

PAROLE AND PROBATION ADMINISTRATION OMNIBUS RULES ON PROBATION METHODS AND PROCEDURES

Pursuant to the authority vested by law on the Secretary of Justice, the following Implementing Rules and Regulations are hereby promulgated according to the provisions of Section 19 (d) and 6 of Presidential Decree (PD) No. 968, the Probation Law of 1976, embodied in Sections 23 - 25, Chapter 7, Title III, Book IV, Executive Order No. 292, otherwise known as the **Administrative Code of 1987**.

I. GENERAL PROVISIONS

Section 1. Title. - These Rules shall be known and cited as the "Parole and Probation Administration Omnibus Rules on Probation Methods and Procedures" or, for brevity, "Probation Rules" or simply "Rules".

Section 2. Policy Objectives and Declared Purposes. - These Rules are adopted to carry out the purposes of PD 968, as follows:

- a) to promote the correction and rehabilitation of an offender by providing him with individualized community based treatment;
- b) to provide an opportunity for his reformation and re-integration into the community; and
- c) to prevent the commission of offenses.

Section 3. Liberal Construction - These Rules shall be liberally construed so as to successfully, efficiently, and effectively implement, carry out and effectuate the social justice spirit, intent, and rationale or, summarily, the "spirit and intent", of the Probation Law, and the pertinent provisions of the **Administrative Code of 1987**, and the policy objectives and declared purposes of these Rules, in line with the well-settled social justice orientation of the 1987 Constitution.

In the event of doubt, or conflict, the spirit and intent of the Probation Law and these Rules shall prevail over the letter or literal provisions thereof, considering that they partake of social legislation and are special laws in nature and character.

Section 4. Definition of Terms. - As used in these Rules, unless the context provides otherwise, the following terms shall be construed, thus:

- (a) "Probation" - a disposition under which a defendant, after conviction and sentence, is released subject to conditions imposed by the Trial Court and to the supervision of a Probation Officer;
- (b) "Petitioner" - a convicted defendant who files an application for probation;
- (c) "Probationer" - a person who is placed under probation;

- (d) "Probation Officer" - public officer like the Chief Probation and Parole Officer (CPPO), Supervising Probation and Parole Officer (SPPO), Senior Probation and Parole Officer (SrPPO), Parole and Probation Officer II (PPOII), or Parole and Probation Officer I (PPOI), who investigates for the Trial Court a referral for probation or supervises a probationer or does both functions and performs other necessary and related duties and functions as directed;
- (e) "Trial Court" - refers to the Regional Trial Court (RTC) of the Province or City/Municipal Court which has jurisdiction over the case;
- (f) "Probation Office" - refers either to the Provincial or City Probation Office directed to conduct investigation or supervision referrals as the case may be;
- (g) "Probation Order" - order of the trial court granting probation.

The appearance of the above-mentioned Parole and Probation Administration (PPA) officials, upon written invitation or order of the Trial Court, may be on issues on probation services only not on legal questions, the latter issue being within the province of the courts to decide or resolve.

Section 5. Amicus Curiae - Upon written invitation by the Trial Court, the Administrator and/or Deputy Administrator, for the Agency Level, Regional Director, for the Regional Level, Chief Probation and Parole Officers for the City or Provincial Level may appear as amicus curiae on any probation investigation and supervision issue, concern or matter.

II. APPLICATION FOR PROBATION

Section 6. Filing. - Application for probation shall be filed with the Trial Court which has jurisdiction over the case.

Section 7. Time for Filing. - The applicant shall file his application with the Trial Court at any time after conviction and sentence but within the period for perfecting his appeal as provided by the Rules of Court.

Section 8. Form. - The application for probation shall be in the form approved by the Secretary of Justice as recommended by the Administrator or as may be prescribed by the Supreme Court. Official application form or Xerox copy of the same may be obtained or secured from any City or Provincial Parole and Probation Office for free.

Section 9. Notice to the Prosecuting Officers of the Filing of the Application. - The Trial Court may notify the concerned Prosecuting Officer of the filing of the application at a reasonable time it deems necessary, before the scheduled hearing thereof.

Section 10. Comment. - The Prosecuting Officer may submit his comment(s), if any, on the application within a reasonable time given to him by the Trial Court from his receipt of the notice to comment.

Section 11. Referral to Proper Probation Office. - If the Trial Court finds that the application is in due form and the applicant appears to be qualified for the grant of probation, it shall order the City or Provincial Parole and Probation Office within its jurisdiction to conduct a Post-Sentence Investigation (PSI) on the applicant and submit the Post-Sentence Investigation Report (PSIR) within sixty (60) days from receipt of the order of said court to conduct such investigation with findings and recommendation as stated in PD 968, as amended.

Section 12. Docket Book. - All court orders for PSI, copies of which were received by the Probation Office, shall be numbered consecutively in the order received by said Office and recorded in its Docket Book for the purpose, indicating therein, among others, the date of receipt thereof, court, its branch and address, applicant's name, criminal case number, description/designation of the offense, penalty imposed, and other related data and information.

Corollary to this, the Trial Court may direct the applicant to report to the proper Probation Office within seventy-two (72) hours from his receipt of such order.

Section 13. Effects of Filing and Receipt. -

- (a) The Trial Court may, upon receipt of the application filed, suspend the execution of the sentence imposed in the judgment.
- (b) Pending the submission of the PSIR (PPA Form 3) and the resolution on the application, the applicant may be allowed on temporary liberty under his bail filed in the criminal case: Provided, That, in case where no bail was filed or the applicant is incapable of filing one, the trial court may allow the release of the applicant on recognizance to the custody of a responsible member of the community who shall guarantee his appearance whenever required by the trial court.

III. POST-SENTENCE INVESTIGATION

Section 14. Assignment. - After receipt from the Trial Court, the City or Provincial Parole and Probation Office concerned, through the CPPO shall assign the same to the office clerk for docketing and eventual assignment to a subordinate investigating Probation Officer for the conduct of the PSI or conduct such investigation himself.

