


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

7 JUL 26 P 3 45

SENATE
S.B. No. **1384**

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to make the crime of vagrancy more relevant to present conditions by amending the enumeration of persons that may be found guilty committing the same and to remove the discrimination against gender in so far as defining what is prostitution is by broadening its meaning to include all persons, amending for the purpose Article 202 of the Revised Penal Code.

Article 202 of the Revised Penal Code defines vagrants in the form of enumeration, to wit:

1. *Any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling;*
2. *Any person found loitering about public or semi-public buildings or places or tramping or wondering about the country or the streets without visible means of support;*
3. *Any idle or dissolute person who lodges in house of ill-fame; ruffians or pimps and those who habitually associate with prostitutes;*
4. *Any person who, not being included in the provisions of other articles of this Code, shall be found loitering in any inhabited or uninhabited place belonging to another without any lawful or justifiable purpose;*
5. *Prostitutes.*

According to the March 2001 article published in the website of Amnesty International entitled "PHILIPPINES: Fear, shame and impunity: Rape and sexual abuse of women in custody", there had been calls for the repeal of the anti-vagrancy law on the basis that it discriminates against the poor and is used to penalize those who are homeless or without any visible means of subsistence. Also, the law has been used in a way which discriminates on the basis of gender. Women's groups report that while women, particularly suspected prostitutes, are routinely arrested under the law, it is never or rarely used against suspected male offenders, such as men who use prostitutes. In 1997 the United Nations Committee on the Elimination of Discrimination Against Women also criticized the discriminatory application of the law, noting that it was enforced against female sex workers but not against men involved as traffickers, pimps or clients. Amnesty International is concerned that the anti-vagrancy law has been used as a pretext for arbitrary arrest and detention. The organization is particularly

concerned that the vague wording of the law leaves it open to abuse by law enforcement officials.

Indeed, instead of addressing the issue of poverty through positive actions in the form of policies and regulations that would address their basic needs, the State is penalizing poor people through the anti-vagrancy law.

This bill aims to remedy such situation by removing anti-poor provisions of Article 202 of the Revised Penal Code.

Likewise, this proposed measure removes the discrimination against gender in so far as defining who prostitutes are under the law. Under this bill, prostitution is defined as persons, no longer just women as contained in the present law, who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct.

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




LOREN LEGARDA

Senator

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

7 JUL 26 P 3 45

SENATE

RECEIVED BY: 

S.B. No. 1384

Introduced by Senator Loren Legarda

AN ACT
DECRIMINALIZING CERTAIN ACTS OF VAGRANCY AMENDING FOR THE
PURPOSE ARTICLE TWO HUNDRD TWO OF ACT NO. 3815 AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress Assembled;*

SECTION 1. Article 202 of the Revised Penal Code is hereby amended to read as
follows:

“Article 202. Vagrants and prostitutes; Penalty. – The following are vagrants:

[1. Any person having no apparent means of subsistence, who has the
physical ability to work and who neglects to apply himself or herself to
some lawful calling;]

[2. Any person found loitering about public or semi-public buildings
or places or tramping or wondering about the country or the streets
without visible means of support;]

[3.] 1. Any idle or dissolute person who lodges in house of ill-fame;
ruffians or pimps and those who habitually associate with prostitutes;
AND

[4. Any person who, not being included in the provisions of other
articles of this Code, shall be found loitering in any inhabited or
uninhabited place belonging to another without any lawful or justifiable
purpose;]

[5.] 2. Prostitutes.

For [the] purpose of this article, [women] **PERSONS** who, for money or
profit, habitually indulge in sexual intercourse or lascivious conduct, are deemed
to be prostitutes.

Any person found guilty of [any] [of] the offense[s] **IN PARAGRAPH 1**
[covered by] **OF** this article shall be punished by *arresto menor* or a fine not

exceeding [200] 100,000 pesos, OR BOTH, AT THE DISCRETION OF THE COURT, and in case of recidivism, by *arresto mayor* in its medium period to prison correctional in its minimum period or a fine ranging from [200] 100,000 to [2,000] 200,000 pesos, or both in the discretion of the court."

ANY PERSON FOUND GUILTY UNDER PARAGRAPH TWO OF THIS ARTICLE SHALL BE PUNISHED WITH A FINE NOT EXCEEDING ONE HUNDRED THOUSAND PESOS (P100,000.00).

SECTION 2. *Effect on Pending Cases.* - All pending cases under the repealed provisions of Article 202 of the Revised Penal Code as amended by this Act shall be dismissed upon the effectivity of this measure.

SECTION 3. *Immediate Release of Convicted Persons.* - All persons serving sentence for violation of the repealed provisions of Article 202 of the Revised Penal Code as amended by this Act, shall be immediately released provided that they are not serving sentence or detained for any other case.

SECTION 4. *Repealing Clause.* All laws, presidential decrees, executive orders, presidential proclamation, rules and regulations or parts thereof contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 5. *Separability Clause.* If any provision of this Act is declared unconstitutional, the same shall not effect the validity and effectivity of the other provisions hereof.

SECTION 6. *Effectivity.* This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,