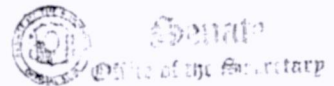


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

'19 JAN 30 P2 :47

REC'D

COMMITTEE REPORT NO. 621

Submitted by the Committee on Justice and Human Rights on JAN 30 2019.

Re: Senate No. 2195.

Recommending its approval in substitution of Senate Bill Nos. 590, 1448, and 1452, taking into consideration House Bill No. 335

Sponsor: Senator Gordon

MR. PRESIDENT:

The Committee on Justice and Human Rights to which were referred **Senate Bill No. 590**, introduced by Senator Trillanes IV, entitled:

"AN ACT

AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT 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"

Senate Bill No. 1448, introduced by Senators Angara and Ejercito, entitled:

"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"

and **Senate Bill No. 1452**, introduced by Senator Gordon, entitled:

"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 1 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE"

taking into consideration **House Bill No. 335**, introduced by Representatives Primicias-Agabas, Paduano, Rocamora and Garcia (G.), entitled:

"AN ACT

AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT 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"

has considered the same and has the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2195, prepared by the Committee on Justice and Human Rights, entitled:

"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"

be approved in substitution of Senate Bill Nos. 590, 1448 and 1452, taking into consideration House Bill No. 335 with Senators Trillanes IV, Angara, Ejercito and Gordon as authors thereof.

Respectfully submitted:


Chairperson
RICHARD J. GORDON
Vice Chairperson

PANFILO M. LACSON

Members

GRACE POE



EMMANUEL "MANNY" D. PAQUIAO

FRANCIS N. PANGILINAN


JOSEPH VICTOR G. EJERCITO


RISA HONTIVEROS

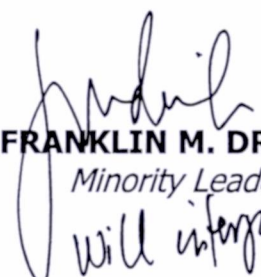
Ex Officio Members



RALPH G. RECTO
President Pro Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader



FRANKLIN M. DRILON
Minority Leader

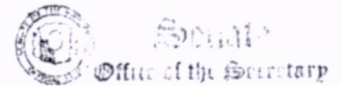
will interpellate;

may amend



VICENTE C. SOTTO III
Senate President

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



SENATE

'19 JAN 30 P2 :47

S.B. No. 2195

RECEIVED _____

Prepared by the Committee on Justice and Human Rights with Senators Trillanes IV, Angara, Ejercito and Gordon as authors thereof

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

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

1 SECTION 1. *Short Title.* – This Act shall be known as the "Community Service
2 Act."

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

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

9 "ART. 89. COMMUNITY SERVICE. – THE COURT IN ITS
10 DISCRETION MAY, IN LIEU OF SERVICE IN JAIL, REQUIRE THAT THE
11 PENALTIES OF *ARRESTO MENOR* AND *ARRESTO MAYOR* BE SERVED
12 BY THE DEFENDANT BY RENDERING COMMUNITY SERVICE IN THE

1 PLACE WHERE THE CRIME WAS COMMITTED, UNDER SUCH TERMS AS
2 THE COURT SHALL DETERMINE, TAKING INTO CONSIDERATION THE
3 GRAVITY OF THE OFFENSE AND THE CIRCUMSTANCES OF THE CASE,
4 WHICH SHALL BE UNDER THE SUPERVISION OF [THE BARANGAY
5 CAPTAIN OF THE COMMUNITY OR] A PROBATION OFFICER.
6 PROVIDED THAT, THE COURT WILL PREPARE AN ORDER IMPOSING
7 THE COMMUNITY SERVICE, SPECIFYING THE NUMBER OF HOURS TO
8 BE WORKED AND THE PERIOD WITHIN WHICH TO COMPLETE THE
9 SERVICE. THE ORDER IS THEN REFERRED TO THE ASSIGNED
10 PROBATION OFFICER WHO SHALL HAVE RESPONSIBILITY OF THE
11 DEFENDANT.

12 THE DEFENDANT SHALL LIKEWISE BE REQUIRED TO
13 UNDERGO REHABILITATIVE COUNSELING UNDER THE SOCIAL
14 WELFARE AND DEVELOPMENT OFFICER OF THE CITY OR
15 MUNICIPALITY CONCERNED WITH THE ASSISTANCE OF THE
16 DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD). IN
17 REQUIRING COMMUNITY SERVICE, THE COURT SHALL CONSIDER
18 THE WELFARE OF THE SOCIETY AND THE REASONABLE PROBABILITY
19 THAT THE PERSON SENTENCED SHALL NOT VIOLATE THE LAW
20 WHILE RENDERING THE SERVICE.

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

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

9 THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU
10 OF SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE.”

11 *Sec. 4. Implementing Rules and Regulations.* – The DOJ and DSWD shall
12 issue the rules and regulations to implement the provisions of this Act within ninety
13 (90) days from the effectivity of this Act.

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

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

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

Approved