



Republic of the Philippines
Supreme Court
Manila City

SECOND DIVISION

TEDDY PEÑA y ROMERO,

Petitioner,

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 261807

Members:

LEONEN, *SAJ*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, Jr., *JJ*.

Promulgated:

AUG 14 2024

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RESOLUTION

LAZARO-JAVIER, J.:

By Resolution¹ dated February 8, 2023, the Court denied the petition and affirmed the verdict of conviction against petitioner Teddy Peña y Romero (Peña) for slight physical injuries and unjust vexation for which he was meted a straight penalty of 15 days of *arresto menor* with PHP 5,000.00 moral damages for slight physical injuries; and a straight penalty of 15 days of *arresto menor* with PHP 200.00 fine for unjust vexation.

Under Peña's subsequent Motion for Reconsideration,² he implores the Court to modify his penalty from imprisonment to community service.

¹ *Rollo*, pp. 210-217.

² *Id.* at 219-225.

The motion is granted.

Under Republic Act No. 11362 also known as the Community Service Act, the court may, in its discretion, and lieu of service in jail, require that the penalties of *arresto menor* and *arresto mayor* be served by the defendant by rendering community service in the place where the crime was committed, and under such terms as the court shall determine, taking into consideration the gravity of the offense and the circumstances of the case.

Section 3 of Republic Act No. 11362 provides:

SECTION 3. Community Service. — Article 88a of Act No. 3815 is hereby inserted to read as follows:

ARTICLE 88a. Community Service — The court in its discretion may, in lieu of service in jail, require that the penalties of *arresto menor* and *arresto mayor* 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 the 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. x x x

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 service, the court shall order the release of the defendant unless detained for some other offense.

The privilege of rendering community service in lieu of service in jail shall be availed of only once.

Here, the trial court's decision was promulgated on June 29, 2016 while Republic Act No. 11362 took effect on August 8, 2019 after due publication.



On the other hand, the Guidelines for the Community Service Act under A.M. No. 20-06-14-SC took effect on November 2, 2020.

While generally, laws are prospective in application,³ penal laws which are favorable to the person guilty of the felony who is not a habitual criminal, as in this case, are given retroactive effect following Article 22 of the Revised Penal Code. It goes without saying, therefore, that the benefits granted under Republic Act No. 11362, being more favorable to Peña, and despite having been enacted three years after the promulgation of judgment in his case, can still be availed by him.

In this regard, A.M. No. 20-06-14-SC or the Guidelines in the Imposition of Community Service as a Penalty in Lieu of Imprisonment, decrees:

Thus, all judges concerned shall observe these guidelines in allowing rendition of community service in lieu of imprisonment in the service of penalty for *arresto menor* or *arresto mayor*:

1. After promulgation of judgment or order where the impossible penalty for the crime or offense committed by the accused is *arresto menor* or *arresto mayor*, it shall be the court's duty to inform the accused of and announce in open court his/her options within 15 calendar days from date of promulgation, to wit: (a) file an appeal; (2) apply for probation as provided by law; or (3) apply that the penalty be served by rendering community service in the place where the crime was committed. It shall further be explained to the accused that if he/she chooses to appeal the conviction, such resort thereto bars any application for community service or probation.

Due to the unavailability of the foregoing options to Peña before the trial court, the Regional Trial Court, and the Court of Appeals, he may, at the first instance before this Court, validly apply for the conversion of his sentence from imprisonment to community service.

It must be emphasized, however, that the imposition of the penalty of community service is still within the discretion of the court and should not be taken as an unbridled license to commit minor offenses. It is merely a privilege since the offender cannot choose it over imprisonment as a matter of right. Further, 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 the service. With the enactment of Republic Act No. 11362, apart from the law's objective to improve public

³ *Sps. Arrastia v. National Power Corp.*, 555 Phil. 263, 272 (2007) [Per J. Nachura, Third Division].

