

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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S E N A T E

S. No. 358

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Pursuant to Article 27 of the Revised Penal Code, *arresto menor* prescribes imprisonment from one day to thirty days. This bill seeks to penalize first time offenders convicted of committing light felonies with community service in lieu of the one- to thirty-day imprisonment.

All of the jails all over the country today are overpopulated. The Quezon City jail for one has exceeded its capacity three times over. Thus inmates are forced to take turns sleeping.

More importantly, the congestion in the country's jails does not permit the luxury of segregating first time offenders or convicts of light felonies from hardcore habitual offenders, many of whom may be beyond reform. Rather than serving the ends of rehabilitation through proper direction and guidance, this system exposes the first time offender to influences which may lead him on to graver abuses and criminality.

In requiring the convict to perform community service, he is given a chance to perform civic duties consistent with responsible citizenship and launched on the road to reform and rehabilitation.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III

SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
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SENATE

S. No. 358

Introduced by Senator S. R. Osmeña III

AN ACT
AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU
OF IMPRISONMENT IN A JAIL FOR PENALTY OF ARRESTO MENOR,
AMENDING FOR THAT PURPOSE ARTICLE 88 OF ACT 3815, THE REVISED
PENAL CODE AS AMENDED, AND FOR OTHER PURPOSES

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

1 **SECTION 1.** Article 88 of Act 3815, as amended, is hereby amended to
2 read as follows:

3 “ART. 88. Arresto Menor. – The penalty of arresto menor shall be
4 served in the municipal or CITY jail or in the house of the defendant
5 himself under the surveillance of an officer of the law, when the court so
6 provides in its decision, taking into consideration the health of the offender
7 and other reasons which may seem satisfactory to it.

8 “THE COURT MAY, IN ITS DISCRETION, REQUIRE THAT THE
9 PENALTY OF ARRESTO MENOR BE SERVED BY THE DEFENDANT
10 BY RENDERING COMMUNITY SERVICE UNDER SUCH TERMS AS
11 THE COURT SHALL DETERMINE AND THE SURVEILLANCE BY A
12 GOVERNMENT OFFICER OR OFFICIAL IN LIEU OF SERVICE IN JAIL.
13 IN SO REQUIRING COMMUNITY SERVICE, THE COURT SHALL
14 CONSIDER THE REASONABLE PROBABILITY THAT THE PERSON
15 SENTENCED SHALL REMAIN AT LIBERTY WITHOUT VIOLATING THE

1 LAW AND THE WELFARE OF SOCIETY SHOULD THE PERSON
2 SENTENCED NOT BE CONFINED IN JAIL.”

3 “SHOULD THE PERSON SENTENCED VIOLATE THE TERMS
4 FOR RENDERING COMMUNITY SERVICE, THE COURT SHALL
5 ORDER HIS REARREST AND THE PENALTY SHALL BE SERVED IN
6 JAIL. SHOULD THE PERSON SENTENCED COMPLY WITH THE
7 TERMS FOR RENDERING COMMUNITY SERVICE, THE COURT
8 SHALL RENDER AN ORDER OF SERVICE OF THE SENTENCE.

9 THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN
10 LIEU OF SERVICE IN JAIL SHALL BE ENJOYED ONLY ONCE.”

11 **SEC. 2. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
12 publication in the Official Gazette or in at least two (2) newspapers of general
13 circulation whichever comes earlier.

Approved,