

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Complex, Quezon City

THIRTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 5924



Introduced by HON. MAURICIO G. DOMOGAN

EXPLANATORY NOTE

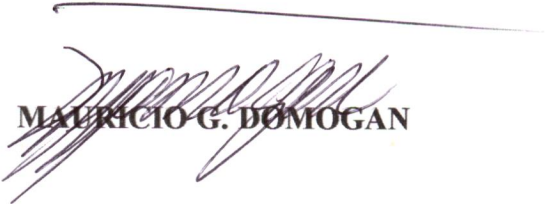
Article III, Section 13, of the 1987 Constitution provides that “All persons except those charged with offenses punishable by *reclusion perpetua* when the evidence of guilt is strong, shall before conviction, be bailable by sufficient sureties, or be released on recognizance, as may be provided by law.”

In reality, however, only those capable of posting cash or property bonds through surety companies have the privilege of temporary liberty before trial. This reality coupled with the equally real overcrowding in jails, mixing of juvenile and adult detainees and undue imprisonment resulting from the failure of most people accused of a crime not punishable by *reclusion perpetua* to post bail due to financial constraints, violates basic human rights.

This bill seeks to provide persons arrested and charged with crimes or offenses, except those involving heinous crimes, the opportunity to be released immediately without need to post a bail bond by way of the Pre-Trial Release (PTR) Program. This bill seeks the creation of the Pre-Trial Release Office under the direct supervision of the Department of Justice to administer the said Program. The rationale of this bill is to allow the release of an accused during the pendency of his or her based on non-financial conditions.

The proposed measure also aims to substantially reduce costs to both the government and the accused. The government will save on costs as it will be freed of the responsibility of housing, clothing and feeding the accused while the case is pending; while the defendant will be able to enjoy the company of his family, as well as to stay in or seek employment. Ultimately, the proceedings in court will be greatly facilitated.

Approval of this measure is highly enjoined.


MAURICIO G. DOMOGAN

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Complex, Quezon City

THIRTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 5924

Introduced by HON. MAURICIO G. DOMOGAN

**AN ACT PROVIDING FOR A PRE-TRIAL RELEASE FOR
THE ACCUSED, CREATING FOR THE PURPOSE THE PRE-TRIAL
RELEASE OFFICE (PTRO), APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. *Short Title.* – this Act shall be known as the “Pre-trial
Release Act of 2002”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the
State to accord the accused all the rights guaranteed by the Constitution which
includes presumption of innocence until the contrary is proved, the right to due
process and equal protection of the law. Toward this end, a Pre-Trial Release
Program is hereby instituted for those who have been charged with a crime,
especially minors at any time prior to conviction. The Program will enable any
person arrested and charged with a crime to be released from any detention
facility where he is confined, based on a written promise to appear in court
through frequent monitoring by a Pre-Trial Officer assigned to his case in
coordination with a person known within the community who will ensure that
the accused will appear in court in lieu of a bail to enable him to have

access to an attorney, to prepare an adequate defense and be presumed innocent until proven guilty by the court.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall be defined as follows:

- a) Pre-Trial Release (PTR) – Refers to a cost-efficient program wherein the accused is released from jail where he is confined, without bail;
- b) Pre-Trial Release Accused – a person released from detention through Pre-Trial Release;
- c) Pre-Trial Release Officer (PTRO) – a person assigned by the Judge from the PTR Office who shall be responsible for gathering and reviewing information about the accused, conduct investigation, and recommend to the court the eligibility of the accused for Pre-Trial Release; and
- d) Presiding Judge – makes the final decision on eligibility of the accused to avail of the benefits of Pre-Trial Release.

SEC. 4. *Pre-Trial (PTR) Program.* – The Pre-Trial Released program, hereinafter referred to as the PTR, is a method of releasing an accused under detention without bail bond: Provided, that there shall be a written assurance by the accused of his appearance in subsequent court proceedings. This program shall be under the jurisdiction of the Department of Justice(DOJ) in coordination with the Department of social Welfare and Development (DSWD) and other non-government organizations (NGOs) concerned with rehabilitation and protection of the accused.

The presiding judge shall assign the case to any PTR Officer assigned in the area to conduct an investigation and gather information on the accused-applicant for a period of at least five (5) days, and immediately thereafter submit a report and recommendation and issue the corresponding pre-trial release.

SEC. 5. *Purposes and Objectives of Pre-Trial Release.* – The PTR shall have the following purposes and objectives:

- a) cause the release of a detained person from jail without bail bond upon the favorable recommendation of PTR Officer concerned with his case in coordination with any known person in the community who will:
 - 1. establish the identity of the accused;
 - 2. establish community ties of the accused;
 - 3. assure the appearance of the accused in court during the hearing of the case;
- b) reduce overcrowding of jails;
- c) reduce government expenditures by releasing accused from confinement;
- d) provide speedy and fair release of eligible accused from the custody;
- e) reduce family and employment disruptions;
- f) increase tax revenue for the government with accused continued employment; and
- g) provide cost-efficient mechanism for release of accused from jail.

