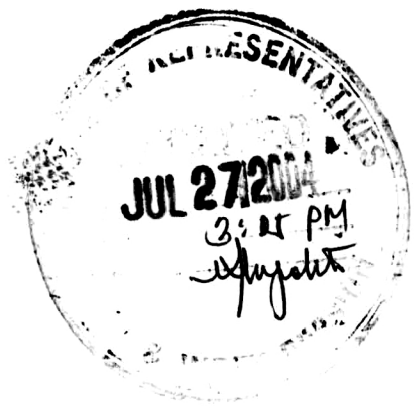


**REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY, METRO MANILA**



**THIRTEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 1708

INTRODUCED BY HONORABLE OSCAR L. GOZOS

EXPLANATORY NOTE

The wisdom that moved the framers of the Act to include vagrancy as a punishable crime in our statute book had long lost its appeal because of two reasons :

1. flaws in the enforcement and application of the law, and
2. the gloomy realities that confront our society today.

Unemployment rate continues to rise. Even college graduates find a hard time looking for decent and stable jobs and worse a great number end up jobless. The government appears helpless in providing basic shelter to the destitute members of our society. Indeed these are the harsh realities that have to be considered.

To decriminalize vagrancy is simply the most humane act to do if we are only to think of a big number of people, mostly belonging to the poorest of the poor, whose human rights have been violated by unscrupulous police officers, who usually take shield behind the provisions of vagrancy, as they make warrantless arrests in the guise of enforcing its provisions.

It has outlived its usefulness. Its purpose is no longer being served in the way its authors envisioned it to be. It has become obsolete, hence its repeal is imperative.

Prostitution, on the other hand, remains an issue that is hot to handle. The problem is multifaceted and moral considerations confound the issue. Knowing the complexity of the problem, this proposition does not pretend to be the quick fix to all the controversies attending the issue of prostitution.

What this bill attempts to achieve are the following :

1. To remove the wrong impression that the law on prostitution is a gender legislation that discriminates against female prostitutes;
2. To acknowledge that prostitution is a social problem in which the State has an interest to protect;
3. To humanize the problem by conceding that prostitution is a malaise that is practically hard to eliminate as long as poverty exists; and
4. To recognize that prostitutes are themselves victims of circumstances and should therefore be given opportunity to start a new life.

The change in penalty from *arresto menor* to *destierro* or banishment is a suggestive way of convincing the prostitute-victim to stay away from the place of sin. The prostitute is humanely treated as a victim, not a criminal. The measure extends to the prostitute an honorable way towards a new life.

On the other hand, in case of recidivism, the State, in recognition of its right to exercise its police power, is empowered by this bill to impose a slightly stiffer penalty on recidivist prostitutes. This is because recidivism connotes lack of remorse or lack of intention to mend ways leading to a fresh start in life.

It is in this spirit that I request the concurrence of my colleagues in the early passage of this bill.


OSCAR L. GOZOS
4TH District Batangas

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THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1708

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**AN ACT REPEALING THE PROVISIONS ON VAGRANCY AND
AMENDING THE LAW ON PROSTITUTION AS DEFINED AND
PENALIZED IN ARTICLE 202 OF THE REVISED PENAL CODE**

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

SECTION 1. The provision on vagrancy in Article 202 of the Revised Penal Code is hereby repealed.

SECTION 2. Article 202 of the Revised Penal Code is hereby amended to read as follows :

“Art. 202. Prostitutes – Penalty. – For purposes of this article, **men** and women who, for money or profit, **voluntarily and** habitually indulge in sexual intercourse or lascivious conduct, are deemed to be prostitutes.

Any person found guilty of **engaging in prostitution as defined in this article** shall be punished by **destierro** or a fine **ranging from 1,000 to 3,000 pesos, or both, in the discretion of the court**, and in case of recidivism, by **prision correccional** or a fine ranging from **3,000 to 5,000 pesos, or both, in the discretion of the court.**”

SECTION 3. All laws and decrees or parts thereof, inconsistent with or contrary to the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 4. This Act shall take effect upon its approval.

APPROVED, _____.