COMMITTEE REPORT NO. 553

Submitted by the Committee on Revision of Laws and the Committee on the Welfare of Children on OCT 05 2020

Re: House Bill No. 7836

Recommending its approval in substitution of House Bills Numbered 210, 480, 1689, 2707, 3735, 4160, 4449, 5795, 6073 and 6215

Sponsors: Representatives Cheryl P. Deloso-Montalla, Yedda Marie K. Romualdez and Lawrence Lemuel “Law” H. Fortun

Mr. Speaker:

The Committees on Revision of Laws and Welfare of Children to which were referred:

House Bill No. 210, introduced by Reps. Roberto “Robbie” V. Puno, Manuel Luis T. Lopez, Naella Bainto-Aguinaldo and Aleta C. Suarez, entitled:

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

House Bill No. 480, introduced by Reps. Arlene D. Brosas, France L. Castro, Sarah Jane I. Elago, Eufemia “Ka Feminia” C. Cullamat, Carlos Isagani T. Zarate, Ferdinand R. Gaite and Jose Christopher Y. Belmonte, entitled:

AN ACT
AMENDING CHAPTER 3 OF REPUBLIC ACT 8353, ALSO KNOWN AS THE ANTI-RAPE LAW OF 1997
House Bill No. 1689, introduced by Rep. Luis Raymund "LRay" F. Villafuerte, Jr., entitled:

AN ACT
INCREASING THE AGE FOR DETERMINING STATUTORY RAPE TO PROVIDE STRONGER PROTECTION FOR CHILDREN, AND AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE

House Bill No. 2707, introduced by Rep. Luisa Lloren Cuaresma, entitled:

AN ACT
INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION TO BELOW EIGHTEEN YEARS OLD AND PROVIDE STRONGER PROTECTION FOR CHILDREN AND AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE

House Bill No. 3735 introduced by Reps. Manuel F. Zubiri and "Kuya" Jose Antonio R. Sy-Alvarado entitled:

AN ACT
PROVIDING STRONGER PROTECTION FOR CHILDREN AGAINST SEXUAL ABUSE, AMENDING FOR THE PURPOSE RA 8553 AND ACT 3815 AS AMENDED


AN ACT
PROVIDING STRONGER PROTECTION TO CHILDREN BY INCREASING THE AGE FOR DETERMINING STATUTORY RAPE AND OTHER ACTS OF SEXUAL ABUSE AND EXPLOITATION AND AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE, REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS THE ANTI-RAPE LAW OF 1997 AND REPUBLIC ACT NO. 7610, ALSO KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATORY ACT

House Bill No. 4449 introduced by Rep. Precious Hipolito Castelo, entitled:

AN ACT
INCREASING THE AGE OF SEXUAL CONSENT FOR STRONGER PROTECTION OF CHILDREN AND AMENDING FOR THE PURPOSE ARTICLE 266-A (d) OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE
House Bill No. 5795, introduced by Reps. Jose Francisco “Kiko” B. Benitez and Yedda Marie K. Romualdez, entitled:

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

House Bill No. 6073, introduced by Rep. Aloy T. Lim, entitled:

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

House Bill No. 6215 introduced by Reps. Maria Lourdes O. Acosta-Alba and Lawrence Lemuel “Law” H. Fortun, entitled:

AN ACT
PROVIDING STRONGER PROTECTION FOR CHILDREN AGAINST SEXUAL ABUSE

have considered the same and recommend that the attached House Bill No. 7836, entitled:

AN ACT


Respectfully submitted,

YEDDA MARIE R. ROMUALDEZ
Chairperson
Committee on the Welfare of Children

CHERYL P. DELOSO-MONTALLA
Chairperson
Committee on Revision of Laws

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City
Republic of the Philippines

HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7836
(In Substitution of House Bills Numbered 210, 480, 1689, 2707, 3735, 4160, 4449, 5795, 6073 and 6215)


AN ACT

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

SECTION 1. Article 266-A of Act No. 3815, as amended by Republic Act No. 8353, is hereby further amended to read as follows:
"Article 266-A. Rape; When And How Committed. - Rape [is Committed] IS COMMITTED BY A PERSON AGAINST ANY PERSON BY:

[1] By a man who shall have carnal knowledge of a woman under any of the following circumstances:

"a) Through force, threat, or intimidation;

"b) When the offended party is deprived of reason or otherwise unconscious;

"c) By means of fraudulent machination or grave abuse of authority; and

"d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.]

