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SENATE

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S. No. 1008

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The Parole and Probation Administration plays a very important role in our society as it is the agency mandated and given the responsibility in assisting probationers, parolees, pardonees, first-time minor drug offenders and juvenile in conflict with the law placed on probation, to adjust their lives in a free community. The agency tries 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 more productive and useful lives.

Moreover, because of their work as investigators, supervisors and officers of the court, agency employees and officials are exposed to a lot of danger as they may have to deal with law offenders. They also may be assigned to areas which may expose them to a lot of risks and various forms of hazards.

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 provide for their 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 the view of the foregoing, immediate approval of this measure is earnestly sought.

ANTONIO "SONNY" F. TRILLANES IV
Senator



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SENATE

S. No. 1008

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
PROVIDING FOR A MAGNA CARTA FOR PROBATION AND PAROLE WORKERS,
APPROPRIATING FUNDS THEREFOR AND OTHER PURPOSES

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 Probation and*
2 *Parole Workers.*"

3
4 **SEC. 2. Declaration of Policy.** – The state shall promote and improve the social, moral
5 and economic well being of Probation and Parole Workers, their living and working conditions,
6 and terms of employment. It shall develop their skills and capabilities to make them more
7 responsive to the needs and problems of their clients namely, the probationers, parolees,
8 pardonees, first-time minor drug offenders and juveniles in conflict with the law who are placed
9 on probation and better equip them in delivering community corrections and/or rehabilitation
10 services and programs, professionalize their positions and to encourage them remain in probation
11 and parole work and help professionalize this field of service.

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

15 a.) "**Probation and Parole Work**" – refers to the profession that promotes the correction and
16 rehabilitation of a convicted offender placed under probation, parole and/or conditional
17 pardon as provided by law by providing him individualized community treatment
18 programs through the use of innovative intervention techniques;

- 1 b.) **"Probation"** – a disposition under which a defendant, after conviction and sentence, is
2 released subject to the conditions imposed by the court and to the supervision of a
3 Probation Officer;
- 4 c.) **"Parole"** – shall refer to the conditional release of an offender from a penal or
5 correctional institution after he has served the minimum period of his prison sentence
6 under the continued custody of the State and under conditions that permit his re-
7 incarceration if he violates a condition of his release;
- 8 d.) **"Executive Clemency"** – refers to Reprieve, Commutation of Sentence, Conditional
9 Pardon or Absolute Pardon which exclusively rests within the sound discretion of the
10 President of the Philippines;
- 11 e.) **"Petitioner"** – a convicted defendant who files an application for probation;
- 12 f.) **"Probationer"** – person who is placed under probation;
- 13 g.) **"Parolee"** – shall refer to a prisoner who is released on parole;
- 14 h.) **"Pardonee"** – shall refer to a prisoner who is released on conditional pardon with parole
15 conditions;
- 16 i.) **"First-time Minor Drug Offender"** – youthful drug offender on probation under RA
17 9165;
- 18 j.) **"Juvenile In Conflict with the Law"** – a youthful offender charged and convicted of an
19 offense and placed on probation under RA 9344;
- 20 k.) **"Probation and Parole Worker"** – refers to all Personnel employed at the Parole and
21 Probation Administration-Department of Justice;
- 22 l.) **"Trial Court"** – refers to Court which originally tried the case;
- 23 m.) **"Parole and Probation Offices"** – refers either to the Central Office, Regional Office,
24 Provincial or City Parole and Probation Office of the Parole and Probation
25 Administration-Department of Justice;
- 26 n.) **"PPA-DOJ"** – refers to the Parole and Probation Administration-Department of Justice.

27
28 **SEC. 4. Coverage** – This Act shall cover all Probation and Parole Workers of the Parole
29 and Probation Administration-Department of Justice.

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

4
5 **SEC. 6. *Security of Tenure.*** – Stability of employment and security of tenure shall be
6 assured the Probation and Parole Worker as provided under existing law.

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

16 Necessary transfer or reassignment expenses of the Probation and Parole Worker shall be
17 paid by the Government if his/her transfer is finally approved.

18
19 **SEC. 8. *Merit and Promotion and Career System.*** – The PPA-DOJ shall maintain its
20 existing 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-training grants, suggestions and incentive award system.

23
24 **SEC. 9. *Code of Conduct.***- The duly approved Code of Ethics of Probation and Parole
25 Workers and RA 6713 shall be the bases in determining the Ethical Standards of Probation and
26 Parole Workers.

27
28 **SEC. 10. *Safeguards in Disciplinary Actions.*** – Every Probation and Parole Worker
29 shall enjoy equitable safeguards at each stage of any disciplinary procedure and shall have:

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

11
12 **SEC. 11. *Normal Hours of Work.*** – The normal hours of work of any Probation and
13 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 Probation
16 and Parole Worker may be required to render service beyond the normal eight (8) hours a day,
17 inclusive of Saturday, Sunday or non-working holidays. In such case, the Probation and Parole
18 Worker shall be entitled to Compensatory Time-Off (CTO).

19
20 **SEC. 13. *Compensation.***- The existing law on the salary scale of government employees
21 shall apply in determining the salaries of the Probation and Parole Workers. In case of violation
22 of these provisions, the Probation and Parole Worker concerned may file the necessary complaint
23 to the Civil Service Commission (CSC).

24
25 **SEC. 14. *Leave Benefits.***- Probation and Parole Workers shall be entitled to all
26 accumulated commutable leave benefits and privileges, such as but not limited to maternity,
27 paternity, vacation and sick leaves, and special privilege leave as provided for under existing
28 laws; Provided, that upon separation of the Probation and Parole Worker from service, they shall
29 be entitled to all accumulated leave credits with pay.

