



Updated

SERVICE MANUAL

PAROLE AND PROBATION ADMINISTRATION

References

2016

OTA-PRO-002-001

TABLE OF CONTENTS

| | PAGE |
|---|-------------|
| Presidential Decree No. 968, As Amended <i>(Establishing a Probation System, Appropriating Funds Therefore and for other Purposes)</i> | 1 |
| Republic Act No. 10707 <i>(An Act Amending PD No. 968, otherwise known as the “Probation Law of 1976”, as amended)</i> | 10 |
| PPA Omnibus Rules on Probation Methods and Procedures | 13 |
| Executive Order No. 292 <i>(Book IV/Title III/Chapter 7-Parole and Probation Administration)</i> | 31 |
| Proclamation No. 405 <i>(Declaring July 18-24, 1994 and Every Year Thereafter as Probation and Parole Week)</i> | 32 |
| Volunteerism and the Employment of Volunteer Probation Assistants (VPAs) | 33 |
| Training Design for the Introductory Course for Volunteer Probation Assistants (VPAs) | 37 |
| Executive Order No. 468 <i>(Revitalizing the Volunteer Probation Aide (VPA) Program of the Parole and Probation Administration)</i> | 38 |
| Jail Decongestion Program <i>(MC No. 7, S. 1993 dated February 23, 1993)</i> | 40 |
| Networking | 45 |
| Guidelines for Implementation of Payment of Civil Liability by PPA Clients | 46 |

TABLE OF CONTENTS

| | PAGE |
|---|-------------|
| Public Information Program | 51 |
| DDB Board Regulation No. 2 Series of 2006 | 56 |
| <i>(Regulation Governing the Implementation of Sec. 57</i> | |
| <i>(Probation and Community Service under the Voluntary Submission Program)</i> | |
| <i>and Sec. 70 (Probation or Community Service for a First-Time Minor Offender</i> | |
| <i>in Lieu of Imprisonment) of RA 9165</i> | |
| DDB Board Regulation No. 1 Series of 2006 | 57 |
| <i>(Guidelines in the Implementation of the Aftercare Program for Recovering Drug</i> | |
| <i>Dependents)</i> | |
| United Nations Standard Minimum Rules for | |
| Non-custodial Measures (The Tokyo Rules) | 75 |
| Republic Act No. 10389 | 84 |
| <i>(An Act Institutionalizing Recognizance as a Mode of Granting the Release</i> | |
| <i>of an Indigent Person in Custody as an Accused in a Criminal Case and for</i> | |
| <i>Other Purposes)</i> | |
| Republic Act No. 4103, As amended | |
| <i>(Indeterminate Sentence Law).</i> | 89 |
| Republic Act No. 9344 | 92 |
| <i>(Act Establishing a Comprehensive Juvenile Justice and Welfare System,</i> | |
| <i>Creating the Juvenile Justice and Welfare Council under the Department</i> | |
| <i>of Justice, Appropriating Funds Therefor and for Other Purposes)</i> | |
| Republic Act No. 10630 | 114 |
| <i>(An Act Strengthening the Juvenile Justice System in the Philippines, Amending</i> | |
| <i>for the Purpose Republic Act No. 9344, Otherwise known as the “Juvenile</i> | |
| <i>Justice and Welfare Act of 2006”and Appropriating Funds therefor)</i> | |

**PRESIDENTIAL DECREE NO. 968, As Amended
ESTABLISHING A PROBATION SYSTEM,
APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES ¹**

***AN ACT AMENDING 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:

WHEREAS, one of the major goals of the government is to establish a more enlightened and humane correctional system that will promote the reformation of offenders and thereby reduce the incidence of recidivism;

WHEREAS, the confinement of all offenders in prisons and other institutions with rehabilitation programs constitutes an onerous drain on the financial resources of the country; and

WHEREAS, there is a need to provide a less costly alternative to the imprisonment of offenders who are likely to respond to individualized, community-based treatment programs;

NOW, THEREFORE, I FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the following:

SEC. 1. Title and Scope of the Decree. - This Decree shall be known as the Probation Law of 1976. It shall apply to all offenders except those entitled to the benefits under the provisions of Presidential Decree numbered Six Hundred and Three and similar laws.

SEC. 2. - Purpose. - This Decree shall be interpreted so as to:

- (a) Promote the correction and rehabilitation of an offender by providing him with individualized treatment;
- (b) Provide an opportunity for the reformation of a penitent offender which might be less probable if he were to serve a prison sentence; and
- (c) Prevent the commission of offenses.

SEC. 3. Meaning of Terms. - As used in this Decree, the following shall, unless the context otherwise requires, be construed thus:

- (a) **“Probation”** is a disposition under which a defendant, after conviction and sentence, is released subject to conditions imposed by the Court and to the supervision of probation officer.
- (b) **“Probationer”** means a person placed on a probation.

¹

As amended by Presidential Decree No. 1257, Batas Pambansa Blg. 76, and further amended by PD 1990

(c) **“Probation Officer”** means one who investigates for the court a referral for probation or supervises a probationer or both.

SEC. 4. Grant of Probation. - Subject to the provisions of this Decree, the trial court may, after it shall have convicted and sentenced a defendant for a probationable penalty and upon application by said 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. No application for probation shall be entertained or granted if the defendant has perfected the appeal from the judgment of conviction: *Provided*, That when a judgment of conviction imposing a non-probationable penalty is appealed or reviewed, and such judgment is modified through the imposition of a probationable penalty, the defendant shall be allowed to apply for probation based on the modified decision before such decision becomes final. The application for probation based on the modified decision shall be filed in the trial court where judgment of conviction imposing a non-probationable penalty was rendered, or in the trial court where such case has since been re-raffled. In a case involving several defendants where some have taken further appeal, the other defendants may apply for probation by submitting a written application and attaching thereto a certified true copy of the judgment of conviction.

The trial court shall, upon receipt of application filed, suspend the execution of the sentence imposed in the judgment.

“This notwithstanding, the accused shall lose the benefit of probation should he seek a review of the modified decision which already imposes a probationable penalty.

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

“An order granting or denying probation shall not be appealable.”²

SEC. 5. Post-Sentence Investigation. - No person shall be placed on probation except upon prior investigation by the probation officer and a determination by the court that the ends of justice and the best interest of the public as well as that of the defendant will be served thereby.

SEC. 6. Form of Investigation Report. - The investigation report to be submitted by the probation officer under Section 5 hereof shall be in form prescribed by the Probation Administrator and approved by the Secretary of Justice.

SEC. 7. Period for Submission of Investigation Report. - The probation officer shall submit to the court the investigation report on a defendant not later than sixty days from receipt of the order of said court to conduct the investigation. The court shall resolve the petition for probation not later than fifteen days after receipt of said report.³

²

As amended by Sec. 1, RA 10707
As amended by Sec. 1, PD 1257 and Sec. 1, PD 1990

³

As amended by Sec. 2, PD 1257

Pending submission of the investigation report and the resolution of the petition, the defendant may be allowed on temporary liberty under his bail filed in the criminal case; *Provided, That*, in case where no bail was filed or that the defendant is incapable of filing one, the court may allow the release of the defendant on recognizance to the custody of a responsible member of the community who shall guarantee his appearance whenever required by the court.

SEC. 8. Criteria for Placing an Offender on Probation. - In determining whether an offender may be placed on probation, the court shall consider all information relative to the character, antecedents, environment, mental and physical condition of the offender, and available institutional and community resource. Probation shall be denied if the court finds that:

- (a) The offender is in need of correctional treatment that can be provided most effectively by his commitment to an institution; or
- (b) There is an undue risk that during the period of probation the offender will commit another crime; or
- (c) Probation will depreciate the seriousness of the offense committed.

“SEC. 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;”

“(b) convicted of any crime against the national security;

“(c) who have previously been convicted by final judgment of an offense punished by imprisonment of more than six (6) months and one (1) day and/or a fine of more than one thousand pesos (Php 1,000.00);

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

“(e) who are already serving sentence at the time the substantive provisions of this Decree became applicable pursuant to Section 33 hereof.”⁴

SEC. 10. Conditions of Probation. - Every probation order issued by the court shall contain conditions requiring that the probationer shall:

- (a) Present himself to the probation officer designated to undertake his supervision at such place as may be specified in the order within seventy-two hours from receipt of said order;
- (b) Report to the probation officer at least once a month at such time and place as specified by said officer.

⁴

As amended by Sec. 2, RA 10707

As amended by Sec. 1, BP Blg. 76 and Sec. 2, PD 1990

The court may also require the probationer to:

- (a) Cooperate with a program of supervision;
- (b) Meet his family responsibilities;
- (c) Devote himself to specific employment and not to change said employment without the prior written approval of the probation officer;
- (d) Undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose;
- (e) Pursue a prescribed secular study or vocational training;
- (f) Attend or reside in a facility established for instruction, recreation or residence of persons on probation;
- (g) Refrain from visiting houses of ill-repute;
- (h) Abstain from drinking intoxicating beverages to excess;
- (i) Permit the probation officer or an authorized social worker to visit his home and place of work;
- (j) Reside at premises approved by it and not to change his residence without its prior written approval; or
- (k) Satisfy any other condition related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

SEC. 11. Effectivity of Probation Order. - A probation order shall take effect upon its issuance, at which time the court shall inform the offender of the consequences 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, he shall serve the penalty imposed for the offense under which he was placed on probation.

SEC. 12. Modification of conditions of Probation. - During the period of probation, the court may, upon application of either the probationer or the probation officer, revise or modify the conditions or period of probation. The court shall notify either the probationer or the probation officer of the filing of such an application so as to give both parties an opportunity to be heard thereon.

The court shall inform in writing the probation officer and the probationer of any change in the period or conditions of probation.

Sec. 13. Control and Supervision of Probationer. - The probationer and his probation program shall be under the control of the court who placed him on probation subject to actual supervision and visitation by a probation officer.

Whenever a probationer is permitted to reside in a place under the jurisdiction of another court, control over him shall be transferred to the Executive Judge of the Court of First Instance of that place and, in such case a copy of the probation order, the investigation report and other pertinent records shall be furnished said Executive Judge. Thereafter, The Executive Judge to whom jurisdiction over the probationer is transferred shall have the

power with respect to him that was previously possessed by the court which granted the probation.

SEC. 14. Period of Probation. -

- a. The period of probation of a defendant sentenced to a term of imprisonment of not more than one year shall not exceed two years, and in all other cases, said period shall not exceed six years.
- b. When the sentence imposes a fine only and the offender is made to serve subsidiary imprisonment in case of insolvency, the period of probation shall not be less than nor be more than twice the total number of days of subsidiary imprisonment as computed at the rate established in Article thirty-nine of the Revised Penal Code, as amended.

SEC. 15. Arrest of Probationer; Subsequent Disposition. - At any time during probation, the court may issue a warrant for the re-arrest of a probationer for violation of any of the conditions of probation. The probationer, once arrested and detained, shall immediately be brought before the court for a hearing of the violation charged. The defendant may be admitted to bail pending such hearing. In such a case, the provisions regarding release on bail of persons charged with a crime shall be applicable to probationers arrested under these provisions.

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 State shall be represented by a prosecuting officer in any contested hearing. If the violation is established, the court may revoke or continue his probation and modify the conditions thereof. If revoked, the court shall order the probationer to serve the sentence originally imposed. An order revoking the grant of probation or modifying the terms and conditions thereof shall not be appealable.⁵

“SEC. 16. Termination of Probation. - After the period of probation and upon consideration of the report and recommendation of the probation officer, the court may order the final discharge of the probationer upon finding that he has fulfilled the terms and conditions of his probation and thereupon the case is deemed terminated.

“The final discharge of the probationer shall operate to restore to him all civil rights lost or suspended as a result of his conviction and to totally extinguish his criminal liability as to the offense for which probation was granted.

“The probationer and the probation officer shall each be furnished with a copy of such order.”⁶

SEC. 17. Confidentiality of Records. - The investigation report and the supervision history of a probationer obtained under this Decree shall be privileged and shall not be disclosed directly or indirectly to anyone other than the Probation Administration or the court concerned, except that the court, in its discretion, may permit the probationer or

⁵
As amended by Sec. 3, PD 1257

⁶
Ibid. As amended by Sec. 3, RA 10707

his attorney to inspect the aforementioned documents or parts thereof whenever the best interest of the probationer makes such disclosure desirable or helpful; *Provided*, further, That, any government office or agency engaged in the correction or rehabilitation of offenders may, if necessary, obtain copies of said documents for its official use from the proper court or the Administration.

SEC. 18. The Probation Administration. - There is hereby created under the Department of Justice an agency to be known as the Probation Administration herein referred to as the Administration, which shall exercise general supervision over all probationers.

The Administration shall have such staff, operating units and personnel as may be necessary for the proper execution of its functions.

SEC. 19. Probation Administrator. - The Administration shall be headed by the Probation Administrator, hereinafter referred to as the Administrator, who shall be appointed by the President of the Philippines. He shall hold office during good behavior and shall not be removed except for cause.

The Administrator shall receive an annual salary of at least forty thousand pesos. His powers and duties shall be to:

- (a) Act as the executive officer of the Administration;
- (b) Exercise supervision and control over all probation officers;
- (c) Make annual reports to the Secretary of Justice, in such form as the latter may prescribe, concerning the operation, administration and improvement of the probation system;
- (d) Promulgate, subject to the approval of the Secretary of Justice, the necessary rules relative to the methods and procedures of the probation process;
- (e) Recommend to the Secretary of Justice the appointment of the subordinate personnel of his Administration and other offices established in this Decree; and
- (f) Generally perform such duties and exercise such power as may be necessary or incidental to achieve the objectives of this Decree.

SEC. 20. Assistant Probation Administrator. - There shall be an Assistant Probation Administrator who shall assist the Administrator and perform such duties as may be assigned to him by the latter and as maybe provided by law. In the absence of the Administrator, he shall act as head of the Administration.

He shall be appointed by the President of the Philippines and shall receive an annual salary of at least Thirty-Six Thousand Pesos.

SEC. 21. Qualifications of the Administrator and Assistant Probation Administrator. - To be eligible for appointment as Administrator, a person must be at least thirty-five years of age, holder of a master's degree or its equivalent in either criminology, social work, corrections penology, psychology, sociology, public administration, law, police science, police administration, or related fields, and should have at least five years of supervisory experience, or be a member of the Philippine Bar with at least seven years of supervisory experience.

SEC. 22. Regional Office; Regional Probation Officer. - The administration shall have regional offices organized in accordance with the field service area pattern established under the Integrated Reorganization Plan.

Such regional offices shall be headed by a Regional Probation Officer who shall be appointed by the President of the Philippines in accordance with the Integrated Reorganization Plan and upon the recommendation of the Secretary of Justice.

The Regional Probation Officer shall exercise supervision and control over all probation officers within his jurisdiction and such duties as may be assigned to him by the Administrator. He shall have an annual salary of at least Twenty-Four Thousand Pesos.

He shall, whenever necessary, be assisted by an Assistant Regional Probation Officer who shall also be appointed by the President of the Philippines, upon recommendation of the Secretary of Justice, with an annual salary of at least Twenty Thousand Pesos.

SEC. 23. Provincial and City Probation Officers. - There shall be at least one probation officer in each province and city who shall be appointed by the Secretary of Justice upon recommendation of the Administrator and in accordance with civil service law and rules.

The Provincial or City Probation Officer shall receive an annual salary of at least Eighteen Thousand Four Hundred Pesos.

His duties shall be to:

- (a) Investigate all persons referred to him for investigation by the proper court or the Administrator;
- (b) Instruct all probationers under his supervision or that of the probation aide on the terms and conditions of their probation;
- (c) Keep himself informed of the conduct and condition of probationers under his charge and use all suitable methods to bring about an improvement in their conduct and conditions;
- (d) Maintain a detailed report of his work and submit such written reports as may be required by the Administration or the court having jurisdiction over the probationer under his supervision;
- (e) Prepare a list of qualified residents of the province or city where he is assigned who are willing to act as probation aides;
- (f) Supervise the training of probation aides and oversee the latter's supervision of probationers;
- (g) Exercise supervision and control over all field assistants, probation aides and other personnel; and
- (h) Perform such duties as may be assigned by the court or the Administration.

“SEC. 24. Miscellaneous Powers of Regional, Provincial and City Probation Officers. - Regional, Provincial or 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 persons in authority.”⁷

SEC. 25. Qualifications of Regional, Assistant Regional, Provincial and City Probation Officers. - No person shall be appointed Regional or Assistant Regional or Provincial or City Probation Officer unless he possesses at least a bachelor’s degree with a major in social work, sociology, psychology, criminology, penology, corrections, police science, police administration, or related fields and has at least three years of experience in work requiring any of the above-mentioned disciplines, or is a member of the Philippine Bar with at least three years of supervisory experience.

Whenever practicable, the Provincial or City Probation Officer shall be appointed from among qualified residents of the province or city where he will be assigned to work.

SEC. 26. Organization. - Within twelve months from the approval of this Decree, the Secretary of Justice shall organize the administrative structure of the Administration and the other offices created herein. During said period, he shall also determine the staffing patterns of the regional, provincial and city probation offices with the end in view of achieving maximum efficiency and economy in the operations of the probation system.

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

“SEC. 28. Volunteer Probation Assistants (VPAs). - To assist the Chief Probation and Parole Officers in the supervised treatment program of the probationers, the Probation Administrator may appoint citizens of good repute and probity, who have the willingness, aptitude, and capability to act as VPAs.

“VPAs shall not receive any regular compensation except for reasonable transportation and meal allowances, as may be determined by the Probation Administrator, for services rendered as VPAs.

“They shall hold office for a two (2)-year term which may be renewed or recalled anytime for a just cause. Their functions, qualifications, continuance in office and maximum case loads shall be further prescribed under the implementing rules and regulations of this Act.

“There shall be a reasonable number of VPAs in every regional, provincial, and city probation office. In order to strengthen the functional relationship of VPAs and the Probation Administrator, the latter shall encourage and support the former to organize themselves in the national, regional, provincial, and city levels for effective utilization, coordination, and sustainability of the volunteer program.”⁹

SEC. 29. Violation of Confidential Nature of Probation Records. - The penalty of imprisonment ranging from six months and one day to six years and a fine ranging from six hundred to six thousand pesos shall be imposed upon any person who violates Section 17 hereof.

7

As amended by Sec. 4, RA 10707

8

As amended by Sec. 5, RA 10707

9

As amended by Sec. 6, RA 10707

SEC. 30. Appropriations. - There is hereby authorized the appropriation of the sum of Six Million Five Hundred Thousand Pesos or so much as may be necessary, out of any funds in the National Treasury not otherwise appropriated, to carry out the purposes of this Decree. Thereafter, the amount of at least Ten Million Five Hundred Thousand Pesos or so much as may be necessary shall be included in the annual appropriations of the national government.

“SEC. 31. Repealing Clause. – All provisions of existing laws, orders and regulations contrary to or inconsistent with this Decree are hereby repealed or modified accordingly.

“SEC. 32. Separability of Provisions. – If any part, section or provision of this Decree shall be held invalid or unconstitutional, no other parts, section or provisions hereof shall be affected thereby.

“SEC. 33. Effectivity. – This Decree shall take effect upon its approval; Provided, However, That the application of its substantive provisions concerning the grant of probation shall only take effect on January 3, 1978.

Done in the City of Manila this 24th day of July in the year of Our Lord, nineteen hundred and seventy-six.¹⁰

¹⁰

PD 1257 took effect upon its issuance by the President on December 1, 1977; BP Blg. 76, passed by the Batasang Pambansa on June 9, 1980, took effect upon its approval by the President on June 13, 1980, PD 1990, took effect on 15 July 1986, fifteen (15) days after release of the 30 December 1985 issue of the Official Gazette publishing said Decree.

Approved,

(SGD) FELICIANO C. BELMONTE JR.
Speaker of the House
Senate
of Representatives

(SGD) FRANKLIN M. DRILON
President of the

This Act which is a consolidation of Senate Bill No. 2280 and House Bill No. 4147 was finally passed by the Senate and the House of Representatives on September 15, 2015 and September 14, 2015, respectively.

(SGD) MARILYN B. BARUA-YAP
Secretary General Secretary
of the Senate

(SGD) OSCAR G. YABES
House of Representatives

Approved: NOV. 26, 2015

(SGD) BENIGNO S. AQUINO III
President of the Philippines

[Republic Act No. 10707]

AN ACT AMENDING 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:

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

“SEC. 4. *Grant of Probation.* — Subject to the provisions of this Decree, the trial court may, after it shall have convicted and sentenced a defendant for a probationable penalty and upon application by said 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. No application for probation shall be entertained or granted if the defendant has perfected appeal from the judgment of conviction: *Provided,* That when a judgment of conviction imposing a non-probationable penalty is appealed or reviewed, and such judgment is modified through the imposition of a probationable penalty, the defendant shall be allowed to apply for probation based on the modified decision before such decision becomes final. The application for probation based on the modified decision shall be filed in the trial court where the judgment of conviction imposing a non-probationable penalty was rendered, or in the trial court where such case has since been re-raffled. In a case involving several defendants where some have taken further appeal, the other defendants may apply for probation by submitting a written application and attaching thereto a certified true copy of the judgment of conviction.

“The trial court shall, upon receipt of the application filed, suspend the execution of the sentence imposed in the judgment.

“This notwithstanding, the accused shall lose the benefit of probation should he seek a review of the modified decision which already imposes a probationable penalty.

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

“An order granting or denying probation shall not be appealable.”

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

“SEC. 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;

“b. convicted of any crime against the national security;

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

“d. who have been once on probation under the provisions of this Decree; and

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

SEC. 3. Section 16 of the same Decree, as amended, is hereby further amended to read as follows:

“SEC. 16. Termination of Probation. — After the period of probation and upon consideration of the report and recommendation of the probation officer, the court may order the final discharge of the probationer upon finding that he has fulfilled the terms and conditions of his probation and thereupon the case is deemed terminated.

“The final discharge of the probationer shall operate to restore to him all civil rights lost or suspended as a result of his conviction and to totally extinguish his criminal liability as to the offense for which probation was granted.

“The probationer and the probation officer shall each be furnished with a copy of such order.”

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

“SEC. 24. Miscellaneous Powers of Regional, Provincial and City Probation Officers. — Regional, Provincial or 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 persons in authority.”

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

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

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

“SEC. 28. Volunteer Probation Assistants (VPAs). — To assist the Chief Probation and Parole Officers in the supervised treatment program of the probationers, the Probation Administrator may appoint citizens of good repute and probity, who have the willingness, aptitude, and capability to act as VPAs.

“VPAs shall not receive any regular compensation except for reasonable transportation and meal allowances, as may be determined by the Probation Administrator, for services rendered as VPAs.

“They shall hold office for a two (2)-year term which may be renewed or recalled anytime for a just cause. Their functions, qualifications, continuance in office and maximum case loads shall be further prescribed under the implementing rules and regulations of this Act.

“There shall be a reasonable number of VPAs in every regional, provincial, and city probation office. In order to strengthen the functional relationship of VPAs and the Probation Administrator, the latter shall encourage and support the former to organize themselves in the national, regional, provincial, and city levels for effective utilization, coordination, and sustainability of the volunteer program.”

SEC. 7. *Separability Clause.* — If any provision of this Act is declared invalid, the provisions hereof not affected by such declaration shall remain in full force and effect.

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

SEC. 9. *Appropriations Clause.* — The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law.

SEC. 10. *Implementing Rules and Regulations.* — Within sixty (60) days from the approval of this Act, the Department of Justice shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 11. *Effectivity.* — This Act shall take effect immediately after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

(Sgd.) FELICIANO BELMONTE JR.
Speaker of the House of Representatives
Senate

(Sgd.) FRANKLIN M. DRILON
President of the

This Act which is a consolidation of Senate Bill No. 2280 and House Bill No. 4147 was finally passed by the Senate and the House of Representatives on September 15, 2015 and September 14, 2015, respectively.

(Sgd.) MARILYN B. BARUA-YAP
Secretary General
House of Representative

(Sgd.) OSCAR B. YABES
Secretary of the Senate

Approved: **NOV 26 2015**

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippines

**PAROLE AND PROBATION ADMINISTRATION OMNIBUS RULES ON
PROBATION METHODS AND PROCEDURES**

Pursuant to the provisions of Section 19(d) of Presidential Decree (PD) No. 968 and Section 10 of Republic Act No. 10707, the Department of Justice hereby adopts and promulgates the following Omnibus Rules on Probation Methods and Procedures.

I. GENERAL PROVISIONS

SECTION 1. Title. — This Rules shall be known and cited as the "Omnibus Rules on Probation Methods and Procedures" or simply "Rules."

SECTION 2. Policy Objectives and Declared Purposes. — This Rules is adopted to carry out the following purposes:

- 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/her reformation and re-integration into the community; and
- c) To prevent the commission of offenses.

SECTION 3. Liberal Construction. — This Rules shall be liberally construed so as to efficiently and effectively implement and carry out 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 this 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 this 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 this Rules, unless the context provides otherwise, the following terms shall be construed, thus:

- a) "Absconding Petitioner" — A petitioner whose application for probation has been given due course by the proper court who 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, and who cannot be located despite efforts exerted.
- b) "Absconding Probationer" — A probationer who has not reported for initial supervision within the seventy two (72) hours from receipt of the order and/or whose whereabouts could not be found, located or determined despite due diligence within five (5) days shall be declared by the proper Office as an absconding probationer.
- c) "Administration" — refers to the Parole and Probation Administration.
- d) "Administrator" — the head of the Department of Justice- Parole and Probation Administration and acts as an executive officer of the Administration.
- e) "Deputy Administrator" — formerly known as Assistant Probation Administrator, who shall assist the Administrator and perform such other duties as may be assigned by the Administrator.

