

S. No. 2332

H. No. 7836

Republic of the Philippines
Congress of the Philippines

Metro Manila

Eighteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty one.



[REPUBLIC ACT NO. **11648**]

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

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

SECTION 1. Article 266-A (1)(d) of Act No. 3815, otherwise known as "The Revised Penal Code," as amended by Republic

Act No. 8353 otherwise known as "The Anti-Rape Law of 1997," is hereby further amended to read as follows:

"Article 266-A. *Rape; When and How Committed.* – Rape is Committed:

"1) By a person who shall have carnal knowledge of another person under any of the following circumstances:

"x x x

"d) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: *Provided*, That there shall be no criminal liability on the part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: *Provided, further*, That if the victim is under thirteen (13) years of age, this exception shall not apply.

"As used in this Act, non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim. On the other hand, non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities."

SEC. 2. Articles 337 and 338 of Act No. 3815, otherwise known as "The Revised Penal Code" are hereby amended to read as follows:

"Article 337. *Qualified seduction.* – The seduction of a minor, sixteen and over but 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 minor seduced, shall be punished by *prision correccional* in its minimum and medium periods.

“The penalty next higher in degree shall be imposed upon any person who shall seduce his sister or descendant, whether or not she be a virgin or over eighteen years of age.

“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.”

“Article 338. *Simple seduction.* – The seduction of a minor, sixteen and over but under eighteen years of age, committed by means of deceit, shall be punished by *arresto mayor.*”

SEC. 3. Sections 5(b), 7, 9, and 10(b) of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act are hereby amended to read 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.

“x x x

“(a) x x x

“(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: *Provided,* That when the victim is under sixteen (16) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, otherwise known as “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) years of age

shall be *reclusion temporal* in its medium period;
and

x x x.”

“SEC. 7. *Child Trafficking*. – Any person who shall engage in trading and dealing with children 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 sixteen (16) years of age.

x x x.”

“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 under eighteen (18) years of age, the penalty shall be imposed in its maximum period.

x x x”

“SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development*. –

“(a) x x x

“(b) Any person who shall keep or have in his company a minor 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 of *prision mayor* in its maximum period and a fine of not less than Fifty thousand pesos (P50,000.00): *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.

x x x.”

SEC. 4. 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.

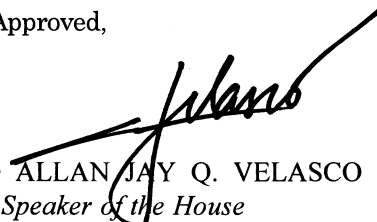
The Department of Education shall include in the basic education curriculum and teach age-appropriate subject concerning the rights and protection of the children in relation to this Act.

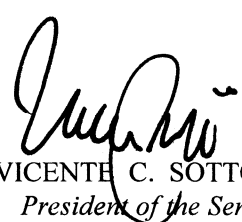
SEC. 5. If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain in full force and effect.

SEC. 6. All laws, decrees, orders, ordinances, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

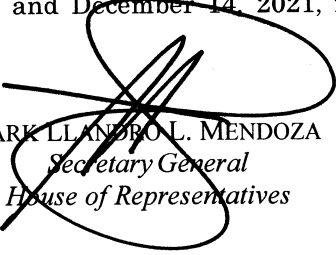
SEC. 7. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation in the Philippines.

Approved,



LORD ALLAN JAY Q. VELASCO
Speaker of the House
of Representatives


VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 2332 and House Bill No. 7836 was passed by the Senate of the Philippines and the House of Representatives on December 15, 2021 and December 14, 2021, respectively.



MARK LLANERO L. MENDOZA
Secretary General
House of Representatives



MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: **MAR 04 2022**



RODRIGO ROA DUTERTE
President of the Philippines

0



REPUBLIC OF THE PHILIPPINES

PRRD 2016 - 020717