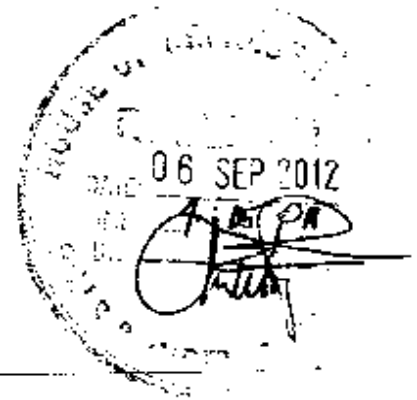


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session



COMMITTEE REPORT NO. 2387

Submitted by the Committee on Revision of Laws and the Committee on Appropriations on
06 SEP 2012

Re House Bill No. 6544

Recommending its approval in substitution of House Bill Nos. 593, 1505 and 2625

Sponsors : Representatives Marilyn L. Primitias-Agabas, Giorgidi B. Aggabao,
Joseph Emilio A. Abaya, Rufus B. Rodriguez, Maximo B. Rodriguez,
Jr., and Marcelino R. Teodoro

Mr. Speaker

The Committee on Revision of Laws and the Committee on Appropriations to which were referred House Bill No. 593 introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Pedro P. Romualdo and Rachel Marguerite B. Del Mar, entitled:

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

House Bill No. 1505, introduced by Rep. Marcelino R. Teodoro, entitled:

"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"

and House Bill No. 2625, introduced by Rep. Giorgidi B. Aggabao, entitled:

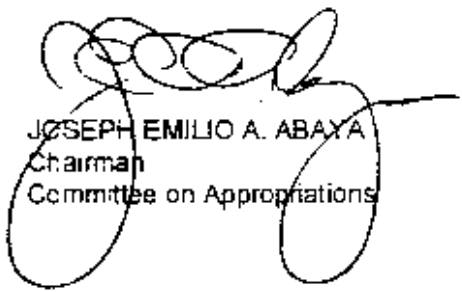
"AN ACT RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM BY INCREASING INTER ALIA THE PROBATIONABLE PENALTY TO LESS THAN EIGHT YEARS AMENDING FOR THE PURPOSE THE PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NO. 963 OTHERWISE KNOWN AS THE PROBATION LAW OF 1976" AS AMENDED"

have considered the same and recommend that the attached House Bill No.

6544 entitled

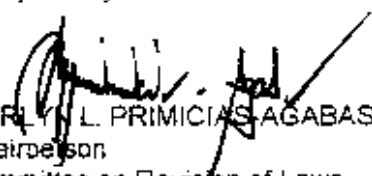
"AN ACT RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM BY INCREASING INTER ALIA THE PROBATIONABLE PENALTY TO LESS THAN EIGHT YEARS AMENDING FOR THE PURPOSE THE PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NO. 968, OTHERWISE KNOWN AS THE 'PROBATION LAW OF 1976', AS AMENDED".

be approved in substitution of House Bill Nos. 593, 1505 and 2625 with Representatives Giorgio B. Aggabao, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Marcelino R. Teodoro Emerenciana De Jesus, Juan Edgardo M. Angara, Cresente Paez, Francisco Emmanue R. Ortega III, Eduardo R. Gullas, Emil L. Ong, Marilyn L. Primicias-Agabao, Pedro P. Romualdo and Rachel Marguerite B. Del Mar as authors thereof.



JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations

Respectfully submitted.



MARILYN L. PRIMICIAS-AGABAS
Chairperson
Committee on Revision of Laws

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 5544
In Substitution of House Bill Nos. 593, 1505 and 2625

Introduced by Representatives Giorgidi B. Aggabao, Rufus B. Rodriguez, Maximo B. Rodriguez Jr., Marcelino R. Teodoro, Emerenciana de Jesus, Juan Edgardo M. Angara, Cresente Paez, Francisco Emmanuel R. Ortega III, Eduardo R. Gullas, Emil L. Ong, Marilyn L. Primicias-Agabas, Pedro P. Romualdo and Rachel Marguerite B. Del Mar

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 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 still be entertained or granted [if]
NOTWITHSTANDING THAT the defendant has perfected an appeal from
the judgment of conviction IF THE PENALTY METED OUT

1 BY WHICH THE APPELLATE COURT REMAINS PROBATIONABLE
2 PROVIDED, FURTHER, THAT IF A JUDGMENT OR CONVICTION
3 CARRYING OUT A NON-PROBATIONABLE PENALTY HAS BEEN
4 APPEALED, AND THAT THE APPELLATE COURT HAS MODIFIED THE
5 PENALTY INTO A PROBATIONABLE PENALTY THEN THE DEFENDANT
6 SHALL STILL BE ALLOWED TO APPLY FOR PROBATION ON THE
7 MODIFIED DECISION.

