

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



Senate
Office of the Secretary

'13 JUL -8 P1:16

SENATE

S. B. No. **595**

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Introduced by Senator **FRANCIS G. ESCUDERO**

EXPLANATORY NOTE

This bill was originally filed in the Thirteenth Congress and was consolidated in a substitute bill by the Committee on Justice and Human Rights in the Fifteenth Congress.

It seeks to amend the Probation Law by adding an excepting clause in Par. I, Sec. 4 of Presidential Decree 968, as amended. The proposed amendment will give an accused the right to apply for probation despite his appeal from the judgment of conviction, if his appeal is for the sole purpose of reducing the penalty within probationable limits and the appellate court modifies the judgment by imposing a probationable penalty.

The passage of this bill is earnestly sought.

FRANCIS G. ESCUDERO



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AN ACT
AMENDING SECTION 4 OF PRESIDENTIAL DECREE NO. 968,
OTHERWISE KNOWN AS THE PROBATION LAW OF 1976, AS AMENDED,
ON THE GRANT OF PROBATION

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

1 SECTION 1. Section 4, Paragraph 1, of Presidential Decree No. 968,
2 otherwise known as the Probation Law, as amended, is hereby further amended
3 to read as follows:

4 "Sec. 4. *Grant of Probation.* Subject to the provisions of this Decree, the
5 court may, after it shall have convicted and sentenced a defendant and upon
6 application at any time of said defendant, suspend the execution of said sentence
7 and place the defendant on probation for such period and upon such terms and
8 conditions as it may deem best; Provided, That no application for probation shall
9 be entertained or granted if the defendant has perfected the appeal from the
10 judgment or conviction; **EXCEPT, HOWEVER, WHEN THE APPEAL IS FOR**
11 **THE SOLE PURPOSE OF REDUCING THE PENALTY WITHIN THE**
12 **PROBATIONABLE LIMIT AND THE APPELLATE COURT MODIFIES THE**
13 **APPEALED JUDGMENT BY IMPOSING A PROBATIONABLE PENALTY, IN**
14 **WHICH CASE THE RECORDS OF THE CASE SHALL BE TRANSMITTED**
15 **TO THE LOWER COURT WHERE THE APPLICATION FOR PROBATION**
16 **MAY BE FILED.**

17
18 Probation may be granted whether the sentence imposes a term of
19 imprisonment or a fine only. An application for probation shall be filed with the
20 trial court, with notice to the appellate court if an appeal has been taken from the

1 sentence of conviction. The filing of the application shall be deemed a waiver of
2 the right to appeal, or the automatic withdrawal of a pending appeal.

3
4 An order granting or denying probation shall not be appealable.”

5
6 SEC. 2. *Separability Clause.* - If any provision of this Act is held invalid or
7 unconstitutional, the remainder of the Act or the provision not otherwise affected
8 shall remain valid and subsisting.

9
10 SEC. 3. *Repealing Clause.* - Any law, presidential decree or issuance,
11 executive order, letter of instruction, administrative rule or regulation contrary to
12 or inconsistent with the provisions of this Act is hereby repealed, modified or
13 amended accordingly.

14
15 SEC. 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
16 its publication in the Official Gazette or in at least two (2) newspapers of general
17 circulation.

Approved,