



## HOUSE OF REPRESENTATIVES

H. No. 3497

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BY REPRESENTATIVES ANGARA, RODRIGUEZ (R.), DE JESUS, PAEZ,  
AGGABAO, ORTEGA (F.), GULLAS, ONG AND PRIMICIAS-AGABAS,  
PER COMMITTEE REPORT NO. 294

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AN ACT AUTHORIZING THE COURT TO REQUIRE COMMUNITY  
SERVICE IN LIEU OF IMPRISONMENT FOR THE PENALTY OF  
*ARRESTO MENOR*, 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:*

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  
3 include an additional article to read as follows:

4                   “ART. 88-A. *COMMUNITY SERVICE*. – THE COURT MAY,  
5 IN LIEU OF SERVICE IN JAIL, *MOTU PROPRIO*, REQUIRE THAT  
6 THE PENALTIES OF *ARRESTO MENOR* BE SERVED BY THE  
7 DEFENDANT BY RENDERING COMMUNITY SERVICE IN THE  
8 PLACE WHERE THE CRIME WAS COMMITTED, UNDER SUCH  
9 TERMS AS THE COURT SHALL DETERMINE AND UNDER THE  
10 SURVEILLANCE OF THE BARANGAY CAPTAIN OF THE

1 COMMUNITY OR A PROBATION OFFICER. FURTHER, THE  
2 ABOVEMENTIONED DEFENDANT SHALL BE SUBJECTED TO  
3 REHABILITATIVE COUNSELING.

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

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

13 "SHOULD THE PERSON SENTENCED VIOLATE THE TERMS  
14 FOR RENDERING COMMUNITY SERVICE, THE COURT SHALL  
15 ORDER HIS RE-ARREST AND THE PENALTY SHALL BE SERVED IN  
16 JAIL. SHOULD THE PERSON SENTENCED COMPLY WITH THE  
17 TERMS FOR RENDERING COMMUNITY SERVICE, THE COURT  
18 SHALL RENDER AN ORDER THAT SENTENCE HAS BEEN FULLY  
19 SERVED.

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

22 SEC. 2. *Implementing Rules and Regulations (IRR).* - The  
23 Department of Justice and the Department of Social Welfare and Development  
24 shall issue the rules and regulations for the implementation of the provisions of  
25 this Act within ninety (90) days from its effectivity.

26 SEC. 3. *Separability Clause.* - If any provision or part hereof is held  
27 invalid or unconstitutional, the remainder of the law or the provision not  
28 otherwise affected shall remain valid and subsisting.