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

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

13 **SEC. 2.** Section 9 of the same Decree is hereby amended to read as follows

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

16 (a) sentenced to serve a maximum term of imprisonment of more than
17 [six (6)] EIGHT (8) years ;

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

24 (c) who have previously been convicted by final judgment of an offense
25 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 as follows

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

effectively

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, AND A TWENTY PERCENT (20%) DISCOUNT ON ALL MEANS OF TRANSPORTATION, FOOD OUTLETS AND THEATERS AND CINEMAS. THEY SHALL HOLD OFFICE FOR A

1 TWO-YEAR TERM WHICH MAY BE RENEWED OR RECALLED ANYTIME
2 FOR A JUST CAUSE THEIR FUNCTIONS, QUALIFICATIONS
3 CONTINUANCE IN OFFICE AND MAXIMUM CASE LOADS SHALL BE
4 FURTHER PRESCRIBED UNDER THE IMPLEMENTING RULES AND
5 REGULATIONS TO BE PROMULGATED BY THE PROBATION
6 ADMINISTRATOR.

7 THERE SHALL BE REASONABLE NUMBER OF VOLUNTEER
8 PROBATION OFFICERS IN EVERY CITY AND PROVINCIAL PROBATION
9 OFFICE IN ORDER TO STRENGTHEN THE FUNCTIONAL
10 RELATIONSHIP OF VOLUNTEER PROBATION OFFICERS AND THE
11 PROBATION ADMINISTRATION, THE LATTER SHALL ENCOURAGE AND
12 SUPPORT THE FORMER TO ORGANIZE THEMSELVES IN THE
13 NATIONAL, PROVINCIAL AND CITY LEVELS FOR EFFECTIVE
14 UTILIZATION, COORDINATION AND SUSTAINABILITY OF THE
15 VOLUNTEER PROGRAM."

16 **SEC 7. Separability Clause.** - If any provision of this Act is declared invalid, the
17 provisions thereof not affected by such declarations shall remain in force and effect.

18 **SEC. 8. Repeating Clause.** - All laws, executive order or administrative orders, rules
19 and regulations or parts thereof, which are inconsistent with this Act, are hereby amended;
20 repealed or modified accordingly.

21 **SEC. 9. Effectivity.** - This Act shall take effect fifteen (15) days after publication in
22 the Official Gazette or in two (2) national newspapers of general circulation.

23 Approved.

House of Representatives

Committee Affairs Department

FACT SHEET

House Bill Nos. 593, 1505 and 2625

AN ACT RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM, AMENDING FOR THE PURPOSE THE PROBATION LAW OF 1976

Introduced by: (REPRESENTATIVES GIORGIDI B. AGGABAO, RUFUS RODRIGUEZ, MAXIMO B. RODRIGUEZ, JR., MARCELINO "MARCY R. TEODORO, EMERENCIANA DE JESUS, JUAN EDGARDO M. ANGARA, CRESENTE PAEZ, FRANCISCO EMMANUEL R. ORTEGA III, EDUARDO R. GULLAS, MARLYN L. PRIMICIAS-AGABAS, PEDRO P. ROMUALDO AND RACHEL MARGUERITE B. DEL MAR)

*Committee Referral
Committee Chairman*

**REVISION OF LAWS
HON. MARLYN L. PRIMICIAS-AGABAS**

OBJECTIVES:

- To strengthen the Probation Law by establishing a correctional system that will rehabilitate and restore the dignity of prisoners
- To remedy the problem of overcrowding in jails.
- To lessen government expenditure

KEY PROVISIONS:

- Allows offender who had appealed their sentence to apply for probation;
- Allows those who appeal a non-probationable sentence that is reduced to a probationable penalty by the appellate court to apply for probation;
- Expands the probationable term from six (6) years to eight (8) years.
- Removes the exclusion from probation of all crimes falling under Public Order from probation, thus separating the less grave felonies and making violations of Arts. 147, 148, 149, 151, 153, 154, 155, and 156 of the Revised Penal Code probationable offenses.
- Mandates that the penalty for light felony is a fine of two (200) hundred pesos or less.
- Vests the Regional Director of the Bureau of Jail Management and Penology administrative and miscellaneous powers as those vested to the Provincial and city Probation Officers under their jurisdiction; and
- Enhances volunteer service in its thrust to strengthen volunteerism to complement the Parole and Probation regular workforce