

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th CONGRESS
FIRST REGULAR SESSION

House Bill No. **3565**



Introduced by Representative **MARLYN L. PRIMICIAS -AGABAS**

EXPLANATORY NOTE

This representation seeks to re-file the proposal providing Community Service in our penal laws by amending Article 88 of Chapter 5, Title 3, Book I of Act No. 3815, as amended, otherwise known as the Revised Penal Code.

A new Article 88-A is therefore introduced in order to provide community service as a form of penal chastisement.

Arresto menor is imposed on less crimes such as alarm and scandal (Art. 155) slight physical injuries (Art. 26) theft of less than five pesos Art 309) deceit (Art 318), malicious mischief where the value is less than 200 pesos imprudence and negligence constituting light felony (Art. 305). The above stated crimes may be eligible to community service in accordance with this proposal.

The measure will greatly decongest our jails and penitentiaries and conserve much the needed resources that could be diverted to more practical endeavors.

For one reason or the other, the past congresses failed to act with finality, the proposal to allow the courts to penalize offenders punishable with arresto menor or one (1) to thirty (30) days imprisonment to serve community service in lieu thereof.

In this light, passage of the bill is being earnestly sought.

A handwritten signature in dark ink, appearing to be "Agabas", followed by a checkmark.

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2 HOUSE OF REPRESENTATIVES
3 Quezon City

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5 SIXTEENTH CONGRESS
6 First Regular Session

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8 HOUSE BILL NO. 3565

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10 Introduced by Representative MARLYN L. PRIMICIAS-AGABAS
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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 5, TITLE 3, BOOK I 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:

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

15 "ART. 88-A. COMMUNITY SERVICE. – THE COURT MAY, IN LIEU OF
16 SERVICE IN JAIL, MOTU PROPIO, REQUIRE THAT THE PENALTIES OF
17 ARRESTO MENOR BE SERVED BY THE DEFENDANT BY RENDERING
18 COMMUNITY SERVICE IN THE PLACE WHERE THE CRIME WAS
19 COMMITTED, UNDER SUCH TERMS AS THE COURT SHALL DETERMINE
20 AND UNDER THE SURVEILLANCE OF THE BARANGAY CAPTAIN OF THE
21 COMMUNITY OR A PROBATION OFFICER. FURTHER, THE
22 ABOVEMENTIONED DEFENDANT SHALL BE SUBJECTED TO
23 REHABILITATIVE COUNSELING.

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

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

32 SHOULD THE PERSON SENTENCED VIOLATE THE TERMS FOR
33 RENDERING COMMUNITY SERVICE, THE COURT SHALL ORDER HIS RE-
34 ARREST AND THE PENALTY SHALL BE SERVED IN JAIL. SHOULD THE
35 PERSON SENTENCED COMPLY WITH THE TERMS FOR RENDERING

1 COMMUNITY SERVICE, THE COURT SHALL RENDER AN ORDER THAT
2 SENTENCE HAS BEEN FULLY SERVED.

3 THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN LIEU OF
4 SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE."

5 SEC. 2. Implementing Rules and Regulations – The Department of Justice
6 and the Department of Social Welfare and Development shall issue the IRRs for
7 the implementation of the provisions of this Act within ninety (90) days from
8 effectivity thereof.

9 SEC. 3. Separability Clause. If any provision or part hereof is held invalid
10 or unconstitutional, the remainder of the law or the provision not otherwise
11 affected shall remain valid and subsisting.

12 SEC. 4. Repealing Clause. Article 27 and Chapter 5, Title 3, Book I of the
13 Revised Penal Code is hereby amended and any law, presidential decree or
14 issuance, executive order, letter of instruction, administrative order, rule or
15 regulation contrary to or inconsistent with the provisions of this Act is hereby
16 repealed, modified or amended accordingly.

17 SEC. 5. Effectivity Clause. This Act shall take effect fifteen (15) days
18 after its publication in the Official Gazette or in at least two (2) newspapers of
19 general circulation.

20 *Approved,*