

REPUBLIC OF THE PHILIPPINES)
FIFTEENTH CONGRESS)
First Regular Session)

SENATE

Senate Bill No. 1297

Introduced by Senator Manny Villar

EXPLANATORY NOTE

Forcible or violent violation of a woman's chastity under any circumstance is a most detestable crime (**See, People vs. Barbo, 56 SCRA 459, 467 citing Blackstone**). Indeed, it is declared an heinous crime and penalized, in qualified cases, with the penalty of death (**Art. 335 of the Revised Penal Code as amended by R.A. 7659**).

Cursory review of our penal statutes reveals that sexual violation of or sexual intercourse with a female corpse is presently beyond the pale of our criminal justice system. At most, desecration of the dead in this regard merely gives rise to liability for damages (**Art. 309, New Civil Code**).

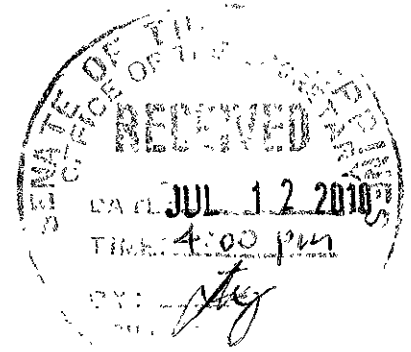
Under existing provisions of the Revised Penal Code only defamation to blacken the memory of one who is dead is criminalized (**Art. 353, R.P.C. i.e. libel**).

This Bill seeks to plug, this distinct lacuna in the law by penalizing necrophiles or those who morbidly derive sexual gratification by copulating with a corpse. That such forcible imposition of manhood is directed against a lifeless female does not make the grisly act any less detestable and heinous. In fact, this vicious bestiality is notoriously offensive and revolting to the feelings of the living even as it grossly desecrates the dead

Passage of this Bill is earnestly recommended.


MANNY VILLAR

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AN ACT
CRIMINALIZING NECROPHILIA OR CARNAL KNOWLEDGE WITH THE DEAD AND
IMPOSING APPROPRIATE PENALTIES THEREOF, INCORPORATING FOR THIS
PURPOSE ARTICLE 335-A INTO ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. There shall be incorporated after Article 335 of Act No. 3815, as amended, otherwise known as the "Revised Penal Code" a new article which shall read as follows:

"ART. 335-A. Necrophilia. Penalty. – NECROPHILIA IS COMMITTED BY A PERSON WHO ENGAGES IN SEXUAL INTERCOURSE WITH A FEMALE CORPSE.

PERSONS FOUND GUILTY OF NECROPHILIA SHALL SUFFER THE PENALTY OF **RECLUSION PERPETUA** TO DEATH AND A FINE OF ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00) AT THE DISCRETION OF THE COURT.

WHENEVER THE CRIME OF NECROPHILIA IS COMITTED BY TWO OR MORE PERSONS, OR BY ANY PERSON IN WHOSE CARE OR CUSTODY SUCH FEMALE CORPSE IS FOUND, THE PENALTY SHALL BE DEATH."

SECTION 2. All laws, rules and regulations, decrees, issuances or any parts thereof inconsistent with this Act, are hereby repealed, modified or amended accordingly.

SECTION 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,