



HOUSE OF REPRESENTATIVES

H. No. 4147

BY REPRESENTATIVES AGGABAO, ROMUALDO, GONZALES, RODRIGUEZ (R.),
RODRIGUEZ (M.), ESCUDERO, PRIMICIAS-AGABAS, CHIPECO,
GERONA-ROBREDO, GUTIERREZ, LAGDAMEO (M.), BELLO (S.),
CRUZ-GONZALES, OAMINAL, ALPING, SARMIENTO (C.), CUEVA
AND ACOSTA-ALBA, PER COMMITTEE REPORT NO. 155

AN ACT RATIONALIZING AND STRENGTHENING THE
PROBATION SYSTEM, 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, as amended, is
2 hereby further amended to read as follows:

3 "SEC. 4. *Grant of Probation.* – Subject to the provisions
4 of this Decree, the trial court may, after it shall have convicted
5 and sentenced a defendant, and upon application by said
6 defendant within the period for perfecting an appeal, suspend the
7 execution of the sentence and place the defendant on probation for
8 such period and upon such terms and conditions as it may deem
9 best[;]: *Provided,* That no application for probation shall be
10 entertained or granted if the defendant has perfected an
11 appeal from the judgment of conviction[.], EXCEPT, HOWEVER,

1 **WHEN THE JUDGMENT OF CONVICTION CARRYING OUT A**
2 **NON-PROBATIONABLE PENALTY HAS BEEN APPEALED AND THAT**
3 **THE APPELLATE COURT HAS MODIFIED THE PENALTY INTO A**
4 **PROBATIONABLE PENALTY, THEN THE DEFENDANT SHALL**
5 **STILL BE ALLOWED TO APPLY FOR PROBATION ON THE**
6 **MODIFIED DECISION.**

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

11 “An order granting or denying probation shall not be
12 appealable.”

13 SEC. 2. Section 9 of the same Decree, as amended, is hereby further
14 amended to read as follows:

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

17 (a) sentenced to serve a maximum term of imprisonment of
18 more than [six] EIGHT years;

19 (b) convicted of [subversion or] any crime against the
20 national security or the public order[;] **EXCEPT UNDER ARTICLES**
21 **146 SPECIFICALLY WITH REFERENCE TO ANY PERSON MERELY**
22 **PRESENT AT SUCH ASSEMBLY, 147, 148, 149, 151, 153, 154, 155,**
23 **AND 156 OF TITLE III, CHAPTER THREE TO CHAPTER FIVE,**
24 **BOOK II OF THE REVISED PENAL CODE;**

25 (c) who have previously been convicted by final judgment
26 of an offense punished by imprisonment of not [less than one
27 month] **MORE THAN SIX MONTHS** and one day [and/or] **AND a fine**

1 of not MORE THAN [less than two hundred] ONE THOUSAND
2 pesos;

3 (d) who have been once on probation under the provisions
4 of this Decree; and

5 (e) who are already serving sentence at the time the
6 substantive provisions of this Decree became applicable pursuant
7 to Section 33 hereof.”

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

11 “SEC. 16-A. *TOTAL EXTINCTION OF CRIMINAL LIABILITY.*

12 – THE CRIMINAL LIABILITY OF AN OFFENDER IS TOTALLY
13 EXTINGUISHED IF HE HAS BEEN SUCCESSFULLY TERMINATED
14 FROM PROBATION SUPERVISION BY ORDER OF THE COURT AND
15 WHO, FOR TEN CONSECUTIVE YEARS FROM THE DATE OF
16 TERMINATION, DID NOT COMMIT ANY OTHER CRIME OR
17 OFFENSE.”

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

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

1 SEC. 5. Section 28 of the same Decree is hereby amended to read
2 as follows:

3 “SEC. 28. [*Probation Aides.* – To assist the Provincial or
4 City Probation Officers in the supervision of probationers, the
5 Probation Administrator may appoint citizens of good repute and
6 probity to act as probation aides.] ***VOLUNTEER PROBATION***
7 ***OFFICERS. – TO ASSIST THE CHIEF PROBATION OFFICERS IN***
8 ***THE REGIONAL, PROVINCIAL AND CITY PROBATION OFFICES IN***
9 ***THE SUPERVISED TREATMENT PROGRAM OF THE OFFENDER,***
10 ***THE PROBATION ADMINISTRATOR MAY APPOINT CITIZENS OF***
11 ***GOOD REPUTE AND PROBITY WHO HAVE THE WILLINGNESS,***
12 ***APTITUDE AND POTENTIAL TO ACT AS VOLUNTEER PROBATION***
13 ***OFFICERS (VPOS).***

14 “[Probation Aides shall not receive any regular
15 compensation for services except for reasonable travel allowance.
16 They shall hold office for such period as may be determined by
17 the Probation Administrator. Their qualifications and maximum
18 case loads shall be provided in the rules promulgated pursuant to
19 this Decree.] ***VPOS SHALL NOT RECEIVE ANY REGULAR***
20 ***COMPENSATION FOR SERVICES RENDERED EXCEPT FOR***
21 ***REIMBURSEMENT OF THEIR ACTUAL COST OF***
22 ***TRANSPORTATION IN THE PERFORMANCE OF THEIR DUTIES***
23 ***AND RESPONSIBILITIES. THEY SHALL ALSO BE ENTITLED***
24 ***TO INSURANCE COVERAGE PROVIDED BY THE GOVERNMENT;***
25 ***AND A TWENTY PERCENT DISCOUNT ON ALL MEANS OF***
26 ***TRANSPORTATION, FOOD OUTLETS AND THEATERS/CINEMAS.***
27 ***THEY SHALL HOLD OFFICE FOR A TWO-YEAR TERM WHICH***
28 ***MAY BE RENEWED OR RECALLED ANYTIME FOR A JUST CAUSE.***

1 **THEIR FUNCTIONS, QUALIFICATIONS, CONTINUANCE IN OFFICE**
2 **AND MAXIMUM CASE LOADS SHALL BE FURTHER PRESCRIBED**
3 **UNDER THE IMPLEMENTING RULES AND REGULATIONS TO BE**
4 **PROMULGATED BY THE PROBATION ADMINISTRATOR.**

5 **“THERE SHALL BE A REASONABLE NUMBER OF VPOs IN**
6 **EVERY REGIONAL, PROVINCIAL AND CITY PROBATION OFFICE.**
7 **IN ORDER TO STRENGTHEN THE FUNCTIONAL RELATIONSHIP OF**
8 **VPO AND THE PROBATION ADMINISTRATOR, THE LATTER**
9 **SHALL ENCOURAGE AND SUPPORT THE FORMER TO ORGANIZE**
10 **THEMSELVES IN THE NATIONAL, REGIONAL, PROVINCIAL AND**
11 **CITY LEVELS FOR EFFECTIVE UTILIZATION, COORDINATION**
12 **AND SUSTAINABILITY OF THE VOLUNTEER PROGRAM.”**

13 **SEC. 6. *Separability Clause.*** – If any provision of this Act is declared
14 invalid, the provisions hereof not affected by such declaration shall remain in
15 full force and effect.

16 **SEC. 7. *Repealing Clause.*** – All laws, executive orders or
17 administrative orders, rules and regulations or parts thereof which are
18 inconsistent with this Act are hereby amended, repealed or modified
19 accordingly.

20 **SEC. 8. *Effectivity.*** – This Act shall take effect fifteen (15) days after
21 its publication in the *Official Gazette* or in a newspaper of general circulation.

 Approved,

○