



## HOUSE OF REPRESENTATIVES

H. No. 6544

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BY REPRESENTATIVES AGGABAO, RODRIGUEZ (R.), RODRIGUEZ (M.),  
TEODORO, DE JESUS, ANGARA, PAEZ, ORTEGA (F.), GULLAS, ONG,  
PRIMICIAS-AGABAS, ROMUALDO AND DEL MAR, PER COMMITTEE  
REPORT NO. 2387

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AN ACT RATIONALIZING AND STRENGTHENING THE PROBATION  
SYSTEM BY INCREASING *INTER ALIA* THE PROBATIONABLE  
PENALTY TO LESS THAN EIGHT (8) YEARS, AMENDING  
FOR THE PURPOSE THE PERTINENT PROVISIONS OF  
PRESIDENTIAL DECREE NO. 968, OTHERWISE KNOWN AS  
THE "PROBATION LAW OF 1976", AS AMENDED

*Be it enacted by the Senate and 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:

3           "SEC. 4. Grant of Probation. -- Subject to the provisions  
4 of this Decree, the trial court may, after it shall have convicted  
5 and sentenced a defendant **FOR A PROBATIONABLE PENALTY**,  
6 and upon application by said defendant within the period for  
7 perfecting an appeal, suspend the execution of the sentence and  
8 place the defendant on probation for such period and upon such  
9 terms and conditions as it may deem best; *Provided, That [no]*

1 AN application for probation shall be entertained or granted [if]  
 2 NOTWITHSTANDING THAT the defendant has perfected the  
 3 appeal from the judgment of conviction[.], IF THE PENALTY  
 4 METED OUT BY WHICH THE APPELLATE COURT REMAINS  
 5 PROBATIONABLE: *PROVIDED, FURTHER*, THAT IF A JUDGMENT  
 6 OR CONVICTION CARRYING OUT A NON-PROBATIONABLE  
 7 PENALTY HAS BEEN APPEALED, AND THAT THE APPELLATE  
 8 COURT HAS MODIFIED THE PENALTY INTO A PROBATIONABLE  
 9 PENALTY, THEN THE DEFENDANT SHALL STILL BE ALLOWED  
 10 TO APPLY FOR PROBATION ON THE MODIFIED DECISION.

11 "Probation may be granted whether the sentence imposes a  
 12 term of imprisonment or a fine only. An application for  
 13 probation shall be filed with the trial court. The filing of the  
 14 application shall be deemed a waiver of the right to appeal.

15 "An order granting or denying probation shall not be  
 16 appealable."

17 SEC. 2. Section 9 of the same Decree, as amended, is hereby further  
 18 amended to read as follows:

19 "SEC. 9. Disqualified Offenders. — The benefits of this  
 20 Decree shall not be extended to those:

21 "(a) sentenced to serve a maximum term of imprisonment of  
 22 more than [six] EIGHT years;

23 "(b) convicted of [subversion or] any crime against the  
 24 national security or the public order[;] EXCEPT UNDER ARTICLE  
 25 146 SPECIFICALLY WITH REFERENCE TO ANY PERSON MERELY  
 26 PRESENT AT SUCH ASSEMBLY; 147, 148, 149, 151, 153, 154,  
 27 155 AND 156 OF TITLE III, CHAPTER THREE TO CHAPTER  
 28 FIVE, BOOK II OF THE REVISED PENAL CODE;

1           “(c) who have previously been convicted by final judgment  
2           of an offense punished by imprisonment of not [less than one  
3           month] MORE THAN SIX MONTHS and one day [and/or] AND a  
4           fine of not [less than Two Hundred] MORE THAN ONE  
5           THOUSAND [P]Pcsos;

6           “(d) who have been once on probation under the provisions  
7           of this Decree; and

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

11          SEC. 3. A new section to be denominated as Section 16-A is hereby  
12          inserted between Sections 16 and 17 of the same Decree to read as follows:

13                 “SEC. 16-A. TOTAL EXTINCTION OF CRIMINAL  
14                 LIABILITY. – THE CRIMINAL LIABILITY OF AN OFFENDER IS  
15                 TOTALLY EXTINGUISHED IF HE HAS BEEN SUCCESSFULLY  
16                 TERMINATED FROM PROBATION SUPERVISION BY ORDER OF  
17                 THE COURT AND WHO, FOR TEN CONSECUTIVE YEARS FROM  
18                 THE DATE OF TERMINATION, DID NOT COMMIT ANY OTHER  
19                 CRIME OR OFFENSE.”

