

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 5516



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

Probation was first introduced in the Philippines during the American colonial period (1898–1945) with the enactment of Act No. 4221 of the Philippine Legislature on August 7, 1935. This law created a Probation Office under the **Department of Justice**. On November 16, 1937, after barely two years of existence, the **Supreme Court of the Philippines** declared the Probation Law unconstitutional because of some defects in the law's procedural framework.

In 1972, House Bill No. 393 was filed in **Congress**, which would establish a probation system in the Philippines. This bill avoided the objectionable features of Act 4221 that struck down the 1935 law as unconstitutional. The bill was passed by the **House of Representatives**, but was pending in the **Senate** when Martial Law was declared and Congress was abolished.

In 1975, the National Police Commission Interdisciplinary drafted a Probation Law. After 18 technical hearings over a period of six months, the draft decree was presented to a selected group of 369 jurists, penologists, civic leaders and social and behavioral scientists and practitioners. The group overwhelmingly endorsed the establishment of an Adult Probation System in the country.

On July 24, 1976, Presidential Decree No. 968, also known as Adult Probation Law of 1976, was signed into Law by the President of the Philippines.

The Probation Administration was created by virtue of Presidential Decree No. 968, "The Probation Law of 1976", signed by then President Ferdinand E. Marcos to administer the probation system.

Under Executive Order No. 292, "**The Administrative Code of 1987**" which was promulgated on November 23, 1989, the Probation Administration was renamed "**Parole and Probation Administration**" and given the added function of

supervising prisoners who, after serving part of their sentence in jails are released on parole pardon with parole conditions

Effective August 17, 2005, by virtue of a Memorandum of Agreement with the Dangerous Drugs Board, the Administration performs another additional function of investigating and supervising first-time minor drug offenders who are placed on suspended pursuant to **Republic Act No. 9165**.

This House Bill seeks to provide **Modernization Funding** to the **Parole and Probation Administration (PPA)**, to ensure that the country fulfills its commitments to rehabilitate and reintegrate persons on community-based corrections for peace and social justice.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal stroke extending to the right.

MICHAEL L. ROMERO

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AN ACT

PROVIDING FOR MODERNIZATION FUNDINGFOR THE **PAROLE AND PROBATION ADMINISTRATION (PPA)**, INCREASING AND REORGANIZING ITS ADMINISTRATION, PROVIDING A LESS COSTLY ALTERNATIVE TO IMPRISONMENT OF OFFENDERS, TO AUGMENT RESPONSE TO INDIVIDUALIZED COMMUNITY BASED TREATMENT PROGRAMS AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. DECLARATION OF POLICY – It shall hereby be a declared policy of the State to conserve and/or redeem convicted offenders and prisoners who are under the probation or parole system:

- Promote the reformation of criminal offenders and reduce the incidence of recidivism, and
- Provide a cheaper alternative to the institutional confinement of first-time offenders who are likely to respond to individualized, community-based treatment programs.

The state shall formulate policies for the efficient and effective administration and management of all manpower, skills and competencies to ensure compliance.

SECTION 2. MODERNIZATION FUNDING. – The amount of Five Hundred Million Pesos (**Php 500,000,000.00**) for the operation and administration of the **Parole and Probation Administration (PPA)** shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**. Thereafter, appropriations for the **Parole and Probation Administration (PPA)** shall be included in the budget proposals under the Department of Justice (**DOJ**).

The Department of Budget and Management (**DBM**) shall rationalize the existing organizational structure and staffing pattern of the **Parole and Probation Administration (PPA)** in accordance with the provisions of this Act and relevant compensation and position classification laws, rules and regulations.

Thereafter, the amount needed for the continued implementation of the modernization program, shall be included in the annual General Appropriations Act (**GAA**).

SECTION 3. PAROLE AND PROBATION ADMINISTRATION (PPA) MODERNIZATION FUND – There is hereby created the (**PPA**) *Modernization Fund* to be used exclusively for the (**PPA**) *Modernization Program*.

The (**PPA**) *Modernization Fund* shall be administered by the Secretary of the **DOJ** in accordance with existing government budgeting, accounting and auditing rules and regulations.

SECTION 4. PROGRESS REPORT – The Secretary of **DOJ** shall prepare an annual report on the status of the implementation of the (**PPA**) *Modernization Programs* which shall be submitted, to the Office of the President

and to the Chairpersons of the Committee on Justice of the Senate and the House of Representatives.

SECTION 5. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of two **(2)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **Parole and Probation Administration (PPA)** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 6. POWERS AND FUNCTIONS. – The **Parole and Probation Administration (PPA)** shall continue to exercise and uphold the following powers and functions; but not limited to:

The **Parole and Probation Administration (PPA)** shall strive to be a world-class, dynamic policy-making body in promoting these mandates, the Agency through its network of regional and field parole and probation offices performs the following functions:

- to administer the parole and probation system
- to exercise supervision over parolees, pardonees and probationers
- to promote the correction and rehabilitation of criminal offenders.

SECTION 7. INCREASE OF PERSONNEL. – The **Parole and Probation Administration (PPA)** shall maintain the sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 8. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 10. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 12. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,