

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
FIRST REGULAR SESSION



House Bill No. 577

Introduced by CIBAC Party-List Representatives
Eduardo 'Bro. Eddie' C. Villanueva and Domingo C. Rivera

**AN ACT DEFINING AND PENALIZING MARITAL INFIDELITY,
AMENDING FOR THE PURPOSE ACT NO. 3815,
OTHERWISE KNOWN AS THE REVISED PENAL CODE**

EXPLANATORY NOTE

The constitution recognizes the role of marriage in the family as it is the foundation of the nation. Marriage not only binds two individuals by the laws of their respective religions, but also, the laws of the land as citizens. Breach of marriage laws is treated as an illegal act in the constitution with penalty and punishment.

However, there have been arguments on how Article 333 and 334 of the Revised Penal Code deal with marital infidelity. The current law distinguishes whether the act of infidelity is committed by a married man or woman, thus, raising a concern for gender bias on cases of adultery and concubinage.

In the present framework, an offended wife could only file a case of concubinage if the male spouse is guilty of all three (3) elements. Adultery, on the contrary, needs to satisfy only a single element to be eligible for prosecution. In addition, disparity on the punishment also reflects a bias in favor of the male spouse. Such unequal treatment on different genders and strict rules on female spouses creates an impression that married women have greater vulnerability towards infidelity as compared to married men—an assumption in contrary with the constitution's goals towards equality and upholding the rights of women.

This bill seeks to rectify the errors of the existing legal framework on marital infidelity.

First, it abolishes the gender bias of existing provisions against sexual infidelity. The same elements and penalties are prescribed for both male and female spouses. One's sex or gender should never be an excuse or cover to desecrate the family as an institution.

Second, the amendments introduced by this bill bring the Revised Penal Code provisions against marital infidelity into the proper perspective. More than a property issue, marital infidelity is an ill that reflects a lack of virtue and value which endangers the family as a foundation of our country's moral fiber.

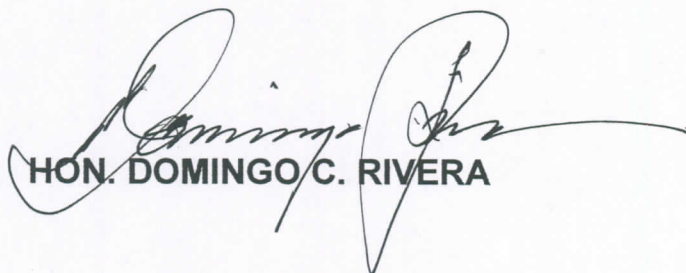
This same lack of virtue and value of the family, which our lax anti-infidelity provisions promote, is actually a root cause in a lot of woes besetting the Filipino family. One cannot expect someone who does not respect the family to consider the welfare of his/her spouse and off-springs. An irresponsible promiscuous spouse is also not someone who would be considerate enough not to have children, either legitimate or illegitimate, more than he/she can adequately support. He or she would also not be someone who would be wary of the diseases that could be transmitted to the spouse who has committed her/himself to him/her. The perceived laxity of the law also encourages irresponsible sexual behavior not only in married persons but in the youth as well.

And just imagine the impact and implications when public officers and employees who should be at the forefront in protecting the Filipino family themselves contribute to its degeneration. It is for this reason that a greater penalty against public officers committing marital infidelity is sought.

This bill hopes to help revive virtue and restoring value to the Filipino family. This is but one among many measures that should be taken to strengthen the family as an institution in this time of depreciating values and waning morals. Passage of this bill is of utmost importance.



HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA



HON. DOMINGO C. RIVERA

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3 **OTHERWISE KNOWN AS THE REVISED PENAL CODE**
4

5
6 *Be it enacted by the Senate and House of Representatives of the Philippines in*
7 *Congress assembled:*
8

9
10 **SECTION 1.** This Act shall be known as the "*Anti-Marital Infidelity Act.*"
11

12 **SECTION 2.** Article 333 of Act No. 3815, otherwise known as the Revised Penal
13 Code, is hereby deleted in its entirety and replaced with the following:
14