Section 15. Initial Interview Work Sheet: Waiver. -

- (a) Within five (5) working days from receipt of said delegated assignment (or self-assignment), the investigating Probation Officer on case (or Chief Probation and Parole Officer) shall initially interview the applicant if he appeared in the Probation Office upon response to the seventy-two (72) hours limitation given to him by the Trial Court. If not, the Probation Officer on case may write the applicant in his court given address, or personally visit applicant's place to schedule an initial interview at the Probation Office.

During such initial interview, the Probation Officer on case or CPPO shall require the applicant to accomplish and sign a Post-Sentence Investigation Work Sheet (PPA Form 1). The investigating Probation Officer on case or CPPO shall conduct further investigation based on the information contained therein.

(b) A Waiver-Cum-Authorization (PPA Form 2), authorizing the PPA and/or the Probation Office to secure any and all information on the applicant, shall be duly executed and signed by him.

Section 16. Scope and Extent. - After accomplishing the Post-Sentence Investigation Work Sheet and the Waiver-Cum-Authorization, the same shall be immediately submitted to the Probation Office. The investigating Probation Officer on case or CPPO shall conduct a thorough investigation on the antecedents, mental and physical condition, character, socio-economic status, and criminal records, if any, of the applicant and the institutional and community resources available for his rehabilitation.

In case applicant has a criminal record(s), such should be verified with the proper government agency(ies) as to its disposition/resolution which has/have to be properly reflected in the PSIR.

For the sake of obtaining additional information or clarify conflicting data, the investigating Probation Officers on case may conduct further investigation and interview to avoid discrepancies of facts/information.

The investigating Probation Officer on case or CPPO shall assess and recommend or prescribe the suitable probation treatment and supervision program upon the applicant, if granted probation.

Section 17. Collateral Information. - During the conduct of the PSI, collateral information must be gathered from those persons who have direct personal knowledge of the applicant, offended party, family member, and/or their relatives, including barangay officials and disinterested persons.

Section 18. Subsequent or Further Interviews. - To obtain additional data, counter check, or clarify discrepancy/ies between the information received from the applicant and those secured from other sources, the Investigating Probation Officer on case or CPPO may conduct subsequent or further interviews on the applicant and/or other persons as deemed appropriate.

Section 19. Nature of Interview. - The data and information gathered from the interview of the applicant and/or other persons and from other collateral informants, as well as law enforcement agencies, shall be strictly privileged and confidential in nature.

During such interview and information-gathering processes, the applicant does not necessarily need to be represented and assisted by counsel.

Section 20. Confidentiality of Post-Sentence Investigation Information. - The investigating Probation and Parole Officer on case or CPPO shall inform the applicant of the confidential nature of the information taken during the PSI and the limited scope and extent,

whereby said information, may be disclosed only to some statutorily designated authorities and entities pursuant to Section 17 of PD 968, as amended, and Section 64 of these Rules.

Section. 21. Absconding Applicant. – If the applicant whose application for probation has been given due course by the proper court has failed to present himself/herself to the proper Office within seventy-two (72) hours from his/her receipt of the Probation Order or within reasonable time therefrom, said Office shall first exert best diligent efforts to inquire on, search, find and locate his/her whereabouts before it shall report such fact with appropriate recommendation to the proper court, considering the surrounding circumstances of place, date and time, his/her health condition and other related factors.

IV. POST- SENTENCE INVESTIGATION REPORT

Section 22. Submission. - After the completion of the PSIR (PPA Form 3), the Probation Office shall submit such PSIR to the Trial Court within the period prescribed in Section 7 of the Probation Law of 1976, as amended, or within the period ordered by the Trial Court.

Section 23. Purpose. - The PSIR aims to enable the Trial Court to determine whether or not the ends of justice and the best interest of the public primarily, as well as that of the applicant, would be served by the grant or denial of the application.

Section 24. Contents. - (a) The PSIR shall contain, among others, the following:

- (i) circumstances surrounding the crime or offense for which the applicant was convicted and sentenced, taken from the applicant himself, offended party and others, who might have knowledge of the commission of the crime or offense, and pertinent information taken from the police and other law enforcement agencies, if any, and Trial Court records;
- (ii) details of other criminal records, if any;
- (iii) personal circumstances, educational, economic and socio-civic data and information about the applicant;
- (iv) characteristics of applicant, employable skills, employment history, collateral information;
- (v) evaluation and analysis of the applicant's suitability and legal capacity for probation and his potential for rehabilitation, reform, development, transformation and re-integration into the community;
- (vi) recommendation to: (A) grant the application, including probation period, probation conditions and probation treatment and supervision plan/program; or (B) deny the application;
- (vii) data and information on the applicant's financial condition and capacity to pay, his civil liability, if any;

- (viii) results of findings of drug, psychological and clinical tests conducted, if any;
- (ix) results of criminal records, if any, whether decided or still pending furnished by various law enforcement agencies tapped by the Probation Office for such purpose;
- (x) result(s) of courtesy investigation, whether GCI/FBCI or PGCI (See Sec. 27 of these Rules), if any, conducted in the birth place or place of origin of applicant especially if he plans to reside thereat while on probation, if ever his application will be granted; and
- (xi) other analogous and related matters.

(b) to obtain additional data or clarify discrepancies between the information received from the applicant and those secured from other sources, the investigating Probation Officer and/or Chief Parole and Probation Officer may conduct such subsequent or further interviews on the applicant and/or other persons as may be deemed proper and necessary.

Section 25. Nature of Recommendation. - The entire PSIR submitted to the Trial Court is recommendatory in nature and the final recommendation contained on the last page of the PSIR is persuasive in character addressed to the sound discretion of the Trial Court considering that the denial or grant of probation is a judicial function.

