



23 FEB 16 P2:41

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

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SENATE
S.B. No. 1895

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT REMOVING AS ABSOLUTORY CAUSE THE SUBSEQUENT MARRIAGE OF THE OFFENDED PARTY TO THE OFFENDER IN CASES OF RAPE, THEREBY EXTINGUISHING CRIMINAL LIABILITY, AMENDING FOR THIS PURPOSE ARTICLE 344 AND REPEALING ARTICLE 266-C OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 14 of the 1987 Constitution provides that "*the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.*"

While we have enacted several laws seeking to protect the rights of women, such as Republic Act No. 9710 or "*The Magna Carta of Women*," many of them still become targets of gender-related crimes.

In 2022, there were a total of 7,197 rape cases monitored in the country and at least 22 rape cases reported daily based on the records of the Philippine National Police. The highest number was recorded in Davao where 413 reports of rape were recorded and 123 rape cases were being monitored. Further, at least 90% of the incidents occurred in the victims' residences and involved their relatives.

Worse, under our existing laws, marriage of the offended party to the offender, in cases of rape, is considered as an absolatory cause. This means that the criminal liability shall be extinguished and there shall be no penalty to be imposed against the offender if the perpetrator manages to marry the victim. This antiquated provision is not in consonance with our commitment to uphold the rights of women. It serves as a convenient means for offenders to evade prosecution and indirectly reinforce forced marriages. In order to uphold a woman's dignity, they should be allowed to solely decide on matters pertaining to their body, life, and future.

As such, this bill seeks to finally rectify this error by amending the decades-old provision of the Revised Penal Code and, in effect, shall delete as absolatory cause the marriage of the offended party to the offender in cases of rape, as well as crimes against chastity, seduction, abduction, and acts of lasciviousness.

For the foregoing reasons, the passage of this bill is earnestly sought.

IMEE R. MARCOS

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

1 **SECTION. 1.** Article 266-C of Act No. 3815, otherwise known as the Revised
2 Penal Code, extinguishing the crime of rape by subsequent valid marriage between
3 the offender and the offended party, is hereby repealed.

4
5 **SEC. 2.** Article 344 of the same Act is hereby amended to read as follows:

6
7 "Article 344. *Prosecution of the crimes of adultery, concubinage,*
8 *seduction, abduction, rape and acts of lasciviousness.* – The crimes of
9 adultery and concubinage shall not be prosecuted except upon a
10 complaint filed by the offended spouse.

11
12 The offended party cannot institute criminal prosecution
13 without including both the guilty parties, if they are both alive, nor,
14 in any case, if he shall have consented or pardoned the offenders.

15
16 The offenses of seduction, abduction, rape or acts of
17 lasciviousness, shall not be prosecuted except upon a complaint filed
18 by the offended party or her parents, grandparents, or guardian, nor,
19 in any case, if the offender has been expressly pardoned by the above
20 named persons, as the case may be.

21
22 ~~[In cases of seduction, abduction, acts of lasciviousness and~~
23 ~~rape, the marriage of the offender with the offended party shall~~
24 ~~extinguish the criminal action or remit the penalty already imposed~~
25 ~~upon him. The provisions of this paragraph shall also be applicable to~~

1 the co-principals, accomplices and accessories after the fact of the
2 above-mentioned crimes.]"

3
4 **SEC. 3. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
5 regulations that are inconsistent with the provisions of this Act are hereby repealed
6 or modified accordingly.

7
8 **SEC. 4. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or in a newspaper of general circulation.

10 *Approved,*

11