"1. INSERTING OR CAUSING THE INSERTION OF A PERSON'S PENIS INTO ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA, ANAL ORIFICE OR MOUTH;

"2) [By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.] INSERTING OR CAUSING THE INSERTION OF A FINGER, INSTRUMENT OR OBJECT, INTO ANOTHER PERSON'S INNER OR OUTER VAGINAL LABIA OR ANAL ORIFICE;

3. PLACING OR CAUSING THE PLACEMENT OF A PERSON'S PENIS BETWEEN, OR RUBBING OR CAUSING THE RUBBING THEREOF ON, THE BREASTS OF ANOTHER PERSON; OR

4. CAUSING A PERSON OR PERSONS TO PERFORM ANY OF THE ABOVE-MENTIONED ACTS EVEN IF THE OFFENDER DOES NOT PARTICIPATE THEREIN,

UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

(A) BY FORCE, THREAT, INTIMIDATION, DECEPTION OR COERCION;

(B) BY ABUSE OF AUTHORITY OR MORAL ASCENDANCY;
(C) BY EMPLOYMENT OF MEANS TO DEPRIVE ONE PERSON OF REASON OR TO RENDER ONE UNCONSCIOUS;

(D) BY OTHER FRAUDULENT MACHINATIONS; OR

(E) WHEN THE VICTIM IS INCAPABLE OR HAS BEEN RENDERED INCAPABLE OF GIVING CONSENT BY REASON OF PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION OF THE VICTIM.

SEC. 2. Articles 266-B, 266-C and 266-D of the same Act are hereby repealed.

SEC. 3. A new Article 266-B is hereby added to Act No. 3815, as amended, to read as follows:

"ARTICLE 266-B. STATUTORY RAPE. — A) THE CRIME OF RAPE IS ALSO COMMITTED, EVEN THOUGH NONE OF THE CIRCUMSTANCES MENTIONED UNDER ARTICLE 266-A IS PRESENT, WHEN:

(1) THE VICTIM IS A MINOR BELOW SIXTEEN (16) YEARS OF AGE; OR

(2) THE VICTIM IS SIXTEEN (16) YEARS OF AGE OR OVER WHO HAS A PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION THAT RENDERS THE VICTIM UNABLE TO FULLY UNDERSTAND THE CONSEQUENCES OF ANY SEXUAL ACTIVITY.

B) CONSENSUAL, NON-ABUSIVE AND NON-EXPLOITATIVE SEXUAL ACTIVITY WITH A PERSON BELOW SIXTEEN (16) YEARS OF AGE SHALL NOT BE CONSIDERED AS STATUTORY RAPE WHEN THE SEXUAL ACTIVITY INVOLVES:

1) A PERSON FIFTEEN (15) YEARS OF AGE AND THE AGE DIFFERENCE BETWEEN THE PARTIES DOES NOT EXCEED FOUR (4) YEARS;

2) A PERSON FOURTEEN (14) YEARS OF AGE AND THE AGE DIFFERENCE OF THE PARTIES DOES NOT EXCEED THREE (3) YEARS; OR

3) A PERSON THIRTEEN (13) YEARS OF AGE AND THE AGE DIFFERENCE BETWEEN THE PARTIES DOES NOT EXCEED TWO (2) YEARS.

A PARTY WHOSE CONSENT IS VITIATED AS CONTEMPLATED IN THIS SECTION BY REASON OF A
MENTAL OR PSYCHOLOGICAL CONDITION OR DISABILITY SHALL BE CONSIDERED IN DETERMINING THE DIFFERENCE OF AGE.


SEC. 4. A new Article 266-C is hereby added to Act No. 3815, as amended, to read as follows:

ARTICLE 266-C. GROOMING. - FOR PURPOSES OF THIS ACT, GROOMING IS HEREBY DEFINED AS A PREDATORY CONDUCT, ACT, OR PATTERN OF ACTS, OF ESTABLISHING A RELATIONSHIP, TRUST, OR EMOTIONAL CONNECTION PERSONALLY, OR VIA ELECTRONIC AND OTHER SIMILAR DEVICES, BY ANY PERSON WITH A MINOR UNDER EIGHTEEN (18) YEARS OF AGE OR ANY OF THE MEMBERS OF THE FAMILY, GUARDIAN OR CAREGIVER OF THE MINOR FOR THE PURPOSE OF PERPETRATING SEXUAL ABUSE OR EXPLOITATION. FOR PURPOSES OF THIS ARTICLE, ANY PERSON WHO HAS A PHYSICAL, MENTAL, OR PSYCHOLOGICAL DISABILITY OR CONDITION AND UNABLE TO FULLY UNDERSTAND THE CONSEQUENCES OF ANY SEXUAL ACTIVITY MAY ALSO BE A VICTIM OF GROOMING.

WHEN GROOMING RESULTS IN THE CONSUMMATION OF ANY OF THE ACTS OF SEXUAL ABUSE OR EXPLOITATION UNDER ARTICLE 266-A, THE PERSON RESPONSIBLE FOR THE GROOMING SHALL BE LIABLE FOR RAPE."

SEC. 5. A new Article 266-D is hereby added to Act No. 3815, as amended, to read as follows:

ARTICLE 266-D. PRESUMPTION OF LACK OF CONSENT. – IN ALL CASES OF RAPE, LACK OF CONSENT IS PRESUMED. THE ABSENCE OR LACK OF PHYSICAL OVERT ACT OF RESISTANCE TO THE COMMISSION OF RAPE SHALL NOT BE CONSTRUED AS CONSENT.

SEC. 6. A new Article 266-E is hereby added to Act No. 3815, as amended, to read as follows:

"ARTICLE 266-E. PENALTIES FOR RAPE. - RAPE UNDER ARTICLES 266-A, 266-B AND 266-C SHALL BE PUNISHED BY RECLUSION PERPETUA."
WHEN THE RAPE IS ATTEMPTED AND HOMICIDE IS COMMITTED BY REASON OR ON THE OCCASION THEREOF, THE PENALTY SHALL BE *RECLUSION PERPETUA*.

WHEN GROOMING WAS THE MEANS EMPLOYED TO COMMIT RAPE BUT THE SAME WAS ONLY ATTEMPTED, THE PENALTY NEXT LOWER IN DEGREE SHALL BE IMPOSED.

THE BENEFITS OF GOOD CONDUCT TIME ALLOWANCE (GCTA) UNDER REPUBLIC ACT NO. 10592, ENTITLED "AN ACT AMENDING ARTICLES 29, 94, 97, 98 AND 99 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE," SHALL NOT APPLY WHEN RAPE IS COMMITTED WITH ANY OF THE FOLLOWING AGGRAVATING CIRCUMSTANCES:


2) WHEN THE VICTIM IS UNDER THE CUSTODY OF THE POLICE OR MILITARY AUTHORITIES OR ANY LAW ENFORCEMENT OR PENAL INSTITUTION;

3) WHEN THE RAPE IS COMMITTED IN FULL VIEW OF THE SPOUSE, PARENT, ANY OF THE CHILDREN OR OTHER RELATIVES WITHIN THE THIRD CIVIL DEGREE OF CONSANGUINITY OR AFFINITY;

4) WHEN THE VICTIM IS A RELIGIOUS ENGAGED IN LEGITIMATE RELIGIOUS VOCATION OR CALLING AND IS PERSONALLY KNOWN TO BE SUCH BY THE OFFENDER BEFORE OR AT THE TIME OF THE COMMISSION OF THE CRIME;

5) WHEN THE VICTIM IS A CHILD BELOW THIRTEEN (13) YEARS OLD;

6) WHEN THE OFFENDER IS AFFLICTED WITH THE HUMAN IMMUNO-DEFICIENCY VIRUS (HIV)/ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) OR ANY OTHER SEXUALLY TRANSMISSIBLE DISEASE AND THE VIRUS OR DISEASE IS TRANSMITTED TO THE VICTIM;

7) WHEN COMMITTED BY ANY MEMBER OF THE ARMED FORCES OF THE PHILIPPINES OR ITS PARA-MILITARY UNITS, THE PHILIPPINE NATIONAL POLICE (PNP) OR ANY LAW ENFORCEMENT AGENCY OR PENAL INSTITUTION, ANY PERSON IN AUTHORITY AS DEFINED BY LAW, OR ANY PRIVATE INDIVIDUAL WHO TOOK ADVANTAGE OF ONE'S
POSITION, AUTHORITY, INFLUENCE OR MORAL ASCENDANCY;

8) WHEN BY REASON OR ON THE OCCASION OF THE RAPE, THE VICTIM SUFFERED PERMANENT PHYSICAL MUTILATION OR DISABILITY;


11) WHEN BY REASON OF THE RAPE, THE VICTIM BECOMES PREGNANT;

12) WHEN THE VICTIM HAS SUFFERED PERMANENT MENTAL OR PSYCHOLOGICAL DISABILITY; OR

13) WHEN THE OFFENDER USED GROOMING AS A MEANS TO COMMIT THE CRIME.

SEC. 7. A new Article 266-F is hereby added to Act No. 3815, as amended, to read as follows:

“ARTICLE 266-F. EFFECT OF RECONCILIATION OR SUBSEQUENT VALID MARRIAGE. – THE SUBSEQUENT VALID MARRIAGE BETWEEN THE VICTIM AND THE OFFENDER SHALL NOT EXTINGUISH THE CRIMINAL ACTION FOR RAPE OR THE PENALTY IMPOSED THEREON.


SEC. 8. A new Article 266-G is hereby added to Act No. 3815, as amended, to read as follows:

“ARTICLE 266-G. WHO MAY FILE A COMPLAINT FOR RAPE. – A COMPLAINT MAY BE FILED BY ANY OF THE FOLLOWING:

(A) THE OFFENDED PARTY;

(B) PARENTS OR GUARDIANS OF THE OFFENDED PARTY;
(C) ASCENDANTS, DESCENDANTS OR COLLATERAL RELATIVES WITHIN THE FOURTH CIVIL DEGREE OF CONSAGUINITY OR AFFINITY;

(D) OFFICERS OR SOCIAL WORKERS OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) OR SOCIAL WORKERS OF LOCAL GOVERNMENT UNITS (LGUs);

(E) POLICE OFFICERS;

(F) PUNONG BARANGAY OR BARANGAY KAGAWAD;

(G) LAWYER, COUNSELOR, THERAPIST OR HEALTHCARE PROVIDER OF THE OFFENDED PARTY; OR

(H) A CONCERNED CITIZEN WHO HAS KNOWLEDGE OF THE COMMISSION OF THE CRIME."

SEC. 9. A new Article 266-H is hereby added to Act No. 3815, as amended, to read as follows:

“ARTICLE 266-H. PERSONS MANDATED TO REPORT RAPE CASES. – A) IT SHALL BE THE DUTY OF THE FOLLOWING PERSONS TO REPORT ALL INCIDENTS OF RAPE AND OTHER SEXUAL OFFENSES TO THE DSWD, THE DEPARTMENT OF EDUCATION (DEPED), THE PNP OR ANY LAW ENFORCEMENT AGENCY, OR THE CONCERNED LGU WITHIN FORTY EIGHT (48) HOURS FROM KNOWLEDGE THEREOF:

1. ANY HEALTHCARE PROVIDER, INCLUDING THE ATTENDING PHYSICIAN, NURSE, CLINICIAN, BARANGAY HEALTH WORKER, OR ANY PERSON WHO HAS CAUSED THE EXAMINATION OR TREATMENT OF THE VICTIM APPEARING TO HAVE SUFFERED FROM RAPE OR OTHER SEXUAL OFFENSES;

2. TEACHER, GUIDANCE COUNSELOR, PRINCIPAL, SCHOOL HEAD, OR ANY PERSON WHOSE WORK INVOLVES THE EDUCATION, TRAINING, AND CARE OF CHILDREN;

3. ANY SOCIAL WORKER WHO HAS REASON TO BELIEVE THAT RAPE OR OTHER SEXUAL OFFENSES HAVE BEEN COMMITTED OR HAS BEEN DULY INFORMED THEREOF BY THE VICTIM;
4. ANY NATIONAL OR LOCAL PUBLIC OFFICER; OR

5. ANY PERSON WHO HAS KNOWLEDGE OF THE COMMISSION OF RAPE OR OTHER SEXUAL OFFENSES:

B) THE PERSONS MANDATED TO REPORT CASES OF RAPE OR OTHER SEXUAL OFFENSES SHALL HAVE, AS FAR AS APPLICABLE, THE FOLLOWING RESPONSIBILITIES:

1. PROPERLY DOCUMENT ANY OF THE VICTIM’S PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL INJURIES;

2. PROPERLY RECORD OBSERVATION ON THE VICTIM’S CONDITION AND CIRCUMSTANCES DURING THE EXAMINATION OR VISIT;

3. SAFEGUARD THE RECORDS AND MAKE THEM IMMEDIATELY AVAILABLE TO THE VICTIM UPON REQUEST; AND

4. IMMEDIATELY REPORT THE SUSPECTED COMMISSION OF RAPE TO THE PROPER AUTHORITIES."

C) FAILURE TO REPORT POSSIBLE RAPE OR SEXUAL OFFENSES UNDER THIS ACT SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIFTY THOUSAND PESOS (P50,000.00) WITHOUT PREJUDICE TO ANY ADMINISTRATIVE LIABILITY, IF APPLICABLE.