Section 26. Signatories. - The PSIR shall, as a rule be prepared by the investigating Probation Officer on case and approved by the CPPO. Both shall initial each and all the pages thereof, except the last page on which they shall affix their respective signatures.

V. FULL BLOWN COURTESY INVESTIGATION AND TRANSFER OF CONDUCT OF REFERRAL INVESTIGATION

Section 27. Its Nature and Coverage. - Full Blown Courtesy Investigation (FBCI) is a General Courtesy Investigation (GCI) from another City or Provincial Parole and Probation Office which requests for a complete PSIR on a petition for probation pending referral investigation in the Probation Office of origin.

It shall take place when upon initial investigation it is gathered that,

- (a) Applicant for probation is a transient offender in the place of commission of the crime and/or a permanent resident of another place;
- (b) He spent his pre-adolescent and/or adolescent life in the province or city of origin;
- (c) He attended and/or finished his education thereat; and
- (d) His immediate family members, collateral informants or disinterested persons and officials who can best authenticate the inter-family relationship, upbringing, behavior of the applicant for probation in the community are residents of the place of his origin.

Section 28. Transfer of Referral Investigation. - When proper under the immediately preceding section and warranted under the circumstances, a FBCI, may be brought to the attention of the Trial Court to transfer the conduct of the referral investigation to the Probation Office of the province or city of origin of applicant for probation.

Section 29. Transfer to the Executive Judge. - In case of the suitability for probation of the applicant for probation, it shall be recommended in the PSIR by the Probation Office, that simultaneous with the grant of probation, the control over the applicant and his probation rehabilitation program be transferred to the Honorable Executive Judge of the RTC of the Province or City of origin subject to the actual visitation and supervision of the Probation Officer of said province or city.

Section 30. General Courtesy Investigation. - All other General Courtesy Investigation (GCI) mentioned in the three (3) preceding sections not falling within the purview of a FBCI to be conducted by another Probation Office shall be known as Partial Courtesy Investigation (PCI) which should no longer be brought to the attention of the Trial Court for the transfer of the conduct of the referral investigation as mentioned in Sec. 27 of these Rules.

To facilitate immediate and thorough investigation of cases, and to save time, effort and money on the part of the investigating SPPOs, Sr. PPOs, PPOs II, PPOs I, the GCI which is usually undertaken outside the area of a Probation Office's jurisdiction (i.e from Manila to Valenzuela, from Manila to Quezon City, from Manila to Marikina, etc. and vice-versa) shall henceforth, be resorted to, considering the monstrous traffic nowadays.

VI. PROBATION ORDER

Section 31. Period to Resolve the Application for Probation. - The application for probation shall be resolved by the Trial Court not later than fifteen (15) days from the date of its receipt of the PSIR.

Section 32. Nature of Probation: Effect of the Grant of Probation. –

- (a) Probation is but a mere privilege and as such, its grant or denial rests solely upon the sound of discretion of the Trial Court. After its grant it becomes a statutory right and it shall only be canceled or revoked for cause and after due notice and hearing.
- (b) The grant of probation has the effect of suspending the execution of sentence. The Trial Court shall order the release of the probationer's cash or property bond upon which he was allowed temporary liberty as well as release the custodian on ROR from his undertaking.

Section 33. Effectivity of Probation Order. – A probation order shall take effect upon its issuance, at which time the court shall inform the offender of the consequence thereof and explain that upon his failure to comply with any of the conditions prescribed in the said order or his commission of another offense under which he was placed on probation.

Upon receipt of the Probation Order granting probation the same shall be entered in a Docket Book for proper recording.

An order of denial shall be docketed as well.

Section 34. Finality. - The Order of the court granting or denying probation shall not be appealable.

VII. TERMS AND CONDITIONS OF PROBATION

Section 35. Mandatory Conditions. - A Probation order shall require the probationer:

- (a) to present himself to the Probation Office for supervision within 72 hours from receipt of said order; and
- (b) to report to the assigned SPPO, SrPPO, PPOII or PPOI on case at least once a month during the period of probation at such time and place as may be specified by the Probation Office.

Section 36. Other Conditions. - The Probation order may also require the probationer, in appropriate cases, to:

- (a) cooperate with his program of probation treatment and supervision;
- (b) meet his family responsibilities;
- (c) devote himself to a specific employment and not to change said employment without prior written approval of the CPPO;
- (d) undergo medical, or psychological, or clinical, or drug or psychiatric examinations and treatment and remain in a specified institution, when required for that purpose;
- (e) comply with a program of payment of civil liability to the offended party or his heirs, when required by the Trial Court as embodied in its decision or resolution;
- (f) pursue a prescribed secular study or vocational training;
- (g) attend or reside in a facility established for instruction, recreation or residence of persons on probation;
- (h) refrain from visiting houses of ill - repute;
- (i) abstain from drinking intoxicating beverages to excess;
- (j) permit the Supervising Probation Officer on case or an authorized social workers to visit his home and place of work;
- (k) reside at premises approved by the Trial Court and not to change his residence without prior written approval of said court; and/or

- (l) satisfy any other conditions related to his rehabilitation into a useful citizen which is not unduly restrictive of his liberty or incompatible with his freedom of conscience.

Section 37. Indemnification. – (Please see “Guidelines on Payment of Civil Liability”, Annex “30”, p. 253) Payment for civil liability shall be done using the following modes:

- (a) Payment can be given to the Clerk of Court of the Trial Court, who will in return hand over the sum to the victim who shall issue a corresponding receipt; a copy of which should be given by the probationer to the Probation Office in order to monitor such payment;
- (b) Payment may be deposited by the probationer to the victim’s account where the bankbook is kept at the Probation Office to be given to the victim for his proper disposition;
- (c) Payment can be effected directly to the victim and the receipt must be filed in the supervision record of the probationer kept at the Probation Office.

Further, that the practice of giving the payment to the Supervising Probation Officer on case (or the CPPO) to be remitted to the victim, although with receipts, should be highly discouraged and discontinued outrightly.

