

**Inputs of the Commission on Human Rights of the Philippines to the Report of the Special Rapporteur on the Right to Adequate Housing and the Special Rapporteur on Extreme Poverty and Human Rights**

**6 October 2023**

1. The Commission on Human Rights of the Philippines (the Commission or CHRP)[[1]](#footnote-1), as the country’s national human rights institution, submits its written inputs to the Special Rapporteur on the Right to Adequate Housing and to the Special Rapporteur on Extreme Poverty and Human Rights for their joint report to the UN Human Rights Council. This submission aims to contribute to the mandate holders’ assessment of the actions taken by the Philippine government to address poverty or homeless-related offences in the country.
2. This submission utilizes the CHRP’s own documentation of independent monitoring activities and statements which were subjected to internal deliberations of the Commission En Banc (CEB) and the interventions undertaken by all CHRP offices in responding to the plight and concerns of homeless Filipinos. In addition, this submission takes into consideration reports from the government, civil society, media, and international non-governmental organizations.

***Please provide the laws or regulations that prohibit begging, eating, sleeping, or performing personal hygienic activities in all or certain public places.***

1. Under P.D. No. 1563 or the law that establishes an Integrated System for the Control and Eradication of Mendicancy[[2]](#footnote-2), begging or soliciting of charitable donations by the poor and other religious organizations on the streets is prohibited.[[3]](#footnote-3) The objectives of the law are as follows:

a. Prevent the commission of mendicancy;

b. Prevent the exploitation of infants and children through mendicancy and provide habilitative services for those already exploited or in immediate danger of exploitation; and

c. Promote the rehabilitation of minors found begging and mendicants by providing an integrated developmental package of preventive, habilitative interceptive, remedial, and/or rehabilitative services.[[4]](#footnote-4)

