

Seventeenth Congress
First Regular Session



HOUSE BILL NO. 5004

Introduced by Honorable Cristina “Chiqui” Roa-Puno

EXPLANATORY NOTE

The establishment of a minimum age of sexual consent is an important component of the protection of children from sexual abuse. Children below such age are considered without the power to resist and to give their genuine and fully informed consent to any sexual activity. As such, the act of engaging in sexual activity with children below such age must be considered unlawful.

Article 34 of the Convention on the Rights of a Child obliges State parties to take all measures to protect children from all forms of sexual exploitation and sexual abuse including coercion to engage in any unlawful sexual activity. This includes passage of laws that prohibit engaging in sexual activity with children below the age of sexual consent.

The Philippines in various laws set a minimum age for sexual consent. Sexual intercourse with children below 12 years old is illegal and tantamount to rape. In addition, sexual activity with a person below 18 years of age may constitute child abuse and exploitation.

UNICEF¹ found that the Philippines’ age of consent is not compliant with international average and that significant reform or development of new laws is required. Based on a survey, most countries has an age of consent fixed at 16 years of age.

¹ 2015 UNICEF Report, “Analysis of Domestic Laws related to Violence against Children: Philippines”, July 2015

Pursuant to the obligation of the Philippines under the Convention on the Rights of the Child and to comply with international average, this bill amends the provisions of the Revised Penal Code as well sections of Republic Act No. 7610 by increasing the age for determining statutory rape and other acts of sexual abuse and exploitation from 12 years old to 16 years old.

The immediate passage and effectivity of the proposed bill are requested.


CRISTINA "CHIQUI" ROA-PUNO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
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HOUSE BILL NO. 5004

Introduced by **Honorable Cristina “Chiqui” Roa-Puno**

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:

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(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 [**over**] **SIXTEEN (16) [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 *prison 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, [~~over~~] **SIXTEEN (16)** [~~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.

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

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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.

xxx”

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 amended, 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