



Senate

Office of the Secretary

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

'17 MAY 10 P2:48

RECEIVED BY: 

SENATE

S.B. No. 1448

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Introduced by Senator SONNY ANGARA

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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

#### 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)); other deceits (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.

We first filed this measure during the 16<sup>th</sup> Congress. It is now among the priority measures identified for the 17<sup>th</sup> Congress. Hence, its swift passage earnestly sought.



SONNY ANGARA

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

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

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

**SEC. 2.** Act No. 3815, as amended, is hereby further amended by inserting the following  
provisions as Article 88-A:

“ART. 88-A. **COMMUNITY SERVICE.** – COMMUNITY SERVICE SHALL BE  
RENDERED IN THE PLACE WHERE THE CRIME WAS COMMITTED, UNDER  
SUCH TERMS AS THE COURT SHALL DETERMINE AND UNDER THE  
SURVEILLANCE OF A PROBATION OFFICER. FURTHER, THE PERSON  
RENDERING COMMUNITY SERVICE SHALL UNDERGO REHABILITATIVE  
COUNSELING.

“IN REQUIRING COMMUNITY SERVICE, THE COURT SHALL CONSIDER  
THE WELFARE OF THE SOCIETY AND THE REASONABLE PROBABILITY  
THAT THE PERSON SENTENCED SHALL REMAIN AT LIBERTY WITHOUT  
VIOLATING THE LAW.



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

5  
6 "SHOULD THE PERSON SENTENCED VIOLATE THE TERMS FOR  
7 RENDERING COMMUNITY SERVICE, THE COURT SHALL ORDER HIS RE-  
8 ARREST AND THE PENALTY SHALL BE SERVED IN JAIL. SHOULD THE  
9 PERSON SENTENCED COMPLY WITH THE TERMS FOR RENDERING  
10 COMMUNITY SERVICE, THE COURT SHALL RENDER AN ORDER THAT  
11 SENTENCE HAS BEEN FULLY SERVED.

12  
13 "THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU OF  
14 SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE."  
15

16 **SEC. 3. *Implementing Rules and Regulations (IRR).*** – The Department of Justice and the  
17 Department of Social Welfare and Development shall issue the rules and regulations for the  
18 implementation of the provisions of this Act within ninety (90) days from effectivity.  
19

20 **SEC. 4. *Separability Clause.*** – If any provision or part hereof is held invalid or  
21 unconstitutional,  
22 the remainder of the law or the provision not otherwise affected shall remain valid and  
23 subsisting.  
24

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

30 **SEC. 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in  
31 the *Official Gazette* or in at least two (2) newspapers of general circulation.  
32

33 *Approved,*