



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF EDUCATION, CULTURE AND SPORTS
Mericao Avenue, Pasig City

May 15, 1998

OFFICE OF THE SECRETARY
DECS MEMORANDUM
No. 201, s, 1998

INTEGRATING REPUBLIC ACT 8353, THE ANTI-RAPE LAW OF 1997
IN THE BASIC EDUCATION CURRICULUM

To: Regional Directors
Schools Superintendents
District Supervisors

1. Violence against women is a pervasive phenomenon in many countries around the world. Women who suffered violence and abuse are left to deal with their traumatic experiences often without the support of their families. In fact, victims are invariably faced with social stigma, ostracism and cruel scrutiny by the society they live in. It is said that violence against women arises from unequal gender relations where male control over women is a matter of right as dictated by societies' norms and institutions. A woman is at once at risk and vulnerable to violence simply because of her gender. Ways to prevent/minimize violence against women have been instigated by both government and nongovernment organizations, notably the General Recommendation 19 on Violence Against Women from a UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), in 1992.
2. In view of the increasing incidence of violence against Filipino women, particularly domestic abuse, sexual harassment, rape and others, President Ramos has signed Republic Act 8353, the new Anti-Rape Law of 1997. The new law is a landmark legislature which directly addresses sexual abuse and violence among Filipino women. Details on the law are inclosed.
3. To support the advocacy campaign for the Anti-Rape Law, all schools are enjoined to integrate appropriate topics of the law in such subject areas as Edukasyong Pantahanan at Pangkabuhayan (EPP), Sibika at Kultura and HEKASI in the elementary level and History in the secondary level, among others whenever applicable. Schools are also encouraged to promote awareness among parents and community members on the Anti-Rape Law through various school-based activities such as PTA meetings and the like.
4. The integration of the Anti-Rape Law in the abovementioned subjects aims to promote a continuous preventive education program specifically for young men, women and children on Violence Against Women (VAW).
5. Immediate and extensive dissemination of this Memorandum is enjoined.

ERLINDA C. PEFIANCO
Secretary

Incl.:

As stated

Reference:

None

Allotment: 1-3--(D.O. 50-97)

To be indicated in the Perpetual Index
under the following subjects:

CAMPAIGN
CURRICULUM
LEGISLATIONS

g. the offender is a member of the military, police, paramilitary units, or any law enforcement agency or penal institution and he took advantage of his position in committing the crime;

h. the victim suffers from permanent physical mutilation or disability caused by the rape;

i. the offender knows the victim is pregnant; and

j. the offender knows the victim has mental disability, emotional disorder or physical handicap at the time of the crime.

Prepared by:
National Commission on the Role of Filipino Women
1145 J.P. Laurel Street
San Miguel, Manila 1005
Tel Nos.: 735-4955; 735-1864
Fax: (632) 735-1655
E-Mail Address: ncrfw@mnl.sequel.net

Graphics from Link Magazine, vol. 10, no. 3, Sept 96 with permission from Phil. NGO Council on Population, Health & Welfare.

A rape offender avoids prosecution when ...

a. the victim decides to marry the offender; and

b. the husband is the offender and the wife decides to forgive him.

Where to get help...

Department of Social Welfare & Development
Batasan Complex, Constitution Hills
Quezon City
932-2573; 931-9146; 9318101 loc. 21

East Avenue Medical Center
East Avenue, Quezon City
928-0611; 929-2917 (fax)

Department of Health
Bldg. 12, 3rd Fl., San Lazaro Compound
Sta. Cruz, Manila
711-6665

Department of Interior & Local Government
Francisco Gold Condominium II
Cor. Magagnabal St., EDSA
Diliman, Quezon City
927-4371; 920-8012



THE ANTI-RAPE LAW OF 1997

Republic Act 8353

On 30 September, President Fidel Ramos signed Republic Act 8353, the new Anti-Rape Law of 1997. It is a landmark legislation for Filipino women, replacing a law that has long ceased to address their experiences of sexual abuse and violence. While it is no guarantee that women are now safe from rape, it nevertheless is another battle won in their war against it.



Rape is a crime against person...

The new law redefines rape as a crime against person from a crime against chastity. This means rape violates a woman's very being, and not just her virginity or purity. Previously, it was difficult for "unchaste" women such as prostituted women, nonvirgins or those who have an active sex life, for example, to prove that rape was committed against them. With the new law, a woman's chastity or her sexual life is not an issue anymore.

As a crime against person, rape is also amended from a private to a public offense.

The victim is not the only one who can file a complaint.

Basically anyone who knows about the violation can file a case on behalf of the victim. As a public crime, the prosecution of a rape case may continue even if the victim drops the case or pardons the offender.

Rape is committed when ...

