

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES

First Regular Session

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P4:44

S E N A T E

S. No. 360

RECEIVED BY: *Osmeña*

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The Revised Penal Code lists some minor felonies, offenses, and infractions which cause little or no damage to persons, property and community, and which are often motivated not by malice but by some psychological disorders that should be addressed with treatment, rather than with punishment.

One good example is vagrancy, penalized under Article 202 of the Revised Penal Code, which fails to see that vagrants are victims of poverty and the lack of opportunities for employment and access to decent standards of living and quality of life.

Aside from vagrancy are such felonies as simple disobedience to an agent of a person in authority, alarms and scandals, refusal of assistance, refusal to discharge elective office, abandonment of minor by a person entrusted with his custody and care and indifference of parents and premature marriages.

In the case of crimes of anticipation of duties of a public office, reckless imprudence and negligence respecting damage only to property, the applicable penalties are fines, indemnification, restitution, compensation and community service, rather than deprivation of liberty.

This bill seeks to decriminalize the above offenses in order to decongest the load of the justice system, allow our law enforcement officers to pay more attention to graver offenses, and improve the administration of justice in our land. This measure also seeks to give a more humane countenance on our justice system, which prioritizes the rehabilitation of the offender and acknowledges the value of every human life.

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

S. Osmeña III

SERGIO OSMEÑA III

Senator

04 JUN 30 P4:44

SENATE

S. No. 360

RECEIVED BY: Arlo

Introduced by Senator S. R. Osmeña III

AN ACT
TO IMPROVE THE ADMINISTRATION OF JUSTICE BY DECRIMINALIZING
AND PROVIDING FOR THE IMPOSITION OF ALTERNATIVE PENALTIES
SHORT OF DEPRIVATION OF LIBERTY FOR CERTAIN OFFENSES

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

1 **SECTION 1. Declaration of Policy.** – It is hereby declared the policy of
2 the State to provide for a more humane, realistic and responsive mode of
3 dealing with criminal offenders. This objective shall be attained, among others,
4 by decriminalizing or declaring as lawful certain offense that inflict no harm or
5 only minimal damage to society and by the imposition of alternative penalties
6 short of deprivation of liberty as regards certain offenses.

7 **Sec. 2. Offenses Decriminalized.** - The following offenses are
8 hereby decriminalized:

- 9 a) Simple disobedience to an agent of a person in authority as defined in
10 Article 151 of the Revised Penal Code;
- 11 b) Alarms and scandals as defined in Article 155 of the Revised Penal
12 Code except those committed inside public buildings, churches and
13 schools on occasions when there are assemblies or official functions
14 taking place;

- 1 c) Vagrancy as defined in Article 202 of the Revised Penal Code:
2 *Provided, That* prostitution as defined by the same Article shall
3 continue to be punishable;
- 4 d) Refusal of assistance as defined in Article 233 of the Revised Penal
5 Code;
- 6 e) Refusal to discharge elective office as defined in Article 234 of the
7 Revised Penal Code;
- 8 f) *Premature marriages* as defined in Article 351 of the Revised Penal
9 Code; and
- 10 g) All offenses similar to the foregoing which are penalized by special
11 laws or ordinances.

12 **Sec. 3. *Offenses with Substituted Penalties.*** - In lieu of the
13 existing penalties involving deprivation of liberty for anticipation of duties of a
14 public office as defined in Article 236 and reckless imprudence and negligence
15 as defined in Article 365 resulting only in damage to property, respectively of
16 the Revised Penal Code, the following sanctions shall be imposed either
17 alternatively or cumulatively in the discretion of the Court:

- 18 (a) Fine
19 (b) Indemnification
20 (c) Restitution
21 (d) Compensation
22 (e) Community service for not more than thirty (30) days.

23 **Sec. 4. *Transitory Provisions.*** - All cases pending before the
24 courts and the prosecutors' offices involving offenses decriminalized herein shall
25 be ipso facto dismissed and/or terminated. All convicts serving sentence herein
26 decriminalized shall be released immediately.

27 **SEC. 5. *Separability Clause.*** If any section or provision of this Act
28 shall be declared unconstitutional or invalid, the other sections or provisions not
29 affected thereby shall remain in full force and effect

1 **SEC. 6. *Repealing Clause.*** - All laws, decrees, orders, rules and
2 regulations and other issuances inconsistent with the provisions of this Act are
3 deemed modified, revoked or repealed accordingly.

4 **SEC. 7. *Effectivity.*** This Act shall take effect fifteen (15) days after its
5 publication in two (2) leading newspapers of national circulation.

Approved,