1. It covers all mendicants[[5]](#footnote-5), and exploited infants or children who are 8 years old and below, minors found begging and covered by Presidential Decree No. 603[[6]](#footnote-6) and parents of exploited infants and children criminally liable under Article 59 and 60 of Presidential Decree No. 603. Thus, any mendicant shall be apprehended and shall be penalized[[7]](#footnote-7) in accordance with the express provisions of the law, as amended by Republic Act 9344 or the Juvenile Justice Welfare Act[[8]](#footnote-8) and in relation to Republic Act 7610.[[9]](#footnote-9)
2. Interestingly, any person who abets mendicancy by giving alms directly to mendicants, exploited infants and minors on public roads, sidewalks, parks and bridges shall likewise be punished by a fine.[[10]](#footnote-10) This can be interpreted by some as tantamount to a curtailment of their right to give; however, the government strongly reiterates that it’s a legitimate exercise of the police power of the State in order to protect children and other marginalized groups from the hands of syndicates[[11]](#footnote-11), and more importantly, to achieve social justice.
3. It must be stated though that imposing penal sanctions to adult street-beggars and almsgivers clearly contravenes the explicit provisions of Article II, Section 11 of the Constitution declaring that the State values the dignity of every human person and guarantees full respect for human rights.
4. Further, the Philippines, as State-Party to various international treaties, such as the Convention on the Rights of the Child (CRC),[[12]](#footnote-12) International Convention on the Economic, Social and Cultural Rights, International Convention on Civil and Political Rights, among others, is legally obligated to protect and to ensure the respect, dignity, development and welfare not just of children, but of every single person, Filipinos or otherwise, within the territorial jurisdiction of the country.
5. The Department of Social Welfare Development (DSWD), as well as the National Anti-Poverty Commission (NAPC), have issued statements discouraging giving alms to beggars, because of the myriad negative and long-term ramifications the practice of almsgiving entails, such as the promotion of the culture of mendicancy, especially among Filipino children who might be discouraged to study and to resort to street-begging instead.
6. As cited under the law, mendicants refer to: (a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities.[[13]](#footnote-13) From the foregoing, it can be gainsaid that the children street-beggars contemplated under the Anti-Mendicancy Law (P.D 1503) are the children in street situations (CISS) mentioned in General comment no. 21 (2017) of the Committee on the Rights of the Child.[[14]](#footnote-14)
7. Cases of street mendicancy in the Philippines involving the elderly, children or members of the indigenous communities[[15]](#footnote-15) are on the rise. This alarming situation has prompted local government units to adopt a stronger stance against mendicancy by enacting ordinances that impose hefty fines to any person who will give alms to beggars, such as City Ordinance No. 2016-024 in San Fernando Pampanga that penalizes anyone who will be caught giving alms with a fine ranging from P3,000 to P5,000.[[16]](#footnote-16)
8. In Cebu City, for example, the LGU’s Anti-Mendicancy Board (CCAMB) strictly implements street-clearing operations.[[17]](#footnote-17) This is pursuant to City Ordinance 1631[[18]](#footnote-18), which prohibits begging or giving alms in the streets wherein offenders are penalized either with a fine, or with four hours of community service. Perhaps said ordinance should be correlated with Ordinance 2304[[19]](#footnote-19) that prohibits carolers along the streets and onboard any PUV; and the violation thereof imposes the penalty of either P500 fine, eight hours of community service, or five days of imprisonment.
9. It is pertinent to point out, however, that mendicancy in the Philippines is a very complex and multi-faceted issue that requires the adoption of a multi-pronged strategy for its resolution. Hence, the enactment of legislations that merely prohibit almsgiving and penalize adult mendicants, as well as almsgivers, will not suffice to address the root causes of the mendicancy epidemic in the country. In fact, these punitive measures against mendicancy are violative of many of the fundamental human rights of the poor and among the most marginalized members of Philippine society, which result even further in their social exclusion. Furthermore, it is a relevant policy issue that ought to be re-examined by the State.
10. There are indeed multiple factors at play that motivate people to beg in the streets. Thus, to automatically reduce these mendicants into cultural [cliché](https://www.bing.com/ck/a?!&&p=56d5336d5d8e1c32JmltdHM9MTY5NDY0OTYwMCZpZ3VpZD0zMDI4NDZlZi0wOWU5LTZjMzgtMDY0Mi01NWUzMDg5MzZkNjYmaW5zaWQ9NTYzMQ&ptn=3&hsh=3&fclid=302846ef-09e9-6c38-0642-55e308936d66&psq=cultural+cliche&u=a1aHR0cHM6Ly9lbi53aWtpcGVkaWEub3JnL3dpa2kvQ2xpY2glQzMlQTkjVGhvdWdodC10ZXJtaW5hdGluZ19jbGljaMOp&ntb=1)s, either as personalities possessing an indefatigable sense of indolence, or pawns of human traffickers, would be oversimplifying a rather complicated situation.
11. Poverty, an acute issue in the Philippines, remains to be the primary driving force of mendicancy in the country. In the same vein that destitution results in the plague of homelessness among 4.5 million Filipinos.[[20]](#footnote-20) Previously, any person found loitering about in the country sans visible means of support shall be held liable for vagrancy under Article 202 of the Revised Penal Code,[[21]](#footnote-21) which was subsequently amended by Republic Act 10158,[[22]](#footnote-22) save the clause penalizing prostitution.
12. According to the United Nations, the right to adequate housing has been recognized as an integral component of the right to an adequate standard of living in the Universal Declaration of Human Rights, as well as in the International Covenant on Economic, Social and Cultural Rights[[23]](#footnote-23), and other international human rights treaties.[[24]](#footnote-24) As a corollary, it should be reiterated that persons experiencing homelessness and destitution (PEHD) possess rights under the law; hence, they should be accorded protection from all forms of harassment, discrimination, or acts of violence, both from private individuals, as well as from government authorities.
13. Republic Act 7279, in relation to the Modified Conditional Cash Transfer for Homeless Street Families (MCCT-HSF),[[25]](#footnote-25) has defined underprivileged and homeless citizens as referring to individuals or families residing in urban and urbanizable areas whose income or combined household income falls within the poverty threshold provided by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure.[[26]](#footnote-26)
14. In addition, the term ‘homeless’ includes people working on the streets who may have been evicted from their illegal settlements and refused to go to relocation sites or who came from relocation sites, from which they do not wish to return to, for various reasons.[[27]](#footnote-27) Further, some of them come from provinces to find a decent livelihood, comprising members of ethnic minorities working as seasoned laborers, and who are possibly victims of human trafficking themselves.[[28]](#footnote-28) A percentage of the homeless population in the country also pertains to those who stay on the streets for lack of safe places to live, such as victims of domestic violence;[[29]](#footnote-29) while a number of these street dwellers suffer from mental health conditions who require immediate medical attention.[[30]](#footnote-30) There is some overlap in these categories, but mostly homeless street dwellers are characterized as having a very loose community network, which differentiates them from slum dwellers who live in tighter networks.[[31]](#footnote-31)
15. In the Commission’s 2021 Advisory on the Rights of Persons Experiencing Homelessness and Destitution During the Pandemic, it was highlighted that the experience of homelessness is also more than just deprivation of physical shelter. It also entails the loss of social connection – the feeling of belonging nowhere – and the social exclusions experienced by persons living in homelessness.[[32]](#footnote-32)
16. Under General Comment No. 4 (1991) of the Committee on Economic, Social and Cultural Rights, States must, regardless of their state of development, take certain steps to realize the right to adequate housing immediately and that in this respect priority must be given to those social groups living in unfavorable conditions (par. 10 and 11). States, therefore, cannot posit the contention that the economic, social, and cultural rights are subject to progressive realization.[[33]](#footnote-33)
17. Persons experiencing homelessness and destitution (PEHD) face insurmountable challenges, economic and otherwise, on a daily basis. This rings true for women, children, elderly, LGBTQ+, and those with disabilities, who on account of their gender, age, sexual orientation and condition, are placed in an even more precarious state since they are vulnerable to sexual assault, harassment, acts of violence, discrimination, and institutional stigmatization.
18. PEHDs are continuously being pushed to the peripheries and their voices are either ignored or silenced by the government, and society in general. Their humanity and dignity are rarely considered in legislation, public policies and strategies.[[34]](#footnote-34) In the context of the height of the pandemic, for example, the government’s response to slow down the rising cases of Covid was to impose lockdowns and to mandate everyone to remain in their respective homes, which was predicated on the assumption that everyone actually had a home.[[35]](#footnote-35) This was a clear indication that the national and local government units failed to take into consideration the situation of PEHDs who did not have the option to follow the stay-at-home directive precisely on the ground of absence of dwelling.
19. In the same Advisory on the rights of persons experiencing homelessness during the pandemic issued by CHRP, as the country’s national human rights institution (NHRI), it reminded the government to take cognizance of the plight of the most vulnerable and marginalized. More importantly, the Commission urged the State to protect the welfare of those living in the margins, especially the elderly, the homeless, persons with disabilities, and the poorest of the poor.

***Please provide the laws or regulations that allow the detention or imprisonment of individuals who are unable to pay the fine imposed for petty offences.***

1. Mendicancy remains to be a punishable offense under local ordinances cited above, as well as under P.D 1563, specifically under Section 5 thereof, wherein a mendicant upon conviction, shall be punished by a fine not exceeding P500.00 or by imprisonment for a period not exceeding 2 years or both at the discretion of the court. Further, a habitual mendicant shall be punished by a fine not exceeding P1,000.00 or by imprisonment for a period not exceeding 4 years or both at the discretion of the court. From the foregoing, it appears that the imposition of the penalty of imprisonment would be subject to the discretion of the court in cases of non-payment of fines. Under said law, any person who abets mendicancy by giving alms directly to mendicants, exploited infants and minors on public roads, sidewalks, parks and bridges shall be punished by a fine not exceeding P20.00.[[36]](#footnote-36)
2. While vagrancy has been amended by RA 10158, prostitution remains to be a punishable offense under Article 202 of the Revised Penal Code, to wit:

For the purposes of this article, women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct, are deemed to be prostitutes. Any person found guilty of any of the offenses covered by this article shall be punished by *arresto menor[[37]](#footnote-37)* or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* in its medium period to *prision correccional* in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court.[[38]](#footnote-38) The amount of fine set forth herein should be adjusted in accordance with the provisions of RA 10951.[[39]](#footnote-39)

1. It is likewise pertinent to mention in this discussion the concept of subsidiary imprisonment enunciated under RA 5465[[40]](#footnote-40), which amended Article 39 of the Revised Penal Code, (RPC), and which should be read in conjunction with RA 10951. This has a significant impact on the marginalized sectors of society who are subjected to the penalty of imprisonment for non-payment or incapacity of payment of fine as opposed to financially-capable offenders who escape jail time by merely tendering payment of the fine imposed by the courts.
2. This is a classic example of economic discrimination persisting in our criminal justice system whereby the poor suffer the burden of imprisonment solely on account of insolvency to pay for the fine imposed by the courts. Under Republic Act 11291, the poor shall refer to individuals or families whose income falls below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or who cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing, or other essential amenities of life, as defined under Republic Act No. 8425, otherwise known as the “Social Reform and Poverty Alleviation Act”.[[41]](#footnote-41)
3. In view of the above, the only way for an impecunious person who cannot even afford in a sustained manner to provide basic needs of food, health, education, housing or other essential amenities of life, to avoid the penalty of subsidiary imprisonment is to ensure payment of said fine notwithstanding the extent of burden this will have on the person or the person’s family. This means that he/she will have to contract a loan with possible unconscionable interest rates from whomever is willing to loan money to a person charged of violating a law.
4. The intersectionality of financial penalties and poverty is a serious issue that ought to be considered by the State in re-evaluating the current penal landscape of the country that affects mostly indigent and poor Filipinos. The imposition of penalty of imprisonment for non-payment of fines, especially for petty offenses, is oppressive for Filipinos already living in the fringes; and it’s also antithetical to the Sustainable Development Goals[[42]](#footnote-42) commitment of the Philippines to eliminate poverty.

***Please provide information about attempts made or planned to decriminalize street vending, informal business activities, sex work, begging, eating, sleeping or performing personal hygienic activities in public places.***

1. With the passage of RA 10158 that amended Article 202 of the Revised Penal Code, any person loitering about sans visible means of support can no longer be held liable for vagrancy. Additionally, performing any of the following acts, such as eating, sleeping, or performing personal hygienic activities in public places, is not per se a criminal offense. However, said acts may be considered to be nuisance[[43]](#footnote-43) that are subject to sanctions under the law, or a local ordinance.
2. Engaging in street vending or informal business activities, on one hand, remains to be illegal in the country. The usual scenario is that if a street vendor is caught by the authorities, his/her merchandise is confiscated and not returned.[[44]](#footnote-44) Further, in order to avoid getting arrested, or having their business disrupted, these street vendors are forced to pay bribes or excessive fines instead. There are no attempts on the part of the State to decriminalize street vending or informal business activities sans a permit. In fact, last year House Bill No. 1252 or the “Unobstructed Sidewalks Act” that would penalize “the use of streets, sidewalks, avenues, alleys, bridges, parks, and other public spaces” for unauthorized commercial or personal purpose.” The proposed penalties for violators are a fine ranging from P10,000 to P30,000, or imprisonment of at least six months to a maximum of one year.[[45]](#footnote-45)
3. It is worth mentioning that during the coronavirus lockdowns, the government adopted a heavy-handed approach to curb the spread of the virus wherein a number Filipino homeless were arbitrarily arrested and detained; or their semi-permanent structures for shelter were destroyed. This is notwithstanding the fact that a state of homelessness is not deemed a criminal offense that would warrant the penalty of arrest, detention, or the demolition of their shelter. The Commission issued a statement then “*urging the government to act given the unique situation of people living in street* *situations or PEHDs, which necessitated a separate and adequate program or mechanism in each local government unit to ensure that no one is left behind; and that we may all truly heal and recover as one and work as one.”*[[46]](#footnote-46)Moreover, pursuant to Article XIII Section 10 of the 1987 Constitution, urban and rural poor dwellers shall not be evicted, nor their dwellings be demolished, except in accordance with law done in a just and humane manner. Also, no resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.[[47]](#footnote-47)
4. The above-cited provision enshrined under our fundamental law remains instructive concerning the modalities that should be adopted by the police and other persons in authority when handling illegal settlers, PEHDs, as well as illegal street vendors; and it is indispensable that they should be dealt with in a just and humane manner. This is also in consonance with the Magna Carta of the Poor that highlights the right to decent work as the right to the opportunity to obtain decent and productive employment, in conditions of freedom, equity, gender equality, security, and human dignity.[[48]](#footnote-48)

***Please provide information concerning initiatives to change the response of law enforcement officials and of the criminal justice system from penalization, punishment or detention, towards facilitating social inclusion of persons living in poverty or experiencing homelessness.***

1. It appears that local government units have realized that solely imposing the penalty of imprisonment or payment of fine upon the mendicant and the almsgiver will not eradicate nor reduce the mendicancy problem in the country. In Baguio City, for example, the City Council approved an ordinance to adopt a development approach to mendicancy. The objective is to develop self-reliance among the apprehended mendicants, and for them to have long-term human development as members of society. In relation thereto, the city government is seeking the establishment of a center or facility for mendicants for their long-term personal development.[[49]](#footnote-49)
2. This development approach to mendicancy will facilitate social inclusion among PEHDs by giving them a participatory role in solving their own predicament that is fraught with socio-economic layers. Further, this approach is more in line with the Constitutional precept of promotion of social justice.[[50]](#footnote-50)

1. As the National Human Rights Institution (NHRI) of the Philippines, the CHRP has the mandate vested by the 1987 Constitution of the Republic of the Philippines and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation. It is a member of the Global Alliance of National Human Rights Institutions (GANHRI). [↑](#footnote-ref-1)
2. An Act Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes; otherwise known as the Mendicancy Law of 1978, Presidential Decree 1563 (1978).

