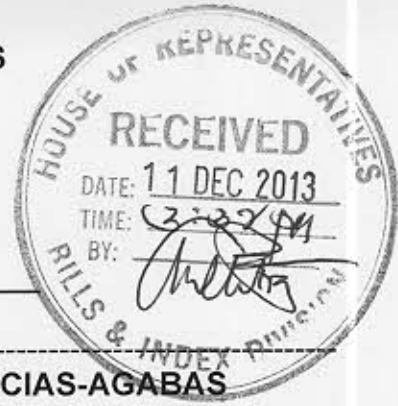


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SIXTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 3568



Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

**AN ACT**  
**RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM BY**  
**INCREASING INTER ALIA THE PROBATIONABLE PENALTY TO LESS THAN EIGHT**  
**YEARS**

**EXPLANATORY NOTE**

This proposal seeks to strengthen the law to establish a more enlightened and humane correctional system that promotes rehabilitative justice. It recognizes the fact that everyone, if given an equal chance, can redeem themselves and be productive members of society.

The bill which was **introduced in the last three congresses** amends Presidential Decree 968. In this proposal offenders who have perfected their appeal before the courts are still qualified to apply for probation. It shall allow anyone who appeals his case in any court on a non-probationable sentence which were eventually reduced by the appellate court to probationable penalty to apply for probation. It also expands the probationable term from six (6) years to eight (8) years.

Thus, the less graver 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.

The approval of this bill is earnestly sought.

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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:*

1 **SECTION 1.** Section 4 of Presidential Decree No. 968 is hereby amended to read as  
2 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 a  
5 defendant FOR A PROBATIONABLE PENALTY, and upon application by  
6 said defendant within the period for perfecting an appeal, suspend the  
7 execution of the sentence and place the defendant on probation for such  
8 period and upon such terms and conditions as it may deem best; Provided,  
9 that [no] AN application for probation shall still be entertained or granted [if]  
10 NOTWITHSTANDING THAT the defendant has perfected the appeal from  
11 the judgment of conviction IF THE PENALTY METED OUT BY WHICH THE  
12 APPELLATE COURT REMAINS PROBATIONABLE: *PROVIDED,*  
13 *FURTHER,* THAT IF A JUDGMENT OR CONVICTION CARRYING OUT A

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

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

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

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

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

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

1 (6) MONTHS and one day [and/or] AND a fine of not [less than two hundred]  
2 MORE THAN ONE THOUSAND 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 hereof."  
7

8 **SEC. 3.** A new section to be denominateed as Section 16A is hereby inserted between  
9 Sections 16 and 17 of the same Decree to read as follows:  
10

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

16  
17 **SEC. 4.** Section 24 of the same Decree is hereby amended to read as follows:  
18

19 "SEC. 24. *Miscellaneous Powers of REGIONAL, Provincial and City*  
20 *Probation Officers.* - REGIONAL, Provincial or City Probation Officers shall  
21 have the authority within their territorial jurisdiction to administer oaths and  
22 acknowledgments and to take depositions in connection with their duties  
23 and functions under this Decree. They shall also have, with respect to  
24 probationers under their care, the powers of a police officer. THEY SHALL  
25 BE CONSIDERED AS PERSONS IN AUTHORITY."  
26

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

1  
2 "SEC. 27. *Field Assistants, Subordinate Personnel.* - Provincial or City  
3 Probation Officers shall be assisted by such field assistants and subordinate  
4 personnel as maybe necessary to enable them to carry out their duties  
5 effectively.

6 IN THE ACTUAL PERFORMANCE OF THEIR DUTIES AND  
7 RESPONSIBILITIES, THE PROBATION OFFICERS, THEIR FIELD  
8 ASSISTANTS AND SUBORDINATE PERSONNEL SHALL BE ENTITLED  
9 TO HAZARD ALLOWANCE OF NOT MORE THAN TWENTY PERCENT  
10 (20%) OF THEIR MONTHLY BASIC SALARY."  
11

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

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

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 VOLUNTEER  
22 PROBATION OFFICERS (VPOS)."

23 [Probation Aides shall not receive any regular compensation for services  
24 except for reasonable travel allowance. They shall hold office for such  
25 period as may be determined by the Probation Administrator. Their

1 qualifications and maximum case loads shall be provided in the rules  
2 promulgated pursuant to this Decree.]

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

17 THERE SHALL BE REASONABLE NUMBER OF VOLUNTEER  
18 PROBATION OFFICERS IN EVERY CITY AND PROVINCIAL PROBATION  
19 OFFICE. IN ORDER TO STRENGTHEN THE FUNCTIONAL  
20 RELATIONSHIP OF VOLUNTEER PROBATION OFFICERS AND THE  
21 PROBATION ADMINISTRATION, THE LATTER SHALL ENCOURAGE AND  
22 SUPPORT THE FORMER TO ORGANIZE THEMSELVES IN THE  
23 NATIONAL, PROVINCIAL AND CITY LEVELS FOR EFFECTIVE  
24 UTILIZATION, COORDINATION AND SUSTAINABILITY OF THE  
25 VOLUNTEER PROGRAM."

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

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

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

8        Approved,