

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

**EIGHTEENTH CONGRESS**  
First Regular Session

House Bill No. 3989



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Introduced by HON. ALETA C. SUAREZ

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**EXPLANATORY NOTE**

Under the 1987 Constitution, it is the policy of the State to recognize fundamental equality of men and women before the law. Today's society has already acknowledged the contributions of women in the improvement of the economic status of the family and the nation's overall growth and development. However, women still suffer from the unjustified distinction in the sanction of crimes against chastity, particularly of committing sexual infidelity or marital infidelity, where man and woman may be equally guilty.

In our present law, the crime of adultery may be charged towards a married woman for committing a single sexual act with a man other than her husband. Adultery may be proved by circumstantial evidence. Meanwhile, a man may be charged with concubinage when found to have committed a sexual act with a woman other than his spouse under scandalous circumstances, or is cohabiting with a mistress in the conjugal dwelling or in any other place. Given its continuing nature and the particular conditions required, concubinage is more difficult to prove. Moreover, adultery is punished more severely than concubinage. The distinction is a clear discrimination against women. This is even being used by husbands to blackmail the wives for filing complaints, especially when both parties have grounds for action under Articles 333 and 334.

Thus, this bill seeks to uphold the Constitutional mandate of the State and the policies enumerated in Republic Act No. 9710, otherwise known as the Magna Carta of Women which ensures equality of women and men, and abolition of unequal structures and practices that perpetuate discrimination and inequality. The bill also aims to resolve the differences, promoting the rights of women and reaffirming their value in society.

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



**ALETA C. SUAREZ**  
Representative  
3rd District, Quezon Province

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**AN ACT AMENDING REPUBLIC ACT NO. 3815, OTHERWISE KNOWN AS THE  
REVISED PENAL CODE, REDEFINING THE CRIME OF ADULTERY AND  
CONCUBINAGE AND PROVIDING PENALTIES THEREOF**

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

**SECTION 1.** Title Eleven, Chapter One, Article 333 of Republic Act No. 3815, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

*Article 333. Who are Guilty of Adultery.* — Adultery is committed by any married **PERSON** who shall have sexual intercourse with a **PERSON OTHER THAN HIS OR HER SPOUSE**, and by the **PERSON** who has carnal knowledge **OF HIM OR HER**, knowing **HIM OR HER** to be married, even if the marriage be subsequently declared void.

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**SEC. 2.** Title Eleven, Chapter One, Article 334 of the Revised Penal Code shall be hereby amended as follows:

*Article 334. Concubinage.* — Any husband who shall keep a mistress in the conjugal dwelling, or shall cohabit with her in any other place, shall be punished by prisión correccional in its **MEDIUM** and **MAXIMUM** periods.

**The concubine shall likewise suffer the penalty of prisión correccional in its medium and maximum periods.**



SEC. 3. Article 344 of the Revised Penal Code shall also be amended to read as follows:

*Article 344. Prosecution of the Crimes of Adultery, Concubinage, Seduction,*

*Abduction, Rape and Acts of Lasciviousness.* — The crimes of adultery and concubinage shall not be prosecuted except upon a complaint filed by the offended spouse.

The offended party cannot institute criminal prosecution without including both the guilty parties, if they are both alive, nor, if **HE OR SHE** shall have consented or pardoned the offenders, **NOR IF HE OR SHE IS LIKEWISE FOUND GUILTY OF ADULTERY, AND NOR IF HE OR SHE HAS ABANDONED HIS OR HER SPOUSE WITHOUT JUST CAUSE FOR A PERIOD OF NOT LESS THAN ONE YEAR.**

SEC. 4. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.

SEC. 5. *Repealing Clause.* - All laws, orders, issuances, circulars, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. *Effectivity* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines, whichever comes earlier.

Approved.