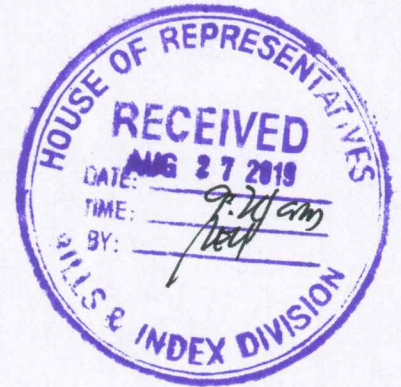


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

House Bill No. 4160



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Introduced by  
**HON. YEDDA MARIE K. ROMUALDEZ**  
and  
**HON. FERDINAND MARTIN G. ROMUALDEZ**

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This bill seeks to provide stronger protection for children from sexual abuse. It accordingly aims to increase to sixteen (16) years from the current twelve (12) years the age for determining the crime of statutory rape, wherein for reasons of his or her age, the consent of the victim, even if present or was presumed given, cannot be used in defense of the offender.

The establishment of a minimum age of sexual consent is a critical component in shielding children from sexual violence. Children below such age are considered without the power to resist and to give their genuine and fully informed consent to any sexual activity.

The Philippines is party to the Convention on the Rights of a Child which obliges all State parties to take all measures to protect children from all forms of sexual exploitation and sexual abuse including coercion to engage in any unlawful sexual activity, including the passage of laws that prohibit engaging in sexual activity with children below the age of sexual consent.

Current Philippine laws provide that sexual intercourse with children below 12 years old is illegal and tantamount to rape. In addition, sexual activity with a person below 18 years of age may constitute child abuse and exploitation.

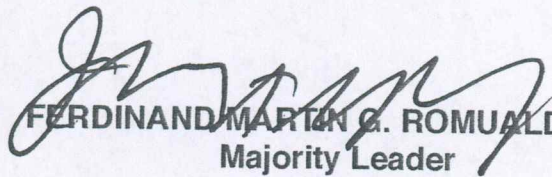
However, the current age for determining the crime of statutory rape is not compliant with the international average as evidenced by a 2015 Report released by the United Nations Children's Fund (UNICEF) East Asia and Pacific Region. In fact, the same study revealed that the age of sexual consent in the Philippines is the lowest in the Southeast Asian region.

It is highly imperative that a significant reform in our current legislation is required in order to comply with our international commitments in terms of the protection of children. To this end, this bill proposes amendments to the Revised Penal Code, as amended by Republic Act No. 8353, otherwise



known as the Anti-Rape Law of 1997 and Republic Act No. 7610, also known as the Special Protection of Children Against Abuse, Exploitation and Discriminatory Act.

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



**FERDINAND MARTIN G. ROMUALDEZ**  
Majority Leader



**YEDDA MARIE K. ROMUALDEZ**  
Tingog Sinirangan Partylist

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Introduced by  
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**AN ACT PROVIDING STRONGER PROTECTION TO CHILDREN BY INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION AND AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE, REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS THE ANTI-RAPE LAW OF 1997 AND REPUBLIC ACT NO. 7610, ALSO KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATORY ACT**

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

**Section 1.** Article 266-A of the Revised Penal Code, as amended, is hereby amended to read as follows:

“ARTICLE 266-A. *RAPE - WHEN AND HOW COMMITTED.* RAPE IS COMMITTED BY ANY PERSON WHO SHALL COMMIT ANY OF THE FOLLOWING ACTS AGAINST ANY PERSON WITHOUT THEIR CONSENT, WHETHER OR NOT INJURIES WERE SUFFERED:

1. INSERTING A PERSON’S PENIS INTO ANOTHER PERSON’S INNER OR OUTER VAGINAL LABIA,



MOUTH, OR ANAL ORIFICE OF ANOTHER PERSON;

2. INSERTING ANY INSTRUMENT OR OBJECT, INCLUDING A FINGER, INTO ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA OR ORAL ORIFICE OF ANOTHER PERSON; OR
3. CAUSING THE INSERTION OF ANOTHER PERSON'S PENIS INTO THE INNER OR OUTER VAGINAL LABIA, MOUTH, OR ORAL ORIFICE OF THE OFFENDER THROUGH FORCE, THREAT, INTIMIDATION, VERBAL PRESSURE, PERSUASION, COERCION, ADMINISTRATION OF ALCOHOL, DRUGS RESULTING TO THE DEPRIVATION OF REASON, OR FRAUDULENT MACHINATION OR GRAVE ABUSE OF AUTHORITY SHALL ALSO BE GUILTY OF THE CRIME OF RAPE;
4. WHEN THE OFFENDED PARTY IS DEPRIVED OF REASON OR OTHERWISE UNCONSCIOUS;
5. CAUSING TWO OR MORE PERSONS TO ENGAGE IN SEXUAL ACTS, OR THEIR PERFORMANCE OF ANY OF THE ABOVE-MENTIONED ACTS IN THIS PARAGRAPH THROUGH FORCE, THREAT, INTIMIDATION, VERBAL PRESSURE, PERSUASION, COERCION, ADMINISTRATION OF ALCOHOL OR DRUGS RESULTING TO DEPRIVATION OF REASON OR, OR FRAUDULENT MACHINATION OR GRAVE ABUSE OF AUTHORITY SHALL ALSO BE GUILTY



OF THE CRIME OF RAPE, EVEN IF THE  
PERPETRATOR DOES NOT PARTICIPATE.

