

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **4377**

EXPLANATORY NOTE

It is the policy of the State to promote the welfare and reintegration of Persons Deprived of Liberty (PDLs) by enhancing community-based treatment programs, and to improve the working conditions, competence, and well-being of Probation and Parole Officers.

The Parole and Probation Administration (PPA) is the principal government agency under the Department of Justice mandated to implement community-based correction and rehabilitation programs for probationers, parolees, and conditional pardonees.

Hence this bill which strengthens that PPA and improves the working conditions, competence, and well-being of probation and parole officers. The bill also provides for the resources necessary to sustain and enhance probation, parole and other community-based rehabilitation and reintegration programs.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

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AN ACT

MODERNIZING THE PAROLE AND PROBATION ADMINISTRATION (PPA), PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Short Title. - This Act shall be known as the Parole and Probation Administration (PPA) Modernization Act.

Section 2. Declaration of Policy. - It is the policy of the State to promote the welfare and reintegration of Persons Deprived of Liberty (PDLs) by enhancing community-based treatment programs, and to improve the working conditions, competence, and well-being of Probation and Parole Officers.

To this end, the State shall provide the resources needed for the enhancement, implementation, maintenance, and continual improvement of the parole, probation, and other community-based rehabilitation and reintegration programs of PDLs.

Section 3. Mandate. - The PPA shall be the principal government agency under the Department of Justice mandated to implement community-based correction and rehabilitation programs for probationers, parolees, and conditional pardonees to provide opportunities for their reformation and reintegration into mainstream society, to instill among them a greater sense of responsibility, and to prevent repeat commission of offenses.

It shall promote, subject to appropriate safeguards and standards, the utilization of non-custodial alternatives to incarceration, and foster greater community involvement in the treatment of offenders.

Section 4. Functions. - Section 23, Chapter 7, Title III, Book IV of Executive Order No. 292, otherwise known as the "Administrative Code of 1987", as amended, is hereby further amended to read as follows:

"Sec. 23. Parole and Probation Administration. - The Parole and Probation Administration hereinafter referred to as the Administration shall have the following functions:

- (1) Administer the parole and probation system;
- (2) Conduct investigations on the following:
 - a. applications for probation as referred by the courts;
 - b. applications for parole and executive clemency as referred by the Board of Pardons and Parole; and
 - c. applications for probation by first-time minor drug offenders.
- (3) Exercise general supervision over the following:
 - a. probationers;
 - b. parolees;
 - c. conditional pardonees;
 - d. first-time minor drug offenders placed on probation;

- e. Children-in-Conflict with the law (CICLs) placed on probation as an alternative to imprisonment; and
 - f. persons serving community service in lieu of imprisonment.
- (4) Monitor and evaluate the activities of persons released on recognizance;
 - (5) Design, develop, and implement correction and rehabilitation programs that address criminogenic risks of offenders under its supervision;
 - (6) Act as a representative of the Dangerous Drugs Board in voluntary confinement cases;
 - (7) Exercise control and supervision over Volunteer Probation Assistants;
 - (8) Such other function as may hereafter be provided by law."

Section 5. Structural Organization. - Section 24, Chapter 7, Title III, Book IV of Executive Order No. 292, otherwise known as the "Administrative Code of 1987", as amended, is hereby further amended to read as follows:

Section 24. Structural and Personnel Organization. –

(1) The Administration shall be headed by an Administrator who shall immediately be assisted by two Deputy Administrators: one (1) Deputy Administrator for Operations and one (1) Deputy Administrator for Administration. The Administrator and Deputy Administrators shall be appointed by the President upon the recommendation of the Secretary.

The Administrator shall have the rank, salaries, allowances, and retirement privileges of a Director VI. The Deputy Administrators shall have the rank, salaries, allowances, and retirement privileges of a Director V.

The appointees to the positions of Administrator and Deputy Administrators must be Filipino citizens, at least thirty-five years of age, holders of a doctoral/master's degree in public administration, or holders of a master's degree or its equivalent in either criminology, social work, corrections, penology, psychology, sociology, law, police science, police administration, or related fields as may be determined by the Administrator and should have at least five years of supervisory experience or be a member of the Philippine Bar with at least five years of supervisory experience.

(2) The Administration shall have the following services in the Central Office to be headed by a Director who shall have the rank, salaries, allowances, and retirement privileges of a Director II with qualification requirements based on general Civil Service Commission (CSC) qualification standards, namely:

a) Administrative Service –

Responsible for the provision of economical, efficient, and effective services relating to personnel policy and administration, conduct of personnel training and development programs, development and implementation of strategic communications and public information programs, procurement and supplies management, general services pertaining to mailing, transportation, security and utility services, and cashiering.

b) Financial and Management Service –

Responsible for the budgetary, financial, and management matters of the Agency, including, but not limited to development, implementation, and improvement of budgetary methods and procedures, preparation and submission of financial reports to management and oversight agencies, maintaining basic and subsidiary accounting records and books, and development of new and improved management systems and staffing standards and manpower requirements of the agency.

c) Planning Service –

Responsible for the provision of services relating to the formulation of strategic and annual operational plans and programs, consolidation and assessment of work and financial plans and accomplishment reports, and monitoring and evaluation including

compilation, analysis, and integration of statistical data on operations and program implementation to aid management in policy and decision making.

d) Legal Service –

Responsible for the provision of legal advice/opinion/counsel and other legal services to the agency, including the interpretation of laws and rules affecting the operations of the agency, preparation, review, and interpretation of contracts and instruments to which the agency is a party, assist in the promulgation of rules governing the agency.

e) Technical Service –

Functions as the arm of the agency to the Board of Pardons and Parole particularly in administering the conduct of pre parole/executive clemency investigations, and supervision of parolees and conditional pardonees. Primarily responsible for the evaluation and management of reports on applicants for Parole/Executive Clemency.

f) Rehabilitation Program Management Service –

Responsible for the formulation of policies and development of plans for the agency's community-based rehabilitation and reintegration program and lead the conduct of research, monitoring, and evaluation for effective and efficient implementation and continual improvement. Ensures strengthened community involvement in the rehabilitation of clients and generation and mobilization of resources.

g) Information Technology and Case Management Service –

Responsible for formulating and developing ICT plans and programs that support the agency's effective and efficient delivery of parole and probation services, and provide information management and technology solutions and technical assistance to the various units of the agency. Provides assistance to field offices in improving investigation and supervision caseload recording and casework services and manages case documents of the clients.

The Administrator and the Department of Budget and Management (DBM) shall jointly determine the staff complement of each service.

(3) The Administration shall continue to operate and maintain a regional office in each of the administrative regions including the National Capital Region and also a parole and probation office in every province and city of the country.

The Regional Offices shall maintain administrative units placed under the direct supervision of the Regional Director, namely:

a) Administrative, Finance and Planning Unit -

Responsible for personnel management and development, and general services including procurement, property management, and other utility management. It shall also undertake the financial management of the region including budgeting, disbursement and accounting as well as planning functions and services such as consolidation, assessment and submission of performance reports, and monitoring and evaluation of strategic and operational plans of the region.

b) Information Technology and Case Management Unit –

Responsible in maintaining the ICT infrastructure and provision of technical assistance to the various units of the region in coordination with the IT and Case Management Service of the Central Office. Provides assistance to the field offices of the region in facilitating investigation and supervision caseload recording and casework services and manages case documents of the clients.

c) Rehabilitation Program Management Unit –

Responsible for the monitoring and reporting of the community based rehabilitation and reintegration program implemented by the field offices within the region. Ensures strengthened community involvement in the rehabilitation of clients and generation and mobilization of resources within the regional jurisdiction.

The regional offices of the Administration shall each be headed by a Regional Director who shall immediately be assisted by an Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the President.

The appointees to the positions of Regional and Assistant Regional Directors must be Filipino citizens, at least thirty years of age, holders of a doctoral/master's degree in public administration, or holders of a master's degree or its equivalent in either criminology, social work, corrections, penology, psychology, sociology, public administration, law, police science, police administration, or related fields as may be determined by the Administrator and should have at least three years of supervisory experience, or be a member of the Philippine Bar with at least three years of supervisory experience.

A Regional Director shall have the rank, salaries, allowances, and retirement privileges equivalent to the Salary Grade of a Director IV. An Assistant Regional Director shall have the rank, salaries, allowances, and retirement privileges equivalent to the Salary Grade of a Director III.

(4) The Administration shall continue to operate and maintain its existing offices prior to the enactment of this Act and create additional Parole and Probation Offices in each province and city of the country which shall be headed by a Chief Probation and Parole Officer who shall be assisted by a minimum number of field assistants and subordinate personnel in accordance with the caseload:

- (1) Supervising Probation and Parole Officer
- (2) Senior Probation and Parole Officer
- (3) Probation and Parole Officer U
- (4) Probation and Parole Officer I
- (5) Administrative Assistant I; and
- (6) Administrative Aide VI

The Chief Probation and Parole Officer shall be appointed by the Secretary of Justice upon the recommendation of the Administrator. The Supervising Probation and Parole Officer, Senior Probation and Parole Officer, Probation and Parole Officer II, and Probation and Parole Officer I shall be appointed by the Administrator.

A Chief Probation and Parole Officer shall receive a salary equivalent to Salary Grade 25. A Supervising Probation and Parole Officer shall receive a salary grade equivalent to Salary Grade 23. A Senior Probation and Parole Officer shall receive a salary grade equivalent to Salary Grade 21. A Probation and Parole Officer II shall receive a salary grade equivalent to Salary Grade 18. A Probation and Parole Officer I shall receive a salary equivalent to Salary Grade 15.

The appointees to the positions of Chief Probation and Parole Officer must be holders of a bachelor's degree with major in social work, sociology, psychology, criminology, penology, corrections, police science, police administration, or related fields as may be determined by the Administration, and has at least four years of experience in work requiring any of the above-mentioned disciplines, or four years of progressively responsible experience in probation work or is a member of the Philippine Bar with at least four years of supervisory experience.

The appointees to the positions of Supervising Probation and Parole Officer must be holders of a bachelor's degree with major in social work, sociology, psychology, criminology, penology, corrections, police science, police administration, or related fields as may be determined by the Administration, and has at least three years of experience in work requiring any of the above-mentioned disciplines, or three years of progressively responsible experience in probation work or is a member of the Philippine Bar with at least three years of supervisory experience.

The appointees to the positions of Senior Probation and Parole Officer must be holders of a bachelor's degree with major in social work, sociology, psychology, criminology, penology, corrections, police science, police administration, or related fields as may be determined by the Administration, and has at least two years of experience in work requiring any of the above-mentioned disciplines, or two years of progressively responsible experience in probation work or is a member of the Philippine Bar with at least two years of supervisory experience.

The appointees to the positions of Probation and Parole Officer II must be holders of a bachelor's degree with major in social work, sociology, psychology, criminology, penology, corrections, police science, police administration, or related fields as may be determined by the Administration, and has at least one year of experience in work requiring any of the above-mentioned disciplines, or one year of progressively responsible experience in probation work or is a member of the Philippine Bar with at least one year of supervisory experience.

The appointees to the positions of Probation and Parole Officer I must be holders of a bachelor's degree with a major in social work, sociology, psychology, criminology, penology, corrections, police science, police administration, or related fields as may be determined by the Administration.

Section 6. Duties and Responsibilities of the Administrator. - Section 19 of Presidential Decree No. 968, otherwise known as the "Probation Law of 1976", as amended, is hereby further amended to read as follows:

"Sec. 19. Parole and Probation Administrator. - The Parole and Probation Administrator, hereinafter referred to as the Administrator, shall have the following powers and duties:

1. Act as the executive officer of the Administration;
2. Exercise supervision and control over all regional directors, assistant regional directors, and probation and parole officers;
3. Make annual reports to the Secretary of Justice, in such form as the latter may prescribe, concerning the operation, administration, and improvement of the parole, probation, and other community-based corrections system within the mandate of the Administration;
4. Promulgate, subject to the approval of the Secretary of Justice, the necessary rules relative to the methods and procedures of the probation process, supervision methods and procedures of parolees and pardonees, and monitoring and/or supervision process of other clients.
5. Appoint personnel to all positions in the Administration in accordance with law, except those positions whose power to appoint is vested by law to a higher official following this Act.
6. Generally perform such duties and exercise such powers as may be necessary or incidental to achieve the objectives of this Decree.

Section 7. Deputy Administrator. - Section 20 of Presidential Decree No. 968, otherwise known as the "Probation Law of 1976", as amended, is hereby further amended to read as follows:

"Section 20. Deputy Administrator. There shall be two (2) Deputy Administrators who shall assist the Administrator in the performance of his/her functions

1. Deputy Administrator for Administration who shall be in charge of the development and implementation of administrative plans, programs, and policies of the Administration, including the management of day-to-day operations such as planning, financial, organizational management, human resource management and development, and general administrative services.

2. Deputy Administrator for Operations who shall be responsible for the formulation of operational policies, development and implementation of programs related to the Administration's core functions and services, including the provision of guidance to the Regional Directors and Chief of Field Offices."

Section 8. Provision of Additional Personnel. - The PPA shall maintain a sufficient staffing pattern that will ensure productive capacity of the agency in the performance of its mandates in an efficient and timely manner. Hence, it is authorized to create additional plantilla positions, as the need arises, to meet its manpower requirements, subject to the approval of the DBM.

To maintain an adequate ratio of Probation and Parole Officer (PRO) position to an organized sala (court), there shall be a corresponding number of PPO positions at the ratio of one PPO to an organized sala and the corresponding administrative and support staff thereto.

Upon approval of this Act, the DBM shall rationalize the existing organizational structure and staffing pattern of the Parole and Probation Administration to ensure that resources needed for the enhancement, implementation, maintenance, and continual improvement of the systems and procedures of the Parole and Probation Administration will be achieved for the benefit of the latter's clientele.

Section 9. Incumbent Officials and Personnel. - The Incumbent Officials and Personnel of the PPA shall continue to hold their positions without the need for new appointments.

Section 10. In-duty Hazardous Pay. - PROs, including qualified field personnel, who are directly engaged in investigating, supervising, or implementing rehabilitation programs for clients, shall be entitled to hazardous duty pay equivalent to twenty percent (20%) of their regular salary, applicable only during periods of actual exposure to risk, as may be defined by the Civil Service Commission and DBM.

Section 11. Exemption from Payment of Incidental Fees - Clients of the PPA shall be exempt from the payment of incidental fees, such as those required for the issuance of documents, clearances, or certifications by courts and other government agencies, insofar as such issuances are directly related to the fulfillment of the conditions of their probation, parole, or conditional pardon.

Section 12. Franking Privilege - The PPA may transmit, free of charge, through ordinary mail and/or registered mail with return card, all official communications and documents directly related to the performance of its duties, functions, and exercise of administrative supervision over its personnel.

The envelope or wrapper of such privileged mail shall bear, on the upper left corner, the inscription "Parole and Probation Administration" together with its official address; and on the upper right corner, the phrase:

"Private or unauthorized use to avoid payment of postage is penalized by fine or imprisonment or both."

Section 13. Local Government Support. - Subject to existing laws, issuances, rules, and regulations, the PPA shall be authorized to receive from local government units financial assistance and other forms of support such as honoraria, office space, furniture, equipment, office supplies, and additional personnel complement.

Section 14. Applicability of P.O. No. 968, as amended. - The provisions of P.D. No. 968 otherwise known as the Probation Law of 1976 shall continue to govern the operation and management of the PPA not inconsistent with this Act.

Section 15. Annual Report. - Not later than the 30th day of June of every year, the Administrator shall submit to the Office of the President and Congress an annual report on the implementation of this Act.

Section 16. Implementing Rules and Regulations. - Within ninety (90) days from the effectivity of this Act, the Administrator shall, in coordination with the Secretary of Justice, the Secretary of Budget and Management, and the Chairperson of the Civil Service Commission, promulgate the rules and regulations for the effective implementation of this Act.

Section 17. Appropriations and Modernization Funding. - The amount of One Billion Pesos (P1,000,000,000.00) is hereby allocated for the initial implementation of this Act, including the modernization, and strengthening of the PPA. This amount shall be chargeable against funds appropriated for the purpose under the current or next General Appropriations Act (GAA) and other sources as may be recommended by the DBM. Thereafter, such sums as may be necessary for the continued operation, administration, and implementation of this Act and the modernization program shall be included in the annual GAA under the budget of the Department of Justice.

Section 18. Separability Clause. - If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

Section 19. Repealing Clause. - All laws, executive orders, rules, and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

Section 20. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or a newspaper of general circulation.

Approved,