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SENATE

S. NO. 3055

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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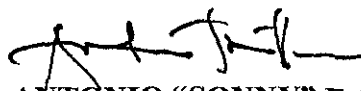
**EXPLANATORY NOTE**

Probation and Parole Workers play a very important role in our society as they are responsible in assisting probationers, parolees, and pardonees, to adjust their lives in a free community. They try to prevent these ex-law offenders from committing future criminal acts as well as lend a hand in ensuring, that once freed, they will lead a more productive and useful life.

Moreover, their work exposes them to a lot of danger as they may have to deal with dangerous criminal offenders. They also may be assigned to areas which may expose them to a lot of risks. This bill seeks to improve and promote the social and economic status of our probation and parole workers as well as their living and working conditions, terms of employment, professional growth, and career advancement.

Further, the proposed measure seeks to provide probation and parole workers additional compensation and incentives such as hazard pay, housing and living quarters allowance, longevity pay, and compensation for injuries.

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




ANTONIO "SONNY" F. TRILLANES IV  
Senator

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

9 FEB 11 19:30

SENATE  
S. NO. 3055

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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AN ACT  
PROVIDING FOR A MAGNA CARTA FOR PROBATION AND PAROLE  
WORKERS

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

1        **SECTION 1. Title.** - This Act shall be known as the **Magna Carta for**  
2 **Probation and Parole Workers.**

3  
4        **SEC. 2. Declaration of Policy.** – The State shall promote and improve the social  
5 and economic well being of Probation and Parole Workers, their living and working  
6 conditions, and terms of employment. It shall develop their skills and capabilities to make  
7 them more responsive to the needs and problems of their clients namely, the probationers,  
8 parolees and pardonees, and better equip them in delivering correction/ rehabilitation  
9 services and programs and remain in probation and parole work.

10  
11        **SEC. 3. Definition of Terms.** - As used in this Act, unless the context provides  
12 otherwise, the following terms shall be construed to mean as follows:

- 13        a.) "Probation and Parole Work" – refers to the profession that promotes the  
14                correction and rehabilitation of a convicted offender placed under probation,  
15                parole and conditional pardon by providing him individualized treatment  
16                programs through the use of innovative techniques;
- 17        b.) "Probation" – a disposition under which a defendant, after conviction and  
18                sentence, is released subject to conditions imposed by the Trial Court and to  
19                the supervision of a Probation Officer;

- 1 c.) "Parole" – shall refer to the conditional release of an offender from a penal or  
2 correctional institution after he has served the minimum period of his prison  
3 sentence under the continued custody of the State and under conditions that  
4 permit his re-incarceration if he violates a condition of his release;
- 5 d.) "Conditional Pardon" – shall refer to the exemption of an individual within  
6 certain limits of conditions from the punishment which the law inflicts for  
7 the offense he has committed resulting in the partial extinction of his  
8 criminal liability;
- 9 e.) "Petitioner" – a convicted defendant who files an application for probation;
- 10 f.) "Probationer" – person who is placed under probation;
- 11 g.) "Parolee" – shall refer to a prisoner who is released on parole;
- 12 h.) "Pardonee" – shall refer to a prisoner who is released on conditional pardon  
13 with parole conditions;
- 14 i.) "Probation and Parole Worker" – a public officer like the Administrator,  
15 Deputy Administrator, Regional Director, Assistant Regional Director,  
16 Chief Probation and Parole Officer (CPPO), Supervising Probation and  
17 Parole Officer (SPPO), Senior Probation and Parole Officer (SrPPO),  
18 Probation and Parole Officer II (PPO II), Probation and Parole Officer I  
19 (PPO I), and other personnel, who investigates for the Trial Court a referral  
20 for probation or supervises a probationer, parolee or pardonee or does both  
21 functions and performs other necessary and related duties and functions as  
22 directed;
- 23 j.) "Trial Court" – refers to the Regional Trial Court (RTC) of the Province or  
24 City/ Municipality Court which has jurisdiction over the case;
- 25 k.) "Parole and Probation Administration" – refers either to the Central Office,  
26 Regional Office, Provincial or City Parole and Probation Office directed to  
27 conduct investigation or supervision referrals as the case may be;
- 28 l.) "Probation Order" – order of the Trial Court granting probation;
- 29 m.) "Board" – refers to the Board of Pardons and Parole;
- 30 n.) "PPA" – refers to the Parole and Probation Administration.

31  
32 **SEC. 4. Coverage.** – This Act shall cover all Probation and Parole Workers  
33 employed in the Parole and Probation Administration.

1           **SEC. 5. *Recruitment and Selection.*** – Recruitment policy with respect to the  
2 selection and appointment of Probation and Parole Workers shall be clearly defined by  
3 the Parole and Probation Administration.

4  
5           **SEC. 6. *Tenure of Office.*** – Stability of employment and security of tenure shall  
6 be assured the worker as provided under existing laws.

7  
8           **SEC. 7. *Transfer or Transportation Expenses.*** – A Probation and Parole Worker  
9 shall not be transferred or reassigned, except when made in the interest of the service, in  
10 which case, the officer concerned shall be informed of the reasons therefore in writing. If  
11 the officer believes that there is no justification for the transfer or reassignment, he/ she  
12 may appeal his/ her case to the Civil Service Commission, which shall cause his/ her  
13 transfer or reassignment to be held in abeyance. Provided, however, that no transfer or  
14 reassignment shall be made three (3) months before any local or national elections.

15  
16           Necessary transfer or reassignment expenses of the probation and parole worker  
17 shall be paid by the Government if his/ her transfer is finally approved.

18  
19           **SEC. 8. *Merit Promotion and Career System.*** – The PPA shall prepare a uniform  
20 career and personnel development plan applicable to all probation and parole workers.  
21 Such career and personnel development plan shall include provisions on merit promotion,  
22 performance evaluation, in-service training grants, suggestions and incentive award  
23 system.

24  
25           **SEC. 9. *Code of Conduct.*** – In the absence of the duly approved Code of Ethics  
26 of Probation and Parole Workers, RA 6713 shall be the basis in determining the Ethical  
27 Standards of Probation and Parole Workers.

28  
29           **SEC. 10. *Safeguards in Disciplinary Procedures.*** – Every probation and parole  
30 worker shall enjoy equitable safeguards at each stage of any disciplinary procedure and  
31 shall have:

- 32           a.) the right to be informed in writing of the charges;  
33           b.) the right to full access to the evidences of the case;

- 1 c.) the right to defend himself and to be defended by a representative of his  
2 choice and/ or by his organization, adequate time being given to the officer for  
3 the preparation of his defense;  
4 d.) the right to appeal to clearly designated authorities;  
5 e.) the right to reimbursement of reasonable expenses incurred in his/ her defense  
6 in case of dismissal or exoneration of the charges against him or her; and  
7 f.) such other rights that will ensure fairness and impartiality during proceedings.  
8

9 No publicity shall be given to any disciplinary action being taken against a  
10 probation and parole worker during pendency of his case.  
11

12 **SEC. 11. *Normal Hours of Work.*** – The normal hours of work of any probation  
13 and parole worker shall not exceed eight (8) hours a day or forty (40) hours a week.  
14

15 **SEC. 12. *Overtime Work.*** - Where the exigencies of the service so require, any  
16 probation and parole worker may be required to render service beyond the normal eight  
17 (8) hours a day, inclusive of Saturday, Sunday or non-working holidays. In such case, the  
18 probation and parole worker shall be paid an additional compensation in accordance with  
19 existing laws.  
20

21 **SEC. 13. *Compensation.*** – The existing law on the salary scale of government  
22 employees shall apply in determining the salaries of probation and parole workers. In  
23 case of violation of these provisions, the probation and parole worker concerned shall file  
24 the necessary complaint to the CSC.  
25

26 **SEC. 14. *Leave Benefits.*** – Probation and Parole Workers shall be entitled to all  
27 leave benefits and privileges, such as but not limited to maternity, paternity, vacation and  
28 sick leaves, and special privilege leave as provided for under existing laws: Provided, that  
29 upon separation of the probation and parole workers from service, they shall be entitled  
30 to all accumulated leave credits with pay.  
31

32 **SEC. 15. *Highest Basic Salary Upon Retirement.*** - Upon retirement, a probation  
33 and parole worker shall automatically be granted an increase of one salary grade higher  
34 than his/ her basic salary and his/ her retirement benefits shall be computed on the basis  
35 of his/ her highest salary received.