- a. A man has sexual intercourse with a woman under these conditions:
 - i) through force, threat or intimidation;
 - ii) when the victim is deprived of reason or is unconscious;
 - iii) through fraudulent machination or grave abuse of authority; and
 - iv) when the victim is under 12 years of age or is demented, even if none of the above conditions are present.



A rape victim may present as evidence...

any overt act manifesting resistance against rape in any degree or in any situation where she is incapable of giving valid consent.

Rape is punished by ...

imprisonment ranging from *prison mayor*, or from six to 12 years, to death.

A rape offender is given the death penalty when ...

- a. the victim is under 18 years old and the offender is a parent, stepparent, guardian, or a relative within the third degree, or the common law spouse of the victim's parent;
- b. the victim is under the custody of the police, the military, or other law enforcement and penal institutions;
- c. the rape is committed in full view of the spouse, parent, children, or relatives;
- d. the victim is a religious and is known to the offender as such;
- e. the victim is a child below seven years;
- f. the offender knows he is sick with HIV/AIDS or other sexually transmitted disease and the virus or disease is transmitted to the victim;

S. No. 950
H. No. 6265

Republic of the Philippines
Congress of the Philippines
Metro Manila

Twelfth Congress

Third Regular Session

Began and held in Metro Manila, on Monday the twenty-eighth day of July, nineteen hundred and ninety-seven.

[REPUBLIC ACT NO. 8353]

AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE; JUDICIAL ASSAULT; THE SAME AS A CRIME AGAINST PERSONS; AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as "The Anti-Rape Law of 1997"

SEC. 2. *Rape as a Crime Against Persons.* - The crime of rape shall hereafter be classified as a Crime Against Persons under Title Eight of Act No. 3815, as amended, otherwise known as the Revised Penal Code. Accordingly, there shall be incorporated into Title Eight of the same Code a new chapter to be known as Chapter Three on Rape, to read as follows:

1

"Chapter Three

"Rape

"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:

"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.

"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.

"Article 266-B. Penalties - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

"Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

"When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion perpetua* to death.

"When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

"When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

"The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating circumstances:

"1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

"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;

"4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to the offender before or at the time of the commission of the crime;

"5) When the victim is a child below seven (7) years old;

"6) When the offender knows that he is afflicted with 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 para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;

"8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

"9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and

"10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

"Rape under paragraph 2 of the next preceding article shall be punished by *prison mayor*."

"Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *prison mayor* or *reclusion temporal*."

"When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion temporal*."

"When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion temporal* to *reclusion perpetua*."

"When by reason or on the occasion of the rape, homicide is committed, the penalty shall be *reclusion perpetua*."

"*Reclusion temporal* shall also be imposed if the rape is committed with any of the ten aggravating/qualifying circumstances mentioned in this article."

"Article 266-C. *Effect of Pardon*. - The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed."

"In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: *Provided*, That the crime shall not be extinguished or the penalty shall not be abated if the marriage is *void ab initio*."

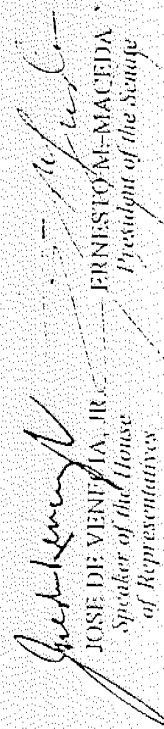
"Article 266-D. *Presumptions*. - Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A."


SEC. 3. *Separability Clause*. - If any part, section, or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid."

SEC. 4. *Repealing Clause*. - Article 335 of Act No. 3815, as amended, 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.

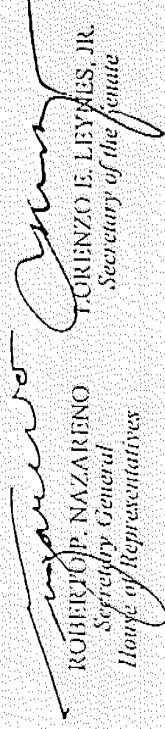
SEC. 5. *Effectivity*. - This Act shall take effect fifteen (15) days after completion of its publication in two (2) newspapers of general circulation.

Approved,


JOSE DE VENECIA, JR.
Speaker of the House
of Representatives


ERNESTO M-MACEDA
President of the Senate

This Act, which is a consolidation of Senate Bill No. 950 and House Bill No. 6265, was finally passed by the Senate and the House of Representatives on June 5, 1997 and September 3, 1997, respectively.


ROBERTO J. NAZARENO
Secretary General
House of Representatives


LORENZO E. LEYNES, JR.
Secretary of the Senate

Approved: SEP 30 1997

FIDEL V. RAMOS
President of the Philippines