VIII. SUPERVISION OF PROBATIONERS

Section 38. Purpose. - The primary purposes of probation supervision are:

- (a) to ensure the probationer's compliance with the probation conditions specified in the Probation Order and the prescribed probation treatment and supervision program/plan;
- (b) to manage the process of the probationer's rehabilitation and re-integration into the community; and
- (c) to provide guidance for the probationer's transformation and development into a useful citizen for his eventual reintegration to the mainstream of society.

Section 39. Commencement of Supervision Service. - For purposes of these Rules, supervision service shall commence on the day of initial interview or reporting of a probationer. Such fact shall be duly noted in the case notes of the client.

Section 40. Initial Report.-

- (a) Upon the probationer's appearance for his initial supervision, the Supervising Probation Officer on case, or CPPO himself shall:
 - i) give instructions to the client using PPA Form 4 in order to reinforce probationer’s awareness of the probation conditions specified in the Probation Order in a language or dialect understood by him;

- ii) formulate with the client, the supervision treatment plan; and
- iii) carry out other related activities

(b) Upon receipt of a copy of PPA Form No. 4, and a copy of the Probation Order on a particular probationer the Probation Office through the CPPO shall immediately assign the probation supervision case to his subordinate Probation Officer.

In the event that the probationer does not report for initial supervision within the prescribed period after the Probation Order has been released by the Trial Court, or his whereabouts are unknown, the Probation Officer shall exert his best efforts to find said probationer and conduct such field inquiry as is necessary within a reasonable period of time, before considering the fact that the subject has absconded amounting to a violation of a probation condition, requiring the preparation and submission of a Violation Report (PPA Form 8) to the Trial Court.

Section 41. Outside Travel. –

- (a) A Probation Officer may authorize a probationer to travel outside his area of operational/territorial jurisdiction for a period of more than ten (10) days but not exceeding thirty (30) days.
- (b) A Probationer who seeks to travel for up to thirty (30) days outside the operational/territorial jurisdiction of the Probation Office shall file at least five (5) days before the intended travel schedule a Request for Outside Travel (PPA Form 7) with said Office properly recommended by the Supervising Probation Officer on case and approved by the CPPO.
- (c) If the requested outside travel is for more than thirty (30) days, said request shall be recommended by the CPPO and submitted to the Trial Court for approval.
- (d) Outside travel for a cumulative duration of more than thirty (30) days within a period of six (6) months shall be considered as a courtesy supervision.

Section 42. Change of Residence: Transfer of Supervision. –

- (a) A Probationer may file a Request for Change of Residence (PPA Form 24) with the City or Provincial Parole and Probation Office, citing the reason(s) therefore this request shall be submitted by the Supervising Probation Office for the approval of the Trial Court.
- (b) In the event of such approval, the supervision and control over the probationer shall be transferred to the concerned Executive Judge of the RTC, having jurisdiction and control over said probationer, and under the supervision of the City or Provincial Parole and Probation Office in the place to which he transferred.

Thereafter, the Executive Judge of the RTC to whom jurisdiction over the probationer is transferred shall have the jurisdiction and control with respect to him which was previously possessed by the Court which granted probation.

- (c) The receiving City or Provincial and Parole and Probation Office and the receiving court shall be duly furnished each with copies of the pertinent Probation Order, PSIR (PPA Form 3), and other investigation and supervision records by the sending Probation Office for purposes and in aid of continuing effective probation supervision treatment over said probationer.

Section 43. Absconding Probationer. –

- (a) A probationer who has not reported for initial supervision within the prescribed period and/or whose whereabouts could not be found, located or determined despite best diligent efforts within reasonable period of time shall be declared by the proper Office as an absconding probationer.
- (b) Thereafter said Office shall file with the proper court a Violation Report (PPA Form 8), containing its findings and recommendation, duly prepared and signed by the Supervising Parole and Probation Officer and duly noted by the Chief Parole and Probation Officer.

Section 44. Modification or Revision of Probation Conditions. –

- (a) During the probation supervision period, the Trial Court may **motu proprio** or, upon motion by the City or Provincial Parole and Probation Office or by the probationer or his lawyer.

Section 45. Effectivity and Finality of Modified or Revised Probation Order. –

- (a) The Trial Court may modify or revise the Probation Order which shall become effective and final upon its promulgation and receipt thereof by the probationer, unless specified otherwise by said Order.

IX. VIOLATION OF PROBATION CONDITION

Section 46. Concept. - A probationer's specific act and/or omission(s) constitutive of a violation of probation condition(s) set forth in the original, modified or revised Probation Order shall be reported to the Trial Court, taking into account the totality of the facts and surrounding circumstances and all possible areas of consideration.

Section 47. Fact-Finding Investigation. - Based on reasonable cause reported by a reliable informant or on his own findings, the SPPO, SrPPO, PPOII, PPOI concerned or the CPPO himself shall conduct or require the Supervising Probation Officer on case to immediately conduct a fact-finding investigation on any alleged or reported violation of probation condition(s) to determine the veracity and truthfulness of the allegation.

Section 48. Report: Violation of Condition. -

- (a) After the completion of the fact-finding investigation, the Supervising Probation Officer on case shall prepare a violation report thereon containing his findings and recommendations and submit the same to the CPPO for review and approval.

- (b) In some cases, a probationer who has not reported for initial supervision within the seventy-two (72) hours from his receipt of the Probation Order or within the prescribed period ordered by the Trial Court or whose whereabouts could not be ascertained notwithstanding best efforts exerted within a reasonable period of time by the City and Provincial Parole and Probation Office shall be immediately reported to the Trial court for appropriate action.
- (c) Thereafter, said Parole and Probation Office shall file with the trial court a Violation Report (PPA Form 8), containing its findings and recommendation, duly prepared and signed by the SPPO, SrPPO, PPOII, PPOI concerned and duly noted by the CPPO for the court's resolution.

