

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 5795**



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Introduced by **REP. FRANCISCO "KIKO" B. BENITEZ, Ph.D.**

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**EXPLANATORY NOTE**

Section 3 (2), Article XV of the 1987 Constitution mandates the State to defend the right of children to special protection from all forms of abuse and exploitation. Similarly, Art. 34 of the United Nations Convention of the Rights of the Child (CRC), whereof the Philippines is a state party, calls for state parties to protect the child from all forms of sexual exploitation and sexual abuse. The Philippines was also one of the first countries to sign Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1980, and the first country in ASEAN to ratify it. These underscore the responsibility of the State as *parens patriae* to intervene against the abuse of any child or individual who needs protection.

However, the Philippines is failing in this obligation.

The Philippines has the lowest age of consent, at 12 years old, in Southeast Asia and the second lowest in the world<sup>1</sup>. This is "too low" according to the CEDAW Committee, making children more vulnerable to sexual violence.

Data from the Department of Social Welfare and Development (DSWD) show that from 2015 to 2017, most of the victims of rape and child incest were between the ages of 14 to below 18 – 256 cases or 55 percent of total number of child rape cases. The 2015 National Baseline Study on Violence Against Children also found out that one in every five Filipino children aged 13 to below 18 have experienced sexual violence.

Noting that the low age of consent endangers children, the committees of CRC and CEDAW have already recommended to the Philippine Government to increase the age of sexual consent from 12 to 16 years old. Raising the age of sexual consent widens the shield of the law in protecting children against predators that exploit their vulnerability, and saves them from the profound trauma of sexual violence. It shows our commitment to safeguard the innocence of the youth, prevent lustful acts, and breathe life to Article II, Section 13 of the Constitution which recognizes the role of the youth in nation-building, and the State's duty to promote and protect child's physical, moral, spiritual, intellectual, and social well-being.

It is on these matters that the approval of the subject bill is respectfully sought.

  
**REP. JOSE FRANCISCO "KIKO" B. BENITEZ**

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<sup>1</sup> The average age of sexual consent in the world is between 16 and 18 years old.

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**AN ACT**

**INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION TO PROVIDE STRONGER PROTECTION FOR CHILDREN AND AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE 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 House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. Title.** — This Act shall be known as the “Age of Statutory Rape and Other Sexual Abuse Act.”

**SEC. 2.** The Revised Penal Code, Article 266-A (1)(d), is hereby amended to read as follows:

“Article 266-A. Rape – When and How Committed. Rape is committed:

1.) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

x x x

(d) When the offended party is under SIXTEEN (16) [twelve] years of age or is demented, even though none of the circumstances mentioned above be present.”

**SEC. 3.** The Revised Penal Code, Article 337, is hereby amended to read as follows:

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

xxx.”



**SEC. 4.** The Revised Penal Code, Article 338, is hereby amended to read as follows:

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

**SEC. 5.** The Penal Code, Article 342, is hereby amended to read as follows:

“Art. 342. Forcible abduction. — The abduction of any woman against her will and with lewd designs shall be punished by *reclusion temporal*.

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

**SEC. 6.** The Penal Code, Article 343, is hereby amended to read as follows:

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

**SEC. 7.** 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 5. Child Prostitution and Other Sexual Abuse. - Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

x x x

(b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under SIXTEEN (16) [twelve (12)] years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under SIXTEEN (16) [twelve (12)] years of age shall be *reclusion temporal* in its medium period; and

xxx”

**SEC. 8.** Republic Act No. 7610, Section 10, 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. —

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(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 (P50,000): 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.

x x x"

**SEC. 9. Repealing Clause.** — Republic Act No. 7610, Section 5 (b) and Section 10 (b), Act No. 3815, Articles 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 mended, modified or repealed accordingly.

**SEC. 10. 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.

**SEC. 11. Effectivity Clause.** — This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved