

[REPUBLIC ACT NO. 11362, August 08, 2019]

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 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:

SECTION 1. *Short Title.* - This Act shall be known as the "Community Service Act."

SEC. 2. *Policy.* - It is the policy of the State to promote restorative justice and decongest jails by authorizing the court in its discretion to require community service in lieu of service in jail for offenses punishable by *arresto menor* and *arresto mayor*.

SEC. 3. *Community Service.* - Article 88a of the Act No. 3815 is hereby inserted to read as follows:

"ART. 88a. *Community Service.* - The court in the discretion may, in lieu of service in jail, require that the penalties of *arresto menor* and *arresto mayor* may 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, taking into consideration the gravity of offense and the circumstances of the case, which shall be under the supervision of a probation officer: *Provided*, That the court will prepare an order imposing the community service, specifying the number of hours to be worked and the period within which to complete the service. The order is then referred to the assigned probation officer who shall have responsibility of the defendant.

"The defendant shall likewise be required to undergo rehabilitative counseling under the social welfare and development office of the city or municipality concerned with the assistance of the Department of Social Welfare and Development (DSWD). In requiring community service, the court shall consider the welfare of the society and the reasonable probability that the person sentenced shall not violate the law while rendering a public service.

"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.

"If the defendant violates the terms of the community service, the court shall order his/her re-arrest and the defendant shall serve the full term of the penalty, as the case may be, in jail, or in the house of the defendant as provided under Article 88. However, if the defendant has fully complied with the terms of the community