Section 49. - Violation Report. Its Contents: Signatories and Submission to Trial Court. -

(a) The Violation Report shall include, among others, the following:

- a
- b i) accurate and complete statement of the facts and surrounding circumstances,
- c including but not limited to the:
 - (a) nature, character and designation of the violation;
 - (b) specific acts and/or omissions constitutive of the violation;
 - (c) place, date and time of commission or omission;
 - (d) statements or affidavits of apprehending officers and offended parties and
 - (e) other related data and information.
- (ii) probationer's response, explanation and clarification duly sworn to before a notary public and other supporting testimonial, documentary and objective evidence;
- (iii) findings, assessment and recommendation of the Probation Office.

(b) The Violation Report shall be prepared and signed by the SPPO, SrPPO, PPOII or PPOI concerned and approved and signed by the CPPO.

Section. 50. Arrest of Erring Probationer. - After having duly considered the nature and gravity of such reported violation based on the submitted Violation Report, the Trial Court may issue a warrant for the arrest of the probationer for serious violation of his probation condition.

Section 51. Hearing of the Violation of Probation. - Once arrested and detained, the probationer shall immediately be brought before the Trial Court for a hearing of the violation charged.

In the hearing which shall be summary in nature, the probationer shall have the right to be informed of the violation charged and to adduce evidence in his favor.

The court shall not be bound by the technical rules of evidence, but may inform itself of all the facts which are material and relevant to ascertain the veracity of the charge.

The probationer may be admitted to bail pending such hearing. In such case, the provisions regarding release on bail of persons charged with the crime or offense shall be applicable to probationers arrested under this provision.

Section 52. Disposition: Effect of Revocation: Remedy. –

- (a) After a serious violation of a probation condition has been established in the hearing, the Trial Court may order the continuance of the probationer's probation or modification of his probation conditions or revoke his probation whichever is proper and just under in judicial discretion.
- (b) If the probation period has been revoked, the Trial Court shall order the probationer to serve the sentence originally imposed in the judgment of his case for which he applied for probation.
- (c) A court order modifying the probation conditions as in Sec. 44 of these Rules or revoking probationer's probation shall not be appealable. However, it may be correctable by certiorari under the Rules of Court.

Section 53. Right to Counsel. - In the hearing or proceeding for violation of probation conditions, the probationer shall have the right to counsel of his own choice.

Section 54. Representation for the State. - For the Prosecution of serious violation of probation condition(s), during said hearing or proceeding, the State shall be represented by the proper prosecuting officer.

X. EARLY TERMINATION

Section 55. Coverage. - The following probationers may be recommended for the early termination of their probation period:

- 1. Those who are suffering from serious physical and/or mental disability such as deaf-mute, the lepers, the crippled, the blind, the senile, the bed-ridden, and the like;
- 2. Those who do not need further supervision as evidenced by the following:
 - (a) Consistent and religious compliance with all the conditions imposed in the order granting probation;
 - (b) Positive response to the programs of supervision designed for their rehabilitation;
 - (c) Significant improvements in their social and economic life;
 - (d) Absence of any derogatory record while under probation;

- (e) Marked improvement in their outlook in life by becoming socially aware and responsible members of the family and community; and
- (f) Significant growth in self-esteem, self-discipline and self-fulfillment;

Provided, that, the probationers involved have already served one-third (1/3) of the imposed period of probation; and provided further, that, in no case shall the actual supervision period be less than six (6) months.

3. Those who have:

(a) To travel abroad due to any of the following:

- (1) An approved overseas job contract or any other similar documents; or
- (2) An approved application for scholarship, observation tour or study grant for a period not less than six (6) months; or
- (3) An approved application for immigration.
- (4) An approved application to take the Bar and Board Examinations.

(b) To render public service

- (1) Having been elected to any public office; or
- (2) Having been appointed to any public office.

Provided, however, that the probationers involved have fully paid their civil liabilities, if any.

And, that the probationers were not convicted for offenses involving moral turpitude.

- 4. Other probationers who have fully cooperated with/participated in the programs of supervision designed for their rehabilitation and who are situated under conditions/circumstances similar in nature to those above-described at the discretion of the proper authorities.

Section 56. Procedure. - In the first year of implementation, the following steps shall be observed to effect the early termination of probation:

- 1. The Supervising Probation Officer on case who exercises direct supervision over the probationer shall prepare the motion for the modification of probation, i.e., early termination addressed to the Court which has control and supervision over the probationer concerned in accordance with Section 12 of the Probation Law of 1976, as amended. The motion shall bear the approval of the head of the City or Provincial Parole and Probation Office without prejudice to the latter taking the initiative for preparing said motion.

2. The motion shall thereafter be forwarded for review and clearance to the Regional Director who shall act on said motion within a period of three (3) days after receipt of the same.
3. Should the motion be approved by the Regional Director, the Supervising Probation Officer on case shall file the same with the Trial Court within two (2) days after receipt thereof.
4. Should the said motion be disapproved, the same shall be filed in the supervision case file/record of the probationer for future reference.
5. Should the motion be approved by the Trial Court, the procedure for termination, due to successful completion of probation specified in the Rules shall apply.

XI. PROBATION AIDES

Section 57. Qualifications: Functions. –

- (a) The Probation Aides must be citizens of good repute and probity, at least 18 years of age on the date of appointment, at least highschool graduates and preferably residence of the same locality or community covering the place of residence of the probationer and/or the CPPOs, SPPOs, and SrPPOs, PPOsII, and PPOsI.
- (b) Probation Aides may be requested to assist the CPPOs, SPPOs, and SrPPOs, PPOsII, and PPOsI in the supervision of probationers, assigned up to a maximum case load subject to administrative and technical supervision by the above-mentioned Probation Officers, prepare records of their activities and accomplish related reports and prompt submission thereof; and undertake other related activities. They maybe designated to identify, generate, tap local community resources or conduct such activities on skills training and sports and cultural programs for clients.

