


FOURTEENTH CONGRESS OF THE REPUBLIC)
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SENATE

RECEIVED BY: 

Senate Bill No. 305

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The creation and repeal of laws are largely dictated by the call of the times. The changing world order necessitates the review of existing policies that may have once proven effective, but now simply serve to oppress the very people that they sought to benefit and protect. One such policy is the law on vagrancy.

Historically, vagrancy laws were created bearing the concept of criminality. As a result of the breakdown of feudalism, vagrancy laws were passed to discourage the idleness of the population. Over time, vagrants became regarded as public nuisances.

The Revised Penal Code, under Article 202, defines vagrancy as a criminal act. This law carries the same concept of criminality that has been challenged by human rights advocates all over the world, as it violates certain cherished freedoms such as the right to move freely and to travel. In the United States, vagrancy laws have already been stricken down on constitutional grounds.

Moreover, there are numerous reports of arbitrary arrests by the police as a result of the wide discretion afforded to law enforcers by the vagrancy law. Police have rounded up the poor, accusing them of vagrancy, and holding them in prison cells. Most of these vagrants are detained for long periods because they have no access to lawyers.

Numerous cases of street children arbitrarily arrested by the police have likewise been documented, particularly during international conferences, when national and international attention is focused on a locality.

The law on vagrancy blurs the line between poverty and criminality. As the economic crisis persists, the poor will continue to suffer from oppressive laws such as the law on vagrancy.

In view of the foregoing, the immediate passage of this measure is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

minimum period or a fine ranging from [200] 2,000 to to 2,000 pesos, or both in the discretion of the court.

SEC 2. *Effect on Pending Cases.* All pending cases tinder the repeated provisions of Article of the Revised Penal Code as amended by this Act shall be dismissed upon the activity of this measure.

SEC 3. *Immediate Release of Convicted Persons.* All persons serving sentence for violation of the repealed provisions of Article 202 of the Revised Penal Code as amended by this Act, shall be immediately released *provided that* they are not serving or detained for any case.

SEC 4. *Repealing Clause.* All laws, presidential decrees, executive orders, rules, and regulations and other issuance or parts thereof inconsistent with this Act, are hereby repealed, modified or amended accordingly.

SEC 5. *Effectivity Clause.* This Act shall take effect fifteen (15) days after it publication in at least two (2) newspapers of general circulation.

Approved,