

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 639

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. 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.



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

H. B. No. 639

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF
IMPRISONMENT FOR THE PENALTIES OF ARRESTO MENOR AND ARRESTO
MAYOR, AMENDING FOR THE PURPOSE CHAPTER FIVE, TITLE THREE, BOOK
ONE OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED
PENAL CODE

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

SECTION 1. Chapter 5, Title 3, Book I of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby further amended to include an additional section to read as follows:

"ART. 88-A. COMMUNITY SERVICE. – THE COURT MAY, IN LIEU OF SERVICE IN JAIL, MOTU PROPIO, REQUIRE THAT THE PENALTIES OF ARRESTO MENOR AND ARRESTO MAYOR BE SERVED BY THE DEFENDANT BY RENDERING COMMUNITY SERVICE IN THE PLACE WHERE THE CRIME WAS COMMITTED, UNDER SUCH TERMS AS THE COURT SHALL DETERMINE AND UNDER THE SURVEILLANCE OF THE BARANGAY CAPTAIN OF THE COMMUNITY AND A PROBATION OFFICER.

"IN REQUIRING COMMUNITY SERVICE, THE COURT SHALL CONSIDER THE WELFARE OF THE SOCIETY AND THE REASONABLE PROBABILITY THAT THE PERSON SENTENCED SHALL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAW.

COMMUNITY SERVICE SHALL CONSIST OF ANY ACTUAL PHYSICAL ACTIVITY WHICH INCULCATES CIVIC CONSCIOUSNESS, AND IS INTENDED TOWARDS THE IMPROVEMENT OF A PUBLIC WORK OR PROMOTION OF A PUBLIC SERVICE.

"SHOULD THE PERSON SENTENCED VIOLATE THE TERMS FOR RENDERING COMMUNITY SERVICE, THE COURT SHALL ORDER HIS RE-ARREST AND THE PENALTY SHALL BE SERVED IN JAIL. SHOULD THE PERSON SENTENCED COMPLY WITH THE TERMS FOR RENDERING COMMUNITY SERVICE, THE COURT SHALL RENDER AN ORDER THAT

SENTENCE HAS BEEN FULLY SERVED.

"THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU OF SERVICE IN JAIL SHALL BE AVAILABLE ONLY ONCE."

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

SEC. 3. *Repealing Clause.* Article 27 and Chapter 5, Title 3, Book I of the Revised Penal Code is hereby amended and any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 4. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,