

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 PM 12

SENATE

S. No. 692

RECEIVED BY: Alde

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

The Act will integrate into our system a more compassionate type of sentencing which is which requires community service in lieu of serving a jail term for certain minor offenses. The penalty of *arresto menor*, pursuant to Article 27 of the Revised Penal Code, shall be from one (1) day to (30) thirty days only. Article 88 of the same Code provides that the penalty of *arresto menor* shall be served in the municipal jail or in the house of the defendant under the surveillance of an officer of the law.

By requiring an offender to render community service, he will learn the lesson of civic service rather than being confined in the penal institution or remaining in his own house.

Some of the crimes for which *arresto menor* is imposed in the Revised Penal Code are: vagrancy, alarms and scandals, slight physical injuries, certain deceits, malicious mischief where the value does not exceed P200.00, or imprudence and negligence constituting a light felony.

Immediate passage of this measure will decongest local jails and will protect those who commit light felonies from being brutalized in crowded prisons.

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


MANUEL B. VILLAR, JR.

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AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT IN A JAIL FOR THE PENALTY OF ARRESTO MENOR, AMENDING FOR THAT PURPOSE ARTICLE 88 OF ACT NO. 3815, 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. Article 88 of Act 3815, otherwise known as "The Revised Penal Code" is hereby amended to read as follows:

"ART. 88. Arresto Menor. - The penalty of *arresto menor* shall be served on the municipal OR CITY jail or in the house of the defendant himself under the surveillance of an officer of the law, when the court so provides in its decision, taking into consideration which may seem satisfactory to it.

"THE COURT MAY, *MOTU PROPIO*, REQUIRE THAT THE PENALTY OF *ARRESTO MENOR* BE SERVED BY THE DEFENDANT BY RENDERING COMMUNITY SERVICE IN THE COMMUNITY WHERE THE CRIME WAS COMMITTED OR IN HIS OWN OR ON ANY OTHER COMMUNITY AS MAY AND UNDER SUCH TERMS AS THE COURT SHALL DETERMINE AND UNDER THE SURVEILLANCE OF THE BARANGAY CAPTAIN OF THE COMMUNITY AND A PROBATION OFFICER, IN LIEU OF SERVICE IN JAIL. IN SO REQUIRING COMMUNITY SERVICE, THE COURT SHALL CONSIDER THE REASONABLE PROBABILITY THAT THE PERSON SENTENCED SHALL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAW AND THE WELFARE OF SOCIETY.

"COMMUNITY SERVICE SHALL CONSIST OF ANY ACTUAL PHYSICAL ACTIVITY WHICH INCULCATES CIVIC CONSCIOUSNESS TOWARDS THE IMPROVEMENT OF A PUBLIC WORK, OR IN ANY ENVIRONMENT INVOLVING PUBLIC STRUCTURES.

“SHOULD THE PERSON SENTENCED VIOLATE THE TERMS FOR RENDERING COMMUNITY SERVICE, THE COURT SHALL ORDER HIS RE-ARREST AND THE PENALTY SHALL BE SERVED IN JAIL. SHOULD THE PERSON SENTENCED COMPLY WITH THE TERMS FOR RENDERING COMMUNITY SERVICE, THE COURT SHALL DISCHARGE THE PERSON AFTER COMPLETION OF SERVICE. THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU OF SERVICE IN K\JAIL SHALL BE ENJOYED ONLY ONCE ”

SECTION 2. If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 3. All acts, laws, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,