- f) "General Inter-Office Referral" — a request from one Probation Office to another, whether Full- Blown or Partial Courtesy Investigation.
 - g) "Person in authority" — one who is directly vested with jurisdiction to execute or enforce the laws.
 - h) "Petitioner" — a convicted defendant who files an application for probation.
 - i) "Probation" — a privilege granted by the State under which a defendant, after conviction and sentence, is released subject to conditions imposed by Trial Court and to the supervision of a Probation Officer.
 - j) "Probation Office" — refers either to the Provincial or City Probation Office directed to conduct investigation or supervision referrals as the case may be.
 - k) "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. They shall be considered as persons in authority.
 - l) "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.
- m) "Probationer" — a person who is placed under probation, given liberty conditioned on his/her good behavior, and which the state, by personal supervision, assists in his/her rehabilitation program.
 - n) "Referral" — otherwise known as investigation order.
 - o) "Trial Court" — refers to the Regional Trial Court (RTC) of the Province or City/Municipal Court which has jurisdiction over cases.
 - p) "Volunteer Probation Assistant (VPA)" — a person trained and appointed to render various volunteer work and services to the PPA.

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, CPPO 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. *Who may apply for Probation*. — Offenders who are convicted by final judgment and sentenced with imprisonment and/or fine with subsidiary imprisonment, who are not specifically disqualified by law.

SECTION 7. Offenders Disqualified.— Probation shall not be extended to those:

a) Disqualified under the provision of Section 9 of PD No. 968, as amended:

- (i) sentenced to serve a maximum term of imprisonment of more than six (6) years;
- (ii) convicted of any crime against national security;
- (iii) who have previously been convicted by final judgment of an offense punished by imprisonment of more than six (6) months and one (1) day and/or a fine of more than one thousand pesos (P1,000.00);
- (iv) who have been once on probation under the provisions of this Decree;
- (v) who are already serving sentence at the time the substantive provisions of this Decree became applicable pursuant to Section 33 hereof;

b) Disqualified under special laws:

- (i) Offenders found guilty of any election offense in accordance with Section 264 of Batas Pambansa Blg. 881 (Omnibus Election Code)
- (ii) Offenders found guilty of violating Republic Act No. 6727 (Wage Rationalization Act, as amended)
- (iii) Offenders found guilty of violating Republic Act No. 9165 (Comprehensive Dangerous Act of 2002), except Sections 12, 14, 17, 70.

SECTION 8. Filing. — Application for probation shall be filed with the Trial Court which has jurisdiction over the case.

SECTION 9. Time for Filing. — The petitioner shall file his/her application with the Trial Court at any time after conviction and sentence but within fifteen (15) days from the promulgation of judgment or within the period of perfecting his/her appeal.

Section 10. When an accused who appealed may still apply for probation.—When a judgment of conviction imposing a non-probationable penalty is appealed or reviewed, regardless of the nature of such appeal, and the judgment is modified by an appellate court through the imposition of a lesser penalty or conviction for a lesser crime which is probationable, the accused shall be allowed to apply for probation based on the modified decision within fifteen (15) days from receipt by the accused or counsel of the modified decision.

The application for probation based on the modified decision shall be filed in the court of origin or in the trial court where such case has been re-raffled. The Petition for Probation must include a Certified True Copy of the Modified Decision of the Appellate Court. Moreover, the Petitioner should inform the appellate court of its intention to apply for probation by filing a manifestation or copy furnishing it of its petition to apply for probation.

This notwithstanding, the accused shall lose the right to apply for probation on a modified decision should he/she seek a review of the modified decision which already imposes a probationable penalty. (As amended by RA 10707)

SECTION 11. Probation of Some Accused After Joint Trial and Conviction — When two (2) or more accused are tried jointly and convicted, and some have taken further appeal, the other accused who did not file an appeal may apply for probation by filing a petition for probation within fifteen (15) days from the promulgation of judgment or notice thereof and attaching thereto a certified true copy of the judgment of conviction.

The trial court shall act on the petition for probation even after it shall have forwarded the entire records of the case to the appellate court and despite the pendency of the appeal of the other accused.

The filing of probation of one or more several accused shall make the decision of the trial court final as to them but not to those who have taken further appeal.

The decision in the appeal shall not affect those who applied for probation except insofar as the judgment of the appellate court is favorable and applicable to the latter.

SECTION 12. 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.

SECTION 13. Notice to the Prosecuting Officers of the Filing of the Application. — The Trial Court shall notify the concerned Prosecuting Officer of the filing of the application at a reasonable time it deems necessary before the scheduled hearing thereof.

SECTION 14. Comment. — The Prosecuting Officer may submit his/her Comment on the application within ten (10) days from receipt of the notification.

SECTION 15. Referral to Proper Probation Office. — If the Trial Court finds that the application is in due form and the petitioner appears to be legally qualified for the grant of probation, it shall order the Probation Office within its jurisdiction to conduct a Post-Sentence Investigation (PSI) on the petitioner.

SECTION 16. 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, petitioner's name, criminal case number, description/designation of the offense, penalty imposed and other related data and information.

SECTION 17. Effects of Filing and Receipt. — The Trial Court may, upon receipt of the application filed, suspend the execution of the sentence imposed in the judgment.

SECTION 18. Bail or recognizance pending resolution of application. — Pending submission of the Post-Sentence Investigation Report (PSIR) and the resolution of the petition for probation, the accused may be allowed temporary liberty under his/her bail filed in the criminal case where he was convicted.

Where no bail was filed or the accused is incapable of filing one, the court may allow his/her release on recognizance to the custody of a responsible member of the community who shall guarantee his/her appearance whenever required by the court.

III. POST-SENTENCE INVESTIGATION (PSI)

SECTION 19. Assignment. — After receipt of the referral order from the Trial Court, the Probation Office concerned shall docket and assign the case to an Investigating Officer (IO).

SECTION 20. Initial Interview/Accomplishment of Work Sheet/ Waiver. —

- a) Within five (5) working days from receipt of said referral, the CPPO shall conduct the initial interview of the petitioner.
- b) A Waiver-Cum-Authorization (PPA Form 2), authorizing the PPA and/or the Probation Office to secure any and all information on the petitioner, shall be duly executed and signed by him/her.

During such initial interview, the Probation Officer on case or CPPO shall require the petitioner to accomplish and sign a Post Sentence Investigation Work Sheet (PPA Form 1) as well as PPA Form 2. The IO shall conduct further investigation based on the information contained therein.

- c) If the petitioner remains unlocated despite due diligence, one shall be declared as an absconding petitioner hence a recommendation for denial shall be submitted to the court for appropriate action.

SECTION 21. Scope and Extent of PSI—The IO shall conduct a thorough investigation on the antecedents, mental and physical condition, character, socio-economic status and criminal record, if any, of the petitioner and the institutional and community resources available for his/her rehabilitation.

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

If there is a need to obtain information or clarify conflicting data, refer to Title IV.

The IO shall assess, identify suitable treatment programs and recommend appropriate probation conditions to the court.

SECTION 22. Collateral Information. — During the conduct of the PSI, collateral information must be gathered from those persons who have direct personal knowledge of the petitioner, offended party family members, and/or their relatives, including barangay officials and disinterested persons.

SECTION 23. Subsequent interviews. — To obtain additional data, counter check, or clarify discrepancy/ies between the information received from the petitioner and those secured from other sources, the IO may conduct subsequent or further interviews on the petitioner and/ or other persons as deemed appropriate.

SECTION 24. Absconding Petitioner. — If the petitioner whose application for probation has been given due course by the proper court but failed to present himself/herself to the proper Office within seventy-two (72) hours from receipt of the Probation Order or within reasonable time therefrom, said Office shall exert diligent efforts to inquire on, and locate petitioner's whereabouts before it shall report such fact with appropriate recommendation to the proper court considering the surrounding circumstances of place, date and time, health condition and other related factors appertaining to petitioner.

IV. GENERAL INTER-OFFICE REFERRAL (GIOR)

SECTION 25. Full-Blown Courtesy Investigation (FBCI) — A comprehensive courtesy investigation from another 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) Petitioner for probation is a transient offender in the place of commission of the crime and/or a permanent resident of another place;
- b) He/she spent his/her pre-adolescent and/or adolescent life in the province or city of origin;
- c) He/she attended and/or finished his education thereat; and
- d) His/her immediate family members, collateral informants or disinterested persons and officials who can best authenticate the inter-family relationship, upbringing, behavior of the petitioner for probation in the community are residents of the place of his/her origin.

SECTION 26. *Partial Courtesy Investigation (PCI)* — All other courtesy investigation to be conducted by another probation office not falling within the purview of an FBCI shall be known as Partial Courtesy Investigation (PCI).

SECTION 27. *Transfer of Referral Investigation.* — When proper under the immediately preceding section and warranted under the circumstance, an 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 petitioner for probation.

SECTION 28. *Transfer to the Executive Judge.* — In case of the suitability of the petitioner for probation it shall be recommended in the PSIR by the Probation Office, that simultaneous with the grant of probation, the control over the petitioner and his/her probation rehabilitation program be transferred to the Honorable Executive Judge of the Regional Trial Court of the Province or City which has jurisdiction over the place where the petitioner intends to reside, subject to the actual visitation and supervision of the Probation Office of said province or city.

V. POST-SENTENCE INVESTIGATION REPORT

SECTION 29. *Purpose* — The PSIR aims to enable the trial court to determine whether or not the ends of justice and primarily the best interest of the public, as well as that of the petitioner, would be served by the grant or denial of the application.

SECTION 30. *Contents* — The PSIR shall contain the following:

- a) circumstances surrounding the crime or offense for which the petitioner was convicted and sentenced taken from the petitioner himself/herself, 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;
- b) Details of other criminal records, if any;
- c) 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;
- d) Results of findings of drug, psychological and clinical tests conducted, if any;
- e) Personal circumstances, educational, economic and socio-civic data and information about the petitioner;

- f) Characteristics of petitioner, employable skills, employment history, collateral information;
- g) Data and information on the petitioner's financial condition and capacity to pay, his/her civil liability, if any;
- h) Result(s) of courtesy investigation whether FBCI or PCI (See Sec. 24 and 25 of this Rules), if any, conducted in the birth place or place of origin of petitioner especially if he plans to reside thereat while on probation, if ever his/her application will be granted;
- i) Other analogous matters
- j) Evaluation and analysis of the petitioner's suitability and legal qualification for probation and his/her potential for rehabilitation, reform, development, transformation and re-integration into the community; and
- k) Recommendation to:
 - (i) grant the application, including probation period, probation conditions and probation treatment and supervision plan/program; or
 - (ii) deny the application.

SECTION 31. Nature of Recommendation. — 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 32. Signatories. — The PSIR shall as a rule be prepared by the IO 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.

SECTION 33 .Period to Resolve the Petition for Probation. — The petition for probation shall be resolved by the Trial Court not later than fifteen (15) days from the date of its receipt of the PSIR.

VI. PROBATION ORDER

SECTION 34. Nature of Probation; Effect of the Grant of Probation; Nature of Probation Order. —

- a) Probation is but a mere privilege and as such, its grant or denial rests solely upon the sound discretion of the Trial Court. After its grant, it becomes a statutory right and it shall only be cancelled 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 bail bond upon which he/she was allowed temporary liberty or release the custodian from his/her undertaking.
- c) An order placing defendant on probation is not a final judgment but is rather an interlocutory judgment in the nature of a conditional order placing the convicted defendant under the supervision of the court for his/her reformation, to be followed by a final judgment of discharge, if the conditions of the probation are complied with, or by a final judgment of sentence if the conditions are violated.

SECTION 35. 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/her failure to comply with any of the conditions prescribed in the said order or his/her commission of another offense, he/she shall serve the penalty imposed for the offense under which he/she 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 as to application for probation shall be docketed as well.

VII. TERMS AND CONDITIONS OF PROBATION

SECTION 36. Mandatory Conditions. — A probation order shall require the probationer:

- a) To present himself/herself to the Probation Officer for supervision within seventy- two (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 37. Other Conditions. — The Probation Order may also require the probationer, among others, to:

- a) Cooperate with his/her program of probation treatment and supervision;
- b) Meet his/her family responsibilities;
- c) Devote himself/herself to a specific employment and not to change said employment without prior written approval of the CPPO;
- d) Undergo medical, psychological, clinical, drug or psychiatric examinations and treatment and enter 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/her 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 worker to visit his/her home and place of work;
- k) Reside at premises approved by the Trial Court and not to change his/her residence without prior written approval of said court;
- l) Participate in tree planting activities in accordance with Memorandum Circular No. 13 s. 2003; and/or

- m) Satisfy any other condition related to his/her rehabilitation into a useful citizen which is not unduly restrictive of his/her liberty or incompatible with his/her freedom of conscience.

Section 38. Restitution or reparation to the aggrieved parties as a condition for probation.

— 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 shall hand over the sum to the victim with a corresponding receipt as evidence of acceptance by the latter of the full amount indicated in the said receipt, a copy of which should be given by the probationer to the Probation Office in order to monitor such payment; or
- 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/her proper disposition; or
- c) Payment can be effected directly to the victim and the acknowledgement receipt (PPA Form No. 11A) shall be filed in the supervision case file of the probationer at the Probation Office.

The payment of civil liability to the Probation Officer on case to be remitted to the victim is PROHIBITED.

VIII. SUPERVISION OF PROBATIONERS

SECTION 39. Purpose. — The primary purposes of probation supervision are:

- a) To ensure the probationer's compliance with the terms and 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 useful citizen for his/her eventual reintegration to the mainstream of society.

SECTION 40. 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 41. Initial Report. —

- a) Upon the probationer's appearance for his/her initial supervision, the Supervising Officer (SO) or CPPO 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/her;
 - (ii) Formulate with the client My Personal Development Plan (MPDP); and
 - (iii) Carry out other related activities.
- b) Upon receipt of a copy of PPA Form No. 4 and the Probation Order, the CPPO shall immediately assign the case to an SO.

In the event that the probationer does not report for initial supervision within seventy- two (72) hours upon receipt of the Probation Order or when his/her whereabouts are unknown, the Probation Officer shall exert due diligence to find him/her and conduct such field inquiry as is necessary within five (5) days, before considering the fact that the probationer 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 42. Outside Travel. —

- a) The SO may authorize a probationer to travel outside his/her area of operation/territorial jurisdiction for a period of not more than ten (10) days. However, if it exceeds 10 days but not more than thirty (30) days, approval of the CPPO is required. Accordingly, a Request for Outside Travel (PPA Form 7) with said Office, properly recommended by the SO, should be duly accomplished.
- b) 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.
- c) 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 43. Change of Residence: Transfer of Supervision. —

- a) A Probationer may file a Request for Change of Residence (PPA Form 24) with the Probation Office, citing the reason(s) therefore. This request shall be submitted by the CPPO/OIC for the approval of the Trial Court.
- b) Upon 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 Probation Office in the place to which he/she transferred.

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

- c) The receiving 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 transferring Probation Office.

SECTION 44. Absconding Probationer. —

- a) A probationer who has not reported for initial supervision within the prescribed period and/or whose whereabouts could not be 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 SO and approved by the CPPO.

SECTION 45. Modification or Revision of Probation Conditions. — During the period of probation, the court may, *motu proprio* or upon motion/manifestation by the CPPO, or by the probationer, or his/her lawyer, revise or modify the conditions or period of probation.

Prior to any modification or revision, the Court shall notify all interested parties so as to give them an opportunity to be heard.

The court shall inform in writing the CPPO and the probationer of any change in the period or conditions of probation.

SECTION 46. Effectivity and Finality of Modified or Revised Probation Order. — The Trial Court may modify or revise the Probation Order which shall become final and effective upon its promulgation and receipt thereof by the probationer, unless specified otherwise by said Order.

IX. VIOLATION OF PROBATION CONDITION

SECTION 47. 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 48. Fact-Finding Investigation. — Based on reasonable cause reported by a reliable informant or on his/her own findings, the SO concerned or the CPPO himself/herself shall conduct or require the SO 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 49. Report: Violation of Condition. — After the completion of the fact-finding investigation, the SO shall prepare a violation report thereon containing his/her findings and recommendations and submit the same to the CPPO for review and approval.

Thereafter, said 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 SO concerned and duly approved by the CPPO for the court's resolution.

SECTION 50. Violation Report, Its Contents. — Signatories and Submission to Trial Court —

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

- (i) Accurate and complete statement of the facts and surrounding circumstances, including but not limited to the:
 - 1) Nature, character and description of the violation;
 - 2) Specific acts and/or omissions constitutive of the violation;
 - 3) Place, date and time of commission or omission;
 - 4) Statements or affidavits of apprehending officers and offended parties; and,
 - 5) 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 object evidence; and
- (iii) Findings, assessment and recommendation of the Probation Office.

- b) The Violation Report shall be prepared and signed by the SO concerned, and approved and signed by the CPPO.

SECTION 51. Arrest of Erring Probationer. — After having duly considered the nature and gravity of such reported violation based on the submitted Report, the Trial Court may issue a warrant for the arrest of the probationer for serious violation of his/her probation condition.

SECTION 52. Hearing of the Violation of Probation. — Once arrested and detained, the probationer shall immediately be brought before the Trial Court for a summary hearing of the violation charged.

The probationer shall have the right to be informed of the violation charged and to adduce evidence in his/her 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 53. 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 probationer's continuance of probation, modification of his/her probation conditions or revocation of the probation.
- 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/her case for which he/she applied for probation.
- c) A court order modifying the probation conditions as in Sec. 44 of this Rules or revoking probationer's probation shall not be appealable. However, it may be correctible by certiorari pursuant to the pertinent provisions of the Rules of Court.

SECTION 54. Right to Counsel. — In the hearing for violation of probation conditions, the probationer shall have the right to counsel of his/her own choice or to request that a counsel be appointed if the probationer cannot obtain counsel.

SECTION 55. Representation for the State. — For the prosecution of violation of probation condition(s), the State shall be represented by the proper prosecuting officer.

X. EARLY TERMINATION

SECTION 56. Coverage. — The following probationers may be recommended for the early termination of their probation period:

- a) Those who are suffering from serious physical and/or mental disability such as deaf-mute, the lepers, the crippled, the blind, the senile, the bedridden, and the like;
- b) Those who do not need further supervision as evidenced by the following:
- (i) Consistent and religious compliance with all the conditions imposed in the order granting probation;

- (ii) Positive response to the programs of supervision designed for their rehabilitation;
- (iii) Significant improvements in their social and economic life;
- (iv) Absence of any derogatory record while under probation;
- (v) Marked improvement in their outlook in life by becoming socially aware and responsible members of the family and community; and
- (vi) 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.

c) Those who have:

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

SECTION 57. Procedure. —The following steps shall be observed to effect the early termination of probation.

- a) The SO who exercises direct supervision over the probationer shall prepare the motion for early termination addressed to the Court which has control and supervision over the probationer in accordance with Section 12 of the Probation Law of 1976, as amended. The motion shall bear the approval of the CPPO without prejudice to the latter taking the initiative for preparing said motion.
- b) Should the motion be approved by the CPPO, the SO shall file the same with the Trial Court within two (2) days after receipt thereof.
- c) Should the said motion be disapproved, the same shall be filed in the supervision case file/record of the probationer for future reference.
- d) 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. VOLUNTEER PROBATION ASSISTANTS

SECTION 58. Qualifications: —Volunteer Probation Assistant (VPA) must be:

- a) Citizens of good repute and probity, who have the willingness, aptitude and capability to act as VPAs;
- b) Preferably twenty- five (25) years old and above;
- c) Preferably a resident of the same community as the client;
- d) Willing to serve without compensation;
- e) Capable to prepare reports;
- f) No criminal conviction, however, former clients with exemplary behavior fit to be role models may be considered; and
- g) Of good health.

SECTION 59. Functions: The VPA shall perform the following functions:

- a) As Direct Supervisor
 - (i) Supervise a maximum of five (5) clients at any given time;
 - (ii) Work closely with Officer-On-Case and CPPO/OIC and discuss treatment plan and status of clients;
 - (iii) Submit monthly accomplishment report to Officer-On-Case or CPPO/OIC and other reports required; and
 - (iv) Perform such other tasks as may be assigned by the Officer-On-Case or CPPO/OIC.
- b) As Resource Individual:
 - (i) Resource speaker;
 - (ii) Counselor to other clients/people who need help;
 - (iii) Donor, sponsor, or referral person; and
 - (iv) Program coordinator of client activities.
- c) Mediator, Restorative Justice implementor, Therapeutic Community facilitator

SECTION 60. Caseload. — VPAs shall supervise Eighty Percent (80%) of the clients. The maximum caseload of each VPA shall be 5 clients (1:5).

SECTION 61. Appointment: Term of Office. —

- a) Volunteer Probation Assistants shall be appointed by the Probation Administrator or through the recommendation of the Regional Director endorsed by the CPPO/OIC within their respective areas of jurisdiction.

- b) Volunteer Probation Assistants so appointed may hold office during good behavior for a term of two (2) years, renewable at the end of each term as endorsed by the CPPO/OIC recommended by the Regional Director to the Administrator.
- c) The term of office shall commence on the date of his/her appointment.

All appointments before the effectivity of RA 10707 shall be deemed terminated but eligible for renewal upon the endorsement of the CPPO/OIC and recommended by the Regional Director to the Administrator.

SECTION 62. Cancellation of Appointment—Volunteer Probation Assistants' appointment may be cancelled anytime on the ground of unsatisfactory performance in the VPA Evaluation System.

Commission of unlawful acts shall also be a ground for cancellation.

SECTION 63. Organization of VPAs —The national organization shall be properly represented by all regional associations. There shall be one (1) accredited national organization recognized by the Agency as sole representative of the national, regional, provincial and city VPA organizations.

SECTION 64. Allowance—VPAs shall not receive any regular compensation except for reasonable transportation and meal allowance for services rendered as VPA in handling supervision cases, as approved by the Department of Budget and Management.

XII. TERMINATION OF THE PROBATION SUPERVISION CASE

SECTION 65. 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 49a(i-iii) 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 66. Termination Report. — The Probation Office shall submit to the Trial Court a Probation Officer's Final Report (PPA Form 9) five (5) 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/her 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/her civil rights; and
- f) Such other relevant and material facts and information.

SECTION 67. 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/she has fulfilled the probation terms and conditions and, thereupon, the probation supervision case is deemed terminated.

SECTION 68. Legal Effects of Final Discharge: Termination Order. —

- (a) Upon satisfactory compliance with the terms and conditions of probation, the probationer is entitled to a final discharge from probation by the court. His/her final discharge shall operate to restore all civil and political rights lost or suspended as a result of conviction, and to totally extinguish his/her criminal liability as to the offense for which probation was granted.
- (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 69. Reckoning Period. — After actual receipt of the Termination Order finally discharging the probationer, the Probation Office shall formally close the probation case and keep client's case file.

SECTION 70. 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. MISCELLANEOUS PROVISIONS

SECTION 71. Forms. — All probation forms specified herein shall be understood to have been contemporaneously prescribed and approved as integral parts of this 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 72. Confidentiality of Probation Records. — The PSIR and the supervision history of a probationer obtained under PD No. 968, as amended, shall be privileged and shall not be disclosed directly or indirectly to anyone other than the Parole and Probation Administration or the Trial Court, except that the court may, in its sound discretion, permit the probationer or his/her 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 entity/(ies) engaged in the correction or rehabilitation of offenders may, if necessary, obtain copies of said documents for its official use from the proper court or Administration.

SECTION 73. 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 this 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 74. 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 this Rules and the Probation Law without the need of public notice, hearing and publication.

b) The Administration shall:

- (i) Develop, formulate, implement and administer appropriate organizational programs;
- (ii) Provide educational, technical, financial and calamity assistance to clients and personnel;
- (iii) Offer livelihood and enterprise development;
- (iv) Generate job placement and employment opportunities;
- (v) Undertake surveys and researches related to program implementation;
- (vi) 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; and
- (vii) Support associations and communities of its clients and, whenever applicable, of its personnel.

For this purpose, there is hereby constituted a special 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 75. 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 this Rules.

SECTION 76. Repealing Clause. — Any or all provisions of existing regulations, orders or issuances inconsistent with or contrary to this Rules are hereby modified or repealed accordingly.

SECTION 77. Separability Clause. — If any provision of this Rules is declared invalid or unconstitutional, the provisions hereof not affected by such declaration shall remain in full force and effect.

SECTION 78. Effectivity. — This Rules shall take effect immediately upon publication in a newspaper of general circulation and upon filing of three (3) certified copies with the U.P. Law Center.

Promulgated in the City of Quezon, Metro Manila, Philippines this 26th of May in the year of Our Lord Two Thousand and Sixteen.