1           **SEC. 16. *Other Benefits.*** - Aside from the benefits received as required under  
2 existing laws and executive orders, the probation and parole workers shall receive the  
3 following:

- 4           a.) Hazard Pay – Probation and Parole Workers who are directly conducting  
5 investigation and supervision work which exposes them to danger,  
6 occupational risks or threats of life shall be compensated with hazard pay of at  
7 least One Thousand Pesos (P1,000.00) per month.
- 8           b.) Housing and Living Quarters Allowance – All probation and parole workers  
9 who are transferred to another assignment due to the exigency of the service  
10 shall be entitled to free housing. Provided, if living quarters are not available  
11 within the agency and the personnel has his/ her residence outside of fifty (50)  
12 kilometers radius from such government facility, he/ she shall be entitled to at  
13 least Two Thousand Pesos (P 2,000.00) a month of housing allowance.
- 14           c.) Longevity Pay – A monthly longevity pay equivalent to five per centum (5%)  
15 of his/ her latest monthly basic pay shall be paid to a probation and parole  
16 worker for every five (5) years of continuous, efficient and meritorious service  
17 rendered as certified by the chief of office concerned, commencing with the  
18 service after approval of this Act.
- 19           d.) Clothing Allowance – All probation and parole workers shall be entitled to a  
20 minimum of Four Thousand Pesos (P4,000.00) clothing allowance annually,  
21 which amount shall be adjusted as needed.
- 22           e.) Medical Allowance – All probation and parole workers shall receive a  
23 minimum of Five Hundred Pesos (P500.00) medical allowance monthly,  
24 which amount shall be adjusted as needed.

25  
26           **SEC. 17. *Compensation from Injuries.*** – Probation and Parole Workers shall be  
27 protected against work-related injuries in accordance with the Labor Code and Civil  
28 Service Law, as the case may be. Injuries incurred while doing overtime work shall be  
29 presumed work connected.

30  
31           **SEC. 18. *Rights of the Probation and Parole Workers.*** – Probation and Parole  
32 Workers shall have the following rights:

- 33           a.) Protection from discrimination by reason of sex, sexual orientation, age,  
34 political or religious beliefs, civil status, physical characteristics, disability or  
35 ethnicity;

- 1           b.) Protection from any form of interference, intimidation, harassment, or
- 2           punishment in the performance of his/ her duties and responsibilities, to
- 3           include, but not limited to, arbitrary reassignment or termination from service;
- 4           c.) Join, organize, or assist organizations or unions for lawful purposes;
- 5           d.) Protection from any act that will prevent him/ her from applying professional
- 6           intervention for the client's development; and
- 7           e.) Opportunities for continuing professional growth and development.

8

9           **SEC. 19. *Human Resource Development.*** – The PPA shall conduct a periodic

10 human resource development and management study in the following areas:

- 11           a.) Adequate facilities and resources to render quality rehabilitation service to the
- 12           clientele;
- 13           b.) Opportunities for probation and parole workers to grow professionally and to
- 14           develop their potentials and experience a sense of worth and dignity in their
- 15           work;
- 16           c.) Mechanisms for democratic consultations;
- 17           d.) Staffing patterns and standards of probation and parole work to ensure that the
- 18           clients receive quality service.
- 19           e.) Upgrading of working conditions, reclassification of positions and salaries of
- 20           probation and parole workers to correct the disparity vis-à-vis other
- 21           professions; and
- 22           f.) Allocations of funds for the participation of probation and parole workers in
- 23           seminars, conferences, conventions and similar activities as part of their
- 24           continuing professional growth.

25

26           **SEC. 20. *Implementing Rules and Regulations.*** – The PPA in consultation with

27 the Secretary of Justice as well as the Chairperson of the Senate Committee on Social

28 Justice, Welfare and Rural Development and Chairperson of the House Committee on

29 Social Services shall formulate the necessary rules and regulations, not inconsistent with

30 any provision of this Law for the implementation of the Magna Carta for Probation and

31 Parole Workers. The rules and regulations shall be promulgated within six (6) months

32 from the effectivity of this Act.

33

34           **SEC. 21. *Penal Provisions.*** – Any person who shall willfully interfere with,

35 restrain or coerce any Probation and Parole Worker in the discharge of his/ her duties or

1 shall in any manner commit any act in violation of any of the provisions of this Act, upon  
2 conviction, shall be punished of a fine not less than Twenty Thousand Pesos (P20,000.00)  
3 but not more than Forty Thousand Pesos (P40,000.00) or imprisonment of not more than  
4 one year, or both at the discretion of the Court. If the offender is a public official, the  
5 Court in addition to the above mentioned penalties, may impose the additional penalty of  
6 disqualification to hold public office.

7  
8 **SEC. 22. *Separability Clause.*** - If any provision of this Act is declared  
9 unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be  
10 in full force and effect.

11  
12 **SEC. 23. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or  
13 other issuance or parts thereof inconsistent with the provision of this Act are hereby  
14 repealed, amended or modified accordingly.

15  
16 **SEC. 24. *Effectivity.*** - This Act shall take effect fifteen (15) days after its  
17 publication in at least two (2) newspapers of general circulation.

Approved,