20          SEC. 4. Section 24 of the same Decree is hereby amended to read as  
21          follows:

22                 “SEC. 24. Miscellaneous Powers of REGIONAL, Provincial  
23                 and City Probation Officers. – REGIONAL, Provincial or City  
24                 Probation Officers shall have the authority within their territorial  
25                 jurisdiction to administer oaths and acknowledgments and to  
26                 take depositions in connection with their duties and functions  
27                 under this Decree. They shall also have, with respect to

1 probationers under their care, the powers of a police officer.

2 **THEY SHALL BE CONSIDERED AS PERSONS IN AUTHORITY.”**

3 SEC. 5. Section 27 of the same Decree is hereby amended to read as  
4 follows:

5 “SEC. 27. Field Assistants, Subordinate Personnel. –  
6 Provincial or City Probation Officers shall be assisted by such  
7 field assistants and subordinate personnel as may be necessary to  
8 enable them to carry out their duties effectively.”

9 SEC. 6. Section 28 of the same Decree is hereby amended to read as  
10 follows:

11 “SEC. 28. [*Probation Aides* – To assist the Provincial or  
12 City Probation Officers in the supervision of probationers, the  
13 Probation Administrator may appoint citizens of good repute and  
14 probity to act as probation aides.]

15 “[Probation Aides shall not receive any regular  
16 compensation for services except for reasonable travel  
17 allowance. They shall hold office for such period as may be  
18 determined by the Probation Administrator. Their qualifications  
19 and maximum case loads shall be provided in the rules  
20 promulgated pursuant to this Decree.]

21 **“VOLUNTEER PROBATION OFFICERS. – TO ASSIST THE**  
22 **CHIEF PROBATION OFFICERS IN THE PROVINCIAL AND CITY**  
23 **PROBATION OFFICES IN THE SUPERVISED TREATMENT**  
24 **PROGRAM OF THE OFFENDER, THE PROBATION**  
25 **ADMINISTRATOR MAY APPOINT CITIZENS OF GOOD REPUTE**  
26 **AND PROBITY WHO HAVE THE WILLINGNESS, APTITUDE AND**

1 POTENTIAL TO ACT AS VOLUNTEER PROBATION OFFICERS  
2 (VPOs).

3 "VOLUNTEER PROBATION OFFICERS SHALL NOT RECEIVE  
4 ANY REGULAR COMPENSATION FOR SERVICES RENDERED  
5 EXCEPT FOR REIMBURSEMENT OF THEIR ACTUAL COST OF  
6 TRANSPORTATION IN THE PERFORMANCE OF THEIR DUTIES  
7 AND RESPONSIBILITIES. THEY SHALL ALSO BE ENTITLED TO  
8 INSURANCE COVERAGE PROVIDED BY THE GOVERNMENT AND  
9 A TWENTY PERCENT (20%) DISCOUNT ON ALL MEANS OF  
10 TRANSPORTATION, FOOD OUTLETS AND THEATERS AND  
11 CINEMAS. THEY SHALL HOLD OFFICE FOR A TWO-YEAR TERM  
12 WHICH MAY BE RENEWED OR RECALLED ANYTIME FOR A JUST  
13 CAUSE. THEIR FUNCTIONS, QUALIFICATIONS, CONTINUANCE IN  
14 OFFICE AND MAXIMUM CASE LOADS SHALL BE FURTHER  
15 PRESCRIBED UNDER THE IMPLEMENTING RULES AND  
16 REGULATIONS TO BE PROMULGATED BY THE PROBATION  
17 ADMINISTRATOR.

18 "THERE SHALL BE REASONABLE NUMBER OF VOLUNTEER  
19 PROBATION OFFICERS IN EVERY PROVINCIAL AND CITY  
20 PROBATION OFFICE. IN ORDER TO STRENGTHEN THE  
21 FUNCTIONAL RELATIONSHIP OF VOLUNTEER PROBATION  
22 OFFICERS AND THE PROBATION ADMINISTRATOR, THE  
23 LATTER SHALL ENCOURAGE AND SUPPORT THE FORMER TO  
24 ORGANIZE THEMSELVES IN THE NATIONAL, PROVINCIAL AND  
25 CITY LEVELS FOR EFFECTIVE UTILIZATION, COORDINATION  
26 AND SUSTAINABILITY OF THE VOLUNTEER PROGRAM."

27 SEC. 7. *Separability Clause.* – If any provision of this Act is  
28 declared invalid, the provisions thereof not affected by such declarations shall  
29 remain in force and effect.

1           SEC. 8. *Repealing Clause.* -- All laws, executive orders or  
2 administrative orders, rules and regulations or parts thereof which are  
3 inconsistent with this Act are hereby amended, repealed or modified  
4 accordingly.

5           SEC. 9. *Effectivity.* -- This Act shall take effect fifteen (15) days after  
6 its publication in the *Official Gazette* or in two (2) national newspapers of  
7 general circulation.

Approved,

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