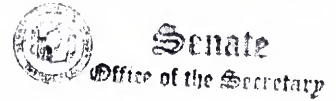


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



22 AUG -3 P 6 :36

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SENATE  
Senate Bill No. 1016

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**Introduced by Senator Aquilino "Koko" Pimentel III**

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**AN ACT AMENDING SECTION 9 OF PRESIDENTIAL  
DECREE (P.D.) NO. 968, OTHERWISE KNOWN AS THE  
PROBATION LAW OF 1976, AS AMENDED**

**EXPLANATORY NOTE**

One of the purposes of criminal laws is the protection of members of society from potential wrongdoers. These laws are directed against acts or omissions which society does not approve of, and therefore are meant to serve as deterrents for incidents that may claim lives or cause damage to property.

Recent events however show that in spite of our criminal laws on the matter, deaths caused by imprudence and by negligence involving the operation of a motor vehicle have been almost commonplace.

We may have heard of tragedies like those where thirteen (13) out of fifteen (15) passengers of an overloaded SUV were killed when the SUV fell into an immigration canal in Kalinga; where eleven (11) people were killed when a small truck overloaded with party-goers overturned when the driver lost control in Balingasag, Misamis Oriental; where a seven year old girl was crushed to death when she was ran over by a bus in a bus terminal in Sta. Cruz, Manila; where a passenger bus which lost control fell off a ravine in the province of Quezon; where three passengers died and seven others were injured

after a Ceres bus fell into the 30-meter ravine in Antique; where one died and nine were hurt when a truck struck them in Cogeo, Antipolo; where four died and two were hurt as truck hit three vehicles in Nasugbu, Batangas; and recently, three minors were injured after a Ceres bus rammed into a group of people seated at the passenger terminal in Dumaguete City.

Apparently, our criminal law on imprudence or negligence has not deterred people from acting with reckless abandon or an inexcusable lack of precaution. It has been said that the negligent persons involved in these tragedies were not in fear of punishment as they are aware that even if convicted, they would still be eligible for probation and would not be imprisoned.

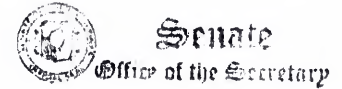
Studies have shown that there is a negative correlation between certainty of imprisonment and crime rate. It is the certainty of imprisonment, rather than the penalty, that is a deterrent against crime, especially in the case of imprudence and negligence.

To avoid similar tragic events in the future, it is proposed that when death is caused by imprudence or by negligence, whether reckless or simple, the accused should not be eligible for probation.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

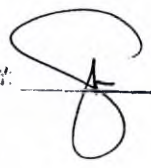
  
**AQUILINO "KOKO" PIMENTEL III**

NINETEENTH CONGRESS OF THE )  
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**AN ACT AMENDING SECTION 9 OF PRESIDENTIAL  
DECREE (P.D.) 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 9 of Presidential Decree No. 968, as  
2 amended, is hereby further amended to read as follows:

3  
4           **"SEC. 9. Disqualified Offenders.** — The benefits of this Decree  
5 shall not be extended to those:

6            "a. sentenced to serve a maximum term of imprisonment of  
7            more than six (6) years;

8            "b. convicted of any crime against the national security;

9            "c. who have previously been convicted by final judgment  
10           of an offense punished by imprisonment of more than six  
11           (6) months and one (1) day and/or a fine of more than  
12           one thousand pesos (P1,000.00);

13           "d. who have been once on probation under the provisions  
14           of this Decree; (and)

1 “e. who are already serving sentence at the time the  
2 substantive provisions of this Decree became applicable  
3 pursuant to Section 33 hereof; AND

4 **F. CONVICTED OF IMPRUDENCE OR**  
5 **NEGLIGENCE AS DEFINED UNDER ARTICLE**  
6 **365 OF THE REVISED PENAL CODE, WHERE**  
7 **THE DEATH OF A PERSON HAS BEEN**  
8 **CAUSED.”**

9  
10 **SEC. 2. Effectivity.** – This Act shall take effect fifteen (15) days  
11 after its publication in the *Official Gazette* or in at least two (2)  
12 newspapers of general circulation.

*Approved,*