D) NO CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION MAY BE FILED AGAINST ANY PERSON WHO IS PERFORMING THE RESPONSIBILITIES MANDATED UNDER THIS ARTICLE."

SEC.10. A new Article 266-I is hereby added to Act No. 3815, as amended, to read as follows:

"ARTICLE 266-I AFFIDAVIT OF DESISTANCE – THE SUBMISSION OF AN AFFIDAVIT OF DESISTANCE AT ANY STAGE OF THE CRIMINAL ACTION OR PROCEEDINGS IS NOT ALLOWED."

SEC.11. A new Article 266-J is hereby added to Act No. 3815, as amended, to read as follows:
"ARTICLE 266-J. AMICABLE SETTLEMENT. - ANY AMICABLE SETTLEMENT AT ANY STAGE OF THE PROCEEDINGS FOR RAPE OFFENSES IS PROHIBITED."

SEC.12. A new Article 266-K is hereby added to Act No. 3815, as amended, to read as follows:


THE JUDGE, PROSECUTOR OR ANY OFFICER OF THE COURT, WHO VIOLATES OR FAILS TO COMPLY WITH THE PROVISIONS OF ARTICLES 266-I, 266-J, AND 266-K OF THIS ACT SHALL BE PUNISHED WITH A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000) WITHOUT PREJUDICE TO ANY ADMINISTRATIVE LIABILITY."

SEC.13. Articles 337, 338, 342 and 343 of Act No. 3815, as amended are hereby repealed.

SEC.14. A new Article 337 is hereby added to Act No. 3815, as amended, to read as follows:


SEC.15. A new Article 338 is hereby added to Act No. 3815, as amended, to read as follows:

"ARTICLE 338. QUALIFIED SEDUCTION. - THE SEDUCTION OF A MINOR AGED SIXTEEN (16) YEARS AND UNDER EIGHTEEN (18) YEARS OF AGE, COMMITTED BY ANY PERSON IN PUBLIC AUTHORITY, PRIEST, OR RELIGIOUS ENGAGED IN A RELIGIOUS VOCATION OR CALLING, DOMESTIC, GUARDIAN, TEACHER OR ANY PERSON WHO, IN ANY CAPACITY, SHALL
BE ENTRUSTED WITH THE EDUCATION OR CUSTODY OF THE MINOR SEDUCED, SHALL BE PUNISHED BY PRISON MAYOR IN ITS MEDIUM AND MAXIMUM PERIODS.

THE PENALTY NEXT HIGHER IN DEGREE SHALL BE IMPOSED UPON:

(1) ANY PERSON WHO SHALL SEDUCE A FULL OR HALF-BLOOD SIBLING OR DESCENDANT.

(2) ANY EMPLOYER, MANAGER, SUPERVISOR, AGENT OF THE EMPLOYER, TEACHER, INSTRUCTOR, PROFESSOR, COACH, TRAINOR, OR ANY PERSON WHO, HAVING AUTHORITY, INFLUENCE OR MORAL ASCENDANCY OVER ANOTHER IN A WORK, TRAINING OR EDUCATION ENVIRONMENT, SEDUCES A WORKER, EMPLOYEE, APPLICANT FOR EMPLOYMENT, STUDENT OR ONE UNDERGOING TRAINING, INSTRUCTION OR EDUCATION."

UNDER THE PROVISIONS OF THIS CHAPTER, SEDUCTION IS COMMITTED WHEN THE OFFENDER HAS CARNAL KNOWLEDGE OF ANY OF THE PERSONS AND UNDER THE CIRCUMSTANCES DESCRIBED HEREIN.