1 **SEC. 15. Highest Basic Salary Upon Retirement.**- Upon retirement, a Probation and
2 Parole Worker shall automatically be granted an increase of one salary grade higher from his/her
3 position with the corresponding increase in basic salary, and his/her retirement benefits shall be
4 computed on the basis of his/her highest salary after such promotion.
5

6 **SEC. 16. Other benefits.** – Aside from the benefits received as required under existing
7 laws and executive orders, the Probation and Parole Workers shall receive the following:

- 8 a.) **Hazard pay** – Probation and Parole Workers who are directly assisting or performing
9 functions which expose them to danger, occupational risks or threats of life shall be
10 compensated with hazard pay of at least two Thousand Five Hundred Pesos (P2,500.00)
11 per month.
- 12 b.) **Living Quarters or Living Quarters Allowance** – The PPA-DOJ shall provide Living
13 Quarters to each employee who are assigned more than fifty (50) kilometres away from
14 their residence. If Living Quarter is not available, the Probation and Parole Worker shall
15 be entitled to at least Three Thousand Pesos (P3,000.00) a month of Living Quarters
16 Allowance.
- 17 c.) **Longevity Pay** – A monthly longevity pay equivalent to five per centum (5%) of his/her
18 latest monthly basic pay shall be paid to a Probation and Parole Worker for every five (5)
19 years continuous, efficient and meritorious service rendered as certified by the chief of
20 office concerned with the service after approval of this Act.
- 21 d.) **Clothing Allowance** - All Probation and Parole Workers shall be entitled to a minimum
22 of Five Thousand Pesos (P5,000.00) clothing allowance annually, which amount shall be
23 adjusted as needed.
- 24 e.) **Medical Allowance** – All Probation and Parole Workers shall receive a minimum of Five
25 Hundred Pesos (P500.00) medical allowance monthly, which amount shall be adjusted as
26 needed.
27

28 **SEC. 17. Compensation from Injuries.** – Probation and Parole Workers shall be
29 protected against work-related injuries and be compensated equivalent to their daily wage while

1 in the period of rehabilitation in accordance with the Labor Code and Civil Service law, as the
2 case may be.
3

4 **SEC. 18. *Rights of the Probation and Parole Workers.***- Probation and Parole Workers
5 shall have the following rights:

- 6 a.) Protection from discrimination by reason of sex, sexual orientation, age, political or
7 religious beliefs, civil status, physical characteristics, disability or ethnicity;
- 8 b.) Protection from any form of interference, intimidation, harassment, or punishment in the
9 performance of his/her duties and responsibilities;
- 10 c.) Join, organize or assist organizations or unions for lawful purposes;
- 11 d.) Protection from any act that will prevent him/her from applying professional
12 interventions for the client's development; and
- 13 e.) Opportunities for continuing professional growth and development.
14

15 **SEC. 19. *Human Resource Development.*** - The PPA-DOJ shall conduct a periodic
16 human resource development and management study in the following areas:

- 17 a.) Adequate facilities and resources to render quality rehabilitation service to the clientele;
- 18 b.) Opportunities for Probation and Parole Workers to grow professionally and to develop
19 their potentials and experience a sense of self-worth and dignity in their work;
- 20 c.) Mechanisms for democratic consultations;
- 21 d.) Staffing patterns and standards of Probation and Parole Work to ensure that the clients
22 receive quality service;
- 23 e.) Upgrading of working conditions, reclassifications of positions and salaries of Probation
24 and Parole Workers to correct the disparity vis-à-vis other professions; and
- 25 f.) Allocations of funds for the participants of Probation and Parole Workers in seminars,
26 conferences, conventions and similar activities as part of their continuing professional
27 growth.

1 **SEC. 20. Appropriations.** – The amount of Seventy Million Pesos (P70,000,000.00)
2 needed to carry out the provisions of this Act is hereby authorized to be appropriated in the
3 General Appropriation Act of the years following its enactment into law, in addition to the
4 amount appropriated for the Parole and Probation Administration.
5

6 **SEC. 21. Implementing rules and Regulations.** – The PPA-DOJ shall formulate the
7 necessary rules and regulations, not inconsistent with any provision of this Law, for the
8 implementation of the Magna Carta for Probation and Parole Workers for the approval of the
9 Secretary of Justice. The rules and regulations shall be promulgated within six (6) months from
10 the effectivity of this Act.
11

12 **SEC. 22. Penal Provisions.** – Any person who shall wilfully interfere with, restrain or
13 coerce any Probation and Parole Worker in the discharge of his/her duties or shall in any manner
14 commit any act in violation of any of the provisions of this Act, upon conviction, shall be
15 punished of a fine not less than Twenty Thousand (P20,000.00) but not more than Forty
16 Thousand Pesos (P40,000.00) or imprisonment of not more than One (1) year, or both, at the
17 discretion of the Court. If the offender is a public official, the Court in addition to the above
18 mentioned penalties, may impose the additional penalty of disqualifications to hold public office.
19

20 **SEC. 23. Separability Clause.** – If any provision of this Act is declared unconstitutional
21 or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.
22

23 **SEC. 24. Repealing Clause.** – All laws, decrees, orders, rules and regulations or other
24 issuance or parts thereof inconsistent with the provision of this Act are hereby repealed amended
25 or modified accordingly.
26

27 **SEC. 25. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in
28 official gazette or in any newspaper of general circulation.
29

Approved,