Section 58. Appointment: Term of Office. –

- (a) Probation Aides shall be appointed by the Probation Administrator or through authority delegated to the Regional Directors within their respective areas of responsibility upon the recommendation of the CPPOs.
- (b) Probation Aides so appointed may hold office during good behavior for a period of two (2) years, renewable at the end of each period; provided, that, the appointing authority may at any time terminate the services of Probation Aides for unsatisfactory performance for at least two (2) consecutive semesters as determined by the proper Offices and/or for other lawful and valid cause(s). Thereafter, his reinstatement shall be determined by his display of good behavior as determined by collateral informants and the appointing authority.

Section 59. Caseload. –

- (a) In assigning probation supervision caseload(s) to the Probation Aides, the Probation Offices shall duly consider their respective qualifications, length of service, work accomplishments, and other related criteria. And, as to maximum supervision caseload to be given to them, the Probation Office should, exercise utmost prudence and caution.
- (b) The maximum supervision caseloads of a Probation Aide at any given time, shall be ten (10) probationers on minimum case classification or three (3) probationers on maximum case classification in addition to other duties.

XII. TERMINATION OF THE PROBATION SUPERVISION CASE

Section 60. Grounds. - The probation supervision period may be terminated on any of the following grounds:

- (a) successful completion of probation;
- (b) probation revocation for cause under Section 49 (a-c) of these Rules;
- (c) death of the probationer;
- (d) early termination of probation; or
- (e) other analogous cause(s) or reason(s) on a case-to-case basis as recommended by the probation Office and approved by the trial court.

Section 61. Termination Report. - The City and Provincial Parole and Probation Office shall submit to the Trial Court a Probation Officer's Final Report (PPA Form 9) thirty (30) days before the expiration of the period of probation embodying, among others, the following:

- (a) brief personal circumstances of the probationer;
- (b) brief criminal circumstances about his case (i.e. criminal case number, court, branch, period of probation, initial and last date of probation)
- (c) prescribed probation treatment and supervision program;
- (d) probationer's response to the treatment plan/program;
- (e) recommendation to discharge the probationer from probation and the restoration of all his civil rights.
- (f) such other relevant and material facts and information which may be required by the Trial Court.

Section 62. Final Discharge. - After expiration of the original or extended probation period and based on due consideration of the POs final report, the Trial Court may order the final discharge of the probationer upon finding that he has fulfilled the probation terms and conditions and, thereupon, the probation supervision case is deemed terminated.

Section 63. Legal Effects of Final Discharge: Termination Order. –

- (a) The final discharge of a probationer shall operate to restore to him all civil rights lost or suspended as a result of his conviction and to fully discharge his liability for any fine imposed as to the crime or offense for which probation was granted without prejudice to his civil liability. It is hereby understood that, the probationer's political rights are not lost or suspended even during the probation period.
- (b) The probationer and the probation office shall be promptly furnished with copies of such final discharge or Termination Order.

XIII. CLOSING OF THE PROBATION CASE

Section 64. Point in Time. - After actual receipt of the Termination Order finally discharging the probationer, the Probation Office shall formally close the probation case and keep clients case file.

Section 65. Mode. - Immediately after such closure of the probation case, the corresponding probation records shall be archived, but not after the proper reporting is done.

XIV. PROBATION REPORTS

Section 66. Monthly. - The Probation Offices through the CPPO shall submit within the first ten (10) days of the ensuing month to the Administrator (Attn.: Case Management and Records Division), copy furnished the RDs concerned, their Monthly Caseload Summary Reports (PPA Form 5) and its attachment.

Section 67. Semestral. - The Probation Offices shall also submit within the first fifteen (15) days of the ensuing semester to the Administrator, copies furnished the RDs and the PPA Planning Staff with their respective Semestral Accomplishment Progress Reports containing among others, the list and brief description of their work accomplishments for the quarter, their encountered problems and suggested solutions, and other related matters.

Section 68. Annual. - The Regional Offices through the RDs shall submit within thirty (30) days of the ensuing year to the Administrator, copy furnished the PPA Planning Staff, their respective Annual Reports containing, among others, operational highlights, special programs and projects undertaken and/or other significant accomplishments for the year.

Thereafter, the Administration shall submit a consolidated accomplishment report to the Secretary of Justice on or before the last day of February each year as required under Executive Order No. 292. Sec. 37, Chapter 6, Book IV thereof.

XV. MISCELLANEOUS PROVISIONS

Section 69. Forms. - All the probation forms specified herein shall be understood to have been contemporaneously prescribed and approved as integral parts of these Rules, except those properly pertaining to the Supreme Court and lower courts. Subsequent probation forms shall be prescribed by the Administration and approved by the Secretary of Justice, from time to time as the need arises.

Section 70. Confidentiality of Probation Records. - The PSIR and the supervision case notes of a probationer obtained under PD NO. 968, as amended, and these Rules, otherwise known as probation investigation and supervision records, shall be privileged and shall not be disclosed directly or indirectly to anyone other than the Parole and Probation Administration, the Trial Court, or other court(s) concerned, except that the court of origin (Trial Court) may, in its sound discretion, permit the probationer or his attorney to inspect the aforementioned documents or parts thereof whenever the best interest of the probationer makes such disclosure desirable or helpful; Provided, That, any government office or agency engaged in the correction or rehabilitation of offenders or any researchers (i.e. psychologists, sociologists, graduate students, academicians, etc.) may, if necessary, obtain copies of said documents from the Trial Court or the Parole and Probation Administration, for official and/or research (graduate or special studies) purposes and other similar undertakings for the sake of public policy, justice and public interest.

Section 71. Miscellaneous Powers of Chief Probation and Parole Officers. - The CPPOs shall have the authority within their respective territorial jurisdictions to administer oaths and acknowledgments and to take depositions in connection with their duties and functions under PD NO. 968, as amended, and these Rules. They shall also have, with respect to probationers under their care, the powers of a police officer. As such, they shall be considered as persons in authority.

