

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

**EIGHTEENTH CONGRESS**  
First Regular Session

HOUSE BILL No. 3957



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Introduced by AKO BICOL Party-List  
Rep. ALFREDO A. GARBIN, JR. AND ELIZALDY S. CO

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### EXPLANATORY NOTE

The Revised Penal Code and other related special penal laws defined and criminalized rape and sexual assault as well as other sexually deviant behaviour. The provision of these laws encapsulates the traditional understanding of sexual violence, *i.e.*, unconsented intercourse or malicious conduct.

Recent trends in global legislation, however, recognize the concept of *conditional consent* where a person's consent to a sexual act or conduct is conditioned or qualified upon the use of contraceptive protection against pregnancy and infection. A violation of this *conditional consent* is now rightfully considered a form of sexual assault.

This trend came about in recognition of the need to prevent the spread of infectious and sexually transmitted disease as well as unwanted or unintended pregnancies.

As of recent studies, the global trend of HIV/AIDS infections have decreased. Alarmingly, however, there seems to be a rise in HIV/AIDS infections in the Philippines.

A UNAIDS Report on the global HIV epidemic states that the number of new infections in the Philippines has more than doubled in the past six (6) years from an estimated 4,300 in 2010 to an estimated 10,500 in 2016. The Philippines has become the country with the fastest growing HIV epidemic in Asia and the Pacific, and has become one of eight countries that account for more than 85% of new HIV infections in the region.<sup>1</sup>

Article II, Section 15 of the Constitution provides the state policy that "*the State shall protect and promote the right to health of the people and instill health consciousness among them.*" On the other hand, Section 11 of the same Article states that "*the State values the dignity of every human person and guarantees full respect for human rights*". Towards these ends, the proposed law aims to protect the life and health of individuals who chooses to engage in sexual intercourse and/or other sexual activities without fear of infection and unwanted

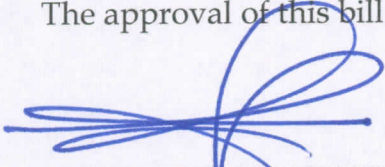
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<sup>1</sup> <https://www.doh.gov.ph/node/10649>

pregnancies. Further, if the victim contracts sexually transmitted diseases or is otherwise impregnated, a hefty penalty shall be meted out against the offender for the undue pain and suffering incurred by the victim.


Thus, it is hereto proposed the enactment of an Anti-Stealth Law of 2019.

The approval of this bill is earnestly sought.



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**Rep. Alfredo A. Garbin, Jr.**  
*Ako Bicol Party-List*



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**Rep. Elizaldy S. Co**  
*Ako Bicol Party-List*



## ANTI-STEALTHING LAW OF 2019

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

**Section 1.** This Act shall be known as the Anti-Stealthing Law of 2019.

**Section 2.** Declaration of Policy. – It is the State's policy to protect the people from acts that may contribute to unwanted pregnancies and the spreading of sexually transmitted diseases through concealment, deception and fraud. It aims to protect the people's dignity and autonomy to have sexual relations safely. It also aims to prosecute those who shall commit acts tending to affront the victim's consent in order to satisfy their perverse sexual deviances.

**Section 3.** Definition of Terms. – Whenever used in this Act, the following terms shall have the respective meanings hereafter set forth:

- a. Consent refers to the voluntary agreement of a person to undergo or engage in sexual intercourse or other sexual activities based on full information, whether such permission is written, conveyed verbally, or expressed indirectly.
- b. Conditional Consent refers to the voluntary agreement of a person to undergo or engage in sexual intercourse or other sexual activities subject to a condition that the partner shall have and make use of the necessary contraceptive protection *e.g.* condoms or such other protective device in order to prevent possible transmission of sexually transmitted disease or the occurrence of unwanted pregnancy.
- c. Protective device refers to any device or wearables that lessens the likelihood of infection or pregnancy during the course of any sexual activity or congress.
- d. Rape refers to the act as defined under R.A. 8353 or otherwise known as the Anti-Rape Law of 1997.
- e. Sexual Activity refers to acts of sexual nature that involves the penetration or insertion of the male genitalia to any orifice of a sexual partner.
- f. Sexual Assault refers to the act as defined under R.A. 8353 or otherwise known as the Anti-Rape Law of 1997.
- g. Stealthing refers to: (1) the act of making a victim believe that the offender is going to or will be using a protective device prior to or during any sexual activity which caused the partner to consent into having sexual activity when in truth such person was not or did not use any such protective device; (2) the act of discreetly removing one's condom or such other protective device during sexual activity without the consent of the partner; or (3) the act of intentionally tampering or damaging the condom or such other protective device *i.e.* poking holes, ripping, tearing for whatever purpose, without the knowledge or express consent of the sexual partner.



**Section 4. Punishable Acts.** – The following acts shall be considered as “stealthing” and punishable under this Act, to wit:

- a. Those who, prior to, and during sexual activity, shall cause his partner to believe that he had used or is currently using a protective device which caused the partner to consent into having sexual activity when in truth such person was not or did not use any such protective device;
- b. Those who, during any sexual activity, shall cause the removal of any protective device, without the express consent of the partner;
- c. Those who, prior to, or during any sexual activity, shall sabotage, tamper, or damage any protective device;
- d. Those who intentionally infect or impregnate their partners through the acts specified above.

The punishable acts under paragraphs (a), (b) and (c) shall apply notwithstanding the fact that after the discovery of such acts and during the sexual activity or congress, a protective device was subsequently used.

**Section 5. Penalties.** The penalty of Reclusion Temporal in its minimum period and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), shall be imposed upon any person found guilty of violating Section 4 of this Act.

If the victim shall have been infected by any sexually transmitted disease or shall have been impregnated, the penalty shall be Reclusion Temporal in its maximum period and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Seven hundred thousand pesos (P700,000.00) shall be imposed.

If the perpetrator intentionally infects or impregnates their partners through the acts specified in Section 4 of this Act, the Penalty shall be Reclusion Perpetua in its maximum period and a fine of not less than One million pesos (P1,000,000.00.) but not more than Five million pesos (P5,000,000.00).

If the offender is an alien, he/she shall be summarily be deported after serving his/her sentence and payment of fines.

**Section 6. Distinct offense.** If the victim shall have withdrawn the consent in continuing with the sexual activity after knowledge of the commission of stealthing and the offender forcibly and without express consent continued with the same, the offender shall be held liable for Rape or Sexual Assault as punished under the Revised Penal Code as amended by R.A. 8353 which shall form as a distinct and separate crime.

**Section 7.** The provisions in pertinent laws and implementing rules and regulations and other issuances inconsistent with this Act are hereby repealed or modified accordingly.

**Section 8.** This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

*Approved,*