**Section 2.** Article 266-B of the Revised Penal Code, as amended, is hereby further amended to read as follows:

“ARTICLE 266-B. *STATUTORY RAPE*. THE CRIME OF STATUTORY RAPE IS COMMITTED WHEN ANY OF THE ACTS ENUMERATED IN ARTICLE 266-A IS COMMITTED AGAINST A MINOR UNDER SIXTEEN (16) YEARS OF AGE OR THOSE OVER BUT ARE UNABLE TO FULLY TAKE CARE OF THEMSELVES FROM ABUSE, NEGLECT, CRUELTY, EXPLOITATION OR DISCRIMINATION BECAUSE OF A PHYSICAL OR MENTAL DISABILITY OR CONDITION. THERE SHALL BE NO VALID CONSENT IN THESE INSTANCES.”

**Section 3.** Article 266-B of the Revised Penal Code, as amended, enumerating the *penalties* for the crime of rape shall be renumbered as Article 266-C and is hereby further amended to read as follows:

“Article 266-C [~~226-B~~]. *PENALTY* [~~Qualified Seduction~~]. Rape under ARTICLE 266-A [~~paragraph 1 of the next preceding article~~] AS DEFINED IN THIS LAW shall be punished by *reclusion perpetua*. THE SAME PENALTY SHALL APPLY IN CASES OF STATUTORY RAPE.

“Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* IN ITS MAXIMUM PERIOD [~~to death~~].

“When by reason or on the occasion of the rape, the victim has become insane, the penalty shall become *reclusion perpetua* IN ITS MAXIMUM PERIOD [~~to death~~].



"When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* IN ITS MAXIMUM PERIOD [~~to death~~].

"When by reason or on the occasion of the rape, homicide is committed, the penalty shall be *reclusion perpetua* IN ITS MAXIMUM PERIOD [~~to death~~].

"The PENALTY OF RECLUSION PERPETUA IN ITS MAXIMUM PERIOD shall also be imposed if the crime of rape is committed with any of the following aggravating / qualifying circumstances:

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

"2). When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;

"3). When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;

"4). When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;

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

"6). When the offender knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV) / Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;

"7). When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;

"8). When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

"9). When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and

"10). When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

**Section 3.** Article 266-C of the Revised Penal Code, as amended, shall be renumbered as Article 266-D and is hereby further amended to read as follows:



“Article 266-D [226-G]. *EFFECT OF FORGIVENESS AND SUBSEQUENT VALID MARRIAGE* [~~*Effect of Pardon*~~].

The subsequent valid marriage between the offended party AND THE OFFENDER shall NOT AUTOMATICALLY extinguish the criminal action or the penalty imposed.

xxx.”

**Section 4.** Article 266-D of the Revised Penal Code, as amended, on *Presumptions* shall be renumbered as Article 266-E and is hereby further amended to read as follows:

“Article 266-E [226-D]. *Presumptions.* Any [~~physical~~ ~~overt~~] act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her OR him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A AND 266-B.”

**Section 5.** Article 337 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“Article 337. *Qualified Seduction.* The seduction of a MINOR [~~virgin~~] [~~over~~] SIXTEEN (16) [~~twelve~~] years and under eighteen years of age, committed by any person in public authority, priest OR RELIGIOUS ENGAGED IN LEGITIMATE RELIGIOUS VOCATION OR CALLING, [~~home-servant~~], domestic, guardian, teacher, or any person who, in any capacity, shall be entrusted with the education or custody of the MINOR [~~woman~~] seduced, shall be punished by *prison correctional* in its MEDIUM [~~minimum~~] and MAXIMUM [~~medium~~] periods

xxx.”



**Section 6.** Article 338 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“Article 338. *Simple Seduction.* - The seduction of a MINOR [~~woman who is single or a widow~~] of good reputation, [~~over~~] SIXTEEN (16) [~~twelve~~] but under eighteen years of age, committed by means of deceit shall be punished by *arresto mayor*.”

**Section 7.** Article 342 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“Article 342. *Forcible Abduction.* - The abduction of any PERSON [~~woman~~] against HIS OR her will and with lewd designs shall be punished by *reclusion temporal*.

The same penalty shall be imposed in every case, if the PERSON [~~female~~] abducted be under SIXTEEN (16) [~~twelve~~] years of age.”

**Section 8.** Article 343 of the Revised Penal Code, is hereby amended to read as follows:

“Article 343. *Consented Abduction* — The abduction of a MINOR [~~virgin~~] SIXTEEN (16) [~~over twelve~~] years and under eighteen years of age, carried out with HIS OR her consent and with lewd designs, shall be punished by the penalty of *prision correccional* in its minimum and medium periods.”

**Section 9.** Republic Act No. 7610, otherwise known as the Special Protection of Children against Abuse Exploitation and Discriminatory Act, Section 5, is hereby amended to read as follows:



*“Section 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.*

xxx

(b) Any person who shall keep or have in his company a minor, SIXTEEN (16) [~~twelve (12)~~] years or under or who in ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (Php 50,000):

Provided, that this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.”

**Section 10. Repealing Clause.** – Republic Act 8353, Republic Act No. 7610, Section 5 (b) and Section 10 (b) and Act No. 3815, Articles 266-A, 266-B, 266-C 337, 338, 339, 340, 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.

**Section 11. Separability Clause** - If any provision of this Act is held invalid or unconstitutional, the remainder Of the Act or the provision not otherwise affected shall remain valid and subsisting.

**Section 12. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.



Approved