

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 117

Introduced by Representative Giorgidi B. Aggabao

EXPLANATORY NOTE

The Probation Law of 1976 (Presidential Decree 968, 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 five (5) salient points 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. The bill provides that, in such a case, the offender could still avail of the benefits of probation, so long as the penalty meted out on appeal remains probationable. Upon the other hand, offenders who, having been sentenced to a non-probationable penalty files an appeal, 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 disqualify offenders convicted to serve a maximum of eight years, in lieu of six years and one day under the existing probation law. Otherwise put, the probationable period is proposed to be increased from less than 6 years and one day to less than eight years.

Third, 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, 147, 148, 149, 151, 155, 156, 157 and 159 of the Revised Penal Code would now be probationable offenses.

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

Fifth, the bill renames the Volunteer Probation Aide 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 in the rehabilitative effort 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,
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 an appeal from the judgment of conviction, IF THE PENALTY METED OUT BY THE APPELLATE COURT REMAINS A PROBATIONABLE PENALTY; PROVIDED, FURTHER, THAT IF A NON-PROBATIONABLE SENTENCE HAS BEEN APPEALED, BUT THAT THE APPELLATE COURT HAS MODIFIED THE SENTENCE INTO A PROBATIONABLE PENALTY,

THEN 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."

SECTION 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 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 one month and one day, and/or a fine of not less 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."

SECTION 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."

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

"SEC. 28. [Probation Aides. - To assist the Provincial and 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 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)."

[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 caseloads 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 A 20% DISCOUNT ON ALL

MEANS OF TRANSPORTATION, FOOD OUTLETS AND THEATERS/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, 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 REASONABLE NUMBER OF VOLUNTEER PROBATION OFFICER IN EVERY CITY AND PROVINCIAL PROBATION OFFICE. IN ORDER TO STRENGTHEN THE FUNCTIONAL RELATIONSHIP OF VOLUNTEER PROBATION OFFICER 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."

SECTION 5. 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.

SECTION 6. 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.