

24 May 2017

SENATOR RICHARD J. GORDON

Chairperson

Committee on Justice and Human Rights

Senate of the Philippines

Pasay City

Dear **Chairperson Gordon**:

This has reference to Senate Bill Nos. 590 and 1448 and House Bill No. 335 or "An Act Authorizing the Court to Require Community Service in Lieu of Imprisonment / Detention 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".

In line with this, the Department of Social Welfare and Development (DSWD) expresses its support on the bills and their intention to decongest our local jails and facilitate the immediate rehabilitation of persons who committed light offenses by requiring them to undertake community service.

To contribute to the bills' enhancement, we are recommending the following:

1. The consolidation of the two (2) Senate bills into one.
2. On Section 1:
 - a. The number of hours to be rendered by the person who committed the offense as well as the period within which to complete these should be specified as part of the terms in rendering community service.
 - b. The bills should also specify whether the concerned Barangay Captain or the Designated Probation Officer shall be responsible for determining the physical activity to be undertaken based on the needs of the place where the crime was committed and in attesting that the person who committed the crime has satisfactorily completed the required community service.

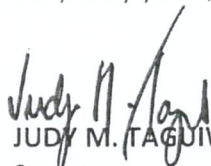
- c. The actual physical activity to be required under community service should consider the age, health condition and possible disability of the person who committed the offense.
- d. The need to identify which agency is responsible for the rehabilitative counseling of those covered by this Act. To us, this should be done by Local Social Welfare and Development Offices (LSWDOs) in view of the devolution of basic social services per Republic Act No. 7160.

Further, may we clarify that DSWD only does rehabilitative counselling for children in conflict with the law (CICL) under its residential care facilities.

- 3. On Section 2, Implementing Rules and Regulations (IRR): In addition to the DOJ and DSWD, the Department of the Interior and Local Government (DILG) should take part in crafting the Act's IRR.
- 4. May we also recommend the establishment of a grievance mechanism to check possible abuses related to the community service activities assigned to persons who committed offenses.

Thank you.

Very truly yours,


JUDY M. TAGUIWALO
Secretary