SEC. 6. *Creation of the Pre-Trial Release Office (PTRO).*– There shall be created a Pre-Trial Release Office under the Department of Justice, hereinafter referred to as PTRO, which shall exercise general supervision over all persons arrested and charged with all crimes except of its duties and functions.

SEC. 7. *Composition of the PTRO.* – The PTRO shall be headed by the Executive Director who shall be appointed by the President of the Philippines. He shall hold office during good behavior unless sooner removed by the President for just cause.

The Executive Director shall receive an annual salary of at least Four Hundred Twenty Thousand Pesos (P420,000.00). He shall have the following powers and functions:

- a) act as the Executive officer of the PTRO;
- b) exercise supervision and control over all PTROs nationwide;
- c) submit reports to the Secretary of Justice concerning the operation, administration and improvement of the PTR office as often as may be required but no less than semi-annually.
- d) promulgate the necessary rules relative to the methods and procedures of the PTRO;
- e) recommend to the Secretary of Justice the appointment of the subordinate personnel of the PTRO Office; and
- f) perform such other duties and responsibilities as may be necessary to attain its objectives.

SEC 8. *The Deputy Executive Directors.* – There shall be three (3) Deputy Executive Directors, one each for Luzon, Visayas and Mindanao. They shall assist the Executive Director and perform such duties as may be provided by law. They shall likewise be appointed by the President of the Philippines and shall receive an annual salary of at least Three Hundred Eighty Four Thousand Pesos (P384,000.00).

SEC. 9. *Qualification of the Executive Director and Deputy Executive Directors.* – No Person shall be appointed as Executive Director or Deputy Executive Director, unless he or she possesses the following qualifications:

- a) must be at least 35 years of age;
- b) must be of proven competence, probity and good health;
- c) holder of a Master's Degree, or it's equivalent or must have accomplished all academic requirements of a Master's Degree in Social

Work, Psychology, Sociology, Public Administration, Criminology, Political Science, Education or other related fields; and

d) with at least five (5) years of supervisory experience.

SEC. 10. *Regional Provincial and City PTR Officers.* – The PTRO shall have Regional, provincial and city offices organized in accordance with its organizational plan and who shall be appointed by the Secretary of Justice upon recommendation of the Executive Director and in accordance with Civil Service rules and regulations.

The regional offices shall be headed by a Regional PTR officer and shall exercise supervision and control over all PTR officers within his jurisdiction and such duties as may be assigned to him by the Executive Director.

He shall have an annual salary of at least Three Hundred Sixty Thousand Pesos (P360,000.00).

He shall, whenever necessary, be assisted by an assistant Regional PTR Officer and shall have an annual salary of Three Hundred Thousand Pesos (P300,000.00).

There shall be at least three (3) PTR officers in every province and city who shall be appointed by the Secretary of Justice upon recommendation of the Executive Director and in accordance with the Civil Service rules and regulations.

The Provincial or City PTR Officers shall receive an annual salary of Two Hundred Seventy Six Thousand Pesos (P276,000.00) and Two Hundred Seventy Six Thousand Pesos (P267,000.00), respectively and shall have the following functions:

- a) investigate all persons referred to them for investigation by the court;
- b) inform the persons availing of the PTR on the terms and conditions of the PTR program;

- c) monitor the conduct and condition of persons availing of the PTR program under their care and use all suitable means to bring improvement in their conduct;
- d) maintain a detailed record of persons under their care;
- e) prepare a list of qualified persons from the DSWD or any NGO of the province or city to assist in monitoring the activities of persons under the PTR program;
- f) exercise supervision and control over all field assistants, and other personnel; and
- g) perform such good duties as may be assigned the Executive Director through the Regional director.

SEC 11. *Qualification of Regional , Assistant Regional, Provincial and City Regional PTR Officers.* - No person shall be appointed Regional or Assistant Regional or Provincial or City PTR Officer unless he or she possesses any of the following qualifications:

- a) holder of a bachelor's degree (with master's degree for Regional and Assistant Provincial PTR Officer) major in police science, social work, sociology, psychology, criminology, or other fields;
- b) at least three (3) years of experience in work requiring any of the abovementioned related courses; and
- c) preferably a resident of the region, province or city, as the case may be where he shall be appointed.

Moreover, the provincial or city PTR officers shall be assisted by field assistants and subordinate personnel as may be necessary to enable them to perform their duties efficiently and effectively.

