

SENATE  
S. B. No. **1274**

'04 JUL -1 P1:01

FILED BY: *[Signature]*

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Board of Pardons and Parole releases prisoners on parole and recommends the grant of presidential pardons. The Parole and Probation Administration supervises the rehabilitation of parolees and pardonees as well as probationers. Based on the experience of the Department of Justice, the two offices perform complementary or related functions.

This bill seeks to merge the two offices by amending Book 4, title 3 of Executive Order 292 otherwise known as (the Administrative Code of 1987).

This is consistent with the policy to streamline the existing bureaucracy in the Department of Justice, and to promote operational efficiency and economy.

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*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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AN ACT  
TO AMEND CERTAIN SECTIONS OF TITLE THREE, BOOK FOUR,  
OF EXECUTIVE ORDER NUMBERED TWO HUNDRED AND NINETY-TWO,  
OTHERWISE KNOWN AS THE "ADMINISTRATIVE CODE OF 1987"

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

SECTION 1. Section 4, Chapter 1, Title Three, Book-Four, of Executive Order Numbered Two Hundred and Ninety-Two, otherwise known as "The Administrative Code of 1987" is hereby amended to read as follows:

"SEC. 4. Organizational Structure. - The Department shall consist of the following constituent units:

- (1) Department Proper;
- (2) Office of the Government Corporate Counsel;
- (3) National Bureau of Investigation;
- (4) Public Attorney's Office;
- [ (5) Board of Pardons and Parole;]
- (5) [ (6) ] Parole and Probation Administration;
- (6) [ (7) ] Bureau of Corrections;
- (7) [ (8) ] Land Registration Authority;
- (8) [ (9) ] Bureau of Immigration; and
- (9) [ (10) ] Commission on the Settlement of Land Problems."

"THE BOARD OF PARDONS AND PAROLE CREATED UNDER ACT NO. 4103, AS AMENDED, SHALL BE PLACED UNDER THE PAROLE AND PROBATION ADMINISTRATION."

SEC. 2. Section 18, Chapter 6, Title III, of the same Book of the said Code is hereby amended to read as follows:

“SEC. 18. Board Composition. - The Board shall be composed of the Secretary OF JUSTICE as THE Chairman, THE ADMINISTRATOR OF THE PAROLE AND PROBATION ADMINISTRATION AS THE VICE-CHAIRMAN and six (6) members consisting of: THE DIRECTOR OF THE BUREAU OF CORRECTIONS; a sociologists; A PSYCHOLOGIST; a clergyman; an educator; and a member of the Philippine Bar: Provided, That AT LEAST one of them is a woman. PROVIDED FURTHER, THAT, AT THE ABSENCE OF THE CHAIRMAN, THE VICE-CHAIRMAN SHALL PRESIDE. The members of the board shall be appointed by the President upon the recommendation of the Secretary and shall hold office for a term of six (6) years, without prejudice to reappointment.”

“In case of vacancy by reason of death, incapacity, resignation or removal of any of the Board members, the Secretary shall have the authority to designate a temporary member possessing the qualifications of his predecessor and to serve out his unexpired term or until the President shall have appointed a regular member to fill the vacancy.”

SEC. 3. Section 19, Chapter 6, Title III, of the same Book of the said Code is hereby amended to read as follows:

“SEC. 19. [ Executive Director and ] Board Secretary; Support Staff. [ In the performance of his duties as Chairman of ] The Board [ of Pardons and Parole, the Secretary ] shall be assisted by a NEWLY ASSEMBLED SUPPORT STAFF WHO SHALL PERFORM THE SAME DUTIES AND FUNCTIONS AS THE ONES ABOLISHED IT WILL BE HEADED BY AN OFFICIAL WITH THE RANK OF DIRECTOR I WHO SHALL BE DESIGNATED AS THE BOARD SECRETARY AND”

The Executive Director ] who shall the appointed by the President upon the recommendation of the Secretary. [ The Executive Director still receive a monthly salary of Thirteen thousand five hundred pesos (P13,500.00) ]. The Board Secretary shall prepare and keep the minutes of all the Board Sessions in a book of records kept for

the purpose, as well as the resolutions and recommendations of the Board on all actions involving paroles, pardons and executive clemency to the President; authenticate and/or attest all minutes, resolutions and recommendations of the Board; prepare and serve all notices of Board meetings or sessions to the members of the Board prepare an annual report of all resolutions and recommendations for parole or executive clemency and other reports that the Department may require. He shall also perform such other functions as the Board may from time to time assign to him."

SEC. 4. Section 24, Chapter 27, Title III, of the some Book of the said Code, is hereby amended to read as follows:

"SEC. 24. Structural and Personnel Organization. - [ (1) ] The Administration shall be headed by an Administrator who shall be immediately assisted by TWO [an] Deputy Administrators, ONE FOR PROBATION AND THE OTHER FOR PARDONS AND PAROLE. The Administrator and Deputy Administrator shall be appointed by the President upon the recommendation of the Secretary: PROVIDED, THAT THE BOARD SECRETARY UPON THE EFFECTIVITY OF THIS ACT SHALL BE DESIGNATED BY THE SECRETARY AS DEPUTY ADMINISTRATOR FOR PARDONS AND PAROLE.

The appointees to the position of Administrator and Deputy administrators must be holders of a doctoral/masteral degree in public administrator and/or lawyers at least one (1) year of supervisory experience in probation or parole work.

THE PRESENT STAFF COMPLEMENT OF THE BOARD AND ITS CORRESPONDING FUNCTIONS, APPROPRIATIONS, RECORDS, EQUIPMENT, OTHER ASSETS AND LIABILITIES SHALL BE TRANSFERRED TO THE ADMINISTRATION; PROVIDED, THAT SUCH NUMBER OF THE SAID STAFF COMPLEMENT AS MAY BE JOINTLY DETERMINED BY THE ADMINISTRATOR AND THE BOARD CHAIRMAN SHALL SERVE PROVIDED FURTHER, THAT, ALL PERSONNEL OF BOTH THE BOARD OF PARDONS AND PAROLE AND THE PAROLE AND PROBATION ADMINISTRATION DEEMED TO BE REDUNDANT, WILL HAVE THEIR POSITIONS ABOLISHED WITHOUT PREJUDICE TO PERTINENT CIVIL SERVICE RULES AND REGULATIONS.

[ (2) The Administration shall have a Technical Service under the Office of the Administrator which shall serve as the service arm of the Board of Pardons and Parole in the supervision of parolees and pardonees. ]

[ (3) ] The Administration shall likewise continue to operate and maintain a Regional Office in each of the Administrative or autonomous regions including the National Capital Region Office in every province and city of the country.

The Regional, Provincial and City Offices of the Administration shall each be headed by a Regional Probation and Parole Officer, Provincial/City Probation and Parole Officer, respectively, all of whom shall be appointed by the Secretary upon the recommendation of the Administrator. the Provincial or City Probation and Parole Officers shall be assisted by such field assistants and subordinate personnel as may be necessary to enable them to carry out their duties and functions. For this purpose, the Administrator may appoint citizens of good repute and probity to act as Probation and Parole Aides who shall not receive any regular compensation for their services except reasonable travel allowance.”

SEC. 5. Any provisions of law inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 6. This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette*.

Approved.