


SENATE

'19 JUL -2 A11:54

S. No. 163

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INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
STRENGTHENING REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS THE
ANTI-RAPE ACT OF 1997, BY RAISING THE AGE OF SEXUAL CONSENT TO
EIGHTEEN (18) YEARS OLD, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The statistics on rape and sexual violence in the Philippines are chilling. According to the Center for Women's Resources, every fifty-three minutes, a woman or child is raped in this country. Based on CWR's estimate, the number of recorded rape cases increased by 92 percent from 5,132 in 2010 to 9,875 in 2014. Violations of the Anti-Violence Against Women and Children Act escalated by 200 percent from year 2010 to 2014.

The offense is particularly grievous when the victim is a minor – one whose tender age and vulnerability render her an easy target of the predatory impulses of sex offenders. According to the Center for Women's Resources, seven out of ten victims of rape in the Philippines are children. And nine out of ten of these children are female. Cognizant of the particular vulnerabilities of children to sexual abuse, the Convention on the Rights of the Child is explicit that State Parties should protect the child from all forms of sexual exploitation and abuse. The Philippines as a state party is bound by this requirement. And yet, the age of sexual consent in this country remains appallingly low at twelve years old. It is among the lowest age threshold in the world. As a result of this, charges of statutory rape cannot be brought against adults who have sex with minors above the age of 12 years old.

This bill seeks to change this by raising the age of sexual consent. More clearly, this means raising the required age of the victim for the crime of statutory rape to attach to the offender from 12 to 18 years old.

This amendment is long overdue, and will create a policy framework that will protect girl-children from rape and sexual violence, ensure justice for rape victims, and create an enabling environment that will allow our girl-children to thrive and feel safe.

The passage of this bill is earnestly sought.


RISA HONTIVEROS

Senator

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

Section 1. *Title.* – This Act shall be known as the “Raising the Age of Sexual
Consent Act of 2019”.

Sec. 2. *Declaration of Principles.* – It is the policy of the State to value the dignity
of every human person and guarantee full respect for human rights. It is likewise the
policy of the state to recognize the role of women in nation-building and ensure the
fundamental equality before the law of women and men.

Sec. 3. *Lack of consent as essential element of the crime of rape.* – Rape is a
sexual assault that violates a person’s right to personal security and bodily integrity with
the essential element of lack of consent.

Sec 4. *Rape, when and how committed.* – Article 266A of Act No. 3815,
otherwise known as the Revised Penal Code, Title 8, Chapter 3 on Rape, is hereby
deleted and replaced with a new Article 266A, which will read as follows:

ARTICLE 266A.

SECTION 1. RAPE, WHEN AND HOW COMMITTED.

A. THE CRIME OF RAPE IS COMMITTED:

- 1) BY A PERSON WHO HAS CARNAL KNOWLEDGE OF ANOTHER WITHOUT THE LATTER'S CONSENT, WHETHER OR NOT INJURIES ARE INCURRED;
- 2) BY A MAN WHO TOUCHES OR INSERTS HIS PENIS INTO THE FEMALE'S INNER OR OUTER VAGINAL LABIA, WITHOUT HER CONSENT, WHETHER OR NOT THE WOMAN SUFFERS INJURIES;
- 3) BY A MAN WHO TOUCHES OR INSERTS HIS PENIS INTO ANOTHER PERSON'S MOUTH OR ANAL ORIFICE, WITHOUT THE PERSON'S CONSENT, WHETHER OR NOT THE PERSON SUFFERS INJURIES;
- 4) BY A PERSON WHO TOUCHES OR INSERTS ANY INSTRUMENT OR BODY PART OR OBJECT, INTO THE GENITAL OR ANAL ORIFICE OF ANOTHER PERSON, WITHOUT THE LATTER'S CONSENT;

B. THE CRIME IS COMMITTED UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

- 1) THROUGH LACK OF VICTIM'S CONSENT, FORCE, THREAT, OR INTIMIDATION;
- 2) THROUGH FRAUDULENT MACHINATION OR ABUSE OF AUTHORITY;
- 3) IN COERCIVE OR OTHER SIMILAR CIRCUMSTANCES RENDERING THE VICTIM INCAPABLE OF GIVING CONSENT, INCLUDING FORCING ANOTHER INDIVIDUAL TO SEXUALLY ASSAULT THE VICTIM;
- 4) WHEN THE VICTIM IS DEPRIVED OF REASON OR OTHERWISE UNCONSCIOUS, OR IS DEMENTED EVEN THOUGH NONE OF THE CIRCUMSTANCES MENTIONED ABOVE BE PRESENT, PROVIDED THAT HE/SHE IS NOT IN HIS/HER LUCID INTERVAL DURING THE SEXUAL ACT;
- 5) WHEN THE VICTIM IS UNDER EIGHTEEN (18) YEARS OF AGE, EVEN THOUGH NONE OF THE CIRCUMSTANCES MENTIONED ABOVE BE PRESENT, *PROVIDED*, THAT THERE SHALL BE NO CRIMINAL LIABILITY ON THE PART OF THE PERPETRATOR IF

1 **THE VICTIM IS BETWEEN FOURTEEN AND EIGHTEEN YEARS OF**
2 **AGE; THE AGE DIFFERENCE BETWEEN THE PERPETRATOR AND**
3 **THE VICTIM IS NOT MORE THAN FOUR (4) YEARS; AND THE**
4 **SEXUAL ACT IN QUESTION IS PROVEN TO BE CONSENSUAL,**
5 **NON-EXPLOITATIVE AND NON-ABUSIVE.**
6

7 Sec. 8. *Separability Clause.* - Should any provision of this Act be declared
8 unconstitutional, the remaining parts not affected thereby shall remain valid and
9 operational.

10 Sec. 9. *Repealing Clause.* - All laws, decrees, orders, circulars, issuances, rules
11 and regulations and parts thereof which are inconsistent with this act are hereby
12 repealed, amended or modified accordingly.

13 Sec. 10. *Effectivity.* - This act shall take effect fifteen (15) days after its
14 publication in the Official Gazette or in any two (2) newspaper of general circulation in
15 the Philippines.

 Approved,