

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4436



Introduced by Rep. JOEL G. VIRADOR

EXPLANATORY NOTE

This bill repeals the law on vagrancy and prostitution as provided in Article 202 of the Revised Penal Code.

Vagrancy and prostitution are social maladies deeply rooted in economy and society. Article 202 of the RPC criminalizes and penalizes vagrancy and prostitution. The said provision trains its guns on the so-called offenders who are in reality victims forced by dire circumstances to engage in the flesh trade or to wander about. It disregards the complexities behind the phenomena and simplistically punishes the victims but not the pimps, recruiters, operators and owners of brothels, as well as law enforcers coddling brothel owners and prostitution fronts.

Article 202 is patently anti-poor. Paragraph 1 of Article 202 penalizes those who have no apparent means of subsistence but have the ability to work. This provides for the possible and actual arrest and detention of the estimated three million unemployed and six million underemployed Filipinos today. One can only imagine the scenario in our already cramped and decrepit jails throughout the country if all wandering unemployed Filipinos were detained.

Prostitution in the country is borne of dire economic conditions. While it may be one big business for owners and their coddlers, it is not a choice for the women, children, gays and even men who engage in it for a living.

The country's worsening economic crisis would impel the birth of more and more vagrants and prostituted persons unless decisive actions are taken by government to strike at the roots of the problem. The lack of employment, gainful or otherwise, to millions in the country force them to ply themselves.

Article 202 is likewise anti-women as it discriminates against them. It is usually prostituted women, and even gays in some cases, who are arrested and charged. Hardly any single prostituted man is arrested. A number of them, upon arrest, are forced to perform sexual acts for law enforcers in exchange for their release.

The same provision likewise restricts movement. This infringes on the constitutional rights of a person to move freely. Standing, walking or being in one place should not be penalized.

In view of the foregoing, approval of this bill is earnestly sought.


Rep. JOEL G. VIRADOR
Bayan Muna Party-List

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AN ACT
REPEALING THE PROVISIONS ON VAGRANCY AND PROSTITUTION AS PROVIDED
FOR IN ARTICLE 202 OF REPUBLIC ACT 3815, AS AMENDED, OTHERWISE KNOWN AS
THE REVISED PENAL CODE

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

Section 1. Article 202 defining and penalizing vagrants and prostitutes in the Revised Penal Code is hereby repealed.

Section 2. Repealing Clause. 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 3. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,


JOEL G. VIRADOR
Bayan Muna Party-List