



**GUIDELINES IN THE
IMPOSITION OF
COMMUNITY SERVICE
AS PENALTY IN LIEU OF
IMPRISONMENT
(A.M. NO. 20-06-14-SC)**

Article 27 of the Revised Penal Code:

- *Arresto mayor*. - The duration of the penalty of *arresto mayor* shall be from **one (1) month and one (1) day to six (6) months**.
- *Arresto menor*. - The duration of the penalty of *arresto menor* shall be from **one (1) day to thirty (30) days**.



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Guidelines:

1. After promulgation of judgment or order, the accused has the following options:
 - a. File an appeal;
 - b. Apply for probation or;
 - c. **Apply that the penalty be served by rendering community service in the place where the crime was committed.**

If the accused opts to **appeal** the conviction, such resort will **bar any application for community service or probation.**



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2. The application for community service must be filed **within the period to perfect an appeal.**
3. If the accused was required to post bail, pending resolution of the application for community service he/she may also move that he/she be allowed on **temporary liberty.**
4. The **barangay chairperson**, a representative from the **Probation Office** and the LGU's **Social Welfare Development Officer (SWDO)** shall be notified.



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5. A proposed **community service program and rehabilitative counseling program and schedule** for the accused shall be prepared by the barangay chairperson and the SWDO, respectively.

The following programs of the Parole and Probation Office may be considered:

- a. **Mentoring and Intergenerational Service**
- b. **Economic Development**
- c. **Citizenship and Civic participation-experiential activities** which involve solving community problems; and
- a. **Involvement in Crime Prevention projects**



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6. In assessing the recommendations of the barangay chairperson and SWDO, the court shall consider **three (3) factors** that must be present in the **community service program** :

a. It must consist of actual physical activity which inculcates **civic consciousness**.

a. It must be intended towards the **improvement of a public work**; or

b. It must include the **promotion of public service**.



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7. In exercising the discretion to allow service of penalty through community service, the following factors may be taken into consideration by the court:
- a. The **gravity** of the offense;
 - b. The **circumstances** of the case;
 - c. The **welfare of the society**; and
 - d. The reasonable **probability that the accused shall not violate the law** while rendering the service.

In no case shall the benefit of the Community Service Law be given to the accused more than once.



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8. The court shall resolve the application for community service immediately after the hearing thereon.

An order granting or denying the application shall **not be appealable**.

Failure of the accused to appear at the said hearing, except for justified reasons, shall be a **ground to deny the application** and a **warrant of arrest** shall be issued against the accused.

9. In the event the court needs **time to resolve the application**, the court shall set **the order for promulgation within twenty-four (24) hours** from the hearing thereof and require the presence of accused and his/her counsel, including the representatives from the concerned barangay, city or municipal Probation Office and SWDO.



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10. The **community service order** shall provide for the following:

- a. The **details of the community service program**;
- b. The **specific number of hours** to be accomplished and period within which to complete the service;
- c. The **referral of accused to the probation office** having jurisdiction over the place where the crime was committed for supervision;
- d. A statement requiring the concerned **probation officer** to provide a **final report on the accused's compliance** with the program **within five (5) calendar days** from expiration of the period and recommendation for discharge if applicable;
- e. A statement requiring the **SWDO** to submit a **report within five (5) calendar days** after completion of rehabilitative counseling; and
- f. The imposition of **additional conditions** as may be warranted by the circumstances of the case.

11. **Final discharge of the accused** upon finding that he/she has fulfilled the terms and conditions of his community service and thereupon, the case is deemed terminated.

12. If the accused is sentenced with a penalty higher than *arresto menor* or *arresto mayor*, and **on appeal the penalty was lowered to *arresto menor* or *arresto mayor***, which became final and executory, **the accused may seek community service in lieu of imprisonment.**

13. In the event the **court denies the application for community service**, and the **period to appeal has not yet lapsed**, the accused may still choose to **appeal the said judgment or apply for probation.**

14. An accused who applied and was granted probation in a previous case is **not disqualified** to apply for community service in a subsequent case.



***Duterte OKs Community Service
Penalty for Minor Offenses***

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THANK YOU