

SENATE

'19 JUL 24 A11 :49

S. No. 739

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Introduced by SENATOR SHERWIN T. GATCHALIAN

AN ACT

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

EXPLANATORY NOTE

Article 34 of The Convention on the Rights of the Child is explicit that State Parties, such as the Philippines, should undertake to protect the child from all forms of sexual exploitation and sexual abuse. Similarly, we are tasked to take all appropriate measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity and the exploitative use of children in prostitution or other unlawful sexual practices.

In response to this mandate, an insurmountable amount of legal, humanitarian and advocacy works are being done, not only by the Philippine government, but by different organizations that are fighting to ensure that Filipino children are safe from sexual abuses and exploitation. In spite of these, the incidents of prostitution and sexual solicitation involving victims who are under 18 years old are common news that we encounter every single day.

On a legal perspective, there is a need to continuously strengthen and

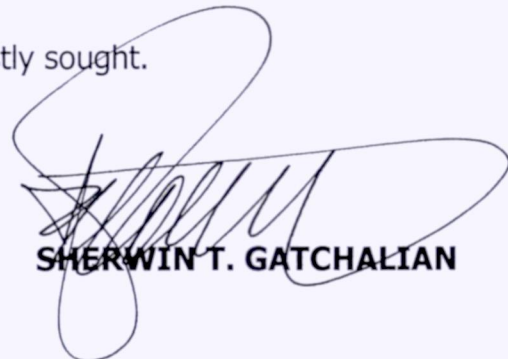
enforce laws to address this matter. Currently, the Revised Penal Code imposes maximum penalties for sexual offenses when the victim is under twelve (12) years of age but adopts a less strict policy for sexual offenses against minors over twelve (12) years of age.

In the United States, the legal age of consent varies from 16 to 18 years old from state to state. The age of consent in Canada and Australia is 16 years old. It is the same for most Asian countries like Malaysia, Singapore and Taiwan. A comparative observation shows that the Philippines has one of the lowest age established in determining statutory sexual abuses committed against children.

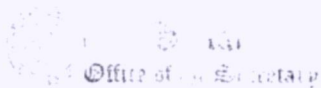
In the Philippines, the age of majority starts at 18 years of age. Rights acquired upon reaching the age of majority include the right to give consent to a contract, the right to vote, the right to obtain a Professional Driver's License and the right to marry subject to obtaining parental consent. Upon reaching the age of majority, a person is considered to have reached basic level of maturity that allows him to exercise all the rights and assume all the responsibilities of being an adult. Consequently, the age of majority should also be considered as the proper age in terms of giving sexual consent.

Raising the minimum age of consent to 18 years old for the determination of statutory rape would address teen prostitution and would expand the scope of prohibited sexual relations with a minor to be classified as an act of rape under any circumstance.

Thus, the passage of this bill is earnestly sought.



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ACT NO. 3815, AS AMENDED, ALSO KNOWN AS THE REVISED PENAL CODE

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

1 SEC. 1. Act No. 3815, as amended, otherwise known as the Revised Penal
2 Code, Article 266-A (1)(d) is hereby amended to read as follows:

3 ""Article 266-A. Rape, When and How Committed. – Rape is committed

4 1. By a man who shall have carnal knowledge of a woman under any of the
5 following circumstances:

6 xxx xxx xxx

7 (d) When the offended party is under **EIGHTEEN (18)** [twelve (12)] years
8 of age or is demented, even though none of the circumstances mentioned above be
9 present.”

10 SEC. 2. **Repealing Clause.** – All laws, acts, presidential decrees, executive
11 orders, administrative orders, rules and regulations inconsistent with or contrary to

1 this Act are deemed amended, modified, or repealed accordingly.

2 SEC. 3. **Effectivity Clause.** – This Act shall take effect fifteen (15) days
3 after its publication in at least two (2) newspapers of general circulation.

Approved,