**(SGD.) MANUEL G. CO, CESO I, MNSA
Administrator**

Approved:

**(SGD.) HON. EMMANUEL L. CAPARAS
Secretary of Justice**

N.B. Effectivity date is JULY 26, 2016 per M.C. No. 46 dated August 1, 2016

EXECUTIVE ORDER NO. 292

[BOOK IV/Title III/Chapter 7-Parole and Probation Administration]

Posted on July 25, 1987

Effective November 23, 1989

CHAPTER 7

Parole and Probation Administration

SECTION 23. Parole and Probation Administration. – The Parole and Probation Administration hereinafter referred to as the Administration shall have the following functions:

- (1) Administer the parole and probation system;
- (2) Exercise general supervision over all parolees, and probationers;
- (3) Promote the correction and rehabilitation of offenders; and
- (4) Such other function as may hereafter be provided by law.

SECTION 24. Structural and Personnel Organization. – (1) The Administration shall be headed by an Administrator who shall be immediately assisted by a Deputy Administrator. The Administrator and Deputy Administrator shall be appointed by the President upon the recommendation of the Secretary.

The appointees to the positions of Administrator and Deputy Administrator must be holders of a doctoral/masteral degree in public administration and/or lawyers with at least one year of supervisory experience in probation work.

- (2) The Administration shall have a Technical Service under the Office of the Administrator which shall serve as the service arm of the Board of Pardons and Parole in the supervision of parolees and pardonees.

The Board and the Administration shall jointly determine the staff complement of the Technical Service.

- (3) The Administration shall likewise continue to operate and maintain a Regional Office in each of the administrative regions including the National Capital Region and also a probation and parole office in every province and city of the country.

The Regional, Provincial and City Offices of the Administration shall each be headed by a Regional Probation and Parole Officer, Provincial/City Probation and Parole Officer, respectively, all of whom shall be appointed by the Secretary upon the recommendation of the Administrator.

The Provincial or City Probation and Parole Officers shall be assisted by such field assistants and subordinate personnel as may be necessary to enable them to carry out their duties and functions. For this purpose, the Administrator may appoint citizens of good repute and probity to act as Probation and Parole Aides who shall not receive any regular compensation for their services except reasonable travel allowance.

SECTION 25. Applicability of P.D. No. 968, as amended. – The Provisions of P.D. 968 otherwise known as the Probation Law of 1976 shall continue to govern the operation and management of the Administration including the enumeration of functions and qualifications for appointment of the Administrator, Deputy Administrator, Regional, Provincial and City Probation Officers and their assistants and other subordinate personnel not inconsistent with this title.

**MALACAÑANG
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 405

**DECLARING JULY 18 TO 24, 1994 AND EVERY YEAR THEREAFTER
AS PROBATION AND PAROLE WEEK**

WHEREAS, probation in the Philippines, as a non-institutional form of treatment and rehabilitation of qualified offenders, has been proven to be a major component of the criminal justice system since the signing of the Probation Law on July 24, 1976;

WHEREAS, the government recognizes the value of setting aside a designated period for public awareness of the importance of probation and parole as a distinct service to the less fortunate sector of the population;

WHEREAS, public compassion, understanding and support are necessary for these qualified offenders to be fully reintegrated and accepted into the mainstream of society;

NOW, THEREFOR, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby declare the period from July 18 to 24, 1994 and every year thereafter as Probation and Parole Week to be observed throughout the country.

The Probation and Parole Administration and the Probation and Parole Officer's League of the Philippines, Inc. shall take the lead in the celebration of this week. All government agencies, local government units and non-governmental organization are enjoined to give their support for the success of this celebration.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed

Done in the City of Manila, this 15th day of June, in the year of Our Lord, nineteen hundred and ninety-four.

(SGD.) FIDEL V. RAMOS
President of the Philippines

By the President:

(SGD.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

VOLUNTEERISM AND THE EMPLOYMENT OF VOLUNTEER PROBATION ASSISTANTS (VPAs)

I. CONCEPT AND LEGAL BASES

Volunteerism is a strategy by which the Parole and Probation Administration may be able to generate maximum citizen participation in the overall process of client rehabilitation and thereby enhance a better understanding and appreciation of the Criminal Justice System, and ensure, in the process, the successful reintegration of its clientele in the social mainstream in a highly meaningful way. It may further be viewed as a management tool by which the Administration may be able to address the problem of lack of personnel through the effective utilization of available human resources in the community who may have the willingness, aptitude and potential to act as Volunteer Probation Aides (VPAs), particularly to assist the Administration in the supervision of its clients.

The employment of VPAs is explicitly provided under Section 28 of Presidential Decree No. 968, as amended, which states that the Probation Administrator may appoint citizens of good repute and probity to act as Probation Aides.

II. BASIC PRINCIPLES

- A. One cannot give what he does not have. A VPA, must be a person who can serve as a living example and inspiration to the clients whom he will be assigned to help and supervise.
- B. The VPA shall be able to serve in an organized way and shall assist the Administration with utmost fidelity towards the fulfillment of the vision, mission and goals of the Agency.
- C. In accordance with the true spirit of volunteerism, the VPA shall be a self-reliant person who performs his job in the spirit of genuine service for country and fellowmen and, therefore, does not expect any material return for said services as a volunteer.

III. GOALS

- A. To amplify the extent of services to the clients in an effective yet economical means through the utilization of volunteers.
- B. To promote greater citizen awareness and understanding of the criminal justice system and its components, particularly the Parole and Probation Administration and its role in the continuing task of nation-building.

IV. COURSE DESCRIPTION

This Training Course for Volunteer Probation Aide has been designed to impart general information on the role volunteers play in the supervision of probationers, parolees and conditional pardonees. This course is made up of three (3) modules, namely:

- | | | | |
|-----|------------|---|--|
| (a) | Module I | - | Philippine Parole and Probation System |
| (b) | Module II | - | Concept of Volunteerism |
| (c) | Module III | - | The Helping Process |

Each module will be carefully organized to include relevant topics. Moreover, the contents of each module will be written in a layman's language.

V. COURSE PLAN

1. The conduct of this training course shall be the responsibility of the Community Service Unit in accordance with the program provided in each module.
2. The Community Services Unit/Regional Training Committee concerned shall coordinate with the Training Division on the mechanics of the conduct of the course.
3. The required running time of the training is sixteen (16) hours.
4. The time, date and place of training should be convenient to the majority of the trainees.
5. Prospective VPA shall be selected on the bases of the skills, aptitudes and attitudes exhibited during the training period.
6. Certificates of training shall be awarded to those who have satisfactorily complied with the requirements of the course.
7. Upon successful completion of the course, the trainees will be recommended by CSU Head for appointment by the Regional Director.

VI. OPERATING DETAILS

A. PARTICIPANTS

VII. OBJECTIVES

- A. To recruit, screen, train and supervise volunteers (VPAs)
- B. To maximize the effective utilization of volunteers in the less costly process of supervising and rehabilitating the Administration's clientele.
- C. To effectively address the nagging problem of lack of personnel to handle the supervision of the ever-increasing number of clientele.
- D. To develop methods of providing recognition for those volunteers who provide regular, efficient and fruitful service to the Administration.

VIII. GUIDELINES FOR SELECTION AND EMPLOYMENT OF VPAs

A. IDENTIFYING AND DEFINING THE NEED

1. The primary responsibility in the selection of recruitment of VPAs rests with the Chief Probation and Parole Officer who heads a unit field office. Being the office manager, he is in the know concerning the needs of his office and the varying ways and means by which he can mobilize available resources to address these needs.
2. Using the Directory of Community Resources and banking on the extensive network which his Office has established in the community, the CPPO may prepare an inventory of prospective VPAs who may be notified at anytime for training and deployment as may be necessary.

B. QUALIFICATIONS OF VPA

1. Preferably 35 years old or older
2. With a stable source of income
3. With good reputation in your community
4. Without any criminal record
5. Willing to render service without monetary compensation

6. With adequate good health
7. Willing to prepare reports

C. REQUIREMENTS

1. Duly accomplished VPA Application Form with two (2) ID pictures
2. Certification of Barangay Chairman as to place of residence
3. Indorsement of and/or Certification of CPPO/OIC based on background investigation
4. Recommendation of the Regional Director (Regional Officer-in-Charge)

D. TRAINING

1. No VPA shall be assigned to supervise a client unless he has completed the Introductory Training Course for VPAs (ITCV).
2. The ITCV is a 16 hour training module designed to impart general information on the supervision techniques and strategies relevant to the duties and functions of VPA (Please refer to Attachment "B" for the training design).
3. The training of VPAs shall be the responsibility of the Regional Office thru the Community Services Unit and the Regional Training Committee.

E. APPOINTMENT

1. Upon recommendation of the Regional Director the successful graduates of the ITCV shall be extended an appointment of not more than two (2) years by the Administrator, subject to renewal/revocation thereafter, upon recommendation of the Chief Probation and Parole Officer/Officer-in-Charge concerned.

F. FUNCTIONS, DUTIES AND RESPONSIBILITIES OF A VPPA

1. Work in close consultation and cooperation with the Supervising Officer (SO);
2. Keep all information about the supervisee in strict confidentiality.
3. Maintain an honest recording and monthly reporting of activities to the Supervising Officer;
4. Devote substantial and quality time for supervision of clients and perform the following tasks:
 - Offer guidance and counseling;
 - Act as placement facilitator;
 - Implement treatment objective as provided in the program of supervision;
 - Refer to appropriate agencies clients with various spiritual, mental, social, emotional, physical or health needs and;
 - Act as a resource individual
5. Endeavor to heal relationship among the victim, client and community;
6. Attend Therapeutic Community and Restorative Justice sessions/activities as may be required;
7. Assist in other rehabilitation activities for clients, as necessary.

G. PERFORMANCE EVALUATION

1. At the end of every six (6) months, the CPPO shall rate the VPAs performance and submit said rating to the Regional Office, care of the CSU Head (Please see PPA Form 40 – Performance Rating Form).

H. RECOGNITION

VPAs who obtain at least VS rating for the two (2) consecutive rating period of service shall be awarded a Certificate of Recognition in fitting ceremonies.

Republic of the Philippines
Department of Justice
PAROLE AND PROBATION ADMINISTRATION
Quezon City

**TRAINING DESIGN FOR THE INTRODUCTORY COURSE FOR
VOLUNTEER PROBATION ASSISTANTS**

I. RATIONALE

Pursuant to the national policy of maximizing community involvement in the administration of the criminal justice system, and in line with the time-honored democratic tenet of full participation of the citizenry in the affairs of government, it has become imperative for the Parole and Probation Administration to open every opportunity to allow people participation in the implementation of the parole and probation programs.

Based on organizational experience of the Administration through the years, it is along the area of volunteerism where this matter of community involvement can be fully maximized. The recruitment and employment of volunteers who can assist the Administration in the pursuit of its vision, mission and goals will play a pivotal role in strengthening the essence of partnership between government and private sector in ensuring the success of programs and activities that derive their existence from public funds.

To provide volunteers with a common background and orientation, it is necessary to provide them with basic knowledge, skills, attitudes and values that will enable them to perform their functions and duties with utmost efficiency, effectiveness and productivity and, at the same time, experience some degree of fulfillment and satisfaction from a job that gives them no monetary returns at all.

II. COURSE OBJECTIVES

1. To develop competent Volunteer Probation Aides who will assist the Parole and Probation Office in the effective supervision of probationers, parolees and conditional pardonees.
2. To foster an attitude of meaningful involvement in the social, economic, cultural and political affairs of the community.

Prospective VPAs who have duly accomplished and submitted application form to the Community Services Unit, duly endorsed by the Chief Probation and Parole Officers concerned.

A. VENUE FOR TRAINING

Any place convenient to the majority of the trainees

B. SUGGESTED METHODOLOGY

SLEs, Lectures, Group Discussions, Open Fora

C. BUDGETARY REQUIREMENTS:

Venue and facilities for training

Meals and Snacks

Hand-outs on PD 968 as amended, PPA Rules and Procedures, etc.

Act 4103, as amended

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 468

**REVITALIZING THE VOLUNTEER PROBATION AIDE (VPA) PROGRAM OF THE PAROLE AND
PROBATION ADMINISTRATION**

WHEREAS, one of the major governance reform initiatives of the government is the development of a justice system that is responsive and accessible to the poor and disadvantaged by strengthening the other pillars of justice through reforms in the Department of Justice;

WHEREAS, there is a need to heighten and maximize community involvement and participation in the community-based program of probation and parole in the prevention of crime, the treatment of offenders, and criminal justice administration;

WHEREAS, there is a need to change the emphasis of crime prevention from being a police work to being a collective concern of the entire community;

WHEREAS, Presidential Decree No. 968, otherwise known as the Probation Law of 1976, as amended, authorizes the appointment of citizens of good repute and probity to act as volunteer probation aides, thus, there is a great need to implement the VPA program at the local level as a practical and effective means of involving the community, it being the fifth pillar of the criminal justice system;

WHEREAS, it is necessary to amplify and diversify community human resources in meeting the rehabilitation needs of offenders.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Revitalization of the Volunteer Probation Aide (VPA) Program.* – The volunteer probation aide program shall hereby be revitalized by the Parole and Probation Administration (PPA) to strengthen community involvement and participation in crime prevention, treatment of offenders, and the administration of criminal justice.

SECTION 2. *Recruitment, Selection, Training and Appointment of Volunteer Probation Aides.* – The PPA shall continue to vigorously recruit, select, train and appoint citizens of good repute and probity to effectively provide assistance and other specialized services to the Administration in the supervision and rehabilitation of offenders and along the area of crime prevention.

SECTION 3. *Coordination with Other Government Agencies, Non-Government Organizations and People's Organizations.* – The PPA shall coordinate with other government agencies, non-government organizations and people's organizations that are involved in developing programs related to volunteerism for the purpose of developing programs related to volunteerism and of attaining program impact and synergy. Specifically, the support and cooperation of the Philippine National Volunteer Service Coordinating Agency, the Department of the Interior and Local Government, the Philippine National Police Community Relations Office, the National Police Commission, the *Liga ng mga Barangay*, the

Department of Social Welfare and Development, and the National Prosecution Service of the Department of Justice, among others, shall be tapped for the foregoing purpose.

SECTION 4. *Review and Revision of Rules and Regulations.* – The PPA is hereby directed to review the applicable rules and regulations relative to the volunteer probation aide program. In accordance with the provisions of the Administrative Code of 1987 and the Probation Law of 1976, as amended, the PPA shall establish and prescribe, subject to the approval of the Secretary of Justice, new rules and regulations to govern the volunteer probation aide program of the PPA.

SECTION 5. *Adjustment in Organization, System and Operations.* – Within ninety (90) days from effectivity of this Executive Order, the PPA shall review its existing organization, system and operations and submit a report with its recommendations to the Secretary of Justice, who shall review and endorse the same to the Office of the President for approval. Any changes in organization and staffing shall be sourced from the existing personnel itemization of the PPA subject to the approval of the Department of Budget and Management and to the requirements of the rationalization plan of the government.

SECTION 6. *Funding.* – The financial resources for any changes in organization and staffing shall be taken from available funds of the PPA.

SECTION 7. *Repealing Clause.* – All executive orders, instructions, rules and regulations or parts thereof which are contrary or inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

SECTION 8. *Effectivity.* – This Executive Order shall take effect immediately.

DONE in the City of Manila, this 11th day of October, in the year of Our Lord Two Thousand and Five.

(Sgd.) **GLORIA MACAPAGAL-ARROYO**
President of the Philippines

By the President:

(Sgd.) **EDUARDO R. ERMITA**
Executive Secretary

Republic of the Philippines
Department of Justice
PAROLE AND PROBATION ADMINISTRATION
3894 J & T Bldg., R. Magsaysay Blvd.,
Sta. Mesa, Manila

February 23, 1993

MEMORANDUM CIRCULAR
NO. 07, S. 1993

TO : ALL Officials and Employees

SUBJECT : JAIL DECONGESTION PROGRAM

Quoted hereunder for your information and guidance is the Memorandum of Agreement dated February 12, 1993 between PPA, PAO, BPP and BJMP, on the date above-mentioned subject matter, to wit:

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF AGREEMENT entered into this 12 day of February, 1993 by and between:

The PUBLIC ATTORNEY'S OFFICE (PAO) with office address at the Department of Justice, Padre Faura, Manila, represented by Hon. REYNALDO S. FAJARDO, Chief Public Attorney, hereinafter referred to as the FIRST PARTY,

The PAROLE AND PROBATION ADMINISTRATION (PPA) with office address at 3894 R. Magsaysay Blvd., J & T Bldg., Sta. Mesa, Manila, represented by Hon. FRANCISCO C. RUIVIVAR, JR., Administrator, hereinafter referred to as the SECOND PARTY,

The BOARD OF PARDONS AND PAROLE (BPP) with office address at the Department of Justice, Padre Faura, Manila, represented by Hon. RAMON J. LIWAG, Undersecretary of Justice, in his capacity as Acting Chairman of the Board of Pardons and Parole hereinafter referred to as the THIRD PARTY,

The BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), with office address at City Towers Condominium, 160 N. Domingo St., corner Aurora Blvd., Extension, represented by Maj. General Charles Mondejar, hereinafter referred to as the FOURTH PARTY,

W I T N E S S E T H :

WHEREAS, statistics show that the majority of the provincial district, city and municipal jails throughout the country are overcrowded;

WHEREAS, this overcrowding is mainly attributed to the inability of unsentenced prisoners awaiting or undergoing trial, comprising of 85% of the jail population, to post bail and/or avail of legal counsel or assistance; and the inability of sentenced prisoners comprising of 15% of the jail population to avail of early release through probation, parole or executive clemency;

WHEREAS, ALL PARTIES agree that jail overcrowding is a major problem that aggravates the peace and order situation and gives rise to prison riots, violence or disorder, and that decongestion of the jails will redeem valuable resources, reduce the cost of incarceration of the misery of inmates who now live under sub-human conditions;

WHEREAS, ALL PARTIES further agree that jail decongestion can be most effectively addressed and resolved through the collective and cooperative efforts of the above concerned agencies;

NOW, THEREFORE, towards this end and in consideration of the foregoing, the PARTIES, hereby agree to perform the tasks as hereunder indicated:

A. The FIRST PARTY shall:

1. Undertake periodic visitation of jails, and in coordination with the FOURTH PARTY and respective jail wardens, determine who among the detention prisoners are entitled to and desirous of availment of PAO services for:
 - a. Legal representation in the trial of their cases;
 - b. Assistance in filing an application for probation;
 - c. Assistance in obtaining release pending trial.
2. Refer or relay to the SECOND PARTY requests of convicted prisoners for parole or executive clemency and other requests within its concern;
3. Undertake related activities or services for the attainment of the objectives of jail visitation.

B. The SECOND PARTY shall:

1. Conduct jail visits, and in coordination with the FIRST and FOURTH PARTIES;
 - a. Determine and assist those prisoners qualified for probation;
 - b. Determine and conduct pre-parole/executive clemency investigation on qualified prisoners, and submit a report thereon to the FOURTH PARTY who shall transmit the

same, together with other documents mentioned in paragraph D-2 hereunder, to the THIRD PARTY;

2. Indorse to the FIRST PARTY requests of convicted prisoners for assistance in filing of petitions for probation;
3. Conduct Pre-Parole/Pre-Executive Clemency Investigation of qualified prisoners based on the list of prisoners secured from the FOURTH PARTY;
4. Submit to the FOURTH PARTY the Pre-Parole Reports for consolidation with other prison records for submission to the THIRD PARTY,

C. The THIRD PARTY shall:

1. Receive, process, evaluate and decide cases of City/Provincial prisoners qualified for parole/executive clemency;
2. Transmit to the City/Provincial Warden concerned the Discharge on Parole (Release Papers) or to the President, the resolution recommending the prisoner for executive clemency, copy furnished the FOURTH PARTY;

D. The FOURTH PARTY shall:

1. Obtain, keep and maintain up-to-date records of all prisoners and detainees in district, city and municipal jails throughout the country;
2. Transmit to the THIRD PARTY the prison records and carpetas of prisoners qualified for parole or executive clemency, consisting of the fiscal's information and criminal complaint, the court's decision, commitment order, a certificate of preventive imprisonment, if any, the pre-parole investigation report submitted by the SECOND PARTY, and in the case of national prisoners, a certification by the warden stating the reasons why the prisoner is confined in the jail and not in the national prison;
3. Determine who among the detainees are unable to avail of the services of counsel and refer the matter to the FIRST PARTY for appropriate consideration;
4. Coordinate with SECOND PARTY for the latter to periodically go over the records of sentenced prisoners for determination whether or not they can avail of the benefits of probation, parole or executive clemency;
5. Coordinate with Courts for issuance of mittimus and other pertinent records regarding sentenced prisoners;

6. Periodically, inform the first three parties about the most congested jails so that concerted immediate remedial measures can be undertaken to decongest the jails;
7. Conduct educational campaign among prisoners and detainees with a view of informing them about their rights privileges as such, with emphasis on the rights and privileges of being provided with counsel, availment of probation, parole or executive clemency good conduct time allowance, release on recognizance and others in coordination with the FIRST AND SECOND PARTIES;
8. Direct the Inmates Welfare Section of the jails to coordinate activities re: paragraph 6 and make the appropriate recommendation concerning inmates right and privileges;
9. Provide the representatives of the Parties hereto available office within the jail compound where they can coordinate with each other for the purpose of decongesting said jail.

E. GENERAL PROVISIONS:

1. The PARTIES are bound by existing laws, rules and regulations, proclamations and executive orders affecting the subject matter of this assignment;
2. The PARTIES shall, insofar as practicable, assign specific personnel in each jail to implement this Agreement with respect to each Party's area of concern and to submit quarterly reports to their respective Regional Heads, copy furnished the other PARTIES.

IN WITNESS WHEREOF, the PARTIES, have hereunto set their hands this 11th day of November 1992, at the City of Manila, Philippines.

FIRST PARTY

PUBLIC ATTORNEY'S OFFICE

By:

(SGD.) HON. REYNALDO S. FAJARDO

THIRD PARTY

BOARD OF PARDONS AND PAROLE

By:

(SGD.) HON. RAMON J. LIWAG

SECOND PARTY

PAROLE AND PROBATION ADMINISTRATION

By:

(SGD.) HON. FRANCISCO C. RUIVIVAR, JR.

FOURTH PARTY

BUREAU OF JAIL MANAGEMENT & PENOLOGY

By:

(SGD.) DIRECTOR CHARLES MONDEJAR

Republic of the Philippines)
Quezon City) S.S.

BEFORE ME, this 17th day of February, 1993, at Quezon City,
personally appeared:

| NAME | RES. CERT.# | PLACE/ | DATE ISSUED |
|-----------------------|-------------|--------|--------------|
| Reynaldo S. Fajardo | 8715403 | Manila | 28 Jan 1993 |
| Francisco C. Ruivivar | 112193792 | Makati | 25 Jan. 1993 |
| Ramon J. Liwag | 1540171 | Makati | 27 Feb. 1992 |
| Charles S. Mondejar | 1830270 | Q.C. | 12 Feb. 1992 |

Known to me and to me known to be the same persons who executed the foregoing memorandum of agreement and further acknowledge to me that the same is their free act and voluntary deed.

WITNESS MY HAND AND SEAL on the date and on the place hereinabove written.

Doc. No. 49
Page No. 10
Book No. I
Series of 1993

Be guided accordingly.

(SGD.) FRANCISCO C. RUIVIVAR, JR.
Administrator

NETWORKING

Probation is a community-based treatment program. This means that the probation client who lives and stays in the community is rehabilitated within the community. The resources in the community, human and natural, are tapped and used for the client's rehabilitation.

Probation best exemplifies the concept of community as a principal pillar of the Criminal Justice System (CJS). While it is true that community support and involvement is important for the other pillars of the CJS to be able to acquaint themselves of their mission, it is most crucial to the success of probation.

Probation officers should therefore develop those skills and qualities necessary to carry out networking in the community. Probation officers should have a talent for participation in community activities, the knowledge and ability to work with related agencies, the governing bodies and the public, and the ability to interpret programs and policies of the agency to the public. They should have the capacity to work well with the judiciary and other agencies and to provide leadership that inspires and maintains good community relations. The probation officer must be familiar with community agencies and social resources and be able to make proper referral to those agencies and resources.

Each probation office should take appropriate action to establish effective working relationship with the major social institutions, organizations and agencies of the community, including the following:

1. Employment resources – private industry, labor unions, employment services, civil service, DOLE, etc.;
2. Educational resources – vocational & technical schools, adult basic education, private and commercial training, government and private job development and skill training;
3. Social welfare services – public assistance, housing, rehabilitation services, mental health services, counseling assistance, neighborhood centers;
4. The law enforcement system – barangay courts and conciliation bodies, local, provincial and national law enforcement personnel;
5. Other relevant community organizations and groups – ethnic and cultural groups, recreational and social organizations, religious and self-help groups, as well as those devoted to political or social action and professional groups.

Each member of the probation staff is a representative of the agency & his or her acceptance in the community can do much to promote probation. Each has the responsibility to interpret the probationer to the community and the community to the probationer. If probation is to execute that responsibility of two-way interpretation, it must be accepted by the community and must act as a social force within the community.

A qualified probation officer who conducts his work in a professional manner, who is dedicated to his work, and who demonstrates a positive approach to the problems of the community is readily accepted by it. His cooperation with other private and public social work agencies, law enforcement officials, courts, churches, schools, employers and with the general public as he goes about his day by day business, facilitates his acceptance by the community and, consequently, the acceptance of probation services.

GUIDELINES FOR IMPLEMENTATION OF PAYMENT OF CIVIL LIABILITY BY PPA CLIENTS

I. OBJECTIVES

General objectives:

1. These guidelines seek to ensure effective and just implementation of the condition imposed upon our clients to pay civil liabilities to the offended parties.

Specific objectives:

1. To establish alternative methods by which clients can pay their civil liabilities taking into consideration the unique circumstances of each case.
2. To set forth safeguards against loss of payments and against opportunities for graft by authorities.
3. To install mechanisms that will insure receipt of payments by offended parties and their heirs.

II. Definition of Terms

In these guidelines the following terms shall have the meanings defined hereunder unless the context provides otherwise:

1. Civil Liability – includes restitution of the thing itself whenever possible, with allowance for any deterioration or diminution of value as determined by the Court, reparation of the damage caused, and indemnification for consequential damages adjudged against, and payable by, the client.
2. Client – refers to a parolee, pardonee, or probationer under the supervision of the Parole and Probation Administration.
3. Offended Party – includes the victim or aggrieved person and his heirs to whom the client is held civilly liable under the judgment, decision or resolution of the proper court.
4. Administration – refers to Parole and Probation Administration.
5. Board – refers to the Board of Pardons and Parole.
6. Proper Office – refers to the Parole and Probation Field Office responsible for the supervision of the client.
7. Proper Court – refers to the trial court which has control and jurisdiction over the client.
8. Officer – Parole and Probation Administration Officer who has investigation and/or supervision functions over the client.
9. PSIR – Post-Sentence Investigation Report
10. Payment Program – includes the statement about the form, mode and schedule of payment of civil liability developed by the officer with the participation of the client and the offended party, if feasible.
11. Referral Order – refers to the order of the proper court to the proper office to conduct supervision over the client.
12. Supervision – means the intervention of the proper Office through the officer on the client in order to effect his correction and rehabilitation which includes monitoring and surveillance of his activities, guidance and assistance in utilizing personal and community resources and development of a wholesome and functional lifestyle.
13. Supervision Plan – means the plan drawn up by the officer together with the client for the latter's rehabilitation.
14. Release Document – refers to the Discharge on Parole or Release on Conditional Pardon issued by the Board or by the Office of the President.

III. Preliminary Activities

A. In the case of probation

1. The officer conducting the post sentence investigation should already determine client's ability to pay the civil liability, including the probable sources of income and/or assistance from family and relatives that may be available him/her.
2. Insofar as possible, the investigation officer should invite the participation of the offended party and together with the client agree upon a Payment Program in those cases where the grant of probation is likely to be recommended.

This activity is believed to enhance the healing process between client and the offended party. Further, it is in accord with the Guideline for determining client's case classification and period for probation which includes payment of civil liability as one of the factors to be considered.

3. The agreed upon Payment Program can then be incorporated in general terms into the PSIR to bolster the recommendation to grant probation and included among the conditions for probation.
4. The Supervising Officer shall, upon the grant of probation, review the agreed Payment Program during the client's initial report and make this part of the Instructions to Probationer (PPA Form 4)

B. In the case of Parole or Conditional Pardon

1. The officer who conducts the pre-parole or pre-executive clemency investigation should also, as far as practicable, determine client's ability to pay, his probable future resources, etc.
2. The Offended Party, when feasible, may also be invited to participate in the drawing up of a Payment Plan, which, when agreed upon between the former and the client can then be incorporated into the report submitted by the Officer to the Board.
3. In cases where the proper office receives a referral from the Board without having conducted a pre-parole or pre-executive clemency investigation, the office shall determine client's ability to pay during the initial supervision interview and the agreed payment Program shall be incorporated in the Certificate of Undertaking (PPA Form 23)

- C. Should the officer establish that the client is indigent or has no means to pay the civil liability, a certification shall be made to that effect signed by the officer and noted by the Chief of the Proper Office and attached to the client's case file. However, the client shall execute a promissory note to the effect that should his/her financial condition improve, he shall pay his/her civil liability in the form and manner to be agreed upon between him/her and the Offended Party. The officer shall assist the client to improve his financial condition through the supervision program obtaining in the Proper Office, and from time to time, assess client's ability to pay his/her civil liability.

IV. Form of Payment

Payment of civil liability may be in the form of:

1. Cash
2. Check, money order or demand draft
3. Transfer of real or personal property
4. Services

depending upon the Agreement between the client and the offended party as stated in the Payment Program.

V. Modes or Manner of Payment

- A. Direct payment to offended party
- B. Payment through deposits in bank, or clients' cooperative
- C. Payment by consignation to court
- D. Payment through proper office

A. Direct Payment to Offended Party – this mode of payment is to be encouraged by the Officer because it does away with third parties and entails less paper work for the officer. However, where this arrangement is not practical or feasible because of distance or animosity still prevailing between the parties other modes of payment have to be adopted.

In direct payment, the client is directed to present proof of payment or receipt made out and signed by offended party acknowledging receipt of payment. The officer should note the original receipt, have a photocopy of it, which he shall mark as "certified true copy of original" and file the same in the client's folder.

When payment is in the form of services or in kind, the Offended Party shall be requested to write on his acknowledgment receipt the monetary value of such services.

Where payment is in the form of transfer of real or personal property, the prevailing laws governing the same shall be followed.

B. Payment through deposits in a Bank or Client's Cooperative

- 1. A Savings account should be opened by the client in the name of the offended party.

The Officer should keep a separate record of transactions appearing in the passbook and file the same in the client's case file.

The client shall submit to the officer or clerk proof of his deposits like deposit slips duly stamped received by the clerk in the client's case file.

- 2. Where the client cannot afford the initial deposit required by any Savings bank, and where he/she is a member of a duly registered Client Cooperative, deposits may be made in such cooperative. The same proof of deposits shall be supplied by the client to the officer or clerk who keeps the passbook. The client shall issue to the offended party a notarized authority to withdraw from his savings in the cooperative.

C. Payment by Consignation to the Proper Court

Clients may also pay by consignation to the Proper Court especially when the offended party refuses any other form of payment. The clerk of court shall issue a receipt for such payments a certified true copy of which shall be filed by the officer in the client's case file.

D. Payment through Proper Office

1. There may be instances where the foregoing modes of payment are not practicable like, for example, where clients can afford to pay in such small amounts that either offended party does not like to accept or no bank or cooperative will allow the opening of a saving account. Considering the trust reposed by the client and the offended party in the Administration, it is in special circumstances allowed for the officer to accept client's payments, subject to certain safeguards. A client may be technically classified as indigent, yet he/she is willing to pay his/her civil liability in small installments of P10.00; P20.00; P30.00 or so which the offended party may not want to accept until a bigger sum has accumulated.
2. The Chief of the Proper Office shall open with a duly accredited bank a savings account in the name of the Proper Office in trust for the clients and the offended parties. The signatories for purposes of withdrawal shall be the Chief and one officer elected by his/her co-workers. The savings account passbook shall be kept in a safe and locked in place by the Clerk.
3. Every payment received shall be duly issued a receipt in triplicate to be distributed as follows: original for the client, 1st duplicate for the client's case file, and 2nd duplicate sent to the Regional Office with the monthly WAR of the Officer.
4. The Chief of the Proper Office is responsible for causing the payments made by clients to be deposited in the trust savings account on the last day of every week. Duly certified photocopies of deposit slips shall be forwarded to the Regional Office with the monthly reports.
5. The offended party shall be asked to sign a receipt of the money in triplicate to be distributed as follows: original to client, 1st duplicate to client's case file; and 2nd duplicate to be submitted to the Regional Office together with the monthly reports.
6. Interest on such savings account should be to the credit of the offended party, provided that where there are several offended parties, the interest shall be prorated among them.

VI. Schedule of Payment

1. Depending upon the agreement between the client and the offended party and approved by the Chief of the Proper Office, payment may be done at one time in full at the start of the supervision period or at a specified time during the supervision period.
2. Payment may also be done by installments depending upon client's capacity to pay which installments may increase, decrease, or even be suspended as determined by the officer based on client's circumstances, always with notice to the offended party, provided that client may accelerate his/her payments when he/she can afford to.
3. The Schedule of Payments shall be noted by the officer in the client's kardex and incorporated in his/her Supervision Plan, which shall be reviewed at least once a year on its anniversary as mandated by PPA rules and procedures.

VII. PAYMENT OF CLIENTS WORKING ABROAD

1. Payment of civil liability by clients working abroad shall be governed by Administration M.O. No. 07, S. 91, dated August 26, 1991, signed by then Administrator Demetrio G. Demetria and approved by then Acting Justice Secretary Silvestre H. Bello III.

VIII. GENERAL PROVISIONS

1. In pursuance of the objective of effecting reconciliation and healing between client and offended party, the officer is encouraged to effect a waiver by the offended party of the client's payment of civil liability especially in cases where the client is very poor. It is understood that the officer shall have explained to the offended party his remedies under the law.
2. The Regional Director is duty bound to effect an audit of all payments of civil liabilities within his/her jurisdiction at least every six (6) months, and include a report thereon in the Region's Annual Report.
3. Every officer in charge of clients with civil liabilities shall keep a running total of payments by clients under his/her supervision as well as receipts of payment by corresponding offended parties. This shall be noted in the kardex of each client.
4. The manner and effort executed by the client in the payment of his/her civil liability may be considered by the officer as a ground for early termination of probation in conjunction with other considerations.
5. Payment of civil liability made by the client and unclaimed after considerable time by the offended party in spite of due notice shall be returned to the client with receipt duly acknowledged. The officer concerned shall certify under oath that he/he has exerted diligent efforts and exhausted all means to contact offended party.

IX. EFFECTIVITY

These GUIDELINES shall take effect upon approval.

(SGD.) JUSTICE SERAFIN R. CUEVAS
Secretary

PUBLIC INFORMATION PROGRAM

INTRODUCTION

It is a continuing campaign pursued by the Administration and its Regional and Field Offices including the general public to have clear understanding for and good will towards the policies, programs and significant developments in the PPA by publicly sharing informative knowledge, skills and valuable ideas utilizing two (2) acceptable strategies such as the formal and non-formal dissemination methods.

One of the acceptable strategies in crime prevention and treatment of offender is by raising the level of consciousness, commitment and responsive community support system.

The involvement therefore of the resource in the community in restorative paradigm and well-balanced approach mission in community-based correction is a development, which could be continuously enhanced through public information campaign.

The role of Public Information Program is very vital in the existence of the Administration. With its marked importance, the PPA should likewise train personnel in the conduct of an effective Public Information Campaign, and this should be part of the training program.

OBJECTIVES OF THE PROGRAM

1. To share knowledge, skills and better understanding of the basic laws and their curative amendments, policies, procedures, programs, practices, experiences, achievements, and other development with the general public;
2. To create awareness in the mind of the general public as they are the major resource and vital chain in stabilizing the relational link between offenders undergoing non-custodial corrections and the family and the community;
3. To encourage and mobilize other public government agencies, private organizations and civic-spirited individuals to share their resources with the program implementers for the benefit of persons undergoing rehabilitation program;
4. To have a sturdy and consistent local, regional, national and global collaboration in the administration of justice, crime prevention and treatment of offenders;
5. To serve as an appropriate venue for the exchange of ideas, innovative plans and strategies and other valuable information that will enrich the service; and
6. To improve consultative and participatory involvement among the frontliners of the justice system and other sectoral groups and orientation to attain better management of resources, people-oriented programs, highly professionalized public service, and satisfied service recipients.

MATTERS WORTHY OF DISSEMINATION

Information shared by the Administration and its Regional and Field Offices to the public focuses on the following:

1. Substantive laws and its curative amendments;
2. Procedural rules and guidelines relative to the implementation;
3. Resolutions, Memoranda, Circulars, instructions and other related issuance;
4. Administrative and Operational policies, programs and practices;
5. Investigatory and supervisory roles of the Administration; and
6. Other factual data, events, practices, achievements, or any development in the PPA.

7. Other newsworthy program level innovation introduced in the PPA rehabilitative efforts.
 - a. The Agency effort in strengthening community service involvement of clients;
 - b. The employment assistance program, either local or abroad for PPA clientele and their family members;
 - c. The spirit and practice of cooperativism as a permanent and effective structure of the Administration for social and economic amelioration of its clientele;
 - d. The PPA participation in the national struggle against drug addiction and illicit trafficking of dangerous drugs through its active involvement in the campaign and the therapeutic community approach;
 - e. The protection of women and children against inequality, abuse and violence; and
 - f. The primary campaign of the government on Jail Decongestion.

AVENUES IN PUBLIC DISSEMINATION

In broader perspective, the PPA utilizes two methods in Public Information program: the FORMAL and the NON-FORMAL or INFORMAL.

A. FORMAL METHODS OF DISSEMINATION

1. THE FORMAL AVENUE OF DISSEMINATION

- 1.1 Conduct of integrated and intensive public information campaign via the holding of seminar/symposia, workshops, conventions, conferences, public dialogues, interviews, and other public fora. The following sectoral groups continue to benefit: the Five (5) Pillar of the Justice Systems; Local Government Units (LGUs); other public offices; health and social workers; professional groups; business sectors; civic groupings; religious denominations; other non-government organizations and peoples organizations; the youth and the studentry; and the potential clientele, specifically persons in jails and prisons and other rehabilitation centers;
- 1.2 Public awareness through tri-media outlets; namely: print, broadcast and moving images (television and movie industry);
- 1.3 Exclusive publication of PPA informative bulletins, newsletters, and other periodic publications in the local, regional and national level; and
- 1.4 The use of the Information Technology (IT) system/Computerization Program

2. APPROACHES

Formal methods of public information dissemination could be purely an internal Administration's initiative or with outside assistance. The conduct of formal methods requires planning, organizing and preparation of activities and resources. The venue, gadgets needed, people participating, timing requirements, resource facilitators, and other factors vis-à-vis the expected output are seriously assessed and evaluated. The formal methods oftentimes incur expenses and burden on the PPA offices and its officers. On the logistics issue, successful holding of a formal forum is being achieved by the PPA through its inter-agency collaboration.

2.1. FIELD-INITIATED AND FUNDED

2.1.1 Planning is set to assess and evaluate the need for an information sharing forum. The need assessment meeting or conference is presided by the Head of Office (CPPO/OIC) and participated by Officers and other personnel to discuss the following

2.1.1.1 The need for a formal forum;

2.1.1.2 After assessing the necessity of implementing a formal public forum, planning session ensues focusing on the following: the venue, target participants, equipment and other gadgets needed, time and date requirements, resource speakers/facilitators, and other important considerations required in holding a successful activity; and

2.1.1.3 In the planning session, various committees are organized like the finance, program and invitation, refreshment and physical arrangement, ways and means and such other committees established for the purpose, either in an Ad Hoc arrangement or a continuing one with the Head of Office as over-all chairperson.

2.1.2 After the Planning and Organizing stages, the various committees created start coordinating and tapping in the community resources, and results of which are reported to the Head of Office from time to time;

2.1.3 A Pre-Activity meeting or conference is scheduled by the Head of Office participated by officers and other personnel purposely to assess and evaluate all the preparations, and resolve problems relative to the conduct of a successful activity. Subsequent meetings may be set as the need arises;

2.1.4 The actual holding of the activity;

2.1.5 A post-activity evaluation meeting is set to assess the conduct of the proceedings vis-à-vis, the plans, preparations, and the problems/difficulties encountered for future references; and

2.1.6 A completion report shall be prepared and incorporated in the Monthly Performance Report

2.2. FIELD OFFICE-INITIATED WITH OUTSIDE FUNDING AND ASSISTANCE

2.2.1 Preparation of the project proposal or any document soliciting assistance to be prepared by the Head or any personnel designated by the former, and the subsequent submission of the document to the resource provider for approval.

2.2.2 Upon approval of the proposal or any document, a Memorandum of Joint Undertaking or Agreement is entered between the proponent and the approving party, which paves the way for a joint planning

conference between the two parties. This planning session could be scheduled anew as the need demands.

2.2.3 Actual conduct of the activity

2.2.4 Evaluation of the activity

2.2.5 A completion report with Statement of Expenditures shall be prepared and incorporated in the Monthly Performance Report, copy furnished the Funding Party.

2.3. REGIONAL OFFICE-INITIATED AND FUNDED

PPA Regional Office initiates an internal resource funded seminar/symposia, workshops, sectoral dialogue, public interviews and conferences and other public fora through:

2.3.1 A committee organized for the purpose shall be convened by the Regional Director for need assessment and planning to focus on:

2.3.1.1 The type of activity to be conducted, the objectives, the resources required, the venue, target participants, equipment needed, period of conducting the activity, and other important matters for the purpose; and

2.3.1.2 various sub-committees to be created and tasked such as finance, program and invitation, refreshment and physical arrangement, ways and means and sub-committees that may be established for the purpose.

2.3.2 Plan execution and implementation.

2.3.3 A Post-Activity Evaluation Meeting or Conference is scheduled by the RPDSE Committee to review the conduct of the past activity, the preparations and the problems for future reference; and

2.3.4 A Completion Report is prepared and submitted by the Committee, to be incorporated in the Regional Performance Report.

2.4. REGIONAL OFFICE-INITIATED WITH THE OUTSIDE FUNDING AND ASSISTANCE

3. TRI-MEDIA AS TOOLS

To maximize the impact of public information program as enumerated above, the use of tri-media, i.e. broadcast, print and moving pictures may be resorted to.

3.1. A need assessment conference

3.2. A planning session focus on the following:

3.2.1 Creation of working committees;

3.2.2 The mass media to be tapped;

- 3.2.3 The resources required, topics to be shared and the schedule of the activity;
- 3.2.4 Pre-implementation meeting;
- 3.2.5 Execution and implementation of the activity;
- 3.2.6 Monitoring and implementation;

4. DESIGNATION OF A PUBLIC INFORMATION OFFICER AND CREATION OF EDITORIAL BOARD

To sustain the formal information program of the administration and to ensure a well-coordinated publication of a Regional Newsletter where the Regional PIO is the Editor-in-Chief, all Regional Directors shall:

1. Designate a Regional PIO who shall coordinate with his/her counterpart in the Region and the Central Office;
2. Create an editorial board;

5. ATTENDANCE IN OTHER FORMAL FORUM

In some occasions where PPA personnel is invited to act as resource person of lectures or participants, he/she shall find every opportunity as may be practicable and warranted to give information about the Administration, its program and thrusts.

Since the pioneering years of the implementation of the basic mandates of the Administration, informal information sharing was already part of the system. Non-formal method is casual, unstructured and requires no preparation. The number of people reached is few and the setting is informal. The sharing of knowledge, skills and other informative ideas is personalized.

Non-formal method is conducted inside and outside PPA offices during the conduct of investigation and supervision functions of an officer or any situation or event with interested people around. Non-formal conduct of information drive is also done by other personnel during casual meetings or any event with curious people around and who interact with them.

PERFORMANCE EVALUATION

Employee performance in Public Information Program is duly measured in the Performance Evaluation Report Form (PERF).

BOARD REGULATION No. 2
Series of 2006

SUBJECT: REGULATION GOVERNING THE IMPLEMENTATION OF SECTION 57 (PROBATION AND COMMUNITY SERVICE UNDER THE VOLUNTARY SUBMISSION PROGRAM) AND SECTION 70 (PROBATION OR COMMUNITY SERVICE FOR A FIRST-TIME MINOR OFFENDER IN LIEU OF IMPRISONMENT) OF RA 9165

WHEREAS, there is an urgent need to establish specific Rules and Procedures to govern the application of Section 57 and Section 70 of RA No. 9165 to clarify/explain the gray areas in their implementation in relation to the provisions of PD No. 968 as amended;

WHEREAS, the Dangerous Drugs Board as the policy-making and strategy-formulating body on drug prevention and control (Sec. 77, RA 9165) is primarily mandated to design and develop, after proper consultation and coordination with Agencies involved in drug abuse control, treatment and rehabilitation, both public and private, a national treatment and rehabilitation program for drug dependents including a standard aftercare and community service program for recovering drug dependents;

WHEREAS, the lack of specific rules defining the statutory responsibility of the Parole and Probation Administration and its relationship with other stakeholders in the implementation of the aforesaid provisions has created a vacuum which hinders the proper application of the said provisions;

NOW THEREFORE, this Board hereby adopts and consequently applies the following Regulation governing the implementation of Section 57 and Section 70 of RA 9165 or the Comprehensive Dangerous Drugs Act of 2002:

ARTICLE I
GENERAL PROVISIONS

Section 1. Scope – This Regulation shall be implemented in conformity with the applicable provisions of PD. No. 968, as amended; the Parole and Probation Administration (PPA) Omnibus Rules on Probation Methods and Procedures; and DDB Regulation No.1, s. 2006.

Section 2. Applicability – This Regulation exclusively shall apply only to natural persons covered by Section 57 and Section 70 of RA 9165, specifically;

- a. Those who have been discharged as rehabilitated by the DOH-Accredited Center under Voluntary Submission Programs, but failed to qualify for exemption from criminal liability under Section 55. As a consequence, they were charged and convicted for violation of Section 15 of RA 9165, however, instead of serving sentence, they were placed on probation and required to undergo community service as an alternative to imprisonment.

- b. Those first-time minor offenders whose sentence was suspended pursuant to Section 66 of this Act. However, in view of their violation of the condition of their suspended sentence and the applicable rules and regulations of the Board exercising supervision and rehabilitative surveillance over them, including the rules and regulations of the Center should confinement be required, they are returned to the Court for the pronouncement of the sentence. The Court, in its discretion, may place the first-time minor offenders under probation even if the sentence actually imposed exceeds the maximum term of imprisonment covered by PD 968.

Section 3. Definition of Terms – As used in this Act, unless the context otherwise provides, the following terms shall mean as indicated:

- a. “Act” refers to Republic Act No. 9165, the Comprehensive Dangerous Drugs Act of 2002.
- b. “Board” refers to the Dangerous Drugs Board.
- c. “Administration” refers to the Parole and Probation Administration.
- d. “DSWD” refers to the Dept. of Social Welfare and Development.
- e. “DOH” refers to the Department of Health.
- f. “DDB Duly Recognized Representative under Section 57 and Section 70” refers to the Regional Director of the Parole and Probation Administration.
- g. “Center” refers to the treatment and Rehabilitation Center, whether public or private, for drug dependents.
- h. “Voluntary Submission Program” is an intervention activity whereby any drug dependent or any person who violates Sec. 15 of RA 9165, either by himself or through his parents, spouse, guardian or relative within the fourth degree of consanguinity or affinity, shall apply to the Board or its duly recognized representative, for treatment and rehabilitation. By virtue of such application, the Board or its duly recognized representative shall refer the matter to the Court which shall order that the applicant be examined for drug dependency by a DOH-accredited physician. If the result is positive, the Court shall issue an order for him to undergo treatment and rehabilitation in a center designated by the Board for a period of not less than six (6) months. However, in the absence of a center near or accessible to his residence or where such drug dependent is below 18 years of age, and a first-time offender, and non-confinement will not pose serious danger to his family or the community, the drug dependent may be placed under the care of the DOH-accredited physician. A drug dependent discharged as rehabilitated from the center shall be criminally exempt under Sec. 15 provided he satisfies the requirements under Section 55 of the Act.
- i. “First-time minor offenders” refers to a natural person who commits a crime or an offense in violation of the Act for the first-time when he is over 15 but under 18 when the decision should have been promulgated.
- j. “Community service” is a free public labor or work with therapeutic purpose as a sanction for an offense committed to be performed by an offender for the benefit of the community designed as an aftercare intervention program for the rehabilitation of offender placed on probation pursuant to Section 57 and Section 70 of the Act.

- k. "Petitioner" is a convicted defendant who files an application for probation.
- l. "Probationer" is a person placed on probation.
- m. "Probation" means a court disposition by which a defendant, after conviction and sentence, is released subject to conditions imposed by the Court and to the supervision of a Probation Officer.
- n. "Probation Officer" is a public officer who investigates a Court referral for probation or supervises a probationer or both, and likewise performs other related and necessary tasks as directed.
- o. "Probation Office" refers either to a Provincial or City Probation Field Office directed by the Court to investigate petitioner or supervise probationer as the case may be.

ARTICLE II

PETITION FOR PROBATION

Section 4. Docket Book for Drug Cases – The Provincial and City Probation Offices shall maintain a separate docket book for purposes of recording all orders/referrals from the Courts of Law for the conduct of Post-Sentence Investigation (PSI) of drug cases.

Section 5. Intake Interview; Waiver – The Probation Officer assigned to conduct PSI shall conduct the initial intake interview of the petitioner not later than five (5) days after the petitioner's initial reporting at the Probation Office pursuant to the Order of the Court. In the absence of explicit order to report to the Probation Office contained in the Court Order, the Probation Officer shall invite the petitioner, personally or by mail, to appear before the Probation Officer for the intake interview within the aforementioned prescribed period. In the invitation, the petitioner shall be advised that he shall be accompanied by at least one member of his immediate family or, if there is none, by a responsible member of the community.

During the intake interview, the petitioner shall be required to accomplish and sign a Post-Sentence Investigation Worksheet (PPA Form No. 1), or if unable to do so, he shall be assisted by the Probation Officer designated to conduct the post-sentence investigation (PSI). The contents of the prescribed worksheet and other relevant and material information obtained during the interview shall be the bases of further investigation.

The Probation Officer shall likewise require petitioner to execute and sign a Waiver-Cum-Authorization (PPA Form No. 2-A, copy attached) authorizing the administration to secure any and all information pertaining to him, including matters about his confinement in a center if necessary. The data and information gathered during the post sentence investigation shall be treated with strict confidentiality. In the same document, the petitioner shall grant his consent to and/or be required, pending submission of the post-sentence investigation report (PSIR) and/or the resolution of the Trial Court, to be subjected to 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. Community volunteer projects;
- f. Leadership Training; and
- g. Community and Family Welfare Services, and/or other treatment measures for the good of petitioner.

Section 6 Records Check - Within two (2) days after petitioner's initial intake interview, the investigating probation officer shall conduct records check with the following-named government offices/council:

- a. National Bureau of Investigation
- b. Regional Trial Courts/ Municipal Trial Courts
- c. Prosecution Service
- d. Police/Philippine Drug Enforcement Agency (PDEA)
- e. Barangay; and
- f. City/Municipal Anti-Drug Abuse Council *.

*In addition to the regular clearances required, this document shall validate petitioner's criminal record if any.

Section 7. Drug Test/ Drug Dependency Examination - When condition or need dictates, and in order to help the Trial Court in determining whether or not the grant of probation will serve the ends of justice and the best interest of the community as well as that of the petitioner, the Probation Officer conducting Post-Sentence Investigation (PSI) shall require petitioner to submit himself to drug test or drug dependency examination to be conducted by a Center or Office duly accredited by the Department of Health.

Section 8. Courtesy Investigation (CI) - Within two (2) days from the completion of the intake interview, the Probation Office shall send a request for courtesy investigation to another Probation Office when needed:

- a. Where petitioner is a permanent resident or has stayed for a substantial length of time; and
- b. Where petitioner frequently travels to a place or in connection with his work, business or for any reason.

Section 9. Collateral Information - During the conduct of the Post-Sentence Investigation (PSI), the Probation Officer shall likewise gather materials and relevant information from those responsible members of the community who have direct personal knowledge of the petitioner, his family members and/or his relatives. The purpose of the conduct of collateral investigation is to verify the following:

- a. Qualifications and suitability of the petitioner and his possible response to the program;
- b. Attitude of petitioner towards the offense and the degree of remorse;
- c. Community standing, and the possible effect of grant of probation to petitioner's family, neighborhood and the community in general; and
- d. Availability of community-based rehabilitation resources and services.

Section 10. Case Conference – Prior to the submission of the PSIR to the Trial Court, it shall be mandatory for the Chief Probation and Parole Officer supervising the investigating Probation Officer handling the case for post-sentence investigation (PSI) to call for a case conference. In the conference, the Probation Officer shall confer with the petitioner, his immediate family member, or relative within the 4th Civil degree of consanguinity or affinity, or in the latter's absence, a significant other who is a responsible and permanent resident of the community where the petitioner is actually residing. The ultimate objective of the conference is to enhance the commitment of petitioner's relative or concerned member of the community to the supervision treatment program. The Chief Probation and Parole Officer shall preside over the conference.

The petitioner shall be encouraged to participate in the case conference to express his views on matters which will help him in redirecting and rehabilitating his life.

ARTICLE III POST-SENTENCE INVESTIGATION REPORT (PSIR)

Section 11. Preparation and Submission of PSIR – The PSIR shall as a rule be prepared by the investigating Probation Officer and approved by the Chief Probation and Parole Officer. However, in drug cases, the PSIR shall be referred to the PPA Regional Director as the duly authorized representative of the Board for appropriate review before the document is finally submitted to the Court. The PPA Regional Director is granted reasonable time from receipt of the Report to effect review of the document.

Section 12. Designation of the Regional Director of the PPA as the Board's duly recognized representative – In order to facilitate the appropriate review of the PSIR, the Board hereby designates the Regional Director of the PPA Regional Office having jurisdiction over the Probation Office ordered by the Trial Court to conduct post-sentence investigation as its duly recognized representative mentioned in Section 11 above.

ARTICLE IV SUPERVISION OF PROBATIONER

Section 13. Rehabilitation Program; Goals. – The Probation Officer assigned to conduct supervision of the probationer shall prepare a rehabilitation program for strict compliance by the probationer. The rehabilitation program shall be prepared after proper consultation with the probationer, and his relative, or in the absence of the latter, a significant other who is a responsible and permanent resident of the place where the probationer resides.

The Rehabilitation Program 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 understanding of the impact of his behavior to himself, his family and his community;
- c. To identify the behavior gaps, problematic mindset and/or inadequacy in skills that contributed to his delinquency and involvement in drug, and set intervention and treatment measures and solutions thereafter; and
- d. To select appropriate community-work service which will help probationer make up for his wrongdoing.

Section 14. Acceptance of Rehabilitation Program; Review – The rehabilitation program shall take effect after it is accepted by the probationer. The Probation Officer assigned to supervise the latter shall review/evaluate the rehabilitation program every six (6) 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 rehabilitation program or make a new one, and thereafter, submit the same to the Chief Probation Officer for approval. The revised or new rehabilitation program shall also require the written acceptance of probationer.

ARTICLE V

CONDITION OF PROBATION

Section 15. Condition of Probation – Pursuant to Section 10 of PD No. 968, and in harmony with the provisions of Section 57 and 70 of the Act, the following shall be incorporated in every probation order issued by the Court with respect to drug cases:

- a. Submit himself to an accepted treatment modality implemented by the Probation Office for probationer with drug cases;
- b. Perform community-work service; and
- c. Submit himself for drug testing at least once a year or as the need requires.

ARTICLE VI

COMMUNITY SERVICE

Section 16. Community Service under the Voluntary Submission Programs – As integral part of his after-care and follow-up program provided in Section 57 of the Act, a probationer who is placed on probation shall likewise undergo community service under the supervision of the Probation Office.

In this situation, the Probation Office shall coordinate with the local government units or non-governmental civic organizations duly accredited.

Section 17. Community Service for First-time Minor Offender - Pursuant to Section 70 of the Act, a first-time minor offender may be placed on probation or perform community service in lieu of imprisonment. In case the first-time minor offender is sentenced to perform community service, the order of the Court shall be complied with under such conditions, time and place as may be determined by the Court in its discretion and upon the recommendation of the Board, and shall apply only to violators of Section 15 of this Act. In order to give teeth to the Act, the Administration, through its Provincial and City Probation Offices, shall monitor and actually supervise the implementation of community service performed by a first-time minor offender. Upon the completion of the community work service, the Probation Officer shall submit a report to the Court, copy furnish the Board.

Section 18. Goals of Community Service (CS) – Community service, either under the Voluntary Submission Program or for first-time minor offender is a free public labor which seeks to achieve the following:

- a. CS is aimed to hold offender accountable for the harm indirectly caused by him to the community;
- b. CS presents a meaningful lesson for offender to realize that crime/offense he has committed has a public repercussion, and therefore, on his part, incurred restorative obligation to settle;
- c. CS helps offender develop new skills and practical experiences which he could acquire for reintegration to the societal mainstream;
- d. CS provides the community with human resources that can improve the quality of life in public environment, business and even individual residences; and
- e. CS is a mechanism that can be used by the community to foster/enhance public safety and order.

To summarize the above statements, CS has 3 aims:

- a. Accountability on the part of the Offender;
- b. Competency development; and
- c. Community protection.

Section 19. Public-Private Collaboration – In the implementation of community service, public and private genuine collaboration and cooperation is desired. The ill effects of crime which affect tranquillity and stability can at least be partially restored by meaningful community service of the wrongdoer who can still contribute to community development.

Section 20. CS Mandate of Implementation – Community Service may be imposed as a condition of probation or imposed as a sentence or penalty in lieu of imprisonment, pursuant to Section 57 and Section 70 of the Act. With the foregoing, therefore, this Administration, through its City and Provincial Probation Offices, shall implement community service disposition measures, including but not limited to any or all of the following;

- a. Crime and Drug Abuses Prevention Program;
- b. Citizenship and Civic Participation;
- c. Economic and Social Development;
- d. Health and Sanitation;
- e. Public Construction Work;
- f. Mentoring and Intergenerational Services; and
- g. Ecology and Environment Program.

Section 21. Time Frame and Placement – Serving Offender shall be given reasonable time to adjust to work program. The duration of the community service shall depend on the length of the project, therapeutic needs of the Offender and the participation of the community.

In matching Offenders to Community Service placement site, the supervising Probation Officer shall consider the following factors:

- a. Personal and family circumstances of the Offender and nature of the offense;
- b. Suitability to the placement site; and
- c. Development of a monitoring system with the ultimate purpose of evaluating offender's behavior and initiative to reintegrate himself to the mainstream of society.

ARTICLE VII

VIOLATION OF PROBATION GRANT AND/OR COMMUNITY SERVICE ORDER

Section 22. Infraction of Probation Condition and/or Community Service Order – At any time during probation or community service, the Court may issue a warrant for the arrest of the probationer for serious violation of probation condition or willful and unreasonable refusal to abide with community service order of the Court. A probationer or offender ordered to perform community service who commits a specific act and/or omission which constitutes a violation of probation condition or community service order shall be reported to the Court, after considering the facts and surrounding circumstances relevant to such violation.

Section 23. Report: Violation of Condition- After the completion of a fact-finding investigation, the supervising Probation Officer shall prepare a violation report containing his findings and recommendation, and submit the same to the Chief Probation Officer for

review and approval. However, said findings and recommendation shall be finally evaluated by the PPA Regional Director as the duly recognized representative of the Board before its final submission to the Court.

Section 24. Arrest of Erring Probationer or Offender under Community Service Order – After having duly considered the nature and gravity of such reported violation, the Trial Court may issue a warrant of arrest of the probationer or offender.

Section 25. Hearing of the Violation – Once arrested and detained, the probationer or offender charged for violation shall be brought before the Trial Court for hearing of the violation charge. 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 technical rules of evidence, but may inform itself of all the facts and circumstances which are material and relevant to determine 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 the probationer or offender ordered to perform community service and arrested under this provision.

In the case of first-time minor offender, the Supplemental Rules to the Omnibus Rules on Probation Methods and Procedures, which are applicable to Juvenile In Conflict with the Law (JICL) shall be applicable.

If the violation is established, the Court may revoke or continue his probation or community service, and modify the conditions thereof. If revoked, the Court shall order the probationer or offender to serve the sentence originally imposed. An order revoking the grant of probation or modify the terms and conditions thereof shall not be appealable.

ARTICLE VIII TERMINATION OF PROBATION

Section 26. Final Supervision Conference/Final Report – Before the supervising Probation Officer submits the final report to the Court, he shall have a final conference with the probationer or offender placed on community service together with his immediate relative or, in the latter's absence, a significant other who guided the probationer or offender placed on community service while under individualized, community-based treatment and rehabilitation program.

The presence of the Chief Probation Officer in the conference is mandatory.

The probation final report shall likewise be approved by the PPA Regional Director as the duly recognized representative of the Board before submitting the same to the Court.

ARTICLE IX PROBATION REPORTS

Section 27. Probation Reports – The Monthly Caseload Summary Report (PPA Form No. 5 and attachments), the Semestral Reports of the Parole and Probation Offices, the Annual Reports of Regional Directors, and the Annual Consolidated Reports of the Administration shall contain separate entries for Drug Cases clientele.

ARTICLE X
MISCELLANEOUS PROVISIONS

Section 28. Appropriations – Assistance for the operationalization of the aftercare guidelines, which include surveillance drug testing, shall be extended by the Dangerous Drugs Board to the Parole and Probation Administration in order for it to move efficiently and effectively and implement Section 57 and Section 70 of RA No. 9165 in relation to the pertinent provisions of PD No. 968, as amended. Such support shall be provided upon submission of a proposal by the Administration and approval by the Board.

Section 29. Applicability of the Omnibus Rules on Probation – This Regulation shall be subject to pertinent provisions of the Juvenile Justice Welfare Act (RA 9344) and shall read and used in conjunction with the Omnibus Rules on Probation Methods and Procedures, as amended, and the Rules and Regulations on Parole Supervision, and DDB Regulation No. 1 s. 2006.

Section 30. Penalty Clause – Violation of this Regulation shall be immediately reported to the Board or to PPA for appropriate administrative sanctions without prejudice to Section 32, Article II of RA 9165.

Section 31. Repealing Clause – Any or all provisions of existing regulations, orders and issuances not consistent or contrary to this Regulation are hereby modified or repealed accordingly.

Section 32. Separability Clause – If any part, section or provision of this Regulation is held invalid or unconstitutional, the other parts, sections or provisions not affected thereby shall continue in operation.

Section 33. Effectivity – This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and after registration with the Office of the National Administrative Register (ONAR), UP Law Center, Quezon City.

APPROVED AND ADOPTED this 6th day of June in the year of Our Lord 2006 in Quezon City.

(SGD.) Secretary ANSELMO S. AVENIDO, JR.
Chairman, Dangerous Drugs Board

Attested:

(SGD.) Undersecretary EDGAR C. GALVANTE
Secretary of the Board

WAIVER AND COMMITMENT

I 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); and
- _____ 7. Others (please specify) _____

Likewise, the undersigned promises 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;
 - a. Undergo drug test / drug dependency examination as need arises;
 - b. Secure / submit required certifications; and
 - c. 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 conditions 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 promise to help the aforementioned petitioner.

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

Chief Probation and Parole Officer

BOARD REGULATION No. 1
Series of 2006

**SUBJECT: GUIDELINES IN THE IMPLEMENTATION OF THE AFTERCARE PROGRAM FOR
RECOVERING DRUG DEPENDENTS**

Pursuant to the powers vested in the Dangerous Drugs Board under Section 81(h) , Article IX of RA 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 in relation to Section 56 thereof, and in consultation and coordination with the Department of Health (DOH), Department of Social Welfare and Development (DSWD) and other agencies in drug control, treatment and rehabilitation, the following Guidelines in the implementation of the Aftercare Program for Recovering Drug Dependents are hereby prescribed.

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Legal Bases. Section 2 of RA 9165 provides that the State shall adopt as its policy to safeguard the integrity of its territory and the well-being of its citizenry particularly the youth from the harmful effects of dangerous drugs on their physical and mental well-being and to defend them against acts or omissions detrimental to their development and preservation.

It shall likewise provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.

ARTICLE II
DEFINITIONS OF TERMS

SECTION 2. As used herein, the following terms shall mean as indicated:

- a. "Drug Abuser" is a person who uses or administers to himself or allows others to administer dangerous drugs to himself without medical approval. He belongs to any of three categories: (1) The experimenter who, out of curiosity, uses or administers to himself or allows others to administer to him dangerous drugs once or a few times; (2) The casual user who, from time to time, uses or administers or allows others to administer to him dangerous drugs in an attempt to refresh his mind and body or as a form of play, amusement or relaxation; and (3) The drug dependent who regularly consumes or administers or allows others to administer to him dangerous drugs and has acquired a marked psychological and/or physical dependence on the drugs which has gone beyond a state of voluntary control.
- b. "Drug Dependence" refers to a state of psychic and/or physical dependence on drugs arising in a person following administration or use of the drug on a periodic and continuous basis.
- c. "Rehabilitation" is a dynamic process directed towards the physical, emotional/psychological, vocational, social and spiritual change to prepare a drug

dependent for the fullest life compatible with his capabilities and potentials and render him able to become a law abiding and productive member of the community without abusing drugs.

- d. "Rehabilitation Center" is a facility which undertakes rehabilitation and aftercare of drug dependents. It includes institutions, agencies and the like which have for their purpose the development of skills, arts and technical know-how, or which provide counseling, or which seek to inculcate civic, social and moral values to clientele who have a drug problem with the aim of weaning them from drugs and making them drug-free, adapted to their families and peers, and readjusted into the community as law-abiding, useful and productive citizens.
- e. "Treatment" is the medical service rendered to a client for the effective management of physical and mental conditions arising from an individual's drug abuse.
- f. "Aftercare" is a broad range of community-based service supports designed to maintain benefit when the structured treatment has been completed. It may involve a continuation of individual or group counseling and other supports, but usually at a lower intensity and often by other agencies or organizations.
- g. "Center" refers to the Treatment and Rehabilitation Center, whether public or private, for drug dependents.
- h. "Community service" is a free public labor or work with therapeutic purpose performed for the benefit of the community designed as an after-care intervention program for the rehabilitation of a drug dependent.

ARTICLE III AFTERCARE PROGRAM

SECTION 3. What is an Aftercare Program-

An Aftercare Program (ACP) refers to services that help recovering drug-dependent persons to adapt to everyday community life, after completing earlier phases of treatment and rehabilitation. It provides an opportunity to address important issues and problems associated with abstinence and recovery. Aftercare provides a safe environment for continued support till it is no longer needed.

Aftercare and follow-up is an integral component of the treatment and rehabilitation process. It is a continuation of the rehabilitation process within the community after discharge from a treatment facility. The aftercare and follow-up program facilitates the client's reintegration to the community and prevents relapse into drug dependency.

The ACP is composed of medical, psycho-social, and economic programs which are focused on reviewing and consolidating the gains made during treatment. The program aims at imparting new skills for sustaining recovery which would include:

- handling everyday responsibilities
- managing family, peer, workplace and other relationships,
- expanding the social circle
- reintegration to work or referrals to agencies which facilitate employment or livelihood,
- sustaining and developing new insights into the client's psychological and emotional functioning.

Aftercare is a concern even during the stages of admission to the rehabilitation center, and planning for discharge. Prior to discharge, the ACP shall be carefully planned and initiated together with Drug Rehabilitation Center team, family and employer, if applicable. The conduct of social preparation to the family and community is a prerequisite of the program. The Criteria for entry into ACP and for completion should be clearly defined for each client.

SECTION 4. GOAL OF AFTERCARE PROGRAM

The focus is for the client to achieve a “wholistic recovery” and provide support and guidance to prevent relapse into drug use.

SECTION 5. OBJECTIVES

General:

To provide a program for recovering drug dependents who have been discharged from rehabilitation centers for reintegration and independent functioning within their families and communities and to prevent the recurrence of drug abuse or relapse.

Specific Objectives:

1. To help recovering drug dependents cope and manage their cravings for prohibited drugs after discharge and to aid them in acquiring knowledge and skills to prevent or manage relapse;
2. To develop for the recovering drug dependents new social networks and peer-group programs using new approaches that will operate in a self-help orientation under professional supervision;
3. To provide services designed to increase the recovering drug dependent's self-reliance and integration into society through educational, vocational, and social programs;
4. To help patients identify and alleviate high risk factors of addiction and develop coping skills to deal with them;
5. To assist recovering drug-dependent persons develop positive social support system; and
6. To develop community-based self-help support groups to assist drug-dependent persons in the recovery process, social reintegration, and maintenance of abstinence.

SECTION 6. Duration

The program is given to recovering drug dependents for at least eighteen (18) months.

SECTION 7. Who may Offer ACP

ACP may be offered by the original TRC as an outpatient or by trained aftercare program givers, under the supervision of a DOH- accredited physician.

ARTICLE IV
GENERAL GUIDELINES FOR AFTERCARE

SECTION 8. The staff and the client should formulate a set of goals which would assist the latter to achieve its objectives and eventually, its goals. The following flow of program services shall be observed when providing aftercare based on patient's needs:

- a. Prior to the completion of the treatment and rehabilitation program, the

DOH-accredited physician shall evaluate the patient to determine his/her capacity to undergo aftercare.
- b. Aftercare program may be provided by the staff of the TRC or by another provider, so long as they are accredited by the DOH. In the case of the latter, the TRC should ensure that the new program provider is kept abreast of the history, the treatment, the progress and the potentials for reintegration of the client; in short the client's capacity to undergo aftercare should be stated.
 1. The accredited physician shall consult the Treatment and Rehabilitation Center (TRC) Director as well as other personnel (Social Worker, Program Director, parents/guardians, etc) for the above purpose.
 2. The Center shall also form a Technical Evaluation Committee (TEC) for the purpose of evaluating the patients and developing the aftercare plan.
- b. The TRC through its Technical Evaluation Committee (TEC) shall evaluate the clients and develop the aftercare plan.
- c. The clients, parents and or guardians of the clients shall be advised and oriented on the process, services of the aftercare, and expected responsibilities of clients and family or guardian.
- e. Family Services shall also be prescribed/extended by the TRC and/or the accredited physician
- f. Upon completion of the treatment and rehabilitation program, the client shall undertake an aftercare program as determined by the accredited physician or the Center TEC.
- g. The TRC shall refer the patient for aftercare to support groups, self-help groups and other agencies providing aftercare-related services determined to be suitable for the client's needs (Example: Barangay Anti-Drug Abuse Councils, Narcotic Anonymous, Provincial Social Workers and others).
 1. Examples of support and self-help groups, and other agencies providing aftercare-related services determined to be suitable for the client's needs should be given to the clients.
- h. The Center shall also provide aftercare services (see Section 9 for the details) which may consist of any of the following services:
 - 1. Social Services**
 - a) Case Work and Individual Counseling
 - b) Group Work and Group Counseling
 - c) Recovery Training Session

- d) Faith-Based Session
- e) Family Counseling
- f) Referral Services
- g) Conduct of Parent Recovering Dependent Dialogue

2. Psychological Services

- a) Psychological assessment through administration of test and evaluation of client
- b) Provision of psychological counseling to improve client's positive attitude
- c) Psychotherapeutic management
- d) Group therapy session with psychiatrists
- e) Referral of client for further psychiatric treatment

3. Other Services

- a) Narco-Urine Test
- b) Coordination with GO's/NGO's re: other support services

1. During this period, the patient shall be required to attend the services prescribed by the accredited physician or the Center TEC.
- h. The Treatment and Rehabilitation Center and/or the accredited physician shall monitor the progress of the client and shall report any deviation from the prescribed aftercare plan.
- i. A pre-discharge conference shall be conducted to determine if the client can already be issued a Certificate of Completion for the aftercare program.

Section 9. INTERVENTIONS AND SERVICES

The following is a list of the most commonly employed interventions and services. The TRC and the ACP provider shall offer one or a combination of these interventions to the client and the family following a complete assessment of the history, treatment, progress and potential of the client and his or her support systems.

1. Group Sessions

A group of recovering drug dependents shall meet together at least once a week, led by a professional facilitator to confront behavior problems, deal with social integration issues such as drug cravings, social pressure to use, family issues, etc., and acquire knowledge and new strategies on how to overcome drug cravings and prevent relapse incident among the RDDs. Ideally the group should not exceed twelve participants. The duration will depend on the degree of progress and full recovery of the client.

The modules will also deal knowledge and skills in identifying personal high-risk factors, and develop specific coping strategies to prevent or manage relapse.

2. Individual Therapies and Counseling sessions may be pursued as necessary.

3. Family Counseling

The primary purpose of the conduct of family counseling is to keep the solidarity and harmony in the RDD's family. The counseling session, aim to develop healthy interpersonal relationships within the family and to establish open positive communication between family members and significant others. The conduct of

family counseling session shall be done regularly to help family members gain deeper understanding of their role in the treatment process. Family members shall be oriented of their roles in the reintegration of drug dependents to the community. Assessment of possible substance abuse by other members of the family or significant others shall be a component of this service.

4. Attendance to Support Groups

The activities shall include attending self-help programs like Narcotics Anonymous (NA) / Alcoholic Anonymous (AA) meetings, regular follow-up at treatment center, individual and group counseling sponsor/sponsee meetings, alumni association meetings, etc. This shall be for a period not exceeding eighteen (18) months and shall be undertaken by the appropriate center personnel for sharing inspirational experiences from the successful rehabilitated drug dependents who were able to overcome drug dependency and are achieving success in life through continuous studies, their profession, marriage and business.

5. Marital Enhancement Seminar

This will allow the RDDs and their respective spouses to learn techniques and strategies on the proper and effective ways of resolving marital conflicts. Likewise, it will strengthen husband-wife relationship and family life.

6. Effective Parenting

It is a week-long course on parenting skills enhancement and the promotion of family solidarity to support the client, and increase parenting skills of the parents and / or guardians of the recovering drug dependents. The session shall aim to provide and / or enhance the knowledge and skills of the parents/parent substitutes on the care and management of clients with particular focus on enhancing family unity, consciousness and well-being.

Section 10. Educational Assistance

Based on the assessment of the social worker on the educational needs, skills and qualifications, arrangement shall be facilitated for the client's re-entry to school or work.

Section 11. Employment Assistance/Skills Training/Livelihood Assistance

This is to augment the income of the client and his/her family either in the form of livelihood assistance or micro-credit entrepreneurship. It shall be geared towards generating income from projects that are feasible with the resources available for the livelihood of families. These small entrepreneurial activities such as garment sewing, having a sari-sari store, food vending, etc will serve as an ideal project.

Referrals can be made to agencies which either generate or facilitate employment such as the Department of Labor and Employment, or link potential employees to specific programs such as those provided by government and the private sectors through job markets.

Assistance in basic skills needed in securing a job such as writing a biodata, appearing before a job interview, reviewing sources of job vacancies, skills training for self-employment and entrepreneurship, etc.

Section 12. Faith-Based Development

This views faith as an inspiration to change and well being of the individual. The individual's personal conviction and faith encourage the patients to turn away from prohibited drug abuse and make him aspire to be more productive. Appropriate pastoral counseling shall be facilitated if such is requested.

Section 13. Other Services

Narco-urine testing: These shall be done during the period of aftercare, done on a random basis, or when there are signs of relapse, or any "just cause". If found positive to dangerous drugs for two consecutive drug testing, assessment of risks, counseling, and follow-up of the client shall be undertaken immediately. Otherwise recommitment to the center for further treatment and rehabilitation shall be prescribed if the results of assessment so indicate. Thereafter, the client may again be certified for temporary release and ordered released for another aftercare and follow-up program. A close working relationship shall be maintained by the rehabilitation team with the client and the family.

