



'16 JUL 19 P5:19

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

RECEIVED

BY:

SENATE

S. No. 590

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**AN ACT  
AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF  
IMPRISONMENT FOR THE PENALTY OF ARRESTO MENOR, AMENDING FOR  
THE PURPOSE CHAPTER FIVE, TITLE THREE, BOOK ONE OF ACT NO. 3815,  
AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE**

**EXPLANATORY NOTE**

Jail congestion is one of the biggest problems of the Bureau of Jail Management and Penology (BJMP). This can be illustrated by our city jails. Caloocan City Jail, for instance, is congested by 1124 percent. The detention center has an ideal capacity of 136 inmates, yet the BJMP managed to fit in 1,665 people. According to BJMP website, 20,497 inmates are detained in the National Capital Region alone in a facility meant for 5,926 people. Particularly, Metro Manila jails are congested by almost 1000 percent. The nationwide congestion rate falls for an average of four to five inmates per square meter. The figures were based on the ideal ratio of three square meters for everyone inmate.

According to the Revised Penal Code, the duration of the penalty of arresto menor shall be from one day to thirty days. It further indicates that:

*"Art. 88. Arresto menor. - The penalty of arresto menor shall be served in the municipal 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 the health of the offender and other reasons which may seem satisfactory to it."*

Under several Articles of the same Code, arresto menor is imposed in crimes which include, among others:

- Art. 175 - using false certificates
- Art. 202 - vagrancy
- Art. 313 - altering boundaries or landmarks
- Art. 364 - intriguing against honor
- Art. 365 - imprudence and negligence constituting light felony

This bill is put forward in the hope that flexibility in our sentencing procedure will decongest our local jails and prevent altogether the criminalization of the offender by his confinement in

our overcrowded jails. This bill specifically authorizes the court to require community service in lieu of service in jail for offenses punishable by arresto menor as the court may determine fit.

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

  
ANTONIO "SONNY" F. TRILLANES IV  
*Senator*



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

1           **SECTION 1.** Chapter 5, Title 3, Book I of Act No. 3815, as amended, otherwise  
2 known as the Revised Penal Code, is hereby further amended to include an additional article  
3 to read as follows:  
4

5           **"ART. 88-A. COMMUNITY SERVICE. - THE COURT MAY, IN LIEU OF**  
6 **SERVICE IN JAIL, MOTU PROPRIO, REQUIRE THAT THE PENALTIES**  
7 **OF ARRESTO MENOR BE SERVED BY THE DEFENDANT BY**  
8 **RENDERING COMMUNITY SERVICE IN THE PLACE WHERE THE**  
9 **CRIME WAS COMMITTED, UNDER SUCH TERMS AS THE COURT**  
10 **SHALL DETERMINE AND UNDER THE SURVEILLANCE OF THE**  
11 **BARANGAY CAPTAIN OF THE COMMUNITY OR A PROBATION**  
12 **OFFICER. FURTHER, THE ABOVEMENTIONED DEFENDANT SHALL BE**  
13 **SUBJECTED TO REHABILITATIVE COUNSELING."**  
14

15           **"IN REQUIRING COMMUNITY SERVICE, THE COURT SHALL**  
16 **CONSIDER THE WELFARE OF THE SOCIETY AND THE REASONABLE**  
17 **PROBABILITY THAT THE PERSON SENTENCED SHALL REMAIN AT**  
18 **LIBERTY WITHOUT VIOLATING THE LAW."**  
19

20           **"COMMUNITY SERVICE SHALL CONSIST OF ANY ACTUAL PHYSICAL**  
21 **ACTIVITY WHICH INCULCATES CIVIC CONSCIOUSNESS, AND IS**  
22 **INTENDED TOWARDS THE IMPROVEMENT OF A PUBLIC WORK. OR**  
23 **PROMOTION OF A PUBLIC SERVICE."**  
24

25           **"SHOULD THE PERSON SENTENCED VIOLATE THE TERMS FOR**  
26 **RENDERING COMMUNITY SERVICE, THE COURT SHALL ORDER HIS**

1 RE-ARREST AND THE PENALTY SHALL BE SERVED IN JAIL. SHOULD  
2 THE PERSON SENTENCED COMPLY WITH THE TERMS FOR  
3 RENDERING COMMUNITY SERVICE, THE COURT SHALL RENDER AN  
4 ORDER THAT SENTENCE HAS BEEN FULLY SERVED.”

5  
6 "THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU OF  
7 SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE.”

8  
9 **SEC. 2. *Implementing Rules and Regulations (IRR).*** - The Department of Justice  
10 and the Department of Social Welfare and Development shall issue the rules and regulations  
11 for the implementation of the provisions of this Act within ninety (90) days from its  
12 effectivity.

13  
14 **SEC. 3. *Separability Clause.*** - If any provision or part hereof is held invalid or  
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
16 valid and subsisting.

17  
18 **SEC. 4. *Repealing Clause.*** - Chapter 5, Title 3, Book I of the Revised Penal Code is  
19 hereby amended and any law, presidential decree or issuance, executive order, letter of  
20 instruction, administrative order, rule or regulation contrary to or inconsistent with the  
21 provisions of this Act is hereby repealed, modified or amended accordingly.

22  
23 **SEC. 5. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication  
24 in any two (2) newspapers of general circulation.

*Approved,*