

Republic of the Philippines
SENATE OF THE PHILIPPINES
Pasay City



Senate
Office of the Secretary

'13 AUG 22 P5:19

SIXTEENTH CONGRESS
First Regular Session

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S. B. No. 1355

Introduced by SENATOR SONNYANGARA

EXPLANATORY NOTE

Pursuant to Articles 27 and 88 of the Revised Penal Code (RPC), any person found guilty of a crime punishable by a penalty of *arresto menor* shall be detained for a period from one (1) day to thirty (30) days, either in the municipal jail or in the house of the defendant under the surveillance of an officer of the law.

Arresto menor is prescribed as penalty for crimes under the RPC, including alarms and scandals (Art. 155); slight physical injuries (Art. 266); theft of a thing worth not over five pesos (Art. 309(7) and (8)); otherdeceits (Art. 318); other mischiefs where the value does not exceed P200.00 (Art. 329(3)); and reckless imprudence constituting a light felony (Art. 365).

This bill shall authorize the courts, motu proprio, to require community service in lieu of imprisonment for offenses punishable by *arresto menor*. It is hoped that this kind of flexibility in the sentencing procedure will decongest the local jails, facilitate the rehabilitation of a person who committed a light felony, and prevent him/her from turning into a hardened criminal by his confinement in the already overcrowded jails.

Passage of this measure is earnestly sought.


SENATOR SONNY ANGARA



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Introduced by SENATOR SONNY ANGARA

**AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF
DETENTION 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**

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

1 SECTION 1. Article 88 of Act No. 3815, as amended, otherwise known as the Revised
2 Penal Code, is hereby amended to read as follows:

3
4 "ART. 88. *Arresto menor*. - The penalty of *arresto menor* shall be served (i) in
5 the municipal jail, (ii) in the house of the defendant himself under the surveillance
6 of an officer of the law, OR (iii) THROUGH COMMUNITY SERVICE AS
7 DESCRIBED IN THE IMMEDIATELY SUCCEEDING ARTICLE, when the court so
8 provides in its decision, taking into consideration the health of the offender and
9 other reasons which may seem satisfactory to it."

10
11 SECTION 2. Act No. 3815, as amended, is hereby further amended by inserting the
12 following provisions as Article 88-A:

13
14 "ART. 88-A. **COMMUNITY SERVICE.** - COMMUNITY SERVICE SHALL
15 BE RENDERED IN THE PLACE WHERE THE CRIME WAS COMMITTED,
16 UNDER SUCH TERMS AS THE COURT SHALL DETERMINE AND UNDER THE
17 SURVEILLANCE OF A PROBATION OFFICER. FURTHER, THE PERSON
18 RENDERING COMMUNITY SERVICE SHALL UNDERGO REHABILITATIVE
19 COUNSELING.

20
21 "IN REQUIRING COMMUNITY SERVICE, THE COURT SHALL CONSIDER
22 THE WELFARE OF THE SOCIETY AND THE REASONABLE PROBABILITY
23 THAT THE PERSON SENTENCED SHALL REMAIN AT LIBERTY WITHOUT
24 VIOLATING THE LAW.

1
2 "COMMUNITY SERVICE SHALL CONSIST OF ANY ACTUAL PHYSICAL
3 ACTIVITY THAT INCULCATES CIVIC CONSCIOUSNESS AND IS TOWARDS
4 THE IMPROVEMENT OF A PUBLIC WORK OR THE PROMOTION OF A
5 PUBLIC SERVICE.
6

7 "SHOULD THE PERSON SENTENCED VIOLATE THE TERMS FOR
8 RENDERING COMMUNITY SERVICE, THE COURT SHALL ORDER HIS RE-
9 ARREST AND THE PENALTY SHALL BE SERVED IN JAIL. SHOULD THE
10 PERSON SENTENCED COMPLY WITH THE TERMS FOR RENDERING
11 COMMUNITY SERVICE, THE COURT SHALL RENDER AN ORDER THAT
12 SENTENCE HAS BEEN FULLY SERVED.
13

14 "THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU OF
15 SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE."
16

17 SEC. 2. *Implementing Rules and Regulations (IRR)*. – The Department of Justice and
18 the Department of Social Welfare and Development shall issue the rules and regulations for
19 the implementation of the provisions of this Act within ninety (90) days from effectivity.
20

21 SEC. 3. *Separability Clause*. – If any provision or part hereof is held invalid or
22 unconstitutional,
23 the remainder of the law or the provision not otherwise affected shall remain valid and
24 subsisting.
25

26 SEC. 4. *Repealing Clause*. – Chapter 5, Title 3, Book I of the Revised Penal Code is
27 hereby
28 amended and any law, presidential decree or issuance, executive order, letter of instruction,
29 administrative order, rule or regulation contrary to or inconsistent with the provisions of this
30 Act is hereby repealed, modified or amended accordingly.
31

32 SEC. 5. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its
33 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.
34

35 Approved,