13.1 Additional services such as assessment and the provision of follow-up services to clients with co-occurring psychiatric problems shall be provided when necessary.

ARTICLE V TERMINATION OF THE GENERAL AFTERCARE PROGRAM

SECTION 14. The client's case shall be terminated only after strict adherence to the aftercare program plan and follow- up schedule and upon completion of the eighteen (18) months period of aftercare program as prescribed in R.A. 9165 and/or achievement of the following seven (7) indicators for a recovered drug dependent:

- a. Negative results of at least three (3) consecutive random drug testing;
- b. Has improved in terms of adequate coping skill, regained self-esteem, and in over-all functioning;
- c. Assumption of social responsibility, e.g. reintegration to previous employment, or manifestation of a serious desire to learn skills and search for employment or self-employment, resumption of school activity either formal or non-formal, and the absence of any involvement in criminal activity;
- e. No social deviancy, e.g. drug-related criminal or gang activity, social evil vices, etc., and maintaining good standing in the community;
- f. Existence of positive social support system or meaningful drug-free social relationship; and
- g. Endorsement of concerned and responsible person/agency attesting to the client's successful social reintegration.

The accredited physician or the TRC shall issue a Certificate of Completion for the aftercare program for the patient for whatever purpose it may serve him/her.

ARTICLE VI
ROLES AND RESPONSIBILITIES OF GOVERNMENT AGENCIES

SECTION 15. The following agencies shall have the respective responsibilities as indicated:

A. Department of Health (DOH)

1. Conduct training of accredited physician on Aftercare Program;
2. Develop and implement a comprehensive aftercare and follow up program in coordination with DSWD and LGUs in order to complete the eighteen (18) months period;
3. Recommend, to the court the release of a drug dependent;
4. Inform the Provincial DOH Representative on the random drug testing results for monitoring purposes;
5. Develop data-banking system;
6. Provide technical assistance and conduct of monitoring on program implementation;
7. Develop standards and guidelines in the implementation of aftercare program;
Conduct on-going evaluation and improvement of Aftercare and Follow-up Program;
and
8. Accredit NGOs providing aftercare services for drug dependents in coordination with DSWD.

B. Department of the Interior and Local Government (DILG) (Through the Provincial/City/Municipal Social Welfare Development Office and the respective Provincial/City/Municipal/Barangay Anti-Drug Abuse Councils)

1. Conduct follow-up aftercare including direct provision of services based on DOH guidelines;
2. Conduct advocacy activities;
3. Document best practices on after care interventions; and
4. Submit report to DOH on status of clients served.

C. Department of Social Welfare and Development (DSWD)

1. Conduct capability building and/or provide technical assistance to LGUs in the provision of aftercare services and other relevant psycho-social services;
2. Conduct advocacy activities; and
3. Accredit NGOs providing aftercare services (RA 9165, Sec. 57);

D. Dangerous Drugs Board (DDB)

1. Direct the Parole and Probation Administration to recommend drug dependents to undergo community service as part of his/her aftercare and follow up program; and
2. Design and develop a national treatment and rehabilitation program for drug dependents including a standard aftercare and community service program for recovering drug dependents, in consultation and coordination with the DOH, DSWD and other agencies involved in drugs control, treatment and rehabilitation, both public and private.

E. Department of Justice (DOJ) [Through the Parole and Probation Administration (PPA)]

1. Take charge of provisions accordingly promulgated in consonance with Section 57 and Section 70 of RA 9165 and the applicable provisions of Pres. Dec. No. 968, (the Probation Law of 1976), as amended and RA No. 9344 (Juvenile Justice and Welfare Act of 2006);

2. Provide follow-up aftercare services based on DOH/DDB approved guidelines;
3. Conduct advocacy and training activities specific for the above-mentioned provisions and target population;
4. Document best practices on after care interventions; and
5. Submit report to DOH/DDB on status of clients served.

E. Department of Labor and Employment (DOLE)

1. Provide training on aftercare in the context of the training for the Assessment team of the Drug-Free Workplace training course.
2. Document success stories and best practices as well as failures in reintegration.
3. Provide referrals to employment programs, training for new skills, entrepreneurship and links to resources.

G. Non-Governmental Organizations (NGOs)

1. Assist the Government Agencies in effectively implementing provisions of the aftercare guidelines;
2. Assist in providing support structures for aftercare clients;
3. Assist in monitoring aftercare services rendered;
4. Advocate aftercare activities at the community level;
5. Provide technical and logistical support to aftercare services; and
6. Acquire adequate skills for program implementation, when the NGO is directly involved in providing aftercare services.

**ARTICLE VII
FINAL PROVISIONS**

SECTION 16. Penalty Clause. Violation of this Regulation shall be immediately reported to the Board or to PPA for appropriate administrative sanctions without prejudice to Section 32, Article II of RA 9165.

SECTION 17. Repealing Clause. All rules and regulations inconsistent herewith are hereby repealed or modified accordingly. The repeal or modification becomes effective on the date of effectivity of this Regulation.

SECTION 18. Effectivity – This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and after registration with the Office of the National Administrative Register (ONAR), UP Law Center, Quezon City.

APPROVED AND ADOPTED this 6th day of June, in the year of Our Lord 2006 in Quezon City.

United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)

Adopted by UN General Assembly resolution 45/110 of 14 December 1990

I. General principles

1. Fundamental aims

- 1.1 The present Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.
- 1.2 The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.
- 1.3 The Rules shall be implemented taking into account the political, economic, social and cultural conditions of each country and the aims and objectives of its criminal justice system.
- 1.4 When implementing the Rules, Member States shall endeavour to ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention.
- 1.5 Member States shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalize criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

2. The scope of non-custodial measures

- 2.1 The relevant provisions of the present Rules shall be applied to all persons subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice. For the purposes of the Rules, these persons are referred to as "offenders", irrespective of whether they are suspected, accused or sentenced.
- 2.2 The Rules shall be applied without any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2.3 In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in such a way so that consistent sentencing remains possible.

- 2.4 The development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.
- 2.5 Consideration shall be given to dealing with offenders in the community avoiding as far as possible resort to formal proceedings or trial by a court, in accordance with legal safeguards and the rule of law.
- 2.6 Non-custodial measures should be used in accordance with the principle of minimum intervention.
- 2.7 The use of non-custodial measures should be part of the movement towards depenalization and decriminalization instead of interfering with or delaying efforts in that direction.

3. Legal safeguards

- 3.1 The introduction, definition and application of non-custodial measures shall be prescribed by law.
- 3.2 The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, background of the offender, the purposes of sentencing and the rights of victims.
- 3.3 Discretion by the judicial or other competent independent authority shall be exercised at all stages of the proceedings by ensuring full accountability and only in accordance with the rule of law.
- 3.4 Non-custodial measures imposing an obligation on the offender, applied before or instead of formal proceedings or trial, shall require the offender's consent.
- 3.5 Decisions on the imposition of non-custodial measures shall be subject to review by a judicial or other competent independent authority, upon application by the offender.
- 3.6 The offender shall be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of non-custodial measures.
- 3.7 Appropriate machinery shall be provided for the recourse and, if possible, redress of any grievance related to non-compliance with internationally recognized human rights.
- 3.8 Non-custodial measures shall not involve medical or psychological experimentation on, or undue risk of physical or mental injury to, the offender.
- 3.9 The dignity of the offender subject to non-custodial measures shall be protected at all times.
- 3.10 In the implementation of non-custodial measures, the offender's rights shall not be restricted further than was authorized by the competent authority that rendered the original decision.

3.11 In the application of non-custodial measures, the offender's right to privacy shall be respected, as shall be the right to privacy of the offender's family.

3.12 The offender's personal records shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the offender's case or to other duly authorized persons.

4. Saving clause

4.1 Nothing in these Rules shall be interpreted as precluding the application of the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment or any other human rights instruments and standards recognized by the international community and relating to the treatment of offenders and the protection of their basic human rights.

II. Pre-trial stage

5. Pre-trial dispositions

5.1 Where appropriate and compatible with the legal system, the police, the prosecution service or other agencies dealing with criminal cases should be empowered to discharge the offender if they consider that it is not necessary to proceed with the case for the protection of society, crime prevention or the promotion of respect for the law and the rights of victims. For the purpose of deciding upon the appropriateness of discharge or determination of proceedings, a set of established criteria shall be developed within each legal system. For minor cases the prosecutor may impose suitable non-custodial measures, as appropriate.

6. Avoidance of pre-trial detention

6.1 Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.

6.2 Alternatives to pre-trial detention shall be employed at as early a stage as possible. Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 5.1 and shall be administered humanely and with respect for the inherent dignity of human beings.

6.3 The offender shall have the right to appeal to a judicial or other competent independent authority in cases where pre-trial detention is employed.

III. Trial and sentencing stage

7. Social inquiry reports

7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that is relevant to the person's pattern of offending and current offences. It should also contain

information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified.

8. Sentencing dispositions

8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.

8.2 Sentencing authorities may dispose of cases in the following ways:

- (a) Verbal sanctions, such as admonition, reprimand and warning;
- (b) Conditional discharge;
- (c) Status penalties;
- (d) Economic sanctions and monetary penalties, such as fines and day-fines;
- (e) Confiscation or an expropriation order;
- (f) Restitution to the victim or a compensation order;
- (g) Suspended or deferred sentence;
- (h) Probation and judicial supervision;
- (i) A community service order;
- (j) Referral to an attendance centre;
- (k) House arrest;
- (l) Any other mode of non-institutional treatment;
- (m) Some combination of the measures listed above

IV. Post-sentencing stage

9. Post-sentencing dispositions

9.1 The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society.

9.2 Post-sentencing dispositions may include:

- (a) Furlough and half-way houses;
- (b) Work or education release;
- (c) Various forms of parole;
- (d) Remission;
- (e) Pardon

9.3 The decision on post-sentencing dispositions, except in the case of pardon, shall be subject to review by a judicial or other competent independent authority, upon application of the offender.

9.4 Any form of release from an institution to a non-custodial programme shall be considered at the earliest possible stage.

V. Implementation of non-custodial measures

10. Supervision

- 10.1 The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime.
- 10.2 If a non-custodial measure entails supervision, the latter shall be carried out by a competent authority under the specific conditions prescribed by law.
- 10.3 Within the framework of a given non-custodial measure, the most suitable type of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.
- 10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.

11. Duration

- 11.1 The duration of a non-custodial measure shall not exceed the period established by the competent authority in accordance with the law.
- 11.2 Provision may be made for early termination of the measure if the offender has responded favourably to it.

12. Conditions

- 12.1 If the competent authority shall determine the conditions to be observed by the offender, it should take into account both the needs of society and the needs and rights of the offender and the victim.
- 12.2 The conditions to be observed shall be practical, precise and as few as possible, and be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and of increasing the offender's chances of social integration, taking into account the needs of the victim.
- 12.3 At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender's obligations and rights.
- 12.4 The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.

13. Treatment process

- 13.1 Within the framework of a given non-custodial measure, in appropriate cases, various schemes, such as case-work, group therapy, residential programmes

and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.

13.2 Treatment should be conducted by professionals who have suitable training and practical experience.

13.3 When it is decided that treatment is necessary, efforts should be made to understand the offender's background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.

13.4 The competent authority may involve the community and social support systems in the application of non-custodial measures.

13.5 Case-load assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of treatment programmes.

13.6 For each offender, a case record shall be established and maintained by the competent authority.

14. Discipline and breach of conditions

14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.

14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.

14.3 The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.

14.4 In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed only in the absence of other suitable alternatives.

14.5 The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.

14.6 Upon modification or revocation of the non-custodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.

VI. Staff

15. Recruitment

15.1 There shall be no discrimination in the recruitment of staff on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status. The policy regarding staff

recruitment should take into consideration national policies of affirmative action and reflect the diversity of the offenders to be supervised.

15.2 Persons appointed to apply non-custodial measures should be personally suitable and, whenever possible, have appropriate professional training and practical experience. Such qualifications shall be clearly specified.

15.3 To secure and retain qualified professional staff, appropriate service status, adequate salary and benefits commensurate with the nature of the work should be ensured and ample opportunities should be provided for professional growth and career development.

16. Staff training

16.1 The objective of training shall be to make clear to staff their responsibilities with regard to rehabilitating the offender, ensuring the offender's rights and protecting society. Training should also give staff an understanding of the need to cooperate in and coordinate activities with the agencies concerned.

16.2 Before entering duty, staff shall be given training that includes instruction on the nature of non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures.

16.3 After entering duty, staff shall maintain and improve their knowledge and professional capacity by attending in-service training and refresher courses. Adequate facilities shall be made available for that purpose.

VII. Volunteers and other community resources

17. Public participation

17.1 Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration.

17.2 Public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society.

18. Public understanding and cooperation

18.1 Government agencies, the private sector and the general public should be encouraged to support voluntary organizations that promote non-custodial measures.

18.2 Conferences, seminars, symposia and other activities should be regularly organized to stimulate awareness of the need for public participation in the application of non-custodial measures.

18.3 All forms of the mass media should be utilized to help to create a constructive public attitude, leading to activities conducive to a broader application of non-custodial treatment and the social integration of offenders.

18.4 Every effort should be made to inform the public of the importance of its role in the implementation of non-custodial measures.

19. Volunteers

19.1 Volunteers shall be carefully screened and recruited on the basis of their aptitude for and interest in the work involved. They shall be properly trained for the specific responsibilities to be discharged by them and shall have access to support and counseling from, and the opportunity to consult with, the competent authority.

19.2 Volunteers should encourage offenders and their families to develop meaningful ties with the community and a broader sphere of contact by providing counseling and other appropriate forms of assistance according to their capacity and the offenders' needs.

19.3 Volunteers shall be insured against accident, injury and public liability when carrying out their duties. They shall be reimbursed for authorized expenditures incurred in the course of their work. Public recognition should be extended to them for the services they render for the well-being of the community.

VIII. Research, planning, policy formulation and evaluation

20. Research and planning

20.1 As an essential aspect of the planning process, efforts should be made to involve both public and private bodies in the organization and promotion of research on the non-custodial treatment of offenders.

20.2 Research on the problems that confront clients, practitioners, the community and policy-makers should be carried out on a regular basis.

20.3 Research and information mechanisms should be built into the criminal justice system for the collection and analysis of data and statistics on the implementation of non-custodial treatment for offenders.

21. Policy formulation and programme development

21.1 Programmes for non-custodial measures should be systematically planned and implemented as an integral part of the criminal justice system within the national development process.

21.2 Regular evaluations should be carried out with a view to implementing non-custodial measures more effectively.

21.3 Periodic reviews should be concluded to assess the objectives, functioning and effectiveness of non-custodial measures.

22. Linkages with relevant agencies and activities

- 22.1 Suitable mechanisms should be evolved at various levels to facilitate the establishment of linkages between services responsible for non-custodial measures, other branches of the criminal justice system, social development and welfare agencies, both governmental and non-governmental, in such fields as health, housing, education and labour, and the mass media.

23. International cooperation

- 23.1 Efforts shall be made to promote scientific cooperation between countries in the field of non-institutional treatment. Research, training, technical assistance and the exchange of information among Member States on non-custodial measures should be strengthened, through the United Nations institutes for the prevention of crime and the treatment of offenders, in close collaboration with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat.
- 23.2 Comparative studies and the harmonization of legislative provisions should be furthered to expand the range of non-institutional options and facilitate their application across national frontiers, in accordance with the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.

**Republic of the Philippines
Congress of the Philippines
Metro Manila
15th Congress
3rd Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[REPUBLIC ACT NO. 10389]

AN ACT INSTITUTIONALIZING RECOGNIZANCE AS A MODE OF GRANTING THE RELEASE OF AN INDIGENT PERSON IN CUSTODY AS AN ACCUSED IN A CRIMINAL CASE AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Recognizance Act of 2012”.

SEC. 2. *Statement of Policy.* – It is the declared policy of the State to promote social justice in all phases of national development, including the promotion of restorative justice as a means to address the problems confronting the criminal justice system such as protracted trials, prolonged resolution of cases, lack of legal representation, lack of judges, inability to post bail bond, congestion in jails, and lack of opportunity to reform and rehabilitate offenders. In consonance with the principle of presumption of innocence, the 1987 Philippine Constitution recognizes and guarantees the right to bail or to be released on recognizance as may be provided by law. In furtherance of this policy, the right of persons, except those charged with crimes punishable by death, *reclusion perpetua*, or life imprisonment, to be released on recognizance before conviction by the Regional Trial Court, irrespective of whether the case was originally filed in or appealed to it, upon compliance with the requirements of this Act, is hereby affirmed, recognized and guaranteed.

SEC. 3. *Recognizance Defined.* – Recognizance is a mode of securing the release of any person in custody or detention for the commission of an offense who is unable to post bail due to abject poverty. The court where the case of such person has been filed shall allow the release of the accused on recognizance as provided herein, to the custody of a qualified member of the barangay, city or municipality where the accused resides.

SEC. 4. *Duty of the Courts.* – For purposes of stability and uniformity, the courts shall use their discretion, in determining whether an accused should be deemed an indigent, even if the salary and property requirements are not met. The courts may also consider the capacity of the accused to support not just himself/herself but also his/her family or other people who are dependent on him/her for support and subsistence.

Other relevant factors and conditions demonstrating the financial incapacity of the accused at the time that he/she is facing charges in court, may also be considered by the courts for the purpose of covering as many individuals belonging to the marginalized and poor sectors of society.

SEC. 5. *Release on Recognizance as a Matter of Right Guaranteed by the Constitution.* – The release on recognizance of any person in custody or detention for the commission of an offense is a matter of right when the offense is not punishable by death, *reclusion perpetua*, or life imprisonment: *Provided:* That the accused or any person on behalf of the accused files the application for such:

- (a) Before or after conviction by the Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities and Municipal Circuit Trial Court; and
- (b) Before conviction by the Regional Trial Court: *Provided, further,* That a person in custody for a period equal to or more than the minimum of the principal penalty prescribed for the offense charged, without application of the Indeterminate Sentence Law, or any modifying circumstance, shall be released on the provision's recognizance.

SEC. 6. *Requirements.* – The competent court where a criminal case has been filed against a person covered under this Act shall, upon motion, order the release of the detained person on recognizance to a qualified custodian: *Provided,* That, all of the following requirements are complied with:

- (a) A sworn declaration by the person in custody of his/her indigency or incapacity either to post a cash bail or proffer any personal or real property acceptable as sufficient sureties for a bail bond;
- (b) A certification issued by the head of the social welfare and development office of the municipality or city where the accused actually resides, that the accused is indigent;
- (c) The person in custody has been arraigned;
- (d) The court has notified the city or municipal sanggunian where the accused resides of the application for recognizance. The sanggunian shall include in its agenda the notice from the court upon receipt and act on the request for comments or opposition to the application within ten (10) days from receipt of the notice. The action of the sanggunian shall be in the form of a resolution, and shall be duly approved by the mayor, and subject to the following conditions:
 - (1) Any motion for the adoption of a resolution for the purpose of this Act duly made before the sanggunian shall be considered as an urgent matter and shall take precedence over any other business thereof: *Provided,* That a special session shall be called to consider such proposed resolution if necessary;

The resolution of the sanggunian shall include in its resolution a list of recommended organizations from whose members the court may appoint a custodian.

- (2) The presiding officer of the sanggunian shall ensure that its secretary shall submit any resolution adopted under this Act within twenty-four (24) hours from its passage to the mayor who shall act on it within the same period of time from receipt thereof;
- (3) If the mayor or any person acting as such, pursuant to law, fails to act on the said resolution within twenty-four (24) hours from receipt thereof, the same shall be deemed to have been acted upon favorably by the mayor;
- (4) If the mayor or any person acting as such, pursuant to law, disapproves the resolution, the resolution shall be returned within twenty-four (24) hours from disapproval thereof to the sanggunian presiding officer or secretary who shall be responsible in informing every member thereof that the sanggunian shall meet in special session within twenty-four (24) hours from receipt of the veto for the sole purpose of considering to override the veto made by the mayor.

For the purpose of this Act, the resolution of the sanggunian of the municipality or city shall be considered final and not subject to the review of the Sangguniang Panlalawigan, a copy of which shall be forwarded to the trial court within three (3) days from date of resolution.

- (e) The accused shall be properly documented, through such processes as, but not limited to, photographic image reproduction of all sides of the face and fingerprinting: *Provided*, That the costs involved for the purpose of this subsection shall be shouldered by the municipality or city that sought the release of the accused as provided herein, chargeable to the mandatory five percent (5%) calamity fund in its budget or to any other available fund in its treasury; and
- (f) The court shall notify the public prosecutor of the date of hearing therefor within twenty four (24) hours from the filing of the application for release on recognizance in favor of the accused: *Provided*, That such hearing shall be held not earlier than twenty-four (24) hours not later than forty-eight (48) hours from the receipt of notice by the prosecutor: *Provided, further*, That during said hearing, the prosecutor shall be ready to submit the recommendations regarding the application made under this Act, wherein no motion for postponement shall be entertained.

SEC. 7. Disqualifications for Release on Recognizance. Any of the following circumstances shall be a valid ground for the court to disqualify an accused from availing of the benefits provided herein:

- (a) The accused had made untruthful statements in his/her sworn affidavit prescribed under Section 5(a);
- (b) The accused is a recidivist, habitual delinquent, or has committed crime aggravated by the circumstance of reiteration;
- (c) The accused had been found to have previously escaped from legal confinement, evaded sentence or has violated the conditions of bail or release on recognizance without valid justification;
- (d) The accused had previously committed a crime while on probation, parole or under conditional pardon;
- (e) The personal circumstances of the accused or nature of the facts surrounding his/her case indicate the probability of flight if released on recognizance;
- (f) There is a great risk that the accused may commit another crime during the pendency of the case; and
- (g) The accused has a pending criminal case which has the same or higher penalty to the new crime he/she is being accused of.

SEC. 8. Qualifications of the Custodian of the Person Released on Recognizance. – Except in cases of children in conflict with the law as provided under Republic Act No. 9344, the custodian of the person released on recognizance must have the following qualifications:

- (a) A person of good repute and probity;
- (b) A resident of the barangay where the applicant resides;
- (c) Must not be a relative of the applicant within the fourth degree of consanguinity or affinity; and
- (d) Must belong to any of the following sectors and institutions: church, academe, social welfare, health sector, cause-oriented groups, charitable organizations or organizations engaged in the rehabilitation of offenders duly accredited by the local social welfare and development officer.

If no person in the barangay where the applicant resides belongs to any of the sectors and institutions listed under paragraph (d) above, the custodian of the person released on recognizance may be from the qualified residents of the city or municipality where the applicant resides.

SEC. 9. Duty of the Custodian. – The custodian shall undertake to guarantee the appearance of the accused whenever required by the court. The custodian shall be required to execute an undertaking before the court to produce the accused whenever required. The said undertaking shall be part of the application for recognizance. The court shall duly notify, within a reasonable period of time, the custodian whenever the presence of the accused is required. A penalty of six (6) months to two (2) years imprisonment shall be imposed upon the custodian who failed to deliver or produce the accused before the court; upon due notice, without justifiable reason.

SEC. 10. Role of the Probation Officer. – Upon release of the person on recognizance to the custodian, the court shall issue an order directing the Probation Office concerned to monitor and evaluate the activities of such person. The Probation Office concerned shall submit a written report containing its findings and recommendations on the activities of the person released on recognizance on a monthly basis to determine whether or not the conditions for his/her release have been complied with. The prosecution including the private complainant, if any, shall be given a copy of such report.

SEC. 11. Arrest of Person Released on Recognizance. – The court shall order the arrest of the accused, who shall forthwith be placed under detention, due to any of the following circumstances:

- (a) If it finds meritorious a manifestation made under oath by any person after a summary hearing, giving the accused an opportunity to be heard;
- (b) If the accused fails to appear at the trial or whenever required by the abovementioned court or any other competent court without jurisdiction, despite due notice;
- (c) If the accused is the subject of a complaint for the commission of another offense involving moral turpitude and the public prosecutor or the mayor in the area where the offense is committed recommends the arrest to the court; or
- (d) If it is shown that the accused committed an act of harassment such as, but not limited to, stalking, intimidating or otherwise vexing private complainant, prosecutor or witnesses in the case pending against the accused: *Provided*, That upon the issuance by the court of such order, the accused shall likewise become the proper subject of a citizen's arrest pursuant to the Rules of Court.

SEC. 12. No Release on Recognizance After Final Judgment or Commencement of Sentence; Exception. – The benefits provided under this Act shall not be allowed in favor of an accused after the judgment has become final or when the accused has started serving the sentence: *Provided*, That this prohibition shall not apply to an accused who is entitled to the benefits of the Probation Law if the application for probation is made before the convict starts serving the sentence imposed, in which case, the court shall allow the release on recognizance of the convict to the custody of a qualified member of the barangay, city or municipality where the accused actually resides.

SEC. 13. Separability Clause. – If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SEC. 14. Repealing Clause. – All laws, decrees and orders or parts thereof inconsistent herewith are deemed repealed or modified accordingly, unless the same are more beneficial to the accused.

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

Approved,

(SGD) JUAN PONCE ENRILE
President of the Senate

(SGD) FELICIANO BELMONTE, JR.
Speaker of the House
of Representatives

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on December 19, 2012 and December 10, 2012, respectively.

