

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1066



Introduced by **Honorable Neptali M. Gonzales II**

EXPLANATORY NOTE

Our Probation Law under Presidential Decree No. 968 is based on the notion that punishment should be inflicted on offenders with the end in view of reforming them to make their re-integration into society easier, giving priority to the importance of rehabilitation. Instead of imprisonment, probation provides for conditional suspension of punishment, community service and other forms punishment which may entail guidance and aftercare towards the offender.

This bill seeks to strengthen the Probation Law by amending several of its salient provisions. If passed into law, one of the significant amendments allows offenders to avail of the benefits of probation even if they have perfected an appeal from the judgment of conviction provided the penalty meted out remains probationable. Presently under the law, an appeal automatically disqualifies the offender from availing of probation.

There is an urgent need for the enactment of this measure, hence passage of this bill is earnestly sought.

NEPTALI M. GONZALES II

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1066

Introduced by **Honorable Neptali M. Gonzales II**

AN ACT
RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM BY
INCREASING INTER ALIA THE PROBATIONABLE PENALTY TO LESS THAN
EIGHT (8) 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:

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

3 "SEC. 4. Grant of Probation. - Subject to the provisions of this
4 Decree, the trial court may, after it shall have convicted and sentenced
5 a defendant **FOR A PROBATIONABLE PENALTY**, and upon application
6 by said defendant within the period for perfecting an appeal, suspend
7 the execution of the sentence and place the defendant on probation for
8 such period and upon such terms and conditions as it may deem best;
9 *Provided, That [no] AN* application for probation shall be entertained or
10 granted [if] **NOTWITHSTANDING THAT** the defendant has perfected the
11 appeal from the judgment of conviction[.], **IF THE PENALTY METED**
12 **OUT BY WHICH THE APPELLATE COURT REMAINS**
13 **PROBATIONABLE: PROVIDED, FURTHER, THAT IF A JUDGMENT**

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

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

10 “An order granting or denying probation shall not be appealable.”

11 SEC. 2. Section 9 of the same Decree, as amended, is hereby further
12 amended to read as follows:

13 “SEC. 9. Disqualified Offenders. – The benefits of this Decree
14 shall not be extended to those:

15 “(a) sentenced to serve a maximum term of imprisonment of more
16 than [six] **EIGHT** years;

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

23 “(c) who have previously been convicted by final judgment of an
24 offense punished by imprisonment of not [less than one month] **MORE**

1 **THAN SIX MONTHS** and one day [and/or] **AND** a fine of not [less than
2 Two Hundred] **MORE THAN ONE THOUSAND [P]Pesos;**

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

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

8 SEC. 3. A new section to be denominated as Section 16-A is hereby inserted
9 between Sections 16 and 17 of the same Decree to read as follows:

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

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

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

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

2 "SEC. 27. Field Assistants, Subordinate Personnel. - Provincial or
3 City Probation Officers shall be assisted by such field assistants and
4 subordinate personnel as may be necessary to enable them to carry out
5 their duties effectively."

6 SEC. 6. Section 28 of the same Decree is hereby amended to read as follows:

7 "SEC. 28. [*Probation Aides* - To assist the Provincial or City
8 Probation Officers in the supervision of probationers, the Probation
9 Administrator may appoint citizens of good repute and probity to act as
10 probation aides.]

11 "[Probation Aides shall not receive any regular compensation for
12 services except for reasonable travel allowance. They shall hold office
13 for such period as may be determined by the Probation Administrator.
14 Their qualifications and maximum case loads shall be provided in the
15 rules promulgated pursuant to this Decree.]

16 **"VOLUNTEER PROBATION OFFICERS. - TO ASSIST THE CHIEF**
17 **PROBATION OFFICERS IN THE PROVINCIAL AND CITY PROBATION**
18 **OFFICES IN THE SUPERVISED TREATMENT PROGRAM OF THE**
19 **OFFENDER, THE PROBATION ADMINISTRATOR MAY APPOINT**
20 **CITIZENS OF GOOD REPUTE AND PROBITY WHO HAVE THE**
21 **WILLINGNESS, APTITUDE AND POTENTIAL TO ACT AS**
22 **VOLUNTEER PROBATION OFFICERS (VPOS).**

23 **"VOLUNTEER PROBATION OFFICERS SHALL NOT RECEIVE ANY**
24 **REGULAR COMPENSATION FOR SERVICES RENDERED EXCEPT**
25 **FOR REIMBURSEMENT OF THEIR ACTUAL COST OF**

1 TRANSPORTATION IN THE PERFORMANCE OF THEIR DUTIES AND
2 RESPONSIBILITIES. THEY SHALL ALSO BE ENTITLED TO
3 INSURANCE COVERAGE PROVIDED BY THE GOVERNMENT AND A
4 TWENTY PERCENT (20%) DISCOUNT ON ALL MEANS OF
5 TRANSPORTATION, FOOD OUTLETS AND THEATERS AND
6 CINEMAS. THEY SHALL HOLD OFFICE FOR A TWO-YEAR TERM
7 WHICH MAY BE RENEWED OR RECALLED ANYTIME FOR A JUST
8 CAUSE. THEIR FUNCTIONS, QUALIFICATIONS, CONTINUANCE IN
9 OFFICE AND MAXIMUM CASE LOADS SHALL BE FURTHER
10 PRESCRIBED UNDER THE IMPLEMENTING RULES AND
11 REGULATIONS TO BE PROMULGATED BY THE PROBATION
12 ADMINISTRATOR.

13 “THERE SHALL BE REASONABLE NUMBER OF VOLUNTEER
14 PROBATION OFFICERS IN EVERY PROVINCIAL AND CITY
15 PROBATION OFFICE. IN ORDER TO STRENGTHEN THE
16 FUNCTIONAL RELATIONSHIP OF VOLUNTEER PROBATION
17 OFFICERS AND THE PROBATION ADMINISTRATOR, THE LATTER
18 SHALL ENCOURAGE AND SUPPORT THE FORMER TO ORGANIZE
19 THEMSELVES IN THE NATIONAL, PROVINCIAL AND CITY LEVELS
20 FOR EFFECTIVE UTILIZATION, COORDINATION AND
21 SUSTAINABILITY OF THE VOLUNTEER PROGRAM.”

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

1 SEC. 8. *Repealing Clause.* – All laws, executive orders or administrative
2 orders, rules and regulations or parts thereof which are inconsistent with this Act
3 are hereby amended, repealed or modified accordingly.

4 SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in two (2) national newspapers of general
6 circulation.

Approved,