

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

6 JUN -7 1953

SENATE

S. No. 2391

RECEIVED BY: 

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

Although the Probation System had already proven its worth in the field of corrections, still the law needs further modifications. This Bill seeks to amend six (6) salient provisions of Presidential Decree No. 968 to expand its scope in order to address the problems being faced by the jail system.

First, this Bill proposes to remove the disqualification from applying for probation those who have been sentenced to a probationable penalty and have already perfected their appeal. This will also definitely and clearly provide that those who appeal a non-probationable penalty and is reduced to a probationable one can still apply for probation.

Second, the probationable term of six (6) years under PD 968 is likewise proposed to be amended to six (6) years and one (1) day in order to widen the scope of the law.

Third, this bill is proposed to remove the sweeping disqualification in excluding all crimes falling under Public Order from probation, thereby, proposing violation of Articles 146 with reference to those who are merely present, 147, 148, 149, 151, 153, 154, 155 and 156 of the Revised Penal Code as probationable crimes.


Fourth, this proposed amendment will settle the confusion relative to the interpretation of Sec. 9, Par. C of PD 968, more specifically as to the disqualification relative to those who have previously been convicted by final judgment of an offense punished to pay a "fine of not less than two hundred pesos". This amendment will resolve the issue whether or not Art. 9 or Art. 26 of the Revised Penal Code is controlling as to the interpretation of the amount of fine of P200.00 as a light felony. Strict judges adopt Art. 26 of the Revised Penal Code which states that it is light felony if the fine is less than P200.00, while literally-minded judges cite Art. 9 of the RPC and make the fine of P200.00 or less a light felony, thus making them still qualified to go on probation. The clear intent of Sec. 9, Par. C of PD No. 968 is to exclude those who have been previously convicted with a penalty of a fine equivalent to a correctional penalty. Specifically, this is based on the same provision which exclude from the availment of probation those previously convicted by final judgment of an offense punished by imprisonment of not less than one month and one day which is a correctional penalty under Art. 25 in relation to Art. 27 of the RPC.

Fifth, the inclusion of the Regional Heads (Regional Directors) to possess the miscellaneous powers as those vested in the Provincial and City Probation Officers under their jurisdiction and to be considered a person in authority.

Sixth, the Administration shall enhance volunteer services in its thrust of strengthening and professionalizing volunteerism in order to complement the

Probation and Parole regular workforce, the present Volunteer Probation Aide shall be renamed Volunteer Probation Officer to attract and encourage more civic minded and responsible members of the private sector to work hand in hand with the Probation and Parole personnel in the rehabilitative effort of the government through the Agency.

The prompt and immediate passage of this bill deserves utmost attention.

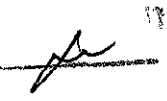


MANNY VILLAR
Senator



6 JUN -7 P5:48

SENATE

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**AN ACT AMENDING VARIOUS PROVISIONS OF PRESIDENTIAL DECREE
NO. 968, OTHERWISE KNOWN AS THE PROBATION LAW OF 1976**

Be enacted by the Senate and House of Representatives of the Philippines in
congress assembled:

Section 1. Section 4 of Presidential Decree No. 968 is hereby amended to read
as follows:

Section 4 . Grant of Probation- Subject to the provisions of this Decree,
the trial court may, after it shall have convicted and sentenced a 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 an application for probation
shall be entertained or granted notwithstanding the defendant has
perfected an appeal from such verdict of conviction which is probable, and
thereafter has been affirmed or modified but still a probationable penalty by
the appellate court; Provided, further that if the penalty which is not
probationable was appealed and reduced to probationable penalty, that he
be allowed for probation on the modified decision.**

*Probation may be granted whether the sentence imposes a term of
imprisonment or a fine only. An application shall be deemed waiver of the right to
appeal.*

An order granting or denying probation shall not be appealable.

Section 2. Section 9 of Presidential decree No. 968 is hereby amended to read
as follows:

Section 9. Disqualified Offenders- The benefits of this Decree shall not be
extended to those:

- a) Sentenced to serve a maximum term of imprisonment of more than **six (6) years and one (1) year;**
- b) *Convicted of any crime against the national security or the public order, except in so far as articles 146, with reference to those persons who are merely present in the assembly, 147, 149, 151, 153, 154, 155 and 156 of Title III, Chapter Three to Chapter Five, Book II of the Revised Penal Code;*

- c) Who have previously been convicted by final judgment of an offense punished by imprisonment of not less than one month and one day, and/or a fine of **more than two hundred pesos**;
- d) Who have been once on probation under the provisions of this Decree;
- e) Who are already serving the sentence at the time the substantive provisions of this Decree became appealable pursuant to Section 33 hereof.

Section 3. Section 24 of Presidential decree No. 968 is hereby amended to read as follows:

Section 24. Miscellaneous Powers of **Regional**, Provincial and City Probation Officers- Provincial and City Probation Officers shall have the authority within their territorial jurisdiction to administer oaths and acknowledgments, and to take depositions in connection with their duties and functions under this Decree. They shall also have, with respect to probationers under their care, the powers of a police officer.

They shall be considered as person in authority.

Section 4. Section 28 Presidential decree No. 968 is hereby amended to read as follows:

Section 28. Volunteer Probation Officers.- To assist the Provincial or City Probation in the Provincial and City Probation Offices in the supervised treatment program in the clientele, the Probation Administrator may appoint citizens of good repute and probity who have the *willingness, aptitude and potential to act* as Volunteer Probation Officers (VPOs).

Volunteer Probation Officers shall not receive any regular compensation for services rendered except for reimbursement of their actual costs of transportation in the performance of their duties and responsibilities. They shall also be entitled to a twenty percent (20%) discount on all means of transportations, food outlets and theaters/cinemas. They shall hold office for a two-year term which may be renewed or recalled anytime for a just cause depending upon the performance of their functions. Their functions, qualifications, continuance in office, maximum case loads and related matters shall be further prescribed under the implementing rules and regulations to be promulgated by the Probation Administrator.

There shall be reasonable number of Volunteer Probation Officers in every City and Provincial Probation Office. In order to strengthen the functional relationship of Volunteer Probation Officer and the Probation Administration, the latter shall encourage and support the former to organize themselves in the national, provincial and city levels for effective utilization, coordination and sustainability of the volunteer program.

Section 5. Repealing Clause.- All laws, decrees, executive orders, rules and issuances inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 6. Separability Clause.- If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof which are not affected thereby shall continue in full force and effect.

Section 7. Effectivity Clause.- This Act shall take effect fifteen (15) days following its publications in the Official Gazette or in any two (2) newspapers of general circulation.

Approved.