

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6073



Introduced by RAM Party-list REPRESENTATIVE ALOYSIA T. LIM

EXPLANATORY NOTE

If we want to know how our future as a nation looks like, we just have to see how we treat our children, today.

Based on the National Baseline Study on Violence Against Children in the Philippines published by the Council for the Welfare of Children (CWC) and UNICEF Philippines, in 2018, about 17.1% of children 13-18 years old experienced sexual violence while growing up. The report pointed out that 3.2% of our children and youth experienced forced consummated sex during childhood. The highest prevalence of sexual violence happens in homes, followed by sexual violence in the community, workplace and schools, with a high percentage of males as victims. To give us a clear idea of how alarming the situation is, 1 woman or child is being raped every 62 minutes in our country. The Center for Women Resources reported that, of these victims, 70% are children. It is important to note that these studies do not included cases that were not reported to the police or authorities.

The Philippines have passed several laws that protect women and children. However, the problem of rape and sexual violence persist. A child is sexually abused by the minute. It is important that legal loopholes must be identified and plugged.

We have the lowest age of sexual consent in Asia and in the world. The global mean age of sexual consent is 16. Under Philippine law, statutory rape is committed when the offended party is under 12 years old or is demented. This allows rapists and sexual abusers to get away with their crime and continue to victimize our children.

To plug this loophole, send a strong signal to would be abusers and predators, and protect our vulnerable children, this representation seeks to increase the age for determining statutory rape to below 18 years old.

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


ALOYSIA T. LIM

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AN ACT INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION TO PROTECT CHILDREN AND AMENDING FOR THIS PURPOSE REPUBLIC 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 DISCRIMINATION 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.”

SECTION 2. Article 266-A (1) (d) of Republic Act No. 3815, otherwise known as the Revised Penal Code, 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:

xxx

(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.”

SECTION 3. Article 337 of Republic Act No. 3815, otherwise known as the Revised Penal Code, 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 correccional* in its minimum and medium periods.

xxx.”

SECTION 4. Article 338 of Republic Act No. 3815, otherwise known as the Revised Penal Code 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*.”

SECTION 5. Article 342 of Republic Act No. 3815, otherwise known as the Revised Penal Code is hereby amended to read as follows:

“Article 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.”

SECTION 6. Article 343 of Republic Act No. 3815, otherwise known as the Revised Penal Code is hereby amended to read as follows:

“Article 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.”

SECTION 7. Section 5 of Republic Act No. 7160, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act 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.

xxx

(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”

SECTION 8. Section 5 of Republic Act No. 7160, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act 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.

(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.

xxx”

SECTION 9. Repealing Clause. - Republic Act No. 3815, Articles 337, 338, 339, 340, 342, 343, Republic Act No. 7610, Section 5(b) and Section 10(b), and all laws, acts, decrees, rules and regulations or other issuances inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified, accordingly.

SECTION 10. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, the remainder of this Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 11. Effectivity Clause. – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in at least two (2) newspapers of general circulation.