(SGD) EMMA LIRIO-REYES
Secretary of the Senate

(SGD) MARILYN B. BRUA-YAP
Secretary of General
House of Representatives

Approved: MARCH 14, 2013

(SGD) BENIGNO S. AQUINO III
President of the Philippines

INDETERMINATE SENTENCE LAW

(Republic Act 4103 as Amended)

AN ACT TO PROVIDE FOR AN INDETERMINATE SENTENCE AND PAROLE FOR ALL PERSONS CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS, TO CREATE A BOARD OF INDETERMINATE SENTENCE AND TO PROVIDE FUNDS THEREFORE AND FOR OTHER PURPOSES.

SECTION 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and the minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same. (As amended by Act No. 4225)

SECTION. 2. This Act shall not apply to persons convicted of offenses punished with death penalty or life-imprisonment; to those convicted of treason, conspiracy or proposal to commit treason; to those convicted of misprision of treason, rebellion, sedition or espionage; to those convicted of piracy; to those who are habitual delinquents; to those who shall have escaped from confinement or evaded sentence; to those who having been granted conditional pardon by the Chief Executive shall have violated the terms thereof; to those whose maximum term of imprisonment does not exceed one year, nor to those already sentenced by final judgment at the time of approval of this Act except as provided in Section 5 thereof. (As amended by Act No. 4225.)

SECTION 3. There is hereby created a Board of Pardons and Parole to be composed of the Secretary of Justice who shall be its Chairman, and four members to be appointed by the President, with the consent of the Commission on Appointments who shall hold office for a term of six years: Provided, That one member of the Board shall be a trained sociologist, one a clergyman or educator, one psychiatrist unless a trained psychiatrist be employed by the Board, and the other members shall be persons qualified for such work by training and experience. At least one member of the Board shall be a woman. Of the members of the present Board, two shall be designated by the President to continue until December thirty, nineteen hundred and sixty-six and the other two shall continue until December thirty, nineteen hundred and sixty-nine. In case of any vacancy in the membership of the Board, a successor may be appointed to serve only for the unexpired portion of the term of the respective members.” (As amended by RA No. 4203, Approved June 19, 1965)

SECTION 4. The Board of Pardons and Parole is authorized to adopt such rules and regulations as may be necessary for carrying out its functions and duties. The Board is empowered to call upon any bureau, office, branch, subdivision, agency, or instrumentality of the Government for such assistance as it may need in connection with the performance of its functions. A majority of all the members shall constitute a quorum and a majority vote shall be necessary to arrive at a decision. Any dissent from the majority opinion shall be reduced to writing and filed with the records of the proceedings. Each member of the Board, including the Chairman and the Executive Officer, shall be entitled to receive as compensation fifty pesos for each meeting actually attended by him, notwithstanding the provisions of section two hundred and fifty-nine of the Revised Administrative Code, and in

addition thereto, reimbursement of actual and necessary travelling expenses incurred in the performance of duties: Provided, however, That the Board meetings will not be more than three times a week." (As amended by CA 301, Executive Order No. 94, October 4, 1947 and RA No. 4203)

SECTION 5. It shall be the duty of the (Board of Indeterminate Sentence) Board of Pardons and Parole to look into the physical, mental and moral record of the prisoners who shall be eligible to parole and to determine the proper time of release of such prisoners. Whenever any prisoner shall have served the minimum penalty imposed on him, and it shall appear to the (Board of Indeterminate Sentence) Board of Pardons and Parole from the reports of the prisoner's work and conduct which may be received in accordance with the rules and regulations prescribed, and from the study and investigation made by the Board itself, that such prisoner is fitted by his training for release that there is a reasonable probability that such prisoner will live and remain at liberty without violating the law, and that such release will not be incompatible with the welfare of society, said (Board of Indeterminate Sentence) Board of Pardons and Parole may, in its discretion, and in accordance with the rules and regulations adopted hereunder, authorize the release of such prisoner on parole, upon such terms and conditions as are herein prescribed and as may be prescribed by the Board. The said (Board of Indeterminate Sentence) Board of Pardons and Parole shall also examine the records and status of prisoners who shall have been convicted of any offense other than those named in Section 2 hereof, and have been sentenced for more than one year by final judgment prior to the date on which this Act shall take effect, and shall make recommendations in all such cases to the (Governor General) President with regard to the parole of such prisoners as they shall deem qualified for parole as herein provided, after they shall have served a period of imprisonment not less than the minimum period for which they might have been sentenced under this Act for the same offense.

SECTION 6. Every prisoner released from confinement on parole by virtue of this Act shall, at such times and in such manner as may be required by the conditions of his parole, as may be designated by the said Board for such purpose, report personally to such government officials or other parole officers hereafter appointed by the (Board of Indeterminate Sentence) Board of Pardons and Parole for a period of surveillance equivalent to the remaining portion of the maximum sentence imposed upon him or until final release and discharge by the (Board of Indeterminate Sentence) Board of Pardons and Parole as herein provided. The officials so designated shall keep such records and make such reports and perform such other duties hereunder as may be required by said Board. The limits of residence of such paroled prisoner during his parole may be fixed and from time to time changed by the said Board in its discretion. If during the period of surveillance such paroled prisoner shall show himself to be law-abiding citizen and shall not violate any of the laws of the Philippine Islands, the (Board of Indeterminate Sentence) Board of Pardons and Parole may issue the final certificate of release in his favor, which shall entitle him to final release and discharge.

SECTION 7. The Board shall file with the court which passed judgment on the case, and with the Chief of the Constabulary, a certified copy of each order of conditional or final release and discharge issued in accordance with the provisions of the next preceding two sections.

SECTION 8. Whenever any prisoner released on parole by virtue of the conditions of his parole, the (Board of Indeterminate Sentence) Board of Pardons and Parole may issue an order for his re-arrest which may be served in any part of the Philippines Islands by any police officer. In such case the prisoner so re-arrested shall serve the remaining unexpired portion of the maximum sentence for which he was originally committed to prison, unless the (Board of Indeterminate Sentence) Board of Pardons and Parole shall, in its discretion grant a new parole to the said prisoner. (As amended by Act No. 4225.)

SECTION 9. Nothing in this Act shall be construed to impair or interfere with the powers of the (Governor-General) President as set forth in Section 64(i) of the Revised Administrative Code or the Act of Congress approved August 29, 1916 entitled "An Act to declare the purpose of the people of the United States as to future political status of the people of the Philippine Islands, and to provide a more autonomous government for those Islands."

SECTION 10. Whenever any prisoner shall be released on parole hereunder he shall be entitled to receive the benefits provided in Section 1751 of the Revised Administrative Code.

This Act shall take effect upon its approval.

Approved, December 5, 1933.

**Congress of the Philippines
Metro Manila**

**Thirteenth Congress
Second Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand and five.

Republic Act No. 9344

**AN ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM,
CREATING THE JUVENILE JUSTICE AND WELFARE COUNCIL UNDER THE DEPARTMENT OF
JUSTICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**TITLE I
GOVERNING PRINCIPLES**

**CHAPTER 1
TITLE, POLICY AND DEFINITION OF TERMS**

Section 1. *Short Title and Scope.* – This Act shall be known as the “**Juvenile Justice and Welfare Act of 2006.**” It shall cover the different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration.

SEC. 2. *Declaration of State Policy.* – The following State policies shall be observed at all times:

- (a) The State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.
- (b) The State shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party. Proceedings before any authority shall be conducted in the best interest of the child and in a manner which allows the child to participate and to express himself/herself freely. The participation of children in the program and policy formulation and implementation related to juvenile justice and welfare shall be ensured by the concerned government agency.
- (c) The State likewise recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development.
- (d) Pursuant to Article 40 of the United Nations Convention on the Rights of the Child, the State recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, taking into account the child’s age and desirability of promoting his/her reintegration. Whenever appropriate and desirable, the State shall adopt measures for dealing with such children without

resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. It shall ensure that children are dealt with in a manner appropriate to their well-being by providing for, among others, a variety of disposition measures such as care, guidance and supervision orders, counseling, probation, foster care, education and vocational training programs and other alternatives to institutional care.

- (e) The administration of the juvenile justice and welfare system shall take into consideration the cultural and religious perspectives of the Filipino people, particularly the indigenous peoples and the Muslims, consistent with the protection of the rights of children belonging to these communities.
- (f) The State shall apply the principles of restorative justice in all its laws, policies and programs applicable to children in conflict with the law.

SEC. 3. Liberal Construction of this Act. – In case of doubt, the interpretation of any of the provisions of this Act, including its implementing rules and regulations (IRRs), shall be construed liberally in favor of the child in conflict with the law.

SEC. 4. Definition of Terms. – The following terms as used in this Act shall be defined as follows:

- (a) “Bail” refers to the security given for the release of the person in custody of the law, furnished by him/her or a bondsman, to guarantee his/her appearance before any court. Bail may be given in the form of corporate security, property bond, cash deposit, or recognizance.
- (b) “Best Interest of the Child” refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child’s physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
- (c) “Child” refers to a person under the age of eighteen (18) years.
- (d) “Child at Risk” refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:
 - (1) being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
 - (2) being exploited including sexually or economically;
 - (3) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
 - (4) coming from a dysfunctional or broken family or without a parent or guardian;
 - (5) being out of school;
 - (6) being a streetchild;
 - (7) being a member of a gang;

- (8) living in a community with a high level of criminality or drug abuse; and
- (9) living in situations of armed conflict.
- (e) “Child in Conflict with the Law” refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- (f) “Community-based Programs” refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community.
- (g) “Court” refers to a family court or, in places where there are no family courts, any regional trial court.
- (h) “Deprivation of Liberty” refers to any form of detention or imprisonment, or to the placement of a child in conflict with the law in a public or private custodial setting, from which the child in conflict with the law is not permitted to leave at will by order of any judicial or administrative authority.
- (i) “Diversion” refers to an alternative, child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.
- (j) “Diversion Program” refers to the program that the child in conflict with the law is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings.
- (k) “Initial Contact With-the Child” refers to the apprehension or taking into custody of a child in conflict with the law by law enforcement officers or private citizens. It includes the time when the child alleged to be in conflict with the law receives a subpoena under Section 3(b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6(a) or Section 9(b) of the same Rule in cases that do not require preliminary investigation or where there is no necessity to place the child alleged to be in conflict with the law under immediate custody.
- (l) “Intervention” refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- (m) “Juvenile Justice and Welfare System” refers to a system dealing with children at risk and children in conflict with the law, which provides child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, re-integration and aftercare to ensure their normal growth and development.
- (n) “Law Enforcement Officer” refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a barangay tanod.
- (o) “Offense” refers to any act or omission whether punishable under special laws or the Revised Penal Code, as amended.

- (p) “Recognizance” refers to an undertaking in lieu of a bond assumed by a parent or custodian who shall be responsible for the appearance in court of the child in conflict with the law, when required.
- (q) “Restorative Justice” refers to a principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended and the community; and reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies.
- (r) “Status Offenses” refers to offenses which discriminate only against a child, while an adult does not suffer any penalty for committing similar acts. These shall include curfew violations; truancy, parental disobedience and the like.
- (s) “Youth Detention Home” refers to a 24-hour child-caring institution managed by accredited local government units (LGUs) and licensed and/or accredited nongovernment organizations (NGOs) providing short-term residential care for children in conflict with the law who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.
- (t) “Youth Rehabilitation Center” refers to a 24-hour residential care facility managed by the Department of Social Welfare and Development (DSWD), LGUs, licensed and/or accredited NGOs monitored by the DSWD, which provides care, treatment and rehabilitation services for children in conflict with the law. Rehabilitation services are provided under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them into their families and communities as socially functioning individuals. Physical mobility of residents of said centers may be restricted pending court disposition of the charges against them.
- (u) “Victimless Crimes” refers to offenses where there is no private offended party.

CHAPTER 2

PRINCIPLES IN THE ADMINISTRATION OF JUVENILE JUSTICE AND WELFARE

SEC. 5. *Rights of the Child in Conflict with the Law.* – Every child in conflict with the law shall have the following rights, including but not limited to:

- (a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- (b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- (c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- (d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate

holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;

- (e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- (f) the right to bail and recognizance, in appropriate cases;
- (g) the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;
- (h) the right to have his/her privacy respected fully at all stages of the proceedings;
- (i) the right to diversion if he/she is qualified and voluntarily avails of the same;
- (j) the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- (k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- (l) in general, the right to automatic suspension of sentence;
- (m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- (n) the right to be free from liability for perjury, concealment or misrepresentation; and
- (o) other rights as provided for under existing laws, rules and regulations.

The State further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or “Beijing Rules”, United Nations Guidelines for the Prevention of Juvenile Delinquency or the “Riyadh Guidelines”, and the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

SEC. 6. *Minimum Age of Criminal Responsibility.* – A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws.

SEC. 7. *Determination of Age.* – The child in conflict with the law shall enjoy the presumption of minority. He/She shall enjoy all the rights of a child in conflict with the law

until he/she is proven to be eighteen (18) years old or older. The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.

Any person contesting the age of the child in conflict with the law prior to the filing of the information in any appropriate court may file a case in a summary proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

If a case has been filed against the child in conflict with the law and is pending in the appropriate court, the person shall file a motion to determine the age of the child in the same court where the case is pending. Pending hearing on the said motion, proceedings on the main case shall be suspended.

In all proceedings, law enforcement officers, prosecutors, judges and other government officials concerned shall exert all efforts at determining the age of the child in conflict with the law.

TITLE II

STRUCTURES IN THE ADMINISTRATION OF JUVENILE JUSTICE AND WELFARE

SEC. 8. *Juvenile Justice and Welfare Council (JJWC).* – A Juvenile Justice and Welfare Council (JJWC) is hereby created and attached to the Department of Justice and placed under its administrative supervision. The JJWC shall be chaired by an undersecretary of the Department of Social Welfare and Development. It shall ensure the effective implementation of this Act and coordination among the following agencies:

- (a) Council for the Welfare of Children (CWC);
- (b) Department of Education (DepEd);
- (c) Department of the Interior and Local Government (DILG);
- (d) Public Attorney's Office (PAO);
- (e) Bureau of Corrections (BUCOR);
- (f) Parole and Probation Administration (PPA)
- (g) National Bureau of Investigation (NBI);
- (h) Philippine National Police (PNP)
- (i) Bureau of Jail Management and Penology (BJMP);
- (i) Commission on Human Rights (CHR);
- (k) Technical Education and Skills Development Authority (TESDA);
- (l) National Youth Commission (NYC); and

(m) Other institutions focused on juvenile justice and intervention programs.

The JJWC shall be composed of representatives, whose ranks shall not be lower than director, to be designated by the concerned heads of the following departments or agencies:

(a) Department of Justice (DOJ);

(b) Department of Social Welfare and Development (DSWD);

(c) Council for the Welfare of Children (CWC)

(d) Department of Education (DepEd);

(e) Department of the Interior and Local Government (DILG)

(f) Commission on Human Rights (CHR);

(g) National Youth Commission (NYC); and

(h) Two (2) representatives from NGOs, one to be designated by the Secretary of Justice and the other to be designated by the Secretary of Social Welfare and Development.

The JJWC shall convene within fifteen (15) days from the effectivity of this Act. The Secretary of Justice and the Secretary of Social Welfare and Development shall determine the organizational structure and staffing pattern of the JJWC.

The JJWC shall coordinate with the Office of the Court Administrator and the Philippine Judicial Academy to ensure the realization of its mandate and the proper discharge of its duties and functions, as herein provided.

SEC. 9. Duties and Functions of the JJWC. – The JJWC shall have the following duties and functions:

(a) To oversee the implementation of this Act;

(b) To advise the President on all matters and policies relating to juvenile justice and welfare;

(c) To assist the concerned agencies in the review and redrafting of existing policies/regulations or in the formulation of new ones in line with the provisions of this Act;

(d) To periodically develop a comprehensive 3 to 5-year national juvenile intervention program, with the participation of government agencies concerned, NGOs and youth organizations;

(e) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities which may have an important bearing on the success of the entire national juvenile intervention program. All programs relating to juvenile justice and welfare shall be adopted in consultation with the JJWC;

(f) To formulate and recommend policies and strategies in consultation with children for the prevention of juvenile delinquency and the administration of justice, as well as for the treatment and rehabilitation of the children in conflict with the law;

(g) To collect relevant information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare, such as but not limited to:

- (1) the performance and results achieved by juvenile intervention programs and by activities of the local government units and other government agencies;
- (2) the periodic trends, problems and causes of juvenile delinquency and crimes; and
- (3) the particular needs of children in conflict with the law in custody.

The data gathered shall be used by the JJWC in the improvement of the administration of juvenile justice and welfare system.

The JJWC shall set up a mechanism to ensure that children are involved in research and policy development.

- (h) Through duly designated persons and with the assistance of the agencies provided in the preceding section, to conduct regular inspections in detention and rehabilitation facilities and to undertake spot inspections on their own initiative in order to check compliance with the standards provided herein and to make the necessary recommendations to appropriate agencies;
- (i) To initiate and coordinate the conduct of trainings for the personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program;
- (j) To submit an annual report to the President on the implementation of this Act; and
- (k) To perform such other functions as may be necessary to implement the provisions of this Act.

SEC. 10. Policies and Procedures on Juvenile Justice and Welfare. – All government agencies enumerated in Section 8 shall, with the assistance of the JJWC and within one (1) year from the effectivity of this Act, draft policies and procedures consistent with the standards set in the law. These policies and procedures shall be modified accordingly in consultation with the JJWC upon the completion of the national juvenile intervention program as provided under Section 9 (d).

SEC. 11. Child Rights Center (CRC). – The existing Child Rights Center of the Commission on Human Rights shall ensure that the status, rights and interests of children are upheld in accordance with the Constitution and international instruments on human rights. The CHR shall strengthen the monitoring of government compliance of all treaty obligations, including the timely and regular submission of reports before the treaty bodies, as well as the implementation and dissemination of recommendations and conclusions by government agencies as well as NGOs and civil society.

TITLE III PREVENTION OF JUVENILE DELINQUENCY

CHAPTER 1 THE ROLE OF THE DIFFERENT SECTORS

SEC. 12. The Family. – The family shall be responsible for the primary nurturing and rearing of children which is critical in delinquency prevention. As far as practicable and in

accordance with the procedures of this Act, a child in conflict with the law shall be maintained in his/her family.

SEC. 13. *The Educational System.* – Educational institutions shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of child in conflict with the law. Schools shall provide adequate, necessary and individualized educational schemes for children manifesting difficult behavior and children in conflict with the law. In cases where children in conflict with the law are taken into custody or detained in rehabilitation centers, they should be provided the opportunity to continue learning under an alternative learning system with basic literacy program or non- formal education accreditation equivalency system.

SEC. 14. *The Role of the Mass Media.* – The mass media shall play an active role in the promotion of child rights, and delinquency prevention by relaying consistent messages through a balanced approach. Media practitioners shall, therefore, have the duty to maintain the highest critical and professional standards in reporting and covering cases of children in conflict with the law. In all publicity concerning children, the best interest of the child should be the primordial and paramount concern. Any undue, inappropriate and sensationalized publicity of any case involving a child in conflict with the law is hereby declared a violation of the child's rights.

SEC. 15. *Establishment and Strengthening of Local Councils for the Protection of Children.* – Local Councils for the Protection of Children (LCPC) shall be established in all levels of local government, and where they have already been established, they shall be strengthened within one (1) year from the effectivity of this Act. Membership in the LCPC shall be chosen from among the responsible members of the community, including a representative from the youth sector, as well as representatives from government and private agencies concerned with the welfare of children.

The local council shall serve as the primary agency to coordinate with and assist the LGU concerned for the adoption of a comprehensive plan on delinquency prevention, and to oversee its proper implementation.

One percent (1%) of the internal revenue allotment of barangays, municipalities and cities shall be allocated for the strengthening and implementation of the programs of the LCPC: Provided, That the disbursement of the fund shall be made by the LGU concerned.

SEC. 16. *Appointment of Local Social Welfare and Development Officer.* – All LGUs shall appoint a duly licensed social worker as its local social welfare and development officer tasked to assist children in conflict with the law.

SEC. 17. *The Sangguniang Kabataan.* – The Sangguniang Kabataan (SK) shall coordinate with the LCPC in the formulation and implementation of juvenile intervention and diversion programs in the community.

CHAPTER 2

COMPREHENSIVE JUVENILE INTERVENTION PROGRAM

SEC. 18. *Development of a Comprehensive Juvenile Intervention Program.* – A Comprehensive juvenile intervention program covering at least a 3-year period shall be instituted in LGUs from the barangay to the provincial level.

The LGUs shall set aside an amount necessary to implement their respective juvenile intervention programs in their annual budget.

The LGUs, in coordination with the LCPC, shall call on all sectors concerned, particularly the child-focused institutions, NGOs, people's organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs. Such programs shall be implemented consistent with the national program formulated and designed by the JJWC. The implementation of the comprehensive juvenile intervention program shall be reviewed and assessed annually by the LGUs in coordination with the LCPC. Results of the assessment shall be submitted by the provincial and city governments to the JJWC not later than March 30 of every year.

SEC. 19. *Community-based Programs on Juvenile Justice and Welfare.* – Community-based programs on juvenile justice and welfare shall be instituted by the LGUs through the LCPC, school, youth organizations and other concerned agencies. The LGUs shall provide community-based services which respond to the special needs, problems, interests and concerns of children and which offer appropriate counseling and guidance to them and their families. These programs shall consist of three levels:

- (a) Primary intervention includes general measures to promote social justice and equal opportunity, which tackle perceived root causes of offending;
- (b) Secondary intervention includes measures to assist children at risk; and
- (c) Tertiary intervention includes measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

TITLE IV TREATMENT OF CHILDREN BELOW THE AGE OF CRIMINAL RESPONSIBILITY

SEC. 20. *Children Below the Age of Criminal Responsibility.* – If it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative. Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with the child and to the person having custody over the child. If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following: a duly registered nongovernmental or religious organization; a barangay official or a member of the Barangay Council for the Protection of Children (BCPC); a local social welfare and development officer; or when and where appropriate, the DSWD. If the child referred to herein has been found by the Local Social Welfare and Development Office to be abandoned, neglected or abused by his parents, or in the event that the parents will not comply with the prevention program, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to Presidential Decree No. 603, otherwise, known as "The Child and Youth Welfare Code".

TITLE V JUVENILE JUSTICE AND WELFARE SYSTEM

CHAPTER I INITIAL CONTACT WITH THE CHILD

SEC. 21. *Procedure for Taking the Child into Custody.* – From the moment a child is taken into custody, the law enforcement officer shall:

- (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- (c) Properly identify himself/herself and present proper identification to the child;
- (d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;
- (e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of this Act;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
 - 1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
 - 2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
 - 3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

SEC. 22. Duties During Initial Investigation. – The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law should be referred.

The taking of the statement of the child shall be conducted in the presence of the following: (1) child's counsel of choice or in the absence thereof, a lawyer from the Public Attorney's Office; (2) the child's parents, guardian, or nearest relative, as the case may be; and (3) the local social welfare and development officer. In the absence of the child's parents, guardian, or nearest relative, and the local social welfare and development officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC.

After the initial investigation, the local social worker conducting the same may do either of the following:

- (a) Proceed in accordance with Section 20 if the child is fifteen (15) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment; and
- (b) If the child is above fifteen (15) years old but below eighteen (18) and who acted with discernment, proceed to diversion under the following chapter.

CHAPTER 2 DIVERSION

SEC. 23. System of Diversion. – Children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to the conditions herein provided:

- (a) Where the imposable penalty for the crime committed is not more than six (6) years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the local social welfare and development officer or other members of the LCPC shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous modes of conflict resolution in accordance with the best interest of the child with a view to accomplishing the objectives of restorative justice and the formulation of a diversion program. The child and his/her family shall be present in these activities.
- (b) In victimless crimes where the imposable penalty is not more than six (6) years imprisonment, the local social welfare and development officer shall meet with the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with the BCPC;
- (c) Where the imposable penalty for the crime committed exceeds six (6) years imprisonment, diversion measures may be resorted to only by the court.

SEC. 24. Stages Where Diversion may be Conducted. – Diversion may be conducted at the Katarungang Pambarangay, the police investigation or the inquest or preliminary investigation stage and at all levels and phases of the proceedings including judicial level.

SEC. 25. Conferencing, Mediation and Conciliation. – A child in conflict with law may undergo conferencing, mediation or conciliation outside the criminal justice system or prior to his entry into said system. A contract of diversion may be entered into during such conferencing, mediation or conciliation proceedings.

SEC. 26. *Contract of Diversion.* – If during the conferencing, mediation or conciliation, the child voluntarily admits the commission of the act, a diversion program shall be developed when appropriate and desirable as determined under Section 30. Such admission shall not be used against the child in any subsequent judicial, quasi-judicial or administrative proceedings. The diversion program shall be effective and binding if accepted by the parties concerned. The acceptance shall be in writing and signed by the parties concerned and the appropriate authorities. The local social welfare and development officer shall supervise the implementation of the diversion program. The diversion proceedings shall be completed within forty-five (45) days. The period of prescription of the offense shall be suspended until the completion of the diversion proceedings but not to exceed forty-five (45) days.

The child shall present himself/herself to the competent authorities that imposed the diversion program at least once a month for reporting and evaluation of the effectiveness of the program.

