

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

J 25 P6:34

SENATE

S. B. NO. 2150

---

Introduced by SENATOR EDGARDO J. ANGARA

---

EXPLANATORY NOTE

Pursuant to Articles 27 and 88 of the Revised Penal Code, the penalty of *arresto menor* shall be from one (1) day to thirty (30) days only and shall be served either in the municipal jail or in the house of the defendant under the surveillance of an officer of the law.

*Arresto menor* is imposed in several crimes, to wit: vagrancy (*Art. 202*); alarms and scandals (*Art. 155*); slight physical injuries (*Art. 266*); theft of a thing worth not over five pesos (*Art. 309*); certain deceits (*Art. 318*); malicious mischief where the value does not exceed P200.00 (*Art. 329*); or imprudence and negligence constituting a light felony (*Art. 365*).


This bill shall require community service in lieu of service in jail for offenses punishable by *arresto menor* as the court may determine fit. It is hoped that this kind of flexibility in our sentencing procedure will decongest our local jails and prevent altogether the criminalization of the offender by his confinement in our already overcrowded jails.

Passage of this measure is earnestly sought.

  
 EDGARDO J. ANGARA  
 Senator

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

5 OCT 25 P6:34

RECEIVED BY: 

SENATE

S. B. NO. 2150

---

Introduced by SENATOR EDGARDO J. ANGARA

---

**AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT FOR THE PENALTY OF ARRESTO MENOR, AMENDING FOR THAT PURPOSE ARTICLE 88 OF THE REVISED PENAL CODE, AND FOR OTHER PURPOSES.**

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

1 SECTION 1. Act No. 3815, as amended, Article 88 is hereby amended to  
2 read as follows:

3  
4 "ART. 88. *Arresto Menor*. - The penalty of arresto menor shall be served  
5 on the municipal OR CITY jail or in the house of the defendant himself  
6 under the surveillance of an officer of the law, when the court so provides  
7 in its decision, taking into consideration which may seem satisfactory to it.

8  
9 THE COURT MAY, IN LIEU OF SERVICE IN JAIL, *MOTU*  
10 *PROPIO*, REQUIRE THAT THE PENALTY OF ARRESTO MENOR BE  
11 SERVED BY THE DEFENDANT BY RENDERING COMMUNITY  
12 SERVICE IN THE PLACE WHERE THE CRIME WAS COMMITTED,  
13 UNDER SUCH TERMS AS THE COURT SHALL DETERMINE AND  
14 UNDER THE SURVEILLANCE OF THE BARANGAY CAPTAIN OF THE  
15 COMMUNITY AND A PROBATION OFFICER.

16  
17 IN REQUIRING COMMUNITY SERVICE, THE COURT SHALL  
18 CONSIDER THE WELFARE OF THE SOCIETY AND THE  
19 REASONABLE PROBABILITY THAT THE PERSON SENTENCED  
20 SHALL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAW.  
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  
24 WORK OR PROMOTION OF A PUBLIC SERVICE.

25  
26 SHOULD THE PERSON SENTENCED VIOLATE THE TERMS  
27 FOR RENDERING COMMUNITY SERVICE, THE COURT SHALL  
28 ORDER HIS RE-ARREST AND THE PENALTY SHALL BE SERVED IN  
29 JAIL. SHOULD THE PERSON SENTENCED COMPLY WITH THE

1 TERMS FOR RENDERING COMMUNITY SERVICE, THE COURT  
2 SHALL RENDER AN ORDER THAT SENTENCE HAVE BEEN FULLY  
3 SERVED.

4  
5 THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN  
6 LIEU OF SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE.

7  
8  
9 **SEC. 2. *Separability Clause.*** If any provision, or part hereof held invalid  
10 or unconstitutional, the remainder of the law or the provision not otherwise  
11 affected shall remain valid and subsisting.

12  
13  
14 **SEC. 3. *Repealing Clause.*** Articles 27 and 88 of the Revised Penal Code, is  
15 hereby amended and any law, presidential decree or issuance, executive order,  
16 letter of instruction, administrative order, rule or regulation contrary to, or  
17 inconsistent with the provisions of this Act is hereby repealed, modified, or  
18 amended accordingly.

19  
20  
21 **SEC. 4. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after  
22 its publication in the Official Gazette or in at least two (2) newspapers of general  
23 circulation, whichever comes first.

24  
25  
26  
27 *Approved,*