



## HOUSE OF REPRESENTATIVES

H. No. 6940

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BY REPRESENTATIVES AGGABAO, SANTIAGO (N.), ROMULO, RODRIGUEZ,  
GARCIA (P.), MENDOZA (M.), GONZALES (N.) AND DE GUZMAN,  
PER COMMITTEE REPORT NO. 2458

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AN ACT RATIONALIZING AND STRENGTHENING THE PROBATION  
SYSTEM, AMENDING FOR THE PURPOSE 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,  
2 is 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 [his] application by said defendant within the period  
7 for perfecting an appeal, suspend the execution of the sentence  
8 and place the defendant on probation for such period and upon  
9 such terms and conditions as it may deem best; *Provided, That*  
10 [no] AN application for probation shall be entertained or granted

1 [if] NOTWITHSTANDING the defendant has perfected an appeal  
2 from [the judgment of conviction] SUCH VERDICT OF  
3 CONVICTION, AND THEREAFTER HAS BEEN METED A  
4 PROBATIONABLE PENALTY BY THE APPELLATE COURT:  
5 *PROVIDED, FURTHER, THAT IF THE PENALTY WHICH IS NOT*  
6 *PROBATIONABLE WAS APPEALED AND REDUCED TO*  
7 *PROBATIONABLE PENALTY, THEN HE SHALL BE ALLOWED TO*  
8 *APPLY FOR PROBATION ON THE MODIFIED DECISION.*

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

13 "An order granting or denying probation shall not be  
14 appealable."

15 SEC. 2. Section 9 of Presidential Decree No. 968 is hereby amended to  
16 read as follows:

17 "SEC. 9. *Disqualified Offenders.* -- The benefits of this  
18 Decree shall not be extended to those:

19 "(a) sentenced to serve a maximum term of imprisonment  
20 of not more than [six] EIGHT (8) years;

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

1           “(c) who have previously been convicted by final  
2 judgment of an offense punished by imprisonment of not less  
3 than one month and one day, and/or a fine of [not less than]  
4 **MORE THAN** Two hundred pesos;

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

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

10       SEC. 3. Section 24 of Presidential Decree No. 968 is hereby amended  
11 to read as follows:

12           “SEC. 24. *Miscellaneous Powers of REGIONAL, Provincial*  
13 *and City Probation Officers.* – **REGIONAL**, Provincial or City  
14 Probation Officers shall have the authority within their territorial  
15 jurisdiction to administer oaths and acknowledgments and to take  
16 depositions in connection with their duties and functions under  
17 this Decree. They shall also have, with respect to probationers  
18 under their care, the powers of a police officer. **THEY SHALL BE**  
19 **CONSIDERED AS PERSONS IN AUTHORITY.**”

20       SEC. 4. Section 28 of Presidential Decree No. 968 is hereby amended  
21 to read as follows:

22           “SEC. 28. [*Probation Aides.* – To assist the Provincial or  
23 City Probation Officers in the supervision of probationers, the  
24 Probation Administrator may appoint citizens of good repute and  
25 probity to act as probation aides. Probation Aides shall not  
26 receive any regular compensation for services except for  
27 reasonable travel allowance. They shall hold office for such  
28 period as may be determined by the Probation Administrator.

1           Their qualifications and maximum case loads shall be provided  
2           in the rules promulgated pursuant to this Decree.] *VOLUNTEER*  
3           *PROBATION OFFICERS.* – TO ASSIST THE CHIEF PROBATION  
4           OFFICERS IN THE REGIONAL, PROVINCIAL AND CITY  
5           PROBATION OFFICES IN THE SUPERVISED TREATMENT  
6           PROGRAM OF THE CLIENTELE, THE PROBATION  
7           ADMINISTRATOR MAY APPOINT CITIZENS OF GOOD REPUTE  
8           AND PROBITY WHO HAVE THE WILLINGNESS, APTITUDE AND  
9           POTENTIAL TO ACT AS VOLUNTEER PROBATION OFFICERS  
10          (VPOs).

11           “VOLUNTEER PROBATION OFFICERS SHALL NOT RECEIVE  
12           ANY REGULAR COMPENSATION FOR SERVICES RENDERED  
13           EXCEPT FOR REIMBURSEMENT OF THE ACTUAL COST OF  
14           TRANSPORTATION IN THE PERFORMANCE OF THEIR DUTIES  
15           AND RESPONSIBILITIES. THEY SHALL ALSO BE ENTITLED TO A  
16           TWENTY PERCENT (20%) DISCOUNT ON ALL MEANS OF  
17           TRANSPORTATION, FOOD OUTLETS AND THEATERS/CINEMAS.  
18           THEY SHALL HOLD OFFICE FOR A TWO (2)-YEAR TERM WHICH  
19           MAY BE RENEWED OR RECALLED ANYTIME FOR A JUST CAUSE  
20           DEPENDING UPON THEIR PERFORMANCE OF FUNCTIONS.  
21           THEIR FUNCTIONS, QUALIFICATIONS, CONTINUANCE IN  
22           OFFICE, MAXIMUM CASE LOADS AND RELATED MATTERS  
23           SHALL BE FURTHER PRESCRIBED UNDER THE IMPLEMENTING  
24           RULES AND REGULATIONS TO BE PROMULGATED BY THE  
25           PROBATION ADMINISTRATOR.

26           “THERE SHALL BE A REASONABLE NUMBER OF  
27           VOLUNTEER PROBATION OFFICERS IN EVERY REGIONAL,  
28           PROVINCIAL AND CITY PROBATION OFFICE IN ORDER TO  
29           STRENGTHEN THE FUNCTIONAL RELATIONSHIP OF

1 VOLUNTEER PROBATION OFFICERS AND THE PROBATION  
2 ADMINISTRATION, THE LATTER SHALL ENCOURAGE AND  
3 SUPPORT THE FORMER TO ORGANIZE THEMSELVES IN THE  
4 NATIONAL, REGIONAL, PROVINCIAL AND CITY LEVELS FOR  
5 EFFECTIVE UTILIZATION, COORDINATION AND  
6 SUSTAINABILITY OF THE VOLUNTEER PROGRAM.”

7 SEC. 5. *Separability Clause.* – If any part, section or provision of this  
8 Act is held invalid or unconstitutional, other provisions not affected thereby  
9 shall remain in full force and effect.

10 SEC. 6. *Repealing Clause.* – All laws, executive orders or  
11 administrative orders, rules and regulations or parts thereof which are  
12 inconsistent with this Act are hereby amended, repealed or modified  
13 accordingly.

14 SEC. 7. *Effectivity.* – This Act shall take effect after fifteen (15) days  
15 following its publication in the *Official Gazette* or in any newspaper of general  
16 circulation.

Approved,

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