

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1505

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

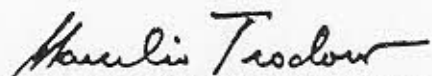
EXPLANATORY NOTE

This proposed bill seeks to address the inadequacies in implementing the existing Probation Law. Ideally, it hopes to rationalize and strengthen the law to establish a more enlightened and humane correctional system that will promote the reformation, rehabilitation and restoration of the dignity of offenders. Moreover, the measure seeks to remedy the problem of overcrowding in jails and lessen government expenditures.

Specifically, the bill intends to amend Presidential Decree No. 928 with regard to the following aspects:

- a. Removal of the disqualification from probation, offenders who have been sentenced to a probationable penalty and have already perfected their appeal;
- b. Allows one who appeals a non-probationable sentence which is reduced to a probationable penalty by the appellate court to apply for probation;
- c. Expansion of the probationable term from six (6) years to eight (8) years;
- d. Removal of the exclusion from probation of all crimes falling under Public Order. Thus, the lesser grave felonies are separated from the grave felonies and violations of Arts. 147, 148 149, 151, 153, 154, 155 and 156 of the Revised Penal Code are made probationable offenses;
- e. Resolution of the penalty issue under Sec. 9C of PD 968, by providing that the penalty for the light felony referred to is a fine of "200 pesos";
- f. Explicit inclusion of regional heads to possess the miscellaneous powers as those vested in the Provincial and City Probation Officers under their jurisdiction and to be considered as persons in authority; and
- g. Enhancement by the Administration of volunteer service in its thrust of strengthening and professionalizing volunteerism to complement the Parole and Probation regular workforce.

In view of thereof, approval of this bill is earnestly sought.


MARCELINO "MARCY" R. TEODORO
Representative, 1st District
City of Marikina

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. **1505**

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

AN ACT
RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM,
AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF PRESIDENTIAL
DECREE NO. 968, OTHERWISE KNOWN AS THE "PROBATION LAW OF 1976",
AS AMENDED

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

SECTION 1. Section 4 of Presidential Decree No. 968, as amended, is hereby, further amended to read as follows:

"SEC. 4. *Grant of Probation.* – Subject to the provisions of this Decree, the trial court may, after it shall have convicted and sentenced a defendant **FOR A PROBATIONABLE PENALTY**, and upon [his] application by said defendant within the period for perfecting an appeal, suspend the execution of the sentence and place the defendant on probation for such period and upon such terms and conditions as it may deem best: *Provided, That* [no] **AN** application for probation shall be entertained or granted [if] **NOTWITHSTANDING** the defendant has perfected an appeal from [the judgment of conviction] **SUCH VERDICT OF CONVICTION, AND THEREAFTER HAS BEEN METED A PROBATIONABLE PENALTY BY THE APPELLATE COURT: PROVIDED, FURTHER, THAT IF THE PENALTY WHICH IS NOT PROBATIONABLE WAS APPEALED AND REDUCED TO PROBATIONABLE PENALTY, THEN HE SHALL BE ALLOWED TO APPLY FOR PROBATION ON THE MODIFIED DECISION.**

"Probation may be granted whether the sentence imposes a term of imprisonment or a fine only. An application for probation shall be filed with the trial court. [The filing of the application shall be deemed a waiver of the right to appeal.]

"An order granting or denying probation shall not be appealable."

SEC. 2. Section 9 of Presidential Decree No. 968 is hereby amended to read as follows:

"SEC. 9. *Disqualified Offenders.* – The benefits of this Decree shall not be extended to those:

"(a) sentenced to serve a maximum term of imprisonment of not more than [six] **EIGHT (8) years;**

"(b) convicted of [subversion or] any crime against the national security or the public order[:], **EXCEPT UNDER ARTICLES 146, SPECIFICALLY WITH REFERENCE TO ANY PERSON MERELY PRESENT AT SUCH ASSEMBLY, 147, 148, 149, 151, 153, 154, 155 AND 156, OF TITLE III, CHAPTER THREE TO CHAPTER FIVE, BOOK II OF THE REVISED PENAL CODE;**

"(c) who have previously been convicted by final judgment of an offense punished by imprisonment of not less than one month and one day, and/or a fine of [not less than] **MORE THAN** Two hundred pesos;

"(d) who have been once on probation under the provisions of this Decree; and

"(e) who are already serving sentence at the time the substantive provisions of this Decree became applicable pursuant to Section 33 hereof."

SEC. 3. Section 24 of Presidential Decree No. 968 is hereby amended to read as follows:

"SEC. 24. *Miscellaneous Powers of REGIONAL, Provincial and City Probation Officers.* – **REGIONAL**, Provincial or City Probation Officers shall have the authority within their territorial jurisdiction to administer oaths and acknowledgments and to take depositions in connection with their duties and functions under this Decree. They shall also have, with respect to probationers under their care, the powers of a police officer. **THEY SHALL BE CONSIDERED AS PERSONS IN AUTHORITY.**"

SEC. 4. Section 28 of Presidential Decree No. 968 is hereby amended to read as follows:

"SEC. 28. [*Probation Aides.* – To assist the Provincial or City Probation Officers in the supervision of probationers, the Probation Administrator may appoint citizens of good repute and probity to act as probation aides. Probation Aides shall not receive any regular compensation for services except for reasonable travel allowance. They shall hold office for such period as may be determined by the Probation Administrator. Their qualifications and maximum case loads shall be provided in the rules promulgated pursuant to this Decree.]

VOLUNTEER PROBATION OFFICERS. – TO ASSIST THE CHIEF PROBATION OFFICERS IN THE REGIONAL, PROVINCIAL AND CITY PROBATION OFFICES IN THE SUPERVISED TREATMENT PROGRAM OF THE CLIENTELE, THE PROBATION ADMINISTRATOR MAY APPOINT CITIZENS OF GOOD REPUTE AND PROBITY WHO HAVE THE WILLINGNESS, APTITUDE AND POTENTIAL TO ACT AS VOLUNTEER PROBATION OFFICERS (VPOS).

"VOLUNTEER PROBATION OFFICERS SHALL NOT RECEIVE ANY REGULAR COMPENSATION FOR SERVICES RENDERED EXCEPT FOR REIMBURSEMENT OF THE ACTUAL COST OF TRANSPORTATION IN THE PERFORMANCE OF THEIR DUTIES AND RESPONSIBILITIES. THEY SHALL ALSO BE ENTITLED TO A TWENTY PERCENT (20%) DISCOUNT ON ALL MEANS OF TRANSPORTATION, FOOD OUTLETS AND THEATERS/CINEMAS.

THEY SHALL HOLD OFFICE FOR A TWO (2)-YEAR TERM WHICH MAY BE RENEWED OR RECALLED ANYTIME FOR A JUST CAUSE DEPENDING UPON THEIR PERFORMANCE OF FUNCTIONS. THEIR FUNCTIONS, QUALIFICATIONS, CONTINUANCE IN OFFICE, MAXIMUM CASE LOADS AND RELATED MATTERS SHALL BE FURTHER PRESCRIBED UNDER THE IMPLEMENTING RULES AND REGULATIONS TO BE PROMULGATED BY THE PROBATION ADMINISTRATOR.

"THERE SHALL BE A REASONABLE NUMBER OF VOLUNTEER PROBATION OFFICERS IN EVERY REGIONAL, PROVINCIAL AND CITY PROBATION OFFICE IN ORDER TO STRENGTHEN THE FUNCTIONAL RELATIONSHIP OF VOLUNTEER PROBATION OFFICERS AND THE PROBATION ADMINISTRATION, THE LATTER SHALL ENCOURAGE AND SUPPORT THE FORMER TO ORGANIZE THEMSELVES IN THE NATIONAL, REGIONAL, PROVINCIAL AND CITY LEVELS FOR EFFECTIVE UTILIZATION,

COORDINATION AND SUSTAINABILITY OF THE VOLUNTEER PROGRAM."

SEC. 5. *Separability Clause.* – If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC. 6. *Repealing Clause.* – All laws, executive orders or administrative orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

SEC. 7. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,