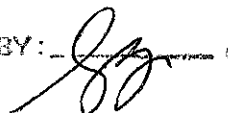


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL -2 19:09

SENATE

RECEIVED BY: 

S. No. 1311

Introduced by Senator Biazon

EXPLANATORY NOTE

Section 16 of Article III, Bill of Rights, guarantees:

“All persons shall have the right to speedy disposition of their cases before all judicial, quasi-judicial, or administrative cases.”

Viewed in actual operation, the citizen's enjoyment of this right is oftentimes defeated due to the prolonged delays in the disposition of criminal cases. Identified as the major cause of these prolonged delays is the volume of cases entering the criminal justice system, far beyond the capabilities of the police, speedily and competently.

De minimis non curat lex. But many of the cases that occupy the attention and energies of our police, prosecutors, judges, and prison authorities relate to minor offenses, infractions that cause little or no damage to persons, property, and community and those not motivated by malice but by some psychological disorders that call for treatment instead of punishment.

Some even punish victims of circumstances. A foremost example of these is vagrancy which is penalized under Article 202 of the Revised Penal Code.

The continuing prosecution of vagrancy fails to recognize the phenomenon of mass poverty afflicting the country today. Vagrants are victims of the failure of our society to provide them adequate social services, full employment, decent standard of living and quality of life. This is especially true in the case of women whose economic emancipation is a relatively modern phenomenon and the effects of which is not as widespread as it should be. Thus the resort to vagrancy.

Thus, the urgent need to decriminalize the offense.

In addition to vagrancy, the attached bill seeks to decriminalize the following felonies as defined and penalized under the Revised Penal Code: simple disobedience to an agent of a person in authority (Art.151), alarms and scandals (Art. 155), refusal of assistance (Art. 233), refusal to discharge elective office (Art. 234), abandonment of minor by person entrusted with his custody and care and indifference of parents (Art. 277), and premature marriages (Art. 351).

On the other hand, the crimes of anticipation of duties of a public office (Art. 236) and reckless imprudence and negligence respecting damage only to property (Art 365) are no longer penalized with deprivation of liberty. Instead, fines, indemnification, restitution, compensation and community service are imposed on the culprit.

The Bill reflects the recommendations of the Justices who attended the Technical Working Group conducted by the Committee on Justice and Human Rights last 3 September 1993, as well as that of the Prosecutors League of Manila.

This bill is truly human and underscores rehabilitation as the ultimate purpose of the criminal system. It is expected that the approval of this bill will help decongest the dockets of police, prosecution, courts and correctional agencies and thereby improve the quality of justice.

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




RODOLFO G. BIAZON
Senator

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

'04 JUL -2 A9:09

SENATE

S. No. 1311

RECEIVED BY: 

Introduced by Senator Biazon

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 Philippines in Congress assembled:

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

SEC. 2. Offenses Decriminalized. – The following offenses are hereby decriminalized:

- (a) Simple disobedience to an agent of a person in authority as defined in Article 151 of the Revised Penal Code.
- (b) Alarms and scandals as defined in Article 155 of the Revised Penal Code except those committed inside public buildings, churches and schools on occasions when there are assemblies or official functions taking place.
- (c) Vagrancy as defined by the same Article 202 of the Revised Penal Code: Provided, That prostitution as defined by the same Article shall continue to be punishable.
- (d) Refusal of assistance as defined in Article 233 of the Revised Penal Code.
- (e) Refusal to discharge elective office as defined in Article 234 of the Revised Penal Code.
- (f) Premature marriages as defined in Article 351 of the Revised Penal Code.

(g) All offenses similar to the foregoing which are penalized by special laws or ordinances.

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

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

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

SEC. 5. *Repealing Clause.* – All laws, decrees or executive orders, rules and regulations, ordinances, or parts thereof, contrary to or inconsistent with the provisions of this Act are hereby repealed.

SEC. 6. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions hereof shall not be affected thereby.

SEC. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,