Section 72. Authority to Issue Rules or Rulings and Administer Programs and Projects. –

- (a) The Administrator may issue rules or rulings to clarify, interpret or construe the provisions of these Rules and the Probation Law without the need of public notice, hearing and publication.
- (b) The Administration shall
 - (1) develop, formulate, implement and administer appropriate organizational programs;
 - (2) provide educational technical, financial and calamity assistance to clients and personnel,
 - (3) offer livelihood and enterprise development;
 - (4) generate job placement and employment opportunities,
 - (5) undertakes surveys and researches related to program implementation;

- (6) assist in giving amelioration, provident and welfare benefits; and other socio-economic development and transformation programs, projects and activities for probationers, their immediate families and other dependents;
- (7) support associations and communities of its clients and, whenever applicable, of its personnel.

For this purpose, there is hereby constituted a special trust fund, known as "**Special Probation Fund**" (SPF), chargeable to the General Fund annual budgetary appropriations of the Administration. The Administrator shall issue the necessary policies, guidelines and standard operating procedures (SOPs) on the development, formulation, implementation and administration of programs, projects and activities and on the utilization, disbursement, operation and management of said fund, subject to the usual government accounting regulations and auditing procedures.

Section 73. Appropriations. - So much budgetary amount as may be necessary shall be included in the annual appropriations of the National Government for the PPA in order for it to move efficiently and effectively and successfully implement the provisions of PD No. 968, as amended, the pertinent provisions of Executive Order No. 292 (Administrative Code of 1997) and these Rules.

Section 74. Repealing Clause. - Any or all provisions of existing regulations, orders and issuances inconsistent with or contrary to these Rules are hereby modified or repealed accordingly.

Section 75. Separability Clause. - If any part, section or provision of these Rules is held invalid or unconstitutional, the other parts, sections or provisions not affected thereby shall continue in operation.

Section 76. Filing. - It is hereby reported that three (3) certified copies of these Rules shall be filed with the U.P. Law Center, pursuant to Section 3, Chapter 2, Book VII, Executive Order No. 292, otherwise known as the **Administrative Code of 1987**.

Section 77. Effectivity. - These Rules shall take effect after fifteen (15) days following the completion of the publication thereof in at least three (3) newspapers of general circulation in the Philippines.

Promulgated in the City of Quezon, Metro Manila, Philippines this _____ day of _____ in the year of Our Lord nineteen hundred and ninety - nine.

Justice Serafin R. Cuevas
Secretary of Justice

SUPPLEMENTAL RULES TO THE OMNIBUS RULES ON PROBATION METHODS AND PROCEDURES

GENERAL PROVISIONS

Section 1. Scope - These Supplemental Rules are to be read and used in conjunction with the Omnibus Rules on Probation Methods and Procedures and the Rules and Regulations on Parole Supervision.

Section 2. Applicability - These Rules shall apply exclusively to Juveniles in Conflict with the Law or JICL.

Section 3. Definition of terms. - As used herein, unless the context otherwise requires:

- a) "JICL" refers to a natural person who is below eighteen (18) years of age but more than nine (9) years of age at the time of the commission of the crime, felony or offense. More specifically, the term refers to a JICL who is a first-time offender whose
 - i. sentence was suspended in accordance with Presidential Decree No. 603, "The Child and Youth Welfare Code", as amended, but who is returned to the committing court for the pronouncement of judgment or sentencing and who is qualified for the grant of probation under Presidential Decree No. 968, "The Probation Law of 1976", as amended;
 - ii. sentence became final and executory after he attained the age of eighteen (18) years; or
 - iii. whose minority could not be ascertained up to the time he was convicted and sentenced to serve a penalty for which he may be released on probation under the aforementioned Presidential Decree No. 968.
- b) "Petitioner" refers to a JICL who applies for the grant of probation.
- c) "Probationer" refers to a JICL who is placed on probation.
- d) "Administration" refers to the Parole and Probation Administration.

Section 4. Declaration of Policy. - It shall be the policy of the Administration to protect and nurture the rights of JICLs under the Constitution and its enabling laws and rules, and the United Nations Standard Rules in the Administration of Juvenile Justice and Treatment of Offenders. A JICL under the care of the Administration shall be assured of full protection against neglect, maltreatment, abuse and exploitation.

PETITION FOR PROBATION

Section 5. JICL Docket Book. - The Administration shall require all Parole and Probation Offices to establish and maintain a separate docket book for recording all court orders/referrals for the conduct of Post-Sentence Investigation (PSI) of a JICL.

Section 6. *Intake Interview; Waiver.* - The Probation Officer assigned to conduct the PSI shall hold the intake interview of the petitioner not later than five (5) days after the latter reports to the Parole and Probation Office pursuant to the order of the Trial Court. If there is no court order requiring the petitioner to report to said Office, the Probation Officer shall invite the petitioner, personally or by mail, to appear before him for the intake interview within the aforementioned period. The petitioner shall be advised that he may be accompanied during the intake interview by at least one member of his immediate family or, if there is none, by a responsible member of the community.

In the intake interview, the Probation Officer shall require the petitioner to accomplish and sign a Post-Sentence Investigation Worksheet (PPA Form No. 1). The contents of the Worksheet and other information gathered during the intake interview shall be the bases of further investigation.

The petitioner shall be required to execute and sign a Waiver-Cum-Authorization (PPA Form No. 2-A) authorizing the Administration to secure any and all information about him. In the same document, the petitioner shall consent to and/or be required, pending submission of the Post-Sentence Investigation Report (PSIR) and/or the resolution by the Trial Court of the petition for probation, to undergo community-based disposition measures, including but not limited to any or all of the following:

1. Guidance and counseling;
2. Educational, vocational or life skills programs;
3. Competency development;
4. Socio-cultural and recreational activities;
5. Community volunteer projects;
6. Leadership training;
7. Community and family welfare services; and/or
8. Referral to governmental or private rehabilitation clinics, hospitals, open centers or living communities.