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work participation and promote public service, it is expected that the State's policy to promote restorative justice and to decongest jails will be achieved.⁴

ACCORDINGLY, the motion is **GRANTED**. The Court's Resolution dated February 8, 2023 is **AFFIRMED** with **MODIFICATION**.

1. In Criminal Case No. **14-09861**, petitioner **Teddy Peña y Romero** is found **GUILTY** of slight physical injuries under Article 266(1) of the Revised Penal Code and is **ORDERED** to render **COMMUNITY SERVICE IN LIEU OF IMPRISONMENT**. He is further directed to **PAY Ram Rafjah Reyno** moral damages of **PHP 5,000.00**;
2. In Criminal Case No. **14-09862**, petitioner **Teddy Peña y Romero** is found **GUILTY** of unjust vexation under Article 287 (2) of the Revised Penal Code and is **ORDERED** to render **COMMUNITY SERVICE IN LIEU OF IMPRISONMENT** and to **PAY** a **FINE** of **PHP 200.00**.

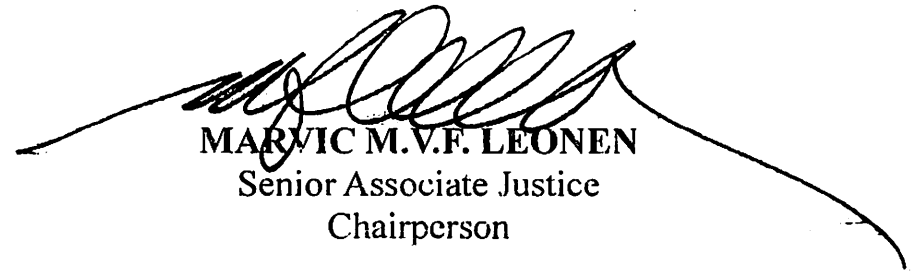
Branch 32, Metropolitan Trial Court, Quezon City, is hereby **DIRECTED** to conduct hearings to determine the number of hours to be worked by Peña and the period within which he is to complete the service under the supervision of a probation officer assigned by the Court.

The monetary awards shall earn 6% legal interest *per annum* from finality of this Resolution until fully paid.

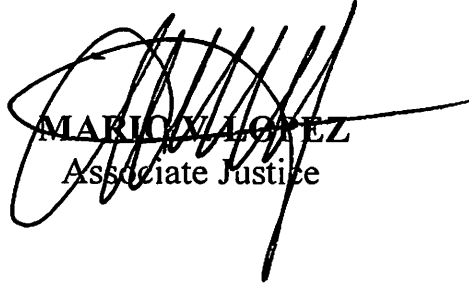
SO ORDERED."


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

⁴ *Realiza v. People*, 879 Phil. 724, 735-736 (2020), [Per J. Gaerlan, Third Division].



MARICEL LOPEZ
Associate Justice



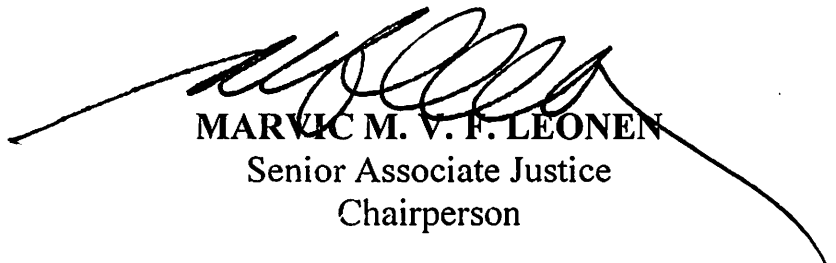
JHOSEP LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

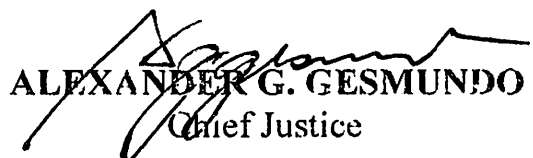
I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M. V. F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the above Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



ALEXANDER G. GESMUNDO
Chief Justice