15 ARTICLE 333. MARITAL INFIDELITY. – MARITAL INFIDELITY IS
16 COMMITTED BY ANY MARRIED PERSON WHO SHALL HAVE
17 SEXUAL INTERCOURSE WITH ANOTHER PERSON WHO IS NOT
18 HIS/HER LEGITIMATE SPOUSE, EVEN IF THE MARRIAGE BE
19 SUBSEQUENTLY DECLARED VOID, AND BY THE PERSON WHOM
20 HE/SHE HAS SEXUAL INTERCOURSE WITH, KNOWING THE
21 GUILTY SPOUSE TO BE MARRIED.
22

23 MARITAL INFIDELITY SHALL BE PUNISHED BY *PRISION*
24 *CORRECCIONAL* IN ITS MEDIUM AND MAXIMUM PERIODS.
25

26 IF THE PERSON GUILTY OF MARITAL INFIDELITY COMMITTED
27 THIS OFFENSE WHILE BEING ABANDONED WITHOUT
28 JUSTIFICATION BY THE OFFENDED SPOUSE FOR A PERIOD OF

1 AT LEAST THREE (3) YEARS, THE PENALTY NEXT LOWER IN
2 DEGREE THAN THAT PROVIDED ABOVE SHALL BE IMPOSED.
3

4 MUSLIMS AND MEMBERS OF INDIGENOUS PEOPLES
5 COMMUNITIES WHO ACTIVELY AND CONTINUOUSLY PRACTICE
6 SINCE TIME IMMEMORIAL CUSTOMS AND TRADITIONS
7 ALLOWING MULTIPLE SPOUSES SHALL BE HELD LIABLE FOR
8 MARITAL INFIDELITY IF THEY ENGAGE IN SEXUAL
9 INTERCOURSE WITH ANY PERSON OTHER THAN THE OFFICIAL
10 SPOUSES RECOGNIZED BY THEIR RESPECTIVE FAITHS AND
11 TRADITIONS.
12

13 **SECTION 3.** Article 334 of the Revised Penal Code is hereby deleted.
14

15 **SECTION 4.** Article 344 of the Revised Penal Code is hereby amended to read as
16 follows:
17

18 Article 344. *Prosecution of the crimes of [adultery, concubinage,]*
19 *MARITAL INFIDELITY, seduction, abduction, rape and acts of*
20 *lasciviousness.* - The [crimes] CRIME of MARITAL INFIDELITY MAY
21 BE PROSECUTED UPON A COMPLAINT FILED BY THE
22 OFFENDED SPOUSE. THEIR ASCENDANTS, DESCENDANTS,
23 AND RELATIVES BY CONSANGUINITY OR AFFINITY WITHIN
24 THE FOURTH CIVIL DEGREE.
25

26 The offended party cannot institute criminal prosecution without
27 including both the guilty parties, if they are both alive, nor, in any
28 case, if the [he] OFFENDED SPOUSE consented TO SUCH ACT or
29 pardoned the offenders IN WRITING OR IS LIKEWISE GUILTY OF
30 MARITAL INFIDELITY. THE CONSENT, PARDON OR INFIDELITY
31 OF THE OFFENDED OR COMPLAINANT-SPOUSE SHALL BAR
32 THE INSTITUTION OF THE ACTION BY HIS/HER ASCENDANTS,
33 DESCENDANTS, AND RELATIVES BY CONSANGUINITY OR
34 AFFINITY WITHIN THE FOURTH CIVIL DEGREE.
35

36 The offenses of seduction, abduction or acts of lasciviousness, shall
37 not be prosecuted except upon a complaint filed by the offended
38 party or her parents, grandparents, or guardian, nor, in any case, if
39 the offender has been expressly pardoned by the above named
40 persons, as the case may be.
41

42 In cases of seduction, abduction and acts of lasciviousness, the
43 marriage of the offender with the offended party shall extinguish the
44 criminal action or remit the penalty already imposed upon him. The
45 provisions of this paragraph shall also be applicable to the co-
46 principals, accomplices and accessories after the fact of the above-
47 mentioned crimes.
48

1 **SECTION 5. *Separability Clause.*** If any provision of this Act is declared
2 unconstitutional or invalid, the other provisions not affected thereby shall continue to
3 be in full force and effect.

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5 **SECTION 6. *Repealing Clause.*** All laws, decrees, rules and regulations, or parts
6 thereof inconsistent with this Act are hereby repealed or amended accordingly.

7
8 **SECTION 7. *Effectivity.*** This Act shall take effect fifteen (15) days following its
9 complete publication in the Official Gazette or in at least two (2) newspapers of general
10 circulation.

11
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13 Approved,