the "Anti-
2 Violence Against Women and Their Children Act Of 2004," shall be amended to read as
3 follows:

4 "SEC. 24. Prescriptive Period. - Acts falling under Sec. 5(a) to 5(f) shall prescribe
5 in twenty (20) years. Acts falling under Sec. 5(g) to 5(i) shall prescribe in ten
6 (10) years.

7
8 **"PROVIDED, THAT WHEN THE OFFENDER IN THE ACTS FALLING**
9 **UNDER SEC. 5(A) TO 5(G) IS A PARENT, ASCENDANT, STEP-PARENT,**
10 **GUARDIAN, RELATIVE WITHIN THE FOURTH CIVIL DEGREE OF**
11 **CONSANGUINITY OR AFFINITY OF THE OFFENDED PARTY, OR HAS**
12 **AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER THE**
13 **OFFENDED PARTY IN A WORK OR TRAINING OR EDUCATION**
14 **ENVIRONMENT, THE OFFENSE SHALL BE IMPRESCRIPTIBLE;**
15 **PROVIDED THAT, SHOULD SAID OFFENDER COMMIT ANY OFFENSE**
16 **FALLING UNDER SEC. 5(H) TO 5(i) , THE OFFENSE SHALL PRESCRIBE**
17 **IN TWENTY (20) YEARS."**

18 **SEC. 2.** Art. 90 of the Revised Penal Code, as amended by Republic Act No. 4661
19 shall be further amended to read as follows:
20

1
2 **"Art. 90. Prescription of crimes.**—Crimes punishable by death, reclusion
3 perpetua or reclusion temporal shall prescribe in twenty years.

4
5 Crimes punishable by other afflictive penalties shall prescribe in fifteen years.

6
7 Those punishable by a correctional penalty shall prescribe in ten years; with the
8 exception of those punishable by arresto mayor, which shall prescribe in five
9 years.

10
11 The crime of libel or other similar offenses shall prescribe in one year.

12
13 The offenses of oral defamation and slander by deed shall prescribe in six
14 months.

15
16 Light offenses prescribe in two months.

17
18 **"PROVIDED, THAT WHEN THE OFFENDER IN THE CRIMES AGAINST**
19 **CHASTITY IS A PARENT, ASCENDANT, STEP-PARENT, GUARDIAN,**
20 **RELATIVE BY CONSANGUINITY OR AFFINITY WITHIN THE FOURTH**
21 **CIVIL DEGREE, OR A PERSON HAVING AUTHORITY, INFLUENCE OR**
22 **MORAL ASCENDANCY OVER THE OFFENDED PARTY IN A WORK OR**
23 **TRAINING OR EDUCATION ENVIRONMENT, THE CRIME,**
24 **IRRESPECTIVE OF THE PENALTY, SHALL PRESCRIBE IN TWENTY (20)**
25 **YEARS; PROVIDED FURTHER, THAT IF RAPE, WHETHER ATTEMPTED**
26 **OR CONSUMMATED, IS COMMITTED BY THE SAID OFFENDER, THE**
27 **CRIME SHALL BE IMPRESCRIPTIBLE."**

28
29 When the penalty fixed by law is a compound one, the highest penalty shall be
30 made the basis of the application of the rules contained in the first, second, and
31 third paragraphs of this article."

32
33 **SEC. 3.** Repealing Clause. - All laws, presidential decrees, letters of instructions,
34 executive orders, rules and regulations insofar as they are inconsistent with this Act,
35 are hereby repealed or amended as the case maybe.

36
37 **SEC. 4.** Separability Clause. - In case any provision of this Act or any portion
38 thereof is declared unconstitutional by a competent court, other provisions shall not be
39 affected thereby.

40
41 **SEC. 5.** Effectivity Clause. - This Act shall take effect after its complete
42 publication in at least three (3) newspapers of general circulation.

Approved,