

FOURTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

DEPT. OF SECRETARY

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} 7 JUL -3 P 6 05

SENATE

S. B. No. 895

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Introduced by SENATOR EDGARDO J. ANGARA

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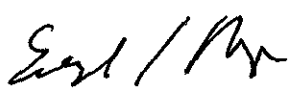
**EXPLANATORY NOTE**

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

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**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  
2 to read as follows:

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

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

15       IN REQUIRING COMMUNITY SERVICE, THE COURT  
16 SHALL CONSIDER THE WELFARE OF THE SOCIETY AND THE  
17 REASONABLE PROBABILITY THAT THE PERSON SENTENCED  
18 SHALL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAW.  
19 COMMUNITY SERVICE SHALL CONSIST OF ANY ACTUAL  
20 PHYSICAL ACTIVITY WHICH INCULCATES CIVIC  
21 CONSCIOUSNESS, AND IS INTENDED TOWARDS THE

1 IMPROVEMENT OF A PUBLIC WORK OR PROMOTION OF A  
2 PUBLIC SERVICE.

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

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

13  
14 **SECTION 2. *Separability Clause.*** If any provision, or part hereof  
15 held invalid or unconstitutional, the remainder of the law or the provision not  
16 otherwise affected shall remain valid and subsisting.

17  
18 **SECTION 3. *Repealing Clause.*** Articles 27 and 88 of the Revised  
19 Penal Code, is hereby amended and any law, presidential decree or issuance,  
20 executive order, letter of instruction, administrative order, rule or regulation  
21 contrary to, or inconsistent with the provisions of this Act is hereby repealed,  
22 modified, or amended accordingly.

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

27  
28 *Approved,*