

10 JUL -8 A9:11

SENATE

Senate Bill No. 915

---

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

---

EXPLANATORY NOTE

The creation and repeal of laws are largely dictated by the call of the times. The changing world order necessitates the review of the existing policies that may have once proven effective, but now simply serve to oppress the very people that they sought to benefit and protect. One such policy is the law on vagrancy.

Historically, vagrancy laws were created bearing the concept of criminality. As a result of the breakdown of feudalism, vagrancy laws were passed to discourage the idleness of the population. Over time, vagrants became regarded as public nuisances.

The Revised Penal Code, under article 202, defines vagrancy as a criminal act. This law carries the same concept of criminality that has been challenged by human rights advocates all over the world, as it violates certain cherished freedoms such as the right to move freely in travel. In the United States, vagrancy laws have already been stricken down on constitutional grounds.

Moreover, there are numerous reports of arbitrary arrest by the police as a result of the wide discretion afforded to law enforcement by the vagrancy law. Police have rounded up the poor, accusing them of vagrancy, and holding them on prison cells. Most of these vagrants are detained for long periods because they have no access to lawyer.

Numerous cases of street children arbitrarily arrested by the police have likewise been documented, particularly during international references, when national and international attention is focused on a locality.

The law on vagrancy blurs the line between poverty and criminality. As the economic crisis persists, the poor will continue to suffer from oppressive laws such as the law on vagrancy.

In view of the foregoing, the immediate passage of this measure is earnestly sought.

  
JINGGOY EJERCITO ESTRADA  
Senator

10 JUL -8 A9:11

SENATE

Senate Bill No. 915

RECEIVED

---

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

---

AN ACT  
DECRIMINALIZING CERTAIN ACTS OF VAGRANCY AMENDING FOR THE  
PURPOSE ARTICLE TWO HUNDRED TWO OF ACT NO. 315 AS AMENDED,  
OTHERWISE KNOWN AS THE REVISED PENAL CODE.

*Be it enacted by the Senate and 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 vagrant:

[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 around public or semi-public buildings  
or places or tramping or wondering around the country or the streets  
without visible means or support];

[3. Any idle or dissolute person who lodges in houses of ill-fame;  
ruffians or] p] 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 or place belong 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 with sexual intercourse or  
lascivious conduct, are deemed to be prostitutes.

Any person found guilty of any of the offense covered by this  
article shall punished by *arresto menor* or a fine not exceeding [200]  
2,000 pesos, 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] 2,000 up to 2,000 pesos, or both in the discretion  
of the court.

**SEC. 2. *Effect on Pending Cases.*** All pending cases under the repealed provision of article of the revised penal code as amended by this act shall be dismissed upon the activity of this measure.

**SEC. 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 or detained.

**SEC. 4. *Repealing Clause.*** All laws, presidential decrees, executive orders, rules and regulations and other issuance or parts thereof inconsistent with this Act, are hereby repealed, modified or amended accordingly.

**SEC. 5. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper with circulation.

*Approved,*