   Section 2. Purpose. This Decree shall be interpreted so as to, among others:

   a. Prevent the commission of mendicancy;

   b. Prevent the exploitation of infants and children through mendicancy and provide habilitative services for those already exploited or in immediate danger of exploitation; and

   c. Promote the rehabilitation of minors found begging and mendicants by providing an integrated developmental package of preventive, habilitative interceptive, remedial, and/or rehabilitative services. [↑](#footnote-ref-2)
3. Ellalyn De Vera-Ruiz, DSWD warns against giving alms to beggars, street children, Manila Bulletin, November 17, 2019, available at [DSWD warns against giving alms to beggars, street children (mb.com.ph)](https://mb.com.ph/2019/11/07/dswd-warns-against-giving-alms-to-beggars-street-children/) (last accessed September 14, 2023). [↑](#footnote-ref-3)
4. An Act Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes; otherwise known as the Mendicancy Law of 1978, Presidential Decree 1563, Section 2 (1978). [↑](#footnote-ref-4)
5. An Act Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes, otherwise known as the Mendicancy Law of 1978, P.D 1563 (1978).

   Section 3 thereof provides for the Definition of Termsas used in the Decree, unless the context otherwise requires, shall be construed thus:

   a. "Mendicant" refers to any person, except those enumerated in Section 4 of this Decree, who has no visible and legal means of support, or lawful employment and who is physically able to work but neglects to apply himself to some lawful calling and instead uses begging as a means of living.

   b. "Exploited Infant" or "Child" refers to an infant or child 8 years and below who is used in begging or one who accompanies a habitual vagrant or beggar. [↑](#footnote-ref-5)
6. The Youth and Welfare Code” or P.D 603, which shall apply to persons below twenty-one years of age except those emancipated in accordance with law. "Child" or "minor" or "youth" as used in this Code, shall refer to such persons. (1974). [↑](#footnote-ref-6)
7. An Act Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes, otherwise known as the Mendicancy Law of 1978, P.D 1563 (1978).

   Section 4. Apprehension of And Services for Persons Found Begging. Any infants or child 8 years old and below who is found begging or is being utilized by a mendicant for purposes of begging shall be apprehended as a neglected child under Article 141 of PD 603 and shall be committed to the custody and care of the Department of Social Services and Development or to any duly licensed child placement agency or individual.

   Any minor over 9 years of age under 15 found begging or is being utilized for purposes of begging and who acted without discernment shall be apprehended as a neglected child under Article 141 of Presidential Decree No. 603 and shall be committed to the custody and care of the Department of Social Services and Development or to any duly licensed placement agency or individual.

   Any minor over 9 years of age and under 15 who is found begging or is being utilized for the purpose of begging and who acted with discernment shall be proceeded against in accordance with the provisions of Chapter 3, Title VIII of Presidential Decree No. 603.

   Any person not otherwise covered in the preceding paragraph of this Section who is found begging and who is physically or mentally incapable of gainful occupation shall be provided the integrated package of services by the Department of Social Services and Development, the Welfare units of local governments and other cooperating agencies. [↑](#footnote-ref-7)
8. Republic Act 9344 or An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council Under the Department of Justice, Appropriating Funds Therefor and for other Purposes; otherwise known as the Juvenile Justice Welfare Act (2006).

