



HOUSE OF REPRESENTATIVES

H. No. 5281

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BY REPRESENTATIVE PRIMICIAS-AGABAS, PER COMMITTEE REPORT NO. 515

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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 5, TITLE 3, BOOK 1 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 section to read as follows:

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

1           “IN REQUIRING COMMUNITY SERVICE, THE COURT SHALL  
2           CONSIDER THE WELFARE OF THE SOCIETY AND THE  
3           REASONABLE PROBABILITY THAT THE PERSON SENTENCED  
4           SHALL NOT VIOLATE THE LAW WHILE RENDERING THE SERVICE.

5           “COMMUNITY SERVICE SHALL CONSIST OF ANY ACTUAL  
6           PHYSICAL ACTIVITY WHICH INDUCTATES CIVIC CONSCIOUSNESS,  
7           AND IS INTENDED TOWARDS THE IMPROVEMENT OF A PUBLIC  
8           WORK OR PROMOTION OF A PUBLIC SERVICE.

9           “IF THE DEFENDANT VIOLATES THE TERMS OF THE  
10          COMMUNITY SERVICE, THE COURT SHALL ORDER HIS REARREST  
11          AND THE PENALTY SHALL BE SERVED IN JAIL. HOWEVER, IF THE  
12          DEFENDANT HAS FULLY COMPLIED WITH THE TERMS OF THE  
13          COMMUNITY SERVICE, THE COURT SHALL ORDER THE RELEASE  
14          OF THE DEFENDANT UNLESS DETAINED FOR SOME OTHER  
15          OFFENSE.

16          “THE PRIVILEGE OF RENDERING COMMUNITY SERVICE IN  
17          LIEU OF SERVICE IN JAIL SHALL BE AVAILED OF ONLY ONCE.”

18          SEC. 2. *Implementing Rules and Regulations.* – The Department of  
19          Justice and the Department of Social Welfare and Development shall issue the  
20          rules and regulations to implement the provisions of this Act within ninety (90)  
21          days from its effectivity.

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

1           SEC. 4. *Separability Clause.* – If any provision or part hereof is held  
2 invalid or unconstitutional, the remainder of the law or the provision not  
3 otherwise affected shall remain valid and subsisting.

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

Approved,

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