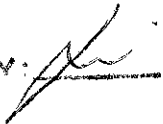


FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

OFFICE OF THE CLERK

JUL 15 2 114

SENATE  
S.B. No. 1423

RECEIVED BY: 

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Introduced by Senator Loren Legarda

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**EXPLANATORY NOTE**

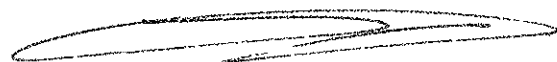
This bill seeks to make the crime of vagrancy more relevant to present conditions by amending the enumeration of persons that may be found guilty committing the same and to remove the discrimination against gender in so far as defining what is prostitution is by broadening its meaning to include all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

There is a clamor 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. The law has also been used in a way that 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. As early as 1997, the United Nations Committee on the Elimination of Discrimination Against Women 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.

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 penalizes the poor through the anti-vagrancy laws.

This bill aims to remedy such situation by removing the anti-poor provisions of Article 202 of the Revised Penal Code. It likewise removes the discrimination against gender in so far as defining who are prostitutes 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, the immediate passage of this bill is earnestly requested.



**LOREN LEGARDA**  
Senator

SENATE  
S.B. No. 1423

RECEIVED BY 

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Introduced by Senator Loren Legarda

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AN ACT  
DECRIMINALIZING CERTAIN ACTS OF VAGRANCY AMENDING FOR THIS  
PURPOSE ARTICLE 202 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:*

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

3           "Article 202. Vagrants and prostitutes and Pimps; *penalty*. - The  
4 following acts are punishable:

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

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

11           [3] 2. Any idle or dissolute person who lodges in houses of ill-  
12 fame; ruffians or pimps and those who habitually associate with  
13 prostitutes;

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

18           [5] 3. Prostitutes.

19

20           For the purposes of this article, [women] any person who, for  
21 money or profit, habitually indulge in sexual intercourse or lascivious  
22 conduct, are deemed to be prostitutes.

1           Any person found guilty of any of the offenses covered by this  
2 article shall be punished by *arresto menor* or a fine not exceeding 200  
3 pesos, and in case of recidivism, by *arresto mayor* in its medium period  
4 to *prision correccional* in its minimum period or a fine ranging from 200  
5 to 2,000 pesos, or both, in the discretion of the court.

6

7           **SECTION 2. *Effect on Pending Cases.*** All pending cases on the basis of the  
8 deleted provisions of Article 202 of the Revised Penal Code filed prior to its  
9 amendment shall be dismissed upon effectivity of this Act.

10

11           **SECTION 3. *Immediate Release of Convicted Persons.*** All persons serving  
12 sentence for violation of the deleted provisions of Article 202 of the Revised Penal  
13 Code prior to its amendment shall be immediately released upon effectivity of this  
14 Act, provided that they are not serving sentence or detained for any other offense or  
15 felony.

16

17           **SEC. 4. *Repealing Clause.*** - All laws, presidential decrees, executive orders  
18 and their implementing rules, inconsistent with the provisions of this act are hereby  
19 repealed, amended or modified accordingly.

20

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

23

24           Approved,