   Section 58 of Republic Act No. 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, which provides: “Persons below 18 years of age shall be exempt from prosecution for the crime xxx of mendicancy under Presidential Decree No. 1563 xxx such prosecution being inconsistent with the United Nations Convention on the Rights of the Child: Provided, that said persons shall undergo appropriate counseling and treatment program. [↑](#footnote-ref-8)
9. "Special Protection of Children Against Abuse, Exploitation and Discrimination Act”, Republic Act 7610, (1992). [↑](#footnote-ref-9)
10. An Act Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes, otherwise known as the Mendicancy Law of 1978, P.D 1563, Section 4 (1978). [↑](#footnote-ref-10)
11. Joyce Balancio, Anti-Poverty Body Discourages Giving Alms to Beggars: ‘May Sindikato sa Likod Nito’, ABS-CBN News, May 26, 2023, available at [Anti-poverty body discourages giving alms to beggars | ABS-CBN News](https://news.abs-cbn.com/news/05/26/23/anti-poverty-body-discourages-giving-alms-to-beggars) (last accessed September 19, 2023). [↑](#footnote-ref-11)
12. OHCHR Celebrating 30 Years of the Convention on the Rights of the Child available at  [Pledge by Philippines | OHCHR](https://www.ohchr.org/en/treaty-bodies/crc/celebrating-30-years-convention-rights-child/pledge-philippines), (last accessed 23 September 2023). [↑](#footnote-ref-12)
13. General Comment (GC) 21, <https://digitallibrary.un.org/record/1304490> [↑](#footnote-ref-13)
14. <https://digitallibrary.un.org/record/1304490> [↑](#footnote-ref-14)
15. Rainier Allan Ronda, DSWD Rescues Aetas, Badjaos Begging for Alms in Metro Manila, Philippine Star Global, November 21, 2022, available at [DSWD rescues Badjaos, Aetas begging for alms in Metro Manila | Philstar.com](https://www.philstar.com/nation/2022/11/21/2225287/dswd-rescues-badjaos-aetas-begging-alms-metro-manila) (last accessed September 18, 2023). [↑](#footnote-ref-15)
16. Pampanga’s Capital to Penalize Almsgiving with a Minimum Fine of P3,000,Philippine Daily Inquirer, July 25, 2023, available at [Pampanga’s capital to penalize almsgiving with minimum fine of P3,000 | Inquirer News](https://newsinfo.inquirer.net/1806731/pampangas-capital-city-to-penalize-almsgiving) (last accessed September 15, 2023). [↑](#footnote-ref-16)
17. Wenilyn B. Sabalo, Rama to Anti-Mendicancy Board: Clear Sidewalks of Vagrants, Mendicants, Philippine Daily Inquirer, August 2, 2022, available at [Rama to Anti-Mendicancy Board: Clear sidewalks of vagrants, mendicants | Cebu Daily News (inquirer.net)](https://cebudailynews.inquirer.net/456236/rama-to-anti-mendicancy-board-clear-sidewalks-of-vagrants-mendicants) (last accessed September 15, 2023). [↑](#footnote-ref-17)
18. Nestle Semilla, Cebu City to Penalize Begging, Almsgiving, Philippine Daily Inquirer, December 24, 2022, available at [Cebu City to penalize begging, almsgiving | Inquirer News](https://newsinfo.inquirer.net/1708423/cebu-city-to-penalize-begging-almsgiving), (last accessed September 15, 2023). [↑](#footnote-ref-18)
19. *Id.* [↑](#footnote-ref-19)
20. World Population Review, Homelessness by Country 2023, available at [Homelessness by Country 2023 (worldpopulationreview.com)](https://worldpopulationreview.com/country-rankings/homelessness-by-country), (last accessed 22 September). [↑](#footnote-ref-20)
21. An Act Revising the Penal Code and Other Penal Laws (Revised Penal Code), Act 3815, Art. 202 (1932).

    Article 202**.** *Vagrants and prostitutes; Penalty.* - The following are vagrants:

    1. Any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling;

    2. Any person found loitering about public or semi-public buildings or places or trampling or wandering about the country or the streets without visible means of support;

    3. Any idle or dissolute person who ledges in houses of ill fame; ruffians or pimps and those who habitually associate with prostitutes;

    4. Any person who, not being included in the provisions of other articles of this Code, shall be found loitering in any inhabited or uninhabited place belonging to another without any lawful or justifiable purpose;

    5. Prostitutes.

    For the purposes of this article, women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct, are deemed to be prostitutes.

    Any person found guilty of any of the offenses covered by this article shall be punished by *arresto menor* or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* in its medium period to prision correccional in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court. [↑](#footnote-ref-21)
22. An Act Decriminalizing Vagrancy, amending for this Purpose Article 202 of Act No. 3815, as Amended; Otherwise Known as the Revised Penal Code, Republic Act 10158, (2012). [↑](#footnote-ref-22)
23. International Covenant on Economic, Social, and Cultural Rights (ICESCR), Article 11 (1), 1976, available at [International Covenant on Economic, Social and Cultural Rights | (OHCHR](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights).org), last accessed 24 September 2023.

    #### Article 11 (1): 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

    [↑](#footnote-ref-23)
24. ‘The Right to Adequate Housing,’ Fact Sheet 21, Office of the High Commissioner on Human Rights, available at [FS21\_rev\_1\_Housing\_en.pdf (ohchr.org)](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf), last accessed on 23 September 2023. [↑](#footnote-ref-24)
25. Pantawid Pamilyang Pilipino Program. Modified Conditional Cash Transfer, Frequently Asked Questions, available at [mcct-faq-2-v6.pdf (dswd.gov.ph)](https://www.dswd.gov.ph/wp-content/uploads/2015/02/mcct-faq-2-v6.pdf), last accessed on 27 September 2023. [↑](#footnote-ref-25)
26. Republic Act 7279 or An Act to Provide for a Comprehensive and Continuing Urban Development and Housing Program, Establish the Mechanism for its Implementation and for other Purposes, (1992).

    Section 2, par. (w) “Urbanizable areas” refers to sites and lands which, considering present characteristics and prevailing conditions, display marked and great potential of becoming urban areas within the period of five (5) years. [↑](#footnote-ref-26)
27. Commission on Human Rights of the Philippines, 2021 Advisory Report on Persons Experiencing Homelessness and Destitution During the Pandemic, 31 August 2021, available at [CHR-V-A2021-004-Advisory-on-the-Rights-of-Persons-Experiencing-Homelessness-and-Destitution-During-Pandemic1.pdf](https://chr.gov.ph/wp-content/uploads/2021/12/CHR-V-A2021-004-Advisory-on-the-Rights-of-Persons-Experiencing-Homelessness-and-Destitution-During-Pandemic1.pdf) (last accessed: 26 September 2023).