Section 7. *Case Conference.* - Before the submission of the PSIR to the Trial Court, the Probation Officer shall confer with the petitioner, his/her immediate family member or relative or, in the latter's absence, a responsible member of the community. The conference shall seek to determine and enhance the commitment of the petitioner's relative or concerned member of the community to the supervision treatment program. The Chief Probation and Parole Officer shall preside over the case conference.

The JICL shall be given the opportunity to actively participate in the conference and shall be encouraged to express his/her views.

Section 8. *Transfer of probation of petitioner.* - In the proper case, the PSIR may, aside from recommending the grant of probation, contain a request that the control over the petitioner and his/her probation program be given/transferred to the Regional Trial Court designated as a Family Court, if any, subject to the actual visitation and supervision of the petitioner by the responsible Probation Officer.

SUPERVISION OF PROBATIONER

Section 9. *Supervision Treatment Plan; Goals.* - The Probation Officer shall prepare a Supervision Treatment Plan (STP) for strict compliance by the probationer. The STP shall be prepared in consultation with the probationer and his/her immediate relative or, in the absence of the latter, a responsible community member.

The STP shall have the following goals:

- a. to fix or, as needed, adjust/readjust the level of supervisory control required to address the overall danger posed by the probationer to the community;
- b. to assess/reassess how the probationer will make amends for the harm he may have inflicted and what strategies will be used to increase his/her understanding of the impact of his/her behavior on the victim and the community; and
- c. to identify the behavior gaps, problematic mindset and/or inadequacy in skills that contributed to his/her delinquency and set intervention and treatment measures and solutions therefor.

Section 10. *Acceptance of STP; Review.* - The STP shall take effect after it is accepted in writing by the probationer.

The Supervising Probation Officer shall review/evaluate the STP not later than six months after it takes effect. Whenever the need arises and/or upon the request of the probationer, the Supervising Probation Officer shall make the corresponding change to the STP or make a new one, and thereafter, submit the same to the Chief Probation and Parole Officer for approval. The revised or new STP shall also require the written acceptance of the probationer.

Section 11. *Change of Residence; Transfer of Control and Supervision.* - If a probationer is authorized by the court to reside in a place under the jurisdiction of another court, the Probation Officer shall request that control over the probationer and his/her probation program be transferred to the Regional Trial Court that has been designated as the Family Court thereat, if any, subject to actual supervision and visitation of the probationer by a new Probation Officer in the receiving Probation and Parole Office.

INFRACTION OF TERMS AND CONDITIONS OF PROBATION

Section 12. *Proof of Violation.* - The Probation Officer shall submit to the Court clear and convincing evidence of a serious violation of the terms and conditions of the grant of probation upon which the Court may base its order for the revocation of said grant.

Section 13. *Arrest of Erring Probationer.* - The arrest and recommitment of a probationer shall be a measure of last resort.

TERMINATION OF SUPERVISION

Section 14. *Final Supervision Conference.* - Before the Supervising Probation Officer submits the Probation Final Report (PPA Form No. 9) to the Court, he shall have a final conference with the probationer, together with his/her immediate relative or, in the latter's absence, a responsible community member. If necessary and available, the victim and/or a

responsible member of the community may be invited to attend said conference. The presence of the Chief Parole and Probation Officer in the conference shall be mandatory.

PROBATION REPORTS

Section 15. *Probation Reports.* - The Monthly Caseload Summary Reports (PPA Form No. 5 and attachments), the Semestral Reports of Probation and Parole Offices, the Annual Reports of Regional Directors, and the Annual Consolidated Reports of the Administration shall contain separate entries for the JICL clientele.

EFFECTIVITY

Section 16. *Effectivity.* - These Rules shall take effect upon approval by the Secretary of Justice and fifteen (15) days after publication in a newspaper of general circulation.

Quezon City, 29 January 2004.

(Sgd.) **GREGORIO F. BACOLOD**
Administrator

APPROVED:

(Sgd.) **MA. MERCEDITAS N. GUTIERREZ**
Acting Secretary

(Caption)

WAIVER AND COMMITMENT

I, _____ the undersigned, hereby authorize _____ of _____ to secure and make use of the following information and/or reports for purposes of evaluating my application for probation:

- _____ 1. Record of previous arrest, arresting agency, date and place of arrest, disposition
- _____ 2. Record of previous probation/parole/pardon
- _____ 3. School records
- _____ 4. Medical records, including dates of all records of any physician, clinic or hospital where I have sought consultation or received treatment
- _____ 5. Military records, including dates of all periods of active military service, records of disciplinary action, if any, other significant military history, awards, citations, date and time of discharge from active military service
- _____ 6. Drug history (psychological/psychiatric evaluation results)
- _____ 7. Others (pls. specify) _____

Likewise, the undersigned promise to abide with the following instructions while the Parole and Probation Administration is conducting its Post-Sentence Investigation:

- 1. Report at the Parole and Probation Office for a case conference, and weekly follow-up report;
- 2. Undergo drug test/drug dependency examination as need arises;
- 3. Secure/submit required certifications; and
- 4. Undergo community-based disposition measures, including but not limited to any or all of the following:
 - _____ a. Guidance and counseling
 - _____ b. Educational, vocational or life skills programs
 - _____ c. Competency development
 - _____ d. Socio-cultural and recreational activities
 - _____ e. Leadership training
 - _____ f. Community and family welfare services among others,
 - _____ g. Referral to rehabilitation, drop-in or open centers or living communities
 - _____ h. Others (pls. specify) _____

In the event that the undersigned unreasonably refuses to comply with the requirements and condition contained in this document, same will be a valid ground for the Parole and Probation Administration to recommend to the Court the denial of his/her application for probation, and suffer the consequence of such action.

Signature over printed name

I promised to help the aforementioned petitioner _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____ at _____.

Chief Probation and Parole Officer