

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

SENATE
OFFICE OF THE SECRETARY

'04 JUN 30 P10:29

SENATE
S.B. NO. 1005

RECEIVED BY: Alm

Introduced by Sen. Jinggoy Ejercito Estrada

EXPLANATORY NOTE

One of the fundamental rights guaranteed by the Constitution is the right to speedy disposition of cases. Section 16 of Article III, Bill of Rights provide:

"All persons shall have the right to speedy disposition of their cases before all judicial, quasi-judicial, or administrative cases."

But it is a saddening truth that most of our citizens cannot invoke such right due to the unnecessary delays in the disposition of criminal cases. Manifest among the cause of such delay is the volume of cases brought to court for settlement, adjudication and review, surpassing the capabilities of the police and the courts to address speedily and competently.

A greater number of the cases that monopolize the attention and energies of our police force, prosecutors, judges and prison authorities involve minor offenses, transgressions that are oftentimes due to psychological disorders rather than dolo or culpa on the part of the offender, or acts or omissions that cause little or no damage to life, liberty, property or community.

Thus, there is a need to decriminalize certain acts and omissions defined and penalized under the Revised Penal Code to make it responsive to the right to speedy disposition of cases as mandated by the Constitution.

This bill seeks to decriminalize the following felonies as found in the Revised Penal Code: simple disobedience to an agent of a person in authority (Art. 151), refusal of assistance (Art. 233), refusal to discharge elective office (Art. 234), abandonment of minor by persons entrusted with his custody and care and indifference of parents (Art. 277) and premature marriages (Art. 351).

This bill also seeks to modify the penal sanctions on the crimes of usurpation of duties of a public office (Art. 236) and reckless imprudence and negligence resulting to damage to property (Art. 365) from deprivation of liberty to the imposition of fines, indemnification, restitution, compensation and community service on the offender.

Ultimately, this proposed legislation aims to decongest the dockets of the police, prosecution, courts and correctional agencies, thereby affecting efficiency and competency in the administration of justice in the country.

In view of the aforementioned, approval of this bill is fervently requested.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
TO IMPROVE THE ADMINISTRATION OF JUSTICE BY DECRIMINALIZING
CERTAIN FELONIES UNDER THE REVISED PENAL CODE AND PROVIDING FOR
THE IMPOSITION OF ALTERNATIVE PENALTIES SHORT OF DEPRIVATION OF
LIBERTY AND FOR CERTAIN OFFENSES.

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

SECTION 1. **Declaration of Policy.** – It is hereby declared that the policy of the State to provide for a more humane, realistic and responsive mode of dealing with criminal offenders. This objective shall be attained, among others, by decriminalizing or declaring as lawful certain offenses that inflict no harm or only minimal damage to society and by the imposition of alternative penalties short of deprivation of liberty as regards to certain offenses.

SECTION 2. **Offenses Decriminalized.** – The following offenses are hereby decriminalized:

- a. Simple disobedience to an agent of a person in authority as defined in Article 151 of the Revised Penal Code;
- b. Alarms and scandals as defined in Article 155 of the Revised Penal Code except those committed inside public buildings, churches and schools on occasions when there are assemblies of official functions taking place.
- c. Vagrancy as defined in Article 202 of the Revised Penal Code: Provided, that prostitution as defined by the same Article shall continue to be punishable.
- d. Refusal of assistance as defined in Article 233 of the Revised Penal Code

- e. Refusal to discharge elective office as defined in Article 234 of the Revised Penal Code
- f. Premature marriages as defined in Article 351 of the Revised Penal Code
- g. All offenses similar to the foregoing which are penalized by special laws or ordinances.

SECTION 3. **Offenses With Substituted Penalties.** – In lieu of the existing penalties involving deprivation of liberty for anticipation of duties of a public office as defined in Article 236 and reckless imprudence and negligence as defined in Article 365 resulting only in damage to property, respectively, of the Revised Penal Code, the following sanctions shall be imposed either alternatively or cumulatively in the discretion of the Court:

- (a) fine
- (b) Indemnification
- (c) Restitution
- (d) Compensation
- (e) Community service for not more than thirty (30) days.

SECTION 4. **Transitory Provisions.** - All cases pending before the courts and the prosecutors' offices involving offenses decriminalized herein shall be ipso facto dismissed and/or terminated. All convicts serving sentence herein decriminalized shall be released immediately.

SECTION 5. **Repealing Clause.** - All laws, decrees or executive orders, rules and regulations, ordinances, or parts thereof, contrary to or inconsistent with the provisions of this Act are hereby repealed.

SECTION 6. **Separability Clause.** - If any provision of this Act is held invalid or unconstitutional, the other provisions hereof shall not be affected thereby.

SECTION 7. **Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,