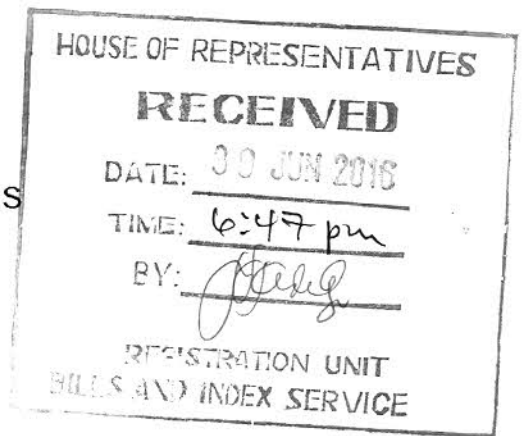


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 335



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

AN ACT
AUTHORIZING THE COURT TO REQUIRE COMMUNITY SERVICE IN LIEU OF IMPRISONMENT FOR THE PENALTY OF ARRESTO MENOR, AMENDING FOR THE PURPOSE CHAPTER 5, TITLE 3, BOOK I OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE

EXPLANATORY NOTE

Retributive justice is a theory in criminal justice that an equivalent penalty is expected of the commission of a wrong, while restorative justice focuses on the rehabilitation of the offender, the victim and the community. It aims to bring back the offender to his whole self again and be a productive member of the society.

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. It has reached Third and Final Reading in the 16th Congress. Further, this Representation believes that by rendering community service, it will strengthen the sense of belongingness of the offender to the community and will help accused reform and become a rehabilitated member of the community.

In the proposal, a new Article 88-A is hereby 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. 266); theft of a thing 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.

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

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

4 "ART. 88-A. *COMMUNITY SERVICE*. – THE COURT MAY,
5 IN LIEU OF SERVICE IN JAIL, REQUIRE THAT THE PENALTY
6 OF ARRESTO MENOR BE SERVED BY THE DEFENDANT BY
7 RENDERING COMMUNITY SERVICE IN THE PLACE WHERE
8 THE CRIME WAS COMMITTED, UNDER SUCH TERMS AS THE
9 COURT SHALL DETERMINE AND UNDER THE SUPERVISION
10 OF THE BARANGAY CAPTAIN OF THE COMMUNITY OR A
11 PROBATION OFFICER. THE DEFENDANT SHALL LIKEWISE
12 BE REQUIRED TO UNDERGO REHABILITATIVE COUNSELING.

13 IN REQUIRING COMMUNITY SERVICE, THE COURT
14 SHALL CONSIDER THE WELFARE OF THE SOCIETY AND THE
15 REASONABLE PROBABILITY THAT THE PERSON
16 SENTENCED SHALL NOT VIOLATE THE LAW WHILE
17 RENDERING THE SERVICE.

18 COMMUNITY SERVICE SHALL CONSIST OF ANY
19 ACTUAL PHYSICAL ACTIVITY WHICH INCULCATES CIVIC

1 CONSCIOUSNESS, AND IS INTENDED TOWARDS THE
2 IMPROVEMENT OF A PUBLIC WORK OR PROMOTION OF A
3 PUBLIC SERVICE.

4 IF THE DEFENDANT VIOLATES THE TERMS OF THE
5 COMMUNITY SERVICE, THE COURT SHALL ORDER HIS RE-
6 ARREST AND THE PENALTY SHALL BE SERVED IN JAIL.
7 HOWEVER, IF THE DEFENDANT HAS FULLY COMPLIED WITH
8 THE TERMS OF THE COMMUNITY SERVICE, THE COURT
9 SHALL ORDER THE RELEASE OF THE DEFENDANT UNLESS
10 DETAINED FOR SOME OTHER OFFENSE.

11 THE PRIVILEGE OF RENDERING COMMUNITY SERVICE
12 IN LIEU OF SERVICE IN JAIL SHALL BE AVAILED OF ONLY
13 ONCE.”

14 SEC. 2. *Implementing Rules and Regulations (IRR).* – The Department of
15 Justice and the Department of Social Welfare and Development shall issue the
16 rules and regulations to implement the provisions of this Act within ninety (90) days
17 from its effectivity.

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

23
24 SEC. 4. *Separability Clause.* - If any provision or part hereof is held invalid
25 or unconstitutional, the remainder of the law or the provision not otherwise affected
26 shall remain valid and subsisting.

27
28 SEC. 5. *Effectivity.* - This Act shall take effect fifteen (15) days after its
29 publication in the *Official Gazette* or in a newspaper of general circulation.

30 *Approved,*