    [↑](#footnote-ref-27)
28. Id. [↑](#footnote-ref-28)
29. Id. [↑](#footnote-ref-29)
30. Id. [↑](#footnote-ref-30)
31. Id. [↑](#footnote-ref-31)
32. Commission on Human Rights of the Philippines, 2021 Advisory Report on Persons Experiencing Homelessness and Destitution During the Pandemic, 31 August 2021, available at [CHR-V-A2021-004-Advisory-on-the-Rights-of-Persons-Experiencing-Homelessness-and-Destitution-During-Pandemic1.pdf](https://chr.gov.ph/wp-content/uploads/2021/12/CHR-V-A2021-004-Advisory-on-the-Rights-of-Persons-Experiencing-Homelessness-and-Destitution-During-Pandemic1.pdf) (last accessed: 26 September 2023). [↑](#footnote-ref-32)
33. CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (Contained in Document E/1992/23), available at [General comment No. 4: The right to adequate housing (refworld.org)](https://www.refworld.org/pdfid/47a7079a1.pdf), (last accessed: 24 September 24, 2023). [↑](#footnote-ref-33)
34. Homelessness and Human Rights, (A/HRC/31/54), available at [CHR-V-A2021-004-Advisory-on-the-Rights-of-Persons-Experiencing-Homelessness-and-Destitution-During-Pandemic1.pdf](https://chr.gov.ph/wp-content/uploads/2021/12/CHR-V-A2021-004-Advisory-on-the-Rights-of-Persons-Experiencing-Homelessness-and-Destitution-During-Pandemic1.pdf) (last accessed: 28 September 2023). [↑](#footnote-ref-34)
35. Id. [↑](#footnote-ref-35)
36. An Act Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes; otherwise known as the Mendicancy Law of 1978, Presidential Decree 1563 (1978).

    Section 5.*Criminal Liability.*A mendicant as defined in Paragraph (a) Section 3 hereof, shall, upon conviction, be punished by a fine not exceeding P500.00 or by imprisonment for a period not exceeding 2 years or both at the discretion of the court.

    A habitual mendicant shall be punished by a fine not exceeding P1,000.00 or by imprisonment for a period not exceeding 4 years or both at the discretion of the court.

    Parents of exploited infants or minors under Section 4 of this Decree shall be proceeded against in accordance with Articles 59 and 60 of Presidential Decree No. 603, unless they are themselves mendicants.

    Any person who abets mendicancy by giving alms directly to mendicants, exploited infants and minors on public roads, sidewalks, parks and bridges shall be punished by a fine nor exceeding P20.00. [↑](#footnote-ref-36)
37. Act 3815 or the Act Revising the Penal Code, and Other Penal Laws, Article 76, (1930), available at [Act No. 3815 (lawphil.net)](https://lawphil.net/statutes/acts/act_3815_1930.html), last accessed on 27 September 2023.

    [↑](#footnote-ref-37)
38. Act 3815 or the Act Revising the Penal Code, and Other Penal Laws, Article 202**.**  (Vagrancy and) *Prostitutes; Penalty*, as amended by RA 10158.

    5. Prostitutes. For the purposes of this article, women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct, are deemed to be prostitutes.

    Any person found guilty of any of the offenses covered by this article shall be punished by *arresto menor* or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* in its medium period to prision correccional in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court. [↑](#footnote-ref-38)
39. SEC. 2. Article 26 of the same Act is hereby amended to read as follows:

    "ART. 26. *Fine*.- *When afflictive, correctional, or light penalty*.- A fine, whether imposed as a single or as an alternative penalty, shall be considered an afflictive penalty, if it exceeds One million two hundred thousand pesos (P1, 200, 000); a correctional penalty, if it does not exceed One million two hundred thousand pesos (P1, 200, 000) but is not less than Forty thousand pesos (P40, 000); and a light penalty, if be less than Forty thousand pesos (P40, 000)." [↑](#footnote-ref-39)
40. Section 1. Article 39 of act 3815, otherwise known as the revised penal code, is hereby amended to read as follows:

    "Art. 39. *subsidiary penalty*—if the convict has no property with which to meet the fine mentioned in paragraph 3 of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each eight pesos, subject to the following rules:

