

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11133



Introduced by **Representative FERDINAND L. HERNANDEZ**

AN ACT
AMENDING THE PROBATION LAW INCREASING THE AMOUNT OF FINE
FROM ONE THOUSAND PESOS (P1,000.00) TO FORTY THOUSAND PESOS
(P40,000.00) IN VIEW OF THE PASSAGE OF REPUBLIC ACT NO. 10951

EXPLANATORY NOTE

The Probation Law was enacted to afford convicted persons the opportunity for rehabilitation outside the confines of penal institutions, taking into consideration the nature and gravity of the offense committed. It is founded on the recognition that qualified offenders may be better reformed to become productive members of society if given the chance for reintegration rather than immediate incarceration. While the law principally seeks to promote the welfare and protection of society through the reformation of offenders, it likewise extends humanitarian consideration to deserving individuals by giving them the opportunity to avoid the harmful effects and social stigma of imprisonment.

To preserve the integrity of the probation system and harmonize probation with the recognized ends of criminal justice, limitations are set on those who may avail themselves of alternative judicial relief by identifying disqualified offenders and offenses. However, with the enactment of Republic Act No. 10951, entitled "An Act Adjusting the Amount or the Value of Property and Damage on Which a Penalty is Based, and the Fines Imposed Under the Revised Penal Code," the fines imposed for several offenses were substantially increased. As a consequence, certain offenses that were previously probationable effectively became excluded from the coverage of the Probation Law, thereby narrowing its application and depriving some accused persons of a remedy previously available to them under existing law.

It bears stressing that the law favors interpretations and enactments that are beneficial to the accused. Rights and benefits already granted by law, and to which an accused has become entitled, should not be withdrawn absent a clear and compelling justification. Our legal system provides safeguards to uphold this principle. Section 22, Article III of the 1987 Constitution prohibits the passage of *ex post facto* laws, including laws that deprive an accused person of lawful protections or benefits already available at the time of the commission of the offense.

Accordingly, this bill seeks to address the unintended consequences brought about by the enactment of Republic Act No. 10951 by restoring and clarifying the availability of probation in appropriate cases. In doing so, it upholds the rehabilitative and restorative objectives of the Probation Law, remains faithful to the constitutional policy of according favorable treatment to the accused where warranted, and reinforces the State's commitment to justice tempered with compassion and social reintegration.

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



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

SECTION 1. *Amendment of Section 9 (c).* – Section 9 (c) of Presidential Decree No. 968, otherwise known as “Probation Law of 1976,” as amended, is hereby further amended to read as follows:

“SEC. 9. *Disqualified Offenders.* — The benefits of this Decree shall not be extended to those:

XXX.

- c. who have previously been convicted by final judgment of an offense punished by imprisonment of more than six (6) months and one (1) day and/or a fine of more than forty thousand pesos (P40,000);

XXX.”

SECTION 2. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, parts of provisions of this Act which are not affected shall continue to be in full force and effect.

SECTION 3. *Repealing Clause.* – All laws, decrees, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,