

SENATE

S. No. 2280

Prepared by the Committee on Justice and Human Rights with
Senators Escudero, Santiago, Ejercito, and Pimentel as Authors
thereof

AN ACT AMENDING PRESIDENTIAL DECREE NO. 968, OTHERWISE
KNOWN AS THE "PROBATION LAW OF 1976", AS AMENDED

*Be it enacted by the Senate and the 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:

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"SEC. 4. Grant of Probation. - Subject to the provisions of this
Decree, the trial court may, after it shall have convicted and
sentenced a defendant **FOR A PROBATIONABLE PENALTY**
and upon application by said defendant within the period for
perfecting an appeal, suspend the execution of the sentence and
place the defendant on probation for such period and upon such
terms and conditions as it may deem best; *Provided*, That no
application for probation shall be entertained or granted if the
defendant has perfected the appeal from the judgment or
conviction[.]; **PROVIDED, HOWEVER, THAT WHEN A
JUDGMENT OF CONVICTION IMPOSING A NON-
PROBATIONABLE PENALTY IS APPEALED AND THE
APPELLATE COURT MODIFIES THE JUDGMENT AND
IMPOSES A PROBATIONABLE PENALTY, THE
DEFENDANT SHALL BE ALLOWED TO APPLY FOR
PROBATION ON THE MODIFIED DECISION IN THE
TRIAL COURT THAT RENDERED THE JUDGMENT OF
CONVICTION WITHIN FIFTEEN (15) DAYS FROM
NOTICE OF THE MODIFIED DECISION. THE**

1 **DEFENDANT, HOWEVER, SHALL LOSE THE BENEFIT**
2 **OF PROBATION SHOULD HE FURTHER APPEAL FROM**
3 **THE MODIFIED DECISION.**

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

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

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12 **SECTION 2.** Section 9 of the same Decree, as amended, is hereby further
13 amended to read as follows:

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

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

19 (b) convicted of [subversion or] any crime against the national
20 security or the public order;

21 (c) who have previously been convicted by final judgment of an
22 offense punished by imprisonment of [not less than one month]
23 **MORE THAN SIX (6) MONTHS** [and one day] and/or a fine
24 of [not less than Two Hundred] **MORE THAN ONE**
25 **THOUSAND** pesos;

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

28 (e) who are already serving sentence at the time the substantive
29 provisions of this Decree became applicable pursuant to Section
30 33 hereof.”

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32 **SECTION 3.** Section 24 of the same Decree is hereby amended to
33 read as follows:

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35 “SEC. 24. Miscellaneous Powers of **REGIONAL**, Provincial and
36 City Probation Officers. – **REGIONAL**, Provincial or City
37 Probation Officers shall have the authority within their territorial

1 jurisdiction to administer oaths and acknowledgments and to take
2 depositions in connection with their duties and functions under this
3 Decree. They shall also have, with respect to probationers under
4 their care, the powers of a police officer. **THEY SHALL BE**
5 **CONSIDERED AS PERSONS IN AUTHORITY.**

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7 **SECTION 4.** Section 27 of the same Decree is hereby amended to read as
8 follows:

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10 “SEC. 27. Field Assistants, Subordinate Personnel. - **REGIONAL,**
11 **Provincial or City Probation Officers** shall be assisted by such field
12 assistants and subordinate personnel as may be necessary to enable
13 them to carry out their duties effectively.”

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15 **SECTION 5.** Section 28 of the same Decree is hereby amended to read as
16 follows:

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18 “SEC. 28. [Probation Aides. - To assist the Provincial or City
19 Probation Officers in the supervision of probationers, the Probation
20 Administrator may appoint citizens of good repute and probity to
21 act as probation aides.] **VOLUNTEER PROBATION**
22 **OFFICERS. - TO ASSIST THE REGIONAL, PROVINCIAL,**
23 **OR CITY PROBATION OFFICERS IN THE SUPERVISED**
24 **TREATMENT PROGRAM OF THE PROBATIONERS, THE**
25 **PROBATION ADMINISTRATOR MAY APPOINT CITIZENS**
26 **OF GOOD REPUTE AND PROBITY, WHO HAVE THE**
27 **WILLINGNESS, APTITUDE, AND CAPABILITY TO ACT AS**
28 **VOLUNTEER PROBATION OFFICERS.**

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30 [Probation Aides] **VOLUNTEER PROBATION OFFICERS**
31 shall not receive any regular compensation [for services] except for
32 reasonable [travel] **TRANSPORTATION AND MEAL**
33 **ALLOWANCES, AS MAY BE DETERMINED BY THE**
34 **PROBATION ADMINISTRATION, FOR SERVICES**
35 **RENDERED AS VOLUNTEER PROBATION OFFICERS.**
36 They shall hold office for such period as may be determined by the
37 Probation Administrator. Their **FUNCTIONS,** qualifications, and

1 maximum case loads shall be provided in the rules **AND**
2 **REGULATIONS** promulgated pursuant to this Decree.”

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4 **SECTION 6. *Repealing Clause.*** – All laws, executive orders, or
5 administrative orders, rules and regulations or parts thereof, which are
6 inconsistent with this Act are hereby annulled, repealed or modified accordingly.

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8 **SECTION 7. *Appropriations Clause.*** – The amount necessary to carry
9 out the provisions of this Act shall be included in the General Appropriations Act
10 of the year following its enactment into law.

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12 **SECTION 8. *Separability Clause.*** – Should any provision of this Act be
13 declared invalid, the remaining provisions shall continue to be valid and
14 subsisting.

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16 **SECTION 9. *Effectivity.*** – This Act shall take effect fifteen (15) days after
17 its publication in the *Official Gazette* or in two (2) newspapers of general
18 circulation.

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20 *Approved,*