

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2625

Introduced by Honorable Giorgidi B. Aggabao

EXPLANATORY NOTE

Presidential Decree No. 968, otherwise known as the Probation Law of 1976, as amended, is one of the statutes designed to reform offenders in our society. Instead of traditional incarceration, probation provides for conditional suspension of punishment so that a less costly alternative to imprisonment is instituted. Additionally, probation entails an individualized, community based treatment of certain offenders. It also establishes a more enlightened and humane correctional system that promotes the reformation, rehabilitation and dignity of offenders.

This bill seeks to amend several salient features of the Probation Law.

First, this bill proposes to remove the disqualification of those offenders who, having been sentenced to a probationable penalty, files an appeal. Under the present law, an appeal automatically disqualifies the offender, whether or not the probationable penalty is sustained. The bill seeks to amend this by providing that the offender could still avail of the benefits of probation, so long as the penalty meted out on appeal remains probationable.

The obverse is likewise covered by this bill. If an offender has been sentenced to a non-probationable penalty but nevertheless files an appeal therefrom, he may still avail of the benefits of probation so long as the penalty meted out on appeal is modified to a probationable penalty.

Second, this bill proposes to increase the threshold probationable penalty from the present less than six years and one day to less than eight years.

Third, this bill seeks to amend the present disqualification of previous offenders convicted by final judgment for offenses carrying a penalty of not less than one month and/or fine of not less than two hundred pesos (arresto mayor). This bill proposes that the probation law be amended to increase the threshold of disqualification. Thus, only previous offenders convicted by final judgment for offenses carrying a penalty of prison correctional (six months and one day) and or fine of not less than one thousand pesos would be disqualified.

Fourth, this bill proposes to grant the benefits of probation to offenders sentenced for crimes against public order that are classified as less grave felonies. Thus, crimes committed in violation of Articles 146 (*Illegal Assemblies*), 147 (*Illegal Associations*), 148 (*Direct Assaults*), 149 (*Indirect Assaults*), 151 (*Resistance and Disobedience to a Person in Authority or the Agents of Such Person*), 155 (*Alarms and Scandals*), 156 (*Delivery of Prisoners from Jails*), 157 (*Evasion of Service of Sentence*) and 159 (*Other Basis of Service of Sentence*) of the Revised Penal Code would now be probationable offenses.

Fifth, the bill explicitly vests in Regional Directors the same miscellaneous powers enjoyed by Provincial and City Probation Officers, and considers all of them as persons in authority.

Sixth, the bill renames the Probation Aides under the existing law into Volunteer Probation Officers in order to attract and encourage more civic-minded and responsible members of the private sector to work hand in hand with the probation and parole personnel of the government.

In view of the foregoing premises, approval of the bill is earnestly sought.


GIORGIDI B. AGGABAO

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AN ACT
RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM BY
INCREASING INTER ALIA THE PROBATIONABLE PENALTY TO LESS THAN
EIGHT YEARS AMENDING FOR THE PURPOSE THE 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 is hereby 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 application by said defendant within the period of 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 still be entertained or granted [if] NOTWITHSTANDING that the defendant has perfected the appeal from the judgment or conviction IF THE PENALTY METED OUT BY THE APPELLATE COURT REMAINS PROBATIONABLE; *PROVIDED, FURTHER,* THAT IF A JUDGMENT OR

CONVICTION CARRYING OUT A NON-PROBATIONABLE PENALTY HAS BEEN APPEALED, AND THAT THE APPELLATE COURT HAS MODIFIED THE PENALTY INTO A PROBATIONABLE PENALTY, THEN THE DEFENDANT SHALL STILL BE ALLOWED TO APPLY FOR PROBATION BASED 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 the same Decree 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 more than [six (6)] 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] MORE THAN

SIX (6) MONTHS and one day [and/or] AND a fine of not [less than two hundred] MORE THAN ONE THOUSAND 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. A new section to be denominated as Section 16A is hereby inserted between Sections 16 and 17 of the same Decree to read as follows:

“SEC. 16A. *TOTAL EXTINCTION OF CRIMINAL LIABILITY.* – THE CRIMINAL LIABILITY OF AN OFFENDER IS TOTALLY EXTINGUISHED IF HE HAS BEEN SUCCESSFULLY TERMINATED FROM PROBATION SUPERVISION BY ORDER OF THE COURT AND WHO FOR TEN (10) CONSECUTIVE YEARS FROM THE DATE OF TERMINATION, DID NOT COMMIT ANY OTHER CRIME OR OFFENSE.”

SEC. 4. Section 24 of the same Decree 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. 5. Section 27 of the same Decree is hereby amended to read follows:

“SEC. 27. *Field Assistants, Subordinate Personnel.* – Provincial or City Probation Officers shall be assisted by such field assistants and subordinate personnel as may be necessary to enable them to carry out their duties effectively.

IN THE ACTUAL PERFORMANCE OF THEIR DUTIES AND RESPONSIBILITIES, THE PROBATION OFFICERS, THEIR FIELD ASSISTANTS AND SUBORDINATE PERSONNEL SHALL BE ENTITLED TO HAZARD ALLOWANCE OF NOT MORE THAN TWENTY PERCENT (20%) OF THEIR MONTHLY BASIC SALARY.”

SEC. 6. Section 28 of the same Decree 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.]
VOLUNTEER PROBATION OFFICERS. – TO ASSIST THE CHIEF PROBATION OFFICERS IN THE PROVINCIAL AND CITY PROBATION OFFICES IN THE SUPERVISED TREATMENT PROGRAM OF THE OFFENDER, 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).”

[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 SHALL NOT RECEIVE ANY REGULAR COMPENSATION FOR SERVICES RENDERED EXCEPT FOR REIMBURSEMENT OF THEIR ACTUAL COST OF TRANSPORTATION IN THE PERFORMANCE OF THEIR DUTIES AND RESPONSIBILITIES. THEY SHALL ALSO BE ENTITLED TO INSURANCE COVERAGE PROVIDED BY THE GOVERNMENT; A TWENTY PERCENT (20%) DISCOUNT ON ALL MEANS OF TRANSPORTATION, FOOD OUTLETS AND THEATERS AND CINEMAS. THEY SHALL HOLD OFFICE FOR A TWO-YEAR TERM WHICH MAY BE RENEWED OR RECALLED ANYTIME FOR A JUST CAUSE. THEIR FUNCTIONS, QUALIFICATIONS, CONTINUANCE IN OFFICE, AND MAXIMUM CASE LOADS SHALL BE FURTHER PRESCRIBED UNDER THE IMPLEMENTING RULES AND REGULATIONS TO BE PROMULGATED BY THE PROBATION ADMINISTRATOR.

THERE SHALL BE REASONABLE NUMBER OF VOLUNTEER PROBATION OFFICERS IN EVERY CITY AND PROVINCIAL 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, PROVINCIAL AND CITY LEVELS FOR EFFECTIVE UTILIZATION, COORDINATION AND SUSTAINABILITY OF THE VOLUNTEER PROGRAM.”

SEC. 7. *Repealing Clause.* – All laws, executive order or administrative orders, rules and regulations or parts thereof, which are inconsistent with this Act, are hereby amended, repealed or modified accordingly.

SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved.