


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

6 JUN -7 25

SENATE

RECEIVED BY: S. No. 2388

---

---

INTRODUCED BY HON. MANNY VILLAR

---

---

**EXPLANATORY NOTE**

**REPUBLIC ACT NO. 6036**, otherwise known as "**AN ACT PROVIDING THAT BAIL SHALL NOT, WITH CERTAIN EXCEPTIONS, BE REQUIRED IN CASES OF VIOLATIONS OF MUNICIPAL OR CITY ORDINANCES AND IN CRIMINAL OFFENSES WHEN THE PRESCRIBED PENALTY FOR SUCH OFFENSES IS NOT HIGHER THAN ARRESTO MAYOR AND/OR A FINE OF TWO THOUSAND PESOS OR BOTH,**" took effect on August 4, 1969 or more than three (3) decades ago.

From the time of the promulgation of R.A. No. 6036 to the present, so many political and social developments occurred worldwide that resulted to the alteration and modification of human ideas involving the criminal justice system. In the penological aspect of the criminal justice system, the current thrust of most governments, particularly those adhering to the principles of democracy and republicanism, is towards the adoption of the so-called "*Restorative Justice*" concept. The 1987 Constitution specifically states that the State shall promote social justice in all phases of national development.

The provisions of R.A. No. 6036 not requiring those persons charged with the aforesaid violations or any criminal offense punishable by not more than six (6) months imprisonment and/or a fine of two thousand pesos (P2,000.00), or both subject to the conditions set by law and by the court, is laudable in the sense that being mere accused they are being allowed to still enjoy their precious freedom in consonance with the adherence to the presumption of innocence until proven otherwise beyond reasonable doubt. The existing realities, however, particularly the rising clamor for the correction of those branded as "anti-poor laws", demand that the coverage of R.A. No. 6036 be expanded.

Another and more immediate concern that would warrant the amendment of R.A. No. 6036 is the congestion problem in almost all jails. Most of the jails nationwide are accommodating detention prisoners whose numbers are more than double their respective maximum capacities. On the other hand, the construction or improvement of detention facilities and the implementation of ideal rehabilitation programs that would improve the living condition of the inmates are hampered by budgetary constraints and other conditions. These result to the rise of more socially-relevant issues.

Bail should no longer be required if the maximum imposable penalty for the crime charged against a person is SIX (6) YEARS imprisonment and/or fine of TWENTY-FOUR (24) THOUSAND pesos, or BOTH. With this amendment, some misperceptions that our laws are "pro-rich" because only those accused who are wealthy and thus who have more capability to pay the required bail are to be released from detention may be reduced.

After all, even if one is convicted of a criminal offense and imposed the penalty of imprisonment for six years or less, he can avail of probation under certain conditions. Why then take away his precious freedom even before conviction?

The prompt and immediate passage of this bill deserves utmost attention.


A handwritten signature in black ink, appearing to be 'Manny Villar', written in a cursive style.

**MANNY VILLAR**  
Senator

THIRTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
Second Regular Session

6 JUN -7 P500

SENATE

RECEIVED BY: 

S. No. 2388

---

INTRODUCED BY HON. MANNY VILLAR

---

**AN ACT AMENDING SECTION 1, PARAGRAPH 1 OF REPUBLIC ACT NO. 6036, PROVIDING THAT BAIL SHALL NOT, WITH CERTAIN EXCEPTIONS, BE REQUIRED IN CASES OF VIOLATIONS OF MUNICIPAL OR CITY ORDINANCES AND IN CRIMINAL OFFENSES WHEN THE PRESCRIBED PENALTY FOR SUCH OFFENSES IS NOT HIGHER THAN PRISON CORRECTIONAL AND/OR A FINE OF TWENTY FOUR THOUSAND PESOS OR BOTH**

Section 1. Section 1, paragraph 1 of Republic Act No. 6036, is hereby amended to read as follows:

“Section 1. Any provision of existing law to the contrary notwithstanding, bail shall not be required of a person charged with violation of a municipal or city ordinance, a light felony and/or a criminal offense the prescribed penalty for which is not higher than six (months) **YEARS** imprisonment and/or a fine of (two thousand pesos) **TWENTY FOUR THOUSAND PESOS**, or both, where said person has established to the satisfaction of the court or any other appropriate authority hearing his case that he is unable to post the required cash or bail bond, except in the following cases:

- (a) When he is caught committing the offense in flagranti;
- (b) When he confesses to the commission of the offense unless the confession is later repudiated by him in a sworn statement or in open court as having been extracted through force or intimidation;
- (c) When he is found to have previously escaped from legal confinement, evaded sentence, or jumped bail;
- (d) When he is found to have previously violated the provisions of Section 2 hereof;
- (e) When he is found to be a recidivist or a habitual delinquent or has been previously convicted for an offense to which the law or ordinance attaches an equal or greater penalty or for two or more offenses to which it attaches a lighter penalty;
- (f) When he commits the offense while on parole or under conditional pardon; and
- (g) When the accused has previously been pardoned by the municipal or city mayor for violation of municipal or city ordinance for at least two times.

Section 2. Repealing Clause.- All laws, decrees, executive orders, rules and issuances inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 3. Effectivity Clause.- This Act shall take effect fifteen (15) days following its publications in the Official Gazette or in any two (2) newspapers of general circulation.

Approved.