

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE
OFFICE OF THE SECRETARY

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SENATE
S. B. No. 981

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Introduced by Senator Jinggoy Ejercito Estrada

EXPLANATORY NOTE

The creation and repeal of laws are largely dictated by the call of the times. Recent advances brought about by today's modern technology, for example, have prompted lawmakers to draw up policies designed to oversee the conduct of business through the internet with the recent passage of the E-Commerce or Electronic Commerce Law.

However, the changing world order also necessitates the review of 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 and the onslaught of the Black Plague, vagrancy laws were passed to discourage the idle from being burdens to the community. Over time, vagrants regarded as public nuisances, thereby being subject to disdain and punishment.

Our Revised Penal Code, under Article 202, defines vagrancy as a criminal act. These laws carry 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 association and the freedom to move freely and to travel. In the United States, vagrancy laws have already been stricken down on constitutional grounds.

Moreover, there have been numerous reports of arbitrary arrests by the police as a result of the wide powers of discretion afforded by the vagrancy law. Police have rounded up the poor, women, and street children, accusing them of vagrancy, and holding them in police cells. Most of these accused vagrants are detained for long periods as a result of not having access to a lawyer, either because of poverty or lack of knowledge on their rights.

Numerous cases of street children arbitrarily arrested by the police have likewise been documented particularly at times of international conferences or during holiday seasons, when national and international attention is focused on a city.

The law on vagrancy blurs the line between poverty and criminality. As the economic imbalance brought about by globalization and the regional economic crisis persists, millions of our populace will continue to suffer from poverty and from oppressive laws such as the law on vagrancy. As such, the repeal of certain acts constituting vagrancy must be undertaken for the law to be more responsive to the present needs of society.

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


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT

**DECRIMINALIZING CERTAIN ACTS OF VAGRANCY AMENDING FOR THE
PURPOSE ARTICLE TWO HUNDRED 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 or support;]

[3.] 1.[Any idle or dissolute person who lodges 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 place
belonging to another without any lawful or justifiable purpose;]

[5.] 2. Prostitutes.

For [the] purposes 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 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 correccional* in its minimum period or a fine ranging from [200] 2,000 to [2,000] 20,000 pesos, or both in the discretion of the court.

SECTION 2. *Effect on Pending Cases.* – All pending cases tinder the repealed provisions of Article of the Revised Penal Code as amended by this Act shall be dismissed upon the activity 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 or detained for any other case.

SECTION 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.

SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.