



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

'17 MAY 15 | P 1:46

SENATE
S.B. No. 1452

RECEIVED BY: 

Introduced by **Senator Richard J. Gordon**

AN ACT
AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF
IMPRISONMENT FOR THE PENALTIES OF ARRESTO MENOR AND ARRESTO MAYOR,
AMENDING FOR THE PURPOSE CHAPTER 5, TITLE 3, BOOK I OF ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

The Revised Penal Code provides for various crimes with varying penalties depending on the crime committed and the circumstances surrounding such crime. Many are in prison for committing non-violent or minor crimes punishable by the light penalty of *arresto menor* (1 day to 30 days) or the correctional penalty of *arresto mayor* (1 month and 1 day to 6 months), as the case may be. For instance, in case a public officer abandons his office to the detriment of public service as provided for in Art. 238 (Abandonment of office or position) of the Revised Penal Code, the said public officer shall suffer the penalty of *arresto mayor*. Furthermore, in cases wherein any person who shall resist or seriously disobey any person in authority, he or she shall likewise suffer the penalty of *arresto mayor*. However, if such is committed to an agent of a person in authority which is not serious in nature, he or she shall suffer the penalty of *arresto menor*, as provided for in Art. 151 (Resistance and disobedience to a person in authority or the agents of such person) of the Revised Penal Code.

By using imprisonment as an answer to all crimes committed by such individuals, not only is the issue of safety in the community not addressed in any sustainable manner, but the cycle of impoverishment, loss of jobs, weakening of employment chances, damage to relationships, worsening of psychological and mental illnesses, and increased drug use is perpetuated. There are also many health risks associated with overcrowded prisons, including the spread of infectious disease, such as Tuberculosis and Human Immunodeficiency Virus (HIV). In many countries violence is a common element of prison life, especially where there is overcrowding.¹

In line with restorative justice, this bill proposes to introduce the alternative of community service wherein socially valuable work is performed without pay, and is required as part of a criminal sentence, especially one that does not include incarceration. Thus, this bill aims to rehabilitate the offender, the victim, and the community and thereby decongesting jails by authorizing the court, in its discretion, to require community service in lieu of service in jail for offenses punishable by *arresto menor* and *arresto mayor*.


RICHARD J. GORDON
Senator

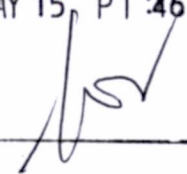
¹ Custodial and Non-Custodial Measures, Alternatives to Incarceration, United Nations (2006), p. 1.

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

SECTION 1. Short Title. – This Act shall be known as the “Community Service Act of 2017.”

Sec. 2. Policy. – It is the policy of the State to promote restorative justice and decongest jails by authorizing the court in its discretion to require community service in lieu of service in jail for offenses punishable by *arresto menor* and *arresto mayor*.

Sec. 3. Community Service. – Chapter 5, Title 3, Book I of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to include an additional section to read as follows:

“ART. 89. COMMUNITY SERVICE. – THE COURT IN ITS DISCRETION MAY, IN LIEU OF SERVICE IN JAIL, REQUIRE THAT THE PENALTIES OF *ARRESTO MENOR* AND *ARRESTO MAYOR* BE SERVED BY THE DEFENDANT BY RENDERING COMMUNITY SERVICE IN THE PLACE WHERE THE CRIME WAS COMMITTED, UNDER SUCH TERMS AS THE COURT SHALL DETERMINE AND UNDER THE SUPERVISION OF THE BARANGAY CAPTAIN OF THE COMMUNITY OR A PROBATION OFFICER. THE DEFENDANT SHALL LIKEWISE BE REQUIRED TO 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 NOT VIOLATE THE LAW WHILE RENDERING THE SERVICE.

COMMUNITY SERVICE SHALL CONSIST OF ANY ACTUAL PHYSICAL ACTIVITY WHICH INCULCATES CIVIC CONSCIOUSNESS, AND IS INTENDED TOWARDS THE IMPROVEMENT OF A PUBLIC WORK OR PROMOTION OF A PUBLIC SERVICE.

1 IF THE DEFENDANT VIOLATES THE TERMS OF THE COMMUNITY
2 SERVICE, THE COURT SHALL ORDER HIS RE-ARREST AND THE PENALTY
3 SHALL BE SERVED IN JAIL. HOWEVER, IF THE DEFENDANT HAS FULLY
4 COMPLIED WITH THE TERMS OF THE COMMUNITY SERVICE, THE COURT
5 SHALL ORDER THE RELEASE OF THE DEFENDANT UNLESS DETAINED FOR
6 SOME OTHER OFFENSE.

7 THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU OF
8 SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE."

9 **Sec. 4. *Implementing Rules and Regulations.*** – The Department of Justice and the
10 Department of Social Welfare and Development shall issue the rules and regulations to
11 implement the provisions of this Act within ninety (90) days from its effectivity.

12 **Sec. 5. *Repealing Clause.*** – Chapter 5, Title 3, Book I of the Revised Penal Code is
13 hereby amended and all laws, decrees, orders, rules and regulations, or other issuances or
14 parts thereof inconsistent with the provisions of this Act are hereby repealed or modified
15 accordingly.

16 **Sec. 6. *Separability Clause.*** – If any portion or provision of this Act is declared
17 unconstitutional, the remainder of this Act or any provision not affected thereby shall
18 remain in force and effect.

19 **Sec. 7. *Effectivity.*** – This Act shall take effect after fifteen (15) days following the
20 completion of its publication either in the Official Gazette or in a newspaper of general
21 circulation in the Philippines.

22 Approved,