    1. If the principal penalty imposed be *prision correctional* or *arresto* and fine, he shall remain under confinement until his fine referred in the preceding paragraph is satisfied, but his subsidiary imprisonment shall not exceed one-third of the term of the sentence, and in no case shall it continue for more than one year, and no fraction or part of a day shall be counted against the prisoner.
    2. When the principal penalty imposed be only a fine, the subsidiary imprisonment shall not exceed six months, if the culprit shall have been prosecuted for a grave or less grave felony, and shall not exceed fifteen days, if for a light felony.
    3. When the principal penalty imposed is higher than *prision correctional* no subsidiary imprisonment shall be imposed upon the culprit.
    4. If the principal penalty imposed is not to be executed by confinement in a penal institution, but such penalty is of fixed duration, the convict, during the period of time established in the preceding rules, shall continue to suffer the same deprivations as those of which the principal penalty consists.
    5. The subsidiary personal liability which the convict may have suffered by reason of his insolvency shall not relieve him from the fine in case his financial circumstances should improve."

    [↑](#footnote-ref-40)
41. Republic Act 11291, or An Act Providing for the Magna Carta of the Poor, (2019).

    [↑](#footnote-ref-41)
42. UN Sustainable Development Goals, available at [Goal 1: End poverty in all its forms everywhere - United Nations Sustainable Development](https://www.un.org/sustainabledevelopment/poverty/), last accessed on 29 September 2023. [↑](#footnote-ref-42)
43. The New Civil Code of the Philippines, or Act 386, (1949) available at [R.A. 386 (lawphil.net)](https://lawphil.net/statutes/repacts/ra1949/ra_386_1949.html), last accessed on 29 September 2023.

    Article 694. A nuisance is any act, omission, establishment, business, condition of property, or anything else which:

    (1) Injures or endangers the health or safety of others; or

    (2) Annoys or offends the senses; or

    (3) Shocks, defies or disregards decency or morality; or

    (4) Obstructs or interferes with the free passage of any public highway or street, or any body of water; or

    (5) Hinders or impairs the use of property.

    Article 695. Nuisance is either public or private. A public nuisance affects a community or neighborhood or any considerable number of persons, although the extent of the annoyance, danger or damage upon individuals may be unequal. A private nuisance is one that is not included in the foregoing definition. [↑](#footnote-ref-43)
44. “Setting Street Vendors’ Right”, Manila Standard, November 5, 2022, available at [Setting street vendors’ rights - Manila Standard](https://manilastandard.net/opinion/314275444/setting-street-vendors-rights.html), last accessed on 29 September 2023. [↑](#footnote-ref-44)
45. “House Bill Seeks to Penalize Use of Sidewalks for Vending, Personal Use”, August 3, 2022, available at [House bill seeks to penalize use of sidewalks for vending, personal use (cnnphilippines.com)](http://www.cnnphilippines.com/news/2022/8/3/house-bill-sidewalks-vending-personal-use.html), last accessed on 29 September 2023. [↑](#footnote-ref-45)
46. CHR Urges Protection, Aid for the Homeless Amid Metro Manila Lockdown, Philippine Star, August 7, 2021, available at [CHR urges protection, aid for the homeless amid Metro Manila lockdown | Philstar.com](https://www.philstar.com/headlines/2021/08/07/2118272/chr-urges-protection-aid-homeless-amid-metro-manila-lockdown), last accessed on 29 September 2023. [↑](#footnote-ref-46)
47. 1987 Philippine Constitution, Article XIII Section 10, available at [THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES – ARTICLE XIII | Official Gazette of the Republic of the Philippines](https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-xiii/#:~:text=Section%2010.,a%20just%20and%20humane%20manner.), last accessed on 29 September 2023. [↑](#footnote-ref-47)
48. Republic Act 11291 or the Magna Carta of the Poor, Section 4, (2019), available at [Republic Act No. 11291 (lawphil.net)](https://lawphil.net/statutes/repacts/ra2019/ra_11291_2019.html), last accessed on 29 September 2023. [↑](#footnote-ref-48)
49. Dexter A. See, Development Approach to Mendicancy in City is Okayed, May 13, 2023, available at [Development approach to mendicancy in city okayed - HERALD EXPRESS | News in Cordillera and Northern Luzon (baguioheraldexpressonline.com)](https://baguioheraldexpressonline.com/development-approach-to-mendicancy-in-city-okayed/), last accessed on 29 September 2023. [↑](#footnote-ref-49)
50. 1987 Philippine Constitution, Article XIII, Section 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments. Section 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance; available at [THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES – ARTICLE XIII | Official Gazette of the Republic of the Philippines](https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-xiii/#:~:text=Section%201.,power%20for%20the%20common%20good.) [↑](#footnote-ref-50)