SEC. 12. *Organization.* - Within twelve (12) months from the approval of this Decree, the Secretary of Justice shall organize the administrative structure of

the PTR Office including the staffing patterns of the regional, provincial and city PTR offices with the end in view of achieving the goals and objectives of the PTR Program.

SEC. 13. *Application for the Grant of Benefits of the PTR Program.* -

Upon arrest and before his arraignment in court, the accused may file a written application for PTR with the court where the case is filed through his counsel stating his personal circumstances, which includes the following: a) he/she is a Filipino citizen and a resident of the country for at least six (6) months with a verifiable address and references; b) not a flight risk or a danger to the community; c) not charged of any heinous crime.

SEC. 14. *PTR Applications Endorsed to Pre-Trial Release Officer by the Court.* - Upon receipt of the PTR application, the court shall designate a Pre-trial Officer to investigate the accused-applicant and submit a report to the requesting court within three (3) days from receipt thereof.

SEC. 15. *Conditions of Release Under Pre-trial Release Program.* - The PTR Office shall monitor the accused under PTR program who shall be required to comply with any of the following conditions, at the discretion of the court:

- a) report to the court in person as often as may be warranted but not more often than once a week at a time;
- b) inform the PTR office in writing of any change in the information written on his or her application such as the name, phone number, address, job status or whenever he/she goes out of town;
- c) hire an attorney to represent him/her in court;
- d) appear in court on the date and time the trial is set;
- e) submit to alcohol or drug testing when required;
- f) participate in alcohol or drug abuse treatment program, if required;
- g) observe a curfew set by the court;

- h) enroll or maintain employment;
- i) seek or maintain employment;
- j) participate in social services or render community service at least once a week;
- k) must not be in possession of firearms or other deadly weapons during the release period;
- l) notify the PTR office once the case is dismissed by the court;
- m) refrain from any other unlawful conduct or criminal activity; and
- n) avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense.

The court shall order the termination of the PTR of any accused when the accused violates any of the terms and conditions of the PTR.

SEC. 16. *Submission of the List of Accused Under PTR to the Department of Justice by the Pre-trial Release Officers.* – The PTR Officers concerned shall submit the list of accused availing of the program to the Department of Justice (DOJ) through the court, no later than sixty (60) days for reference purposes.

SEC. 17. *Confidentiality of Records of PTR Applicants.* – The records of those accused under PTR shall be privileged and shall not be disclosed directly or indirectly to anyone other than the PTR Officer or the court concerned, except that the court in its discretion may permit any accused or his lawyer to inspect the aforementioned documents or parts thereof whenever the best interest of the accused makes such disclosure helpful: Provided, however, that any government agency engaged in the correction or rehabilitation of offenders may on proper motion obtain such documents for its official use or reference.

SEC. 18. *Failure to Comply with the Conditions of Release.* – Upon a verified application by the PTR Officer showing that a condition of release has been violated, or the continued liberty of the person will pose a serious threat to

another person, or will result in flight from prosecution, and such other violations, the court may issue a warrant for the arrest of the person. A hearing shall be held within seventy-two (72) hours after the accused is taken into custody to determine whether or not there was a violation. In situations where risk is not imminent, the court shall issue summons for the person to appear, in lieu of the warrant. Any person whose release has been revoked should be afforded the safeguards so provided for those detained under the provisions of the Rules of Court and the Constitution. He/she shall be brought to trial within sixty (60) days from the revocation or again be released on non-financial conditions based on the offense committed.

However, the court must be informed in writing by the PTR Officer of any violation of the conditions by the person under the PTR Program, and for the latter to be given the opportunity to answer said allegations.

SEC. 19. Penalties. – Any willful violation of the provisions of this Act shall be punished by imprisonment of not less than six (6) years or a fine of not less than One Hundred Thousand Pesos (P100,000.00) or both, at the discretion of the court. If the offender is a government officer or employee, the penalty to be imposed shall be imprisonment of not less than ten (10) years or a fine of not less than Two Hundred Pesos (P200,000.00) or both, at the discretion of the court.

SEC. 20. Implementing Rules and Regulations. – Within thirty (30) days from the effectivity of this Act, the Department of Justice, in coordination with the Probation Administration and Parole, and other concerned agencies, shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 21. Appropriations. – There is hereby authorized the appropriation of the sum of Four Hundred Million (P400,000,000.00) in the General Appropriations Act to effectively carry out the purposes of this Act. Thereafter,

said amount shall be included in the annual appropriations of the national government.

SEC. 22. *Separability Clause.* – If any provision or section of this Act or the application of any person or circumstance is held to be invalid, the other provisions or sections of this Act, and the application of such provision or section to other persons or circumstances, shall not be affected thereby.

SEC. 23. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof, and other similar laws inconsistent with this Act, are hereby repealed, amended or modified accordingly.

SEC. 24. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,