

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FOURTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 5924



Introduced by Representative SATUR C. OCAMPO

EXPLANATORY NOTE

Memorandum Circular No. 22 of the Department of Justice dated 28 September 2000, which provides guidelines for the interpretation of R.A. No. 8353, otherwise known as the "Anti-Rape Law of 1997" and which is now embodied in the Revised Penal Code of the Philippines as Article 266-A thereof, concludes that *"the insertion of a finger into a woman's vagina is not rape"* under the law.

The said interpretation by the DOJ is clearly illogical and is contrary to common sense because the insertion of any object into any orifice of a person qualifies as rape but the insertion of a person's fingers alone will not.

Worse, it suggests that the insertion of an assailant's finger is less offensive than the insertion of other objects or instrument into a woman's vagina in that a person who inserts his/her finger under the circumstances provided by the law is merely charged with the lesser offense of "acts of lasciviousness".

To correct the ambiguity in the law and to do away with this inane interpretation under Memorandum Circular No. 22, Congress must amend Article 266-A of the Revised Penal Code to clearly express the intent of the law.

In view of the foregoing, approval of this bill is urgently sought.


SATUR C. OCAMPO
Bayan Muna Party-List

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**AN ACT
AMENDING ARTICLE 266-A OF ACT NO. 3815, OTHERWISE KNOWN AS
THE REVISED PENAL CODE OF THE PHILIPPINES, AS AMENDED**

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

SECTION 1. Article 266-A of the Revised Penal Code of the Philippines is hereby amended to read as follows:

“Chapter Three
Rape

Article 266-A. Rape: When and How Committed. - Rape is committed:

- 1) xxxxxxxxxxxx;
- 2) By any [person] **MAN** 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.];
- 3) **BY ANY PERSON WHO INSERTS ANY INSTRUMENT, OBJECT, OR ANY OTHER PART OF HIS/HER BODY INTO THE GENITAL OR ANAL ORIFICE OF ANOTHER PERSON UNDER ANY OF THE CIRCUMSTANCES ABOVEMENTIONED.”**

SEC. 2. Repealing Clause. - All laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC.3. Effectivity Clause. - This Act shall take effect fifteen (15) days from the date of its publication in a newspaper of general circulation.

Approved,