SEC. 16. Section 5 of Republic Act No. 7610, as amended is hereby amended as follows:

"SEC. 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 or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse[1]: Provided, That when the victim is under [twelve (12)] SIXTEEN (16) years of age, the perpetrators shall be prosecuted under [Article 335, paragraph 3, for rape and Article 336 of Act No. 3815] ARTICLE 266-B, ARTICLE 266-C OF THE REVISED PENAL CODE, as amended, [the Revised Penal Code,] for STATUTORY rape, GROOMING or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under [twelve (12)] SIXTEEN (16) years of age shall be reclusion temporal in its medium period; and

xxx"
SEC. 16. Section 7 of Republic Act No. 7610 is hereby amended as follows:

"SEC. 7. Child Trafficking. — Any person who shall engage in trading and dealing with children AS DEFINED HEREBIN including, [but not limited to,] the act of buying and selling of a child for money, or for any consideration, or barter, shall suffer the penalty of [reclusion temporal to] reclusion perpetua. [The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age].

xxx"

SEC. 17. Section 9 of Republic Act No. 7610 is hereby amended as follows:

"SEC. 9. Obscene Publications and Indecent Shows. - Any person who shall hire, employ, use, persuade, induce, or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials, or to sell or distribute the said materials shall suffer the penalty of prision mayor in its medium period.

If the child used as a performer, subject, or seller/distributor is below [twelve (12)] EIGHTEEN (18) years of age, the penalty OF RECLUSION TEMPORAL shall be imposed in its maximum period.

xxx"

SEC. 18. Section 10 of Republic Act No. 7610 is hereby amended as follows:

"SEC. 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child’s Development. —

xxx"

"(b) Any person AT LEAST TEN (10) YEARS OLDER AND who [shall] keepS or [have] HAS in [his] company a minor [twelve (12)] UNDER SIXTEEN (16) YEARS OF AGE [or under or who is 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 or similar places shall suffer the penalty or prision mayor in its maximum period and a fine of not less than fifty thousand pesos (Php 50,000): 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. 19. Public and private institutions engaged in the education, training, and care of children shall ensure that their curriculum for continuing staff development include plans and learning sessions on the scope of their duties and responsibilities in identifying, responding to and reporting rape and other sexual offenses.

SEC. 20. The Secretary of Social Welfare and Development, Secretary of Justice through the National Prosecution Service, and the Chief of the PNP shall submit an annual report to the Congress of the Philippines including the data and status of cases involving rape, sexual abuse and exploitation.

SEC. 21. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,
HOUSE BILL NO. 7836

(As Amended, Also Known as the Revised Penal Code and Republic Act No. 7610, Otherwise Known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act)

AN ACT PROVIDING FOR STRONGER PROTECTION AGAINST RAPE, ACTS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE, INCREASING THE AGE FOR DETERMINING THE COMMISSION OF STATUTORY RAPE, AMENDING FOR THIS PURPOSE ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE AND REPUBLIC ACT NO. 7610, OTHERWISE KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT


Committee Referral: COMMITTEES ON REVISION OF LAWS
AND WELFARE OF CHILDREN

Revision of Laws Chairperson: REP. CHERYL P. DELOSO-MONTALLA
Welfare of Children Chairperson: REP. YEDDA MARIE K. ROMUALDEZ

OBJECTIVES:

- To fortify existing laws on rape, sexual exploitation and abuse; strengthen protection for children against such act by increasing the age for determining the commission of statutory rape; and provide higher penalties for violations of the law.

KEY PROVISIONS:

- Redefines rape on how, against whom, and who may commit it;
- Expands the provisions on statutory rape by increasing the age for determining the commission of statutory rape from twelve (12) years old to below 16 years old;
- Provides for a sweetheart clause and close-in relationship as an exception to statutory rape;
- Defines and includes grooming as a means to commit rape;
- Provides for stiffer penalties for rape, sexual exploitation and abuse;
- Shifts the burden of proof of consent on the part of the offender;
- Subsequent valid marriage between the victim and offender will not extinguish criminal liability;
- Removes the benefit of good conduct and time allowances when the crime of rape was committed with aggravating circumstances;
- Considers as aggravating circumstances in the commission of rape the following: when the victim becomes pregnant, when the victim suffers permanent mental or psychological disability, or when grooming is used;
- Mandates health officers, teachers, and other persons of authority to report cases of rape and sexual exploitation and abuse known to them;
- Disallows the submission of affidavit of desistance and amicable settlement between parties in all stages of the proceedings of rape and sexual exploitation and abuse;

- Provides for the confidentiality of rape and sexual exploitation and abuse cases;

- Stipulates the persons who may file a complaint making rape and sexual exploitation and abuse as crimes against persons; and

- Mandates the provision of capability building program for child serving institutions.

RELATED LAWS:

- Act No. 3815, otherwise known as the “Revised Penal Code of the Philippines,” as amended;
- Republic Act No. 8353, otherwise known as the “Anti-Rape Law of 1997”;
- Republic Act No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”;  
- Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”.