Failure to comply with the terms and conditions of the contract of diversion, as certified by the local social welfare and development officer, shall give the offended party the option to institute the appropriate legal action.

The period of prescription of the offense shall be suspended during the effectivity of the diversion program, but not exceeding a period of two (2) years.

SEC. 27. *Duty of the Punong Barangay When There is No Diversion.* – If the offense does not fall under Section 23(a) and (b), or if the child, his/her parents or guardian does not consent to a diversion, the Punong Barangay handling the case shall, within three (3) days from determination of the absence of jurisdiction over the case or termination of the diversion proceedings, as the case may be, forward the records of the case of the child to the law enforcement officer, prosecutor or the appropriate court, as the case may be. Upon the issuance of the corresponding document, certifying to the fact that no agreement has been reached by the parties, the case shall be filed according to the regular process.

SEC. 28. *Duty of the Law Enforcement Officer When There is No Diversion.* – If the offense does not fall under Section 23(a) and (b), or if the child, his/her parents or guardian does not consent to a diversion, the Women and Children Protection Desk of the PNP, or other law enforcement officer handling the case of the child under custody, to the prosecutor or judge concerned for the conduct of inquest and/or preliminary investigation to determine whether or not the child should remain under custody and correspondingly charged in court. The document transmitting said records shall display the word “CHILD” in bold letters.

SEC. 29. *Factors in Determining Diversion Program.* – In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- (a) The nature and circumstances of the offense charged;
- (b) The frequency and the severity of the act;
- (c) The circumstances of the child (e.g. age, maturity, intelligence, etc.);
- (d) The influence of the family and environment on the growth of the child;
- (e) The reparation of injury to the victim;
- (f) The weight of the evidence against the child;
- (g) The safety of the community; and
- (h) The best interest of the child.

SEC. 30. *Formulation of the Diversion Program.* – In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child in conflict with the law shall be used to formulate an individualized treatment.

The following factors shall be considered in formulating a diversion program for the child:

- (a) The child's feelings of remorse for the offense he/she committed;
- (b) The parents' or legal guardians' ability to guide and supervise the child;
- (c) The victim's view about the propriety of the measures to be imposed; and
- (d) The availability of community-based programs for rehabilitation and reintegration of the child.

SEC. 31. *Kinds of Diversion Programs.* – The diversion program shall include adequate socio-cultural and psychological responses and services for the child. At the different stages where diversion may be resorted to, the following diversion programs may be agreed upon, such as, but not limited to:

(a) At the level of the Punong Barangay:

- (1) Restitution of property;
- (2) Reparation of the damage caused;
- (3) Indemnification for consequential damages;
- (4) Written or oral apology;
- (5) Care, guidance and supervision orders;
- (6) Counseling for the child in conflict with the law and the child's family;
- (7) Attendance in trainings, seminars and lectures on:
 - (i) anger management skills;
 - (ii) problem solving and/or conflict resolution skills;
 - (iii) values formation; and
 - (iv) other skills which will aid the child in dealing with situations which can lead to repetition of the offense;
- (8) Participation in available community-based programs, including community service; or
- (9) Participation in education, vocation and life skills programs.

(b) At the level of the law enforcement officer and the prosecutor:

- (1) Diversion programs specified under paragraphs (a)(1) to (a)(9) herein; and
- (2) Confiscation and forfeiture of the proceeds or instruments of the crime;

(c) At the level of the appropriate court:

- (1) Diversion programs specified under paragraphs (a) and (b) above;
- (2) Written or oral reprimand or citation;

- (3) Fine:
- (4) Payment of the cost of the proceedings; or
- (5) Institutional care and custody.

CHAPTER 3 PROSECUTION

SEC. 32. *Duty of the Prosecutor's Office.* – There shall be a specially trained prosecutor to conduct inquest, preliminary investigation and prosecution of cases involving a child in conflict with the law. If there is an allegation of torture or ill-treatment of a child in conflict with the law during arrest or detention, it shall be the duty of the prosecutor to investigate the same.

SEC. 33. *Preliminary Investigation and Filing of Information.* – The prosecutor shall conduct a preliminary investigation in the following instances: (a) when the child in conflict with the law does not qualify for diversion: (b) when the child, his/her parents or guardian does not agree to diversion as specified in Sections 27 and 28; and (c) when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is not appropriate for the child in conflict with the law.

Upon serving the subpoena and the affidavit of complaint, the prosecutor shall notify the Public Attorney's Office of such service, as well as the personal information, and place of detention of the child in conflict with the law.

Upon determination of probable cause by the prosecutor, the information against the child shall be filed before the Family Court within forty-five (45) days from the start of the preliminary investigation.

CHAPTER 4 COURT PROCEEDINGS

SEC. 34. *Bail.* – For purposes of recommending the amount of bail, the privileged mitigating circumstance of minority shall be considered.

SEC. 35. *Release on Recognizance.* – Where a child is detained, the court shall order:

- (a) the release of the minor on recognizance to his/her parents and other suitable person;
- (b) the release of the child in conflict with the law on bail; or
- (c) the transfer of the minor to a youth detention home/youth rehabilitation center.

The court shall not order the detention of a child in a jail pending trial or hearing of his/her case.

SEC. 36. *Detention of the Child Pending Trial.* – Children detained pending trial may be released on bail or recognizance as provided for under Sections 34 and 35 under this Act. In all other cases and whenever possible, detention pending trial may be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home. Institutionalization or detention of the child pending trial shall be used only as a measure of last resort and for the shortest possible period of time.

Whenever detention is necessary, a child will always be detained in youth detention homes established by local governments, pursuant to Section 8 of the Family Courts Act, in the city or municipality where the child resides.

In the absence of a youth detention home, the child in conflict with the law may be committed to the care of the DSWD or a local rehabilitation center recognized by the government in the province, city or municipality within the jurisdiction of the court. The center or agency concerned shall be responsible for the child's appearance in court whenever required.

SEC. 37. *Diversion Measures.* – Where the maximum penalty imposed by law for the offense with which the child in conflict with the law is charged is imprisonment of not more than twelve (12) years, regardless of the fine or fine alone regardless of the amount, and before arraignment of the child in conflict with the law, the court shall determine whether or not diversion is appropriate.

SEC. 38. *Automatic Suspension of Sentence.* – Once the child who is under eighteen (18) years of age at the time of the commission of the offense is found guilty of the offense charged, the court shall determine and ascertain any civil liability which may have resulted from the offense committed. However, instead of pronouncing the judgment of conviction, the court shall place the child in conflict with the law under suspended sentence, without need of application: *Provided, however,* That suspension of sentence shall still be applied even if the juvenile is already eighteen years (18) of age or more at the time of the pronouncement of his/her guilt.

Upon suspension of sentence and after considering the various circumstances of the child, the court shall impose the appropriate disposition measures as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

SEC. 39. *Discharge of the Child in Conflict with the Law.* – Upon the recommendation of the social worker who has custody of the child, the court shall dismiss the case against the child whose sentence has been suspended and against whom disposition measures have been issued, and shall order the final discharge of the child if it finds that the objective of the disposition measures have been fulfilled.

The discharge of the child in conflict with the law shall not affect the civil liability resulting from the commission of the offense, which shall be enforced in accordance with law.

SEC. 40. *Return of the Child in Conflict with the Law to Court.* – If the court finds that the objective of the disposition measures imposed upon the child in conflict with the law have not been fulfilled, or if the child in conflict with the law has willfully failed to comply with the conditions of his/her disposition or rehabilitation program, the child in conflict with the law shall be brought before the court for execution of judgment.

If said child in conflict with the law has reached eighteen (18) years of age while under suspended sentence, the court shall determine whether to discharge the child in accordance with this Act, to order execution of sentence, or to extend the suspended sentence for a certain specified period or until the child reaches the maximum age of twenty-one (21) years.

SEC. 41. *Credit in Service of Sentence.* – The child in conflict with the law shall be credited in the services of his/her sentence with the full time spent in actual commitment and detention under this Act.

SEC. 42. *Probation as an Alternative to Imprisonment.* – The court may, after it shall have convicted and sentenced a child in conflict with the law, and upon application at any time, place the child on probation in lieu of service of his/her sentence taking into account the best interest of the child. For this purpose, Section 4 of Presidential Decree No. 968, otherwise known as the “Probation Law of 1976”, is hereby amended accordingly.

CHAPTER 5 CONFIDENTIALITY OF RECORDS AND PROCEEDINGS

SEC. 43. *Confidentiality of Records and Proceedings.* – All records and proceedings involving children in conflict with the law from initial contact until final disposition of the case shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever, except to determine if the child in conflict with the law may have his/hes sentence suspended or if he/she may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action.

The component authorities shall undertake all measures to protect this confidentiality of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children in conflict with the law and adopting a system of coding to conceal material information which will lead to the child’s identity. Records of a child in conflict with the law shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender and upon his/her written consent.

A person who has been in conflict with the law as a child shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him/her for any purpose.

TITLE VI REHABILITATION AND REINTEGRATION

SEC. 44. *Objective of Rehabilitation and Reintegration.* – The objective of rehabilitation and reintegration of children in conflict with the law is to provide them with interventions, approaches and strategies that will enable them to improve their social functioning with the end goal of reintegration to their families and as productive members of their communities.

SEC. 45. *Court Order Required.* – No child shall be received in any rehabilitation or training facility without a valid order issued by the court after a hearing for the purpose. The details of this order shall be immediately entered in a register exclusively for children in conflict with the law. No child shall be admitted in any facility where there is no such register.

SEC. 46. *Separate Facilities from Adults.* – In all rehabilitation or training facilities, it shall be mandatory that children shall be separated from adults unless they are members of the same family. Under no other circumstance shall a child in conflict with the law be placed in the same confinement as adults.

The rehabilitation, training or confinement area of children in conflict with the law shall provide a home environment where children in conflict with the law can be provided with quality counseling and treatment.

SEC. 47. *Female Children.* – Female children in conflict with the law placed in an institution shall be given special attention as to their personal needs and problems. They shall be

handled by female doctors, correction officers and social workers, and shall be accommodated separately from male children in conflict with the law.

SEC. 48. *Gender-Sensitivity Training.* – No personnel of rehabilitation and training facilities shall handle children in conflict with the law without having undergone gender sensitivity training.

SEC. 49. *Establishment of Youth Detention Homes.* – The LGUs shall set aside an amount to build youth detention homes as mandated by the Family Courts Act. Youth detention homes may also be established by private and NGOs licensed and accredited by the DSWD, in consultation with the JJWC.

SEC. 50. *Care and Maintenance of the Child in Conflict with the Law.* – The expenses for the care and maintenance of a child in conflict with the law under institutional care shall be borne by his/her parents or those persons liable to support him/her: *Provided*, That in case his/her parents or those persons liable to support him/her cannot pay all or part of said expenses, the municipality where the offense was committed shall pay one-third (1/3) of said expenses or part thereof; the province to which the municipality belongs shall pay one-third (1/3) and the remaining one-third (1/3) shall be borne by the national government. Chartered cities shall pay two-thirds (2/3) of said expenses; and in case a chartered city cannot pay said expenses, part of the internal revenue allotments applicable to the unpaid portion shall be withheld and applied to the settlement of said obligations: *Provided, further*, That in the event that the child in conflict with the law is not a resident of the municipality/city where the offense was committed, the court, upon its determination, may require the city/municipality where the child in conflict with the law resides to shoulder the cost.

All city and provincial governments must exert effort for the immediate establishment of local detention homes for children in conflict with the law.

SEC. 51. *Confinement of Convicted Children in Agricultural Camps and other Training Facilities.* – A child

in conflict with the law may, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that may be established, maintained, supervised and controlled by the BUCOR, in coordination with the DSWD.

SEC. 52. *Rehabilitation of Children in Conflict with the Law.* – Children in conflict with the law, whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.

If the community-based rehabilitation is availed of by a child in conflict with the law, he/she shall be released to parents, guardians, relatives or any other responsible person in the community. Under the supervision and guidance of the local social welfare and development officer, and in coordination with his/her parents/guardian, the child in conflict with the law shall participate in community-based programs, which shall include, but not limited to:

- (1) Competency and life skills development;
- (2) Socio-cultural and recreational activities;
- (3) Community volunteer projects;
- (4) Leadership training;
- (5) Social services;
- (6) Homelife services;

- (7) Health services;
- (8) Spiritual enrichment; and
- (9) Community and family welfare services.

In accordance therewith, the family of the child in conflict with the law shall endeavor to actively participate in the community-based rehabilitation.

Based on the progress of the youth in the community, a final report will be forwarded by the local social welfare and development officer to the court for final disposition of the case.

If the community-based programs are provided as diversion measures under Chapter II, Title V, the programs enumerated above shall be made available to the child in conflict with the law.

SEC. 53. *Youth Rehabilitation Center.* – The youth rehabilitation center shall provide 24-hour group care, treatment and rehabilitation services under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them in their families and communities as socially functioning individuals. A quarterly report shall be submitted by the center to the proper court on the progress of the children in conflict with the law. Based on the progress of the youth in the center, a final report will be forwarded to the court for final disposition of the case. The DSWD shall establish youth rehabilitation centers in each region of the country.

SEC. 54. *Objectives of Community Based Programs.* – The objectives of community-based programs are as follows:

- (a) Prevent disruption in the education or means of livelihood of the child in conflict with the law in case he/she is studying, working or attending vocational learning institutions;
- (b) Prevent separation of the child in conflict with the law from his/her parents/guardians to maintain the support system fostered by their relationship and to create greater awareness of their mutual and reciprocal responsibilities;
- (c) Facilitate the rehabilitation and mainstreaming of the child in conflict with the law and encourage community support and involvement; and
- (d) Minimize the stigma that attaches to the child in conflict with the law by preventing jail detention.

SEC. 55. *Criteria of Community-Based Programs.* – Every LGU shall establish community-based programs that will focus on the rehabilitation and reintegration of the child. All programs shall meet the criteria to be established by the JJWC which shall take into account the purpose of the program, the need for the consent of the child and his/her parents or legal guardians, and the participation of the child-centered agencies whether public or private.

SEC. 56. *After-Care Support Services for Children in Conflict with the Law.* – Children in conflict with the law whose cases have been dismissed by the proper court because of good behavior as per recommendation of the DSWD social worker and/or any accredited NGO youth rehabilitation center shall be provided after-care services by the local social welfare and development officer for a period of at least six (6) months. The service includes counseling and other community-based services designed to facilitate social reintegration, prevent re-offending and make the children productive members of the community.

**TITLE VII
GENERAL PROVISIONS**

**CHAPTER 1
EXEMPTING PROVISIONS**

SEC. 57. *Status Offenses.* – Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child.

SEC. 58. *Offenses Not Applicable to Children.* – Persons below eighteen (18) years of age shall be exempt from prosecution for the crime of vagrancy and prostitution under Section 202 of the Revised Penal Code, of mendicancy under Presidential Decree No. 1563, and sniffing of rugby under Presidential Decree No. 1619, such prosecution being inconsistent with the United Nations Convention on the Rights of the Child: *Provided*, That said persons shall undergo appropriate counseling and treatment program.

SEC. 59. *Exemption from the Application of Death Penalty.* – The provisions of the Revised Penal Code, as amended, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and other special laws notwithstanding, no death penalty shall be imposed upon children in conflict with the law.

**CHAPTER 2
PROHIBITED ACTS**

SEC. 60. *Prohibition Against Labeling and Shaming.* – In the conduct of the proceedings beginning from the initial contact with the child, the competent authorities must refrain from branding or labeling children as young criminals, juvenile delinquents, prostitutes or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the child's class or ethnic origin.

SEC. 61. *Other Prohibited Acts.* – The following and any other similar acts shall be considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the child in conflict with the law and therefore, prohibited:

- (a) Employment of threats of whatever kind and nature;
- (b) Employment of abusive, coercive and punitive measures such as cursing, beating, stripping, and solitary confinement;
- (c) Employment of degrading, inhuman and cruel forms of punishment such as shaving the heads, pouring irritating, corrosive or harmful substances over the body of the child in conflict with the law, or forcing him/her to walk around the community wearing signs which embarrass, humiliate, and degrade his/her personality and dignity; and
- (d) Compelling the child to perform involuntary servitude in any and all forms under any and all instances.

CHAPTER 3 PENAL PROVISION

SEC. 62. *Violation of the Provisions of this Act or Rules or Regulations in General.* – Any person who violates any provision of this Act or any rule or regulation promulgated in accordance thereof shall, upon conviction for each act or omission, be punished by a fine of not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00) or suffer imprisonment of not less than eight (8) years but not more than ten (10) years, or both such fine and imprisonment at the discretion of the court, unless a higher penalty is provided for in the Revised Penal Code or special laws. If the offender is a public officer or employee, he/she shall, in addition to such fine and/or imprisonment, be held administratively liable and shall suffer the penalty of perpetual absolute disqualification.

CHAPTER 4 APPROPRIATION PROVISION

SEC. 63. *Appropriations.* – The amount necessary to carry out the initial implementation of this Act shall be charged to the Office of the President. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the succeeding General Appropriations Act.

An initial amount of Fifty million pesos (P50,000,000.00) for the purpose of setting up the JJWC shall be taken from the proceeds of the Philippine Charity Sweepstakes Office.

TITLE VIII TRANSITORY PROVISIONS

SEC. 64. *Children in Conflict with the Law Fifteen (15) Years Old and Below.* – Upon effectivity of this Act, cases of children fifteen (15) years old and below at the time of the commission of the crime shall immediately be dismissed and the child shall be referred to the appropriate local social welfare and development officer. Such officer, upon thorough assessment of the child, shall determine whether to release the child to the custody of his/her parents, or refer the child to prevention programs as provided under this Act. Those with suspended sentences and undergoing rehabilitation at the youth rehabilitation center shall likewise be released, unless it is contrary to the best interest of the child.

SEC. 65. *Children Detained Pending Dial.* – If the child is detained pending trial, the Family Court shall also determine whether or not continued detention is necessary and, if not, determine appropriate alternatives for detention.

If detention is necessary and he/she is detained with adults, the court shall immediately order the transfer of the child to a youth detention home.

SEC. 66. *Inventory of “Locked-up” and Detained Children in Conflict with the Law.* – The PNP, the BJMP and the BUCOR are hereby directed to submit to the JJWC, within ninety (90) days from the effectivity of this Act, an inventory of all children in conflict with the law under their custody.

SEC. 67. *Children Who Reach the Age of Eighteen (18) Years Pending Diversion and Court Proceedings.* – If a child reaches the age of eighteen (18) years pending diversion and court proceedings, the appropriate diversion authority in consultation with the local social welfare and development officer or the Family Court in consultation with the Social Services and Counseling Division (SSCD) of the Supreme Court, as the case may be, shall determine the appropriate disposition. In case the appropriate court executes the judgment of conviction, and unless the child in conflict the law has already availed of probation under Presidential

Decree No. 603 or other similar laws, the child may apply for probation if qualified under the provisions of the Probation Law.

SEC. 68. *Children Who Have Been Convicted and are Serving Sentence.* – Persons who have been convicted and are serving sentence at the time of the effectivity of this Act, and who were below the age of eighteen (18) years at the time the commission of the offense for which they were convicted and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act and their sentences shall be adjusted accordingly. They shall be immediately released if they are so qualified under this Act or other applicable law.

TITLE IX FINAL PROVISIONS

SEC. 69. *Rule Making Power.* – The JJWC shall issue the IRRs for the implementation of the provisions of this act within ninety (90) days from the effectivity thereof.

SEC. 70. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid by the Supreme Court, the other sections or provisions hereof not affected by such declaration shall remain in force and effect.

SEC. 71. *Repealing Clause.* – All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 72. *Effectivity.* – This Act shall take effect after fifteen (15) days from its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) FRANKLIN DRILON
President of the Senate

(Sgd.) JOSE DE VENECIA JR.
Speaker of the House of Representative

This Act which is a consolidation of Senate Bill No. 1402 and House Bill No. 5065 was finally passed by the Senate and the House of Representatives on March 22, 2006.

(Sgd.) OSCAR G. YABES
Secretary of Senate

(Sgd.) ROBERTO P. NAZARENO
Secretary General
House of Representatives

Approved: April 28, 2006

(Sgd.) **GLORIA MACAPAGAL-ARROYO**
President of the Philippines

**Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Third Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.

[REPUBLIC ACT NO. 10630]

**AN ACT STRENGTHENING THE JUVENILE JUSTICE SYSTEM IN THE PHILIPPINES, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 9344, OTHERWISE KNOWN AS THE “JUVENILE
JUSTICE AND WELFARE ACT OF 2006” AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. The Title of Republic Act No. 9344 is hereby amended to read as follows: “An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile justice and Welfare Council under the Department of Social Welfare and Development, Appropriating Funds Therefor, and for Other Purposes.”

SEC. 2. Section 4 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 4. *Definition of Terms.* – The following terms as used in this Act shall be defined as follows:

“x x x

“(s) ‘Bahay Pag-asa’ – refers to a 24-hour child-caring institution established, funded and managed by local government units (LGUs) and licensed and/or accredited nongovernment organizations (NGOs) providing short-term residential care for children in conflict with the law who are above fifteen (15) but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

“Part of the features of a ‘Bahay Pag-asa’ is an intensive juvenile intervention and support center. This will cater to children in conflict with the law in accordance with Sections 20, 20-A and 20-B hereof.

“A multi-disciplinary team composed of a social worker, a psychologist/mental health professional, a medical doctor, an educational/guidance counselor and a Barangay Council for the Protection of Children (BCPC) member shall operate the ‘Bahay Pag-asa’. The team will work on the individualized intervention plan with the child and the child’s family.

“x x x.”

SEC. 3. Section 6 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 6. *Minimum Age of Criminal Responsibility.* – A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

“A child is deemed to be fifteen (15) years of age on the day of the fifteenth anniversary of his/her birthdate.

“A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

“The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws.”

SEC. 4. Section 8 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 8. *Juvenile Justice and Welfare Council (JJWC)*. – A Juvenile Justice and Welfare Council (JJWC) is hereby created and attached to the Department of Social Welfare and Development and placed under its administrative supervision. The JJWC shall be chaired by an Undersecretary of the Department of Social Welfare and Development. It shall ensure the effective implementation of this Act and coordination among the following agencies:

“(a) Department of Justice (DOJ);

“(b) Council for the Welfare of Children (CWC);

“(c) Department of Education (DepED);

“(d) Department of the Interior and Local Government (DILG);

“(e) Public Attorney’s Office (PAO);

“(f) Bureau of Corrections (BUCOR);

“(g) Parole and Probation Administration (PPA);

“(h) National Bureau of Investigation (NBI);

“(i) Philippine National Police (PNP);

“(j) Bureau of Jail Management and Penology (BJMP);

“(k) Commission on Human Rights (CHR);

“(l) Technical Education and Skills Development Authority (TESDA);

“(m) National Youth Commission (NYC); and

“(n) Other institutions focused on juvenile justice and intervention programs.

“The JJWC shall be composed of representatives, whose ranks shall not be lower than director, to be designated by the concerned heads of the following departments or agencies and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations:

“(1) Department of Justice (DOJ);

“(2) Department of Social Welfare and Development (DSWD);

“(3) Council for the Welfare of Children (CWC);

“(4) Department of Education (DepED);

“(5) Department of the Interior and Local Government (DILG);

“(6) Commission on Human Rights (CHR);

“(7) National Youth Commission (NYC);

“(8) Two (2) representatives from NGOs, to be designated by the Secretary of Social Welfare and Development, to be selected based on the criteria established by the Council;

“(9) Department of Health (DOH); and

“(10) One (1) representative each from the League of Provinces, League of Cities, League of Municipalities and League of Barangays.

“There shall be a Regional Juvenile Justice and Welfare Committee (RJJWC) in each region. The RJJWCs will be under the administration and supervision of the JJWC. The RJJWC shall be chaired by the director of the regional office of the DSWD. It shall ensure the effective implementation of this Act at the regional and LGU levels and the coordination among its member agencies.

“The RJJWC will be composed of permanent representatives who shall have a rank not lower than an assistant regional director or its equivalent to be designated by the concerned department heads from the following agencies and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations:

“(i) Department of Justice (DOJ);

“(ii) Department of Social Welfare and Development (DSWD);

“(iii) Department of Education (DepED);

“(iv) Department of the Interior and Local Government (DILG);

“(v) Commission on Human Rights (CHR);

“(vi) Department of Health (DOH);

“(vii) Two (2) representatives from NGOs operating within the region selected by the RJJWC based on the criteria established by the JJWC;

“(viii) One (1) sectoral representative from the children or youth sector within the region; and

“(ix) One (1) representative from the League of Provinces/ Cities/ Municipalities/ Barangays of the Philippines.

“The JJWC shall convene within fifteen (15) days from the effectivity of this Act. The Secretary of Social Welfare and Development shall determine the organizational structure and staffing pattern of the JJWC national secretariat and the RJJWC secretariat.

“In the implementation of this Act, the JJWC shall consult with the various leagues of local government officials.

“The JJWC shall coordinate with the Office of the Court Administrator and the Philippine Judicial Academy to ensure the realization of its mandate and the proper discharge of its duties and functions, as herein provided.”

SEC.5. Section 9 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 9. *Duties and Functions of the JJWC.* – The JJWC shall have the following duties and functions:

“(a) To oversee the implementation of this Act;

“(b) To advise the President on all matters and policies relating to juvenile justice and welfare;

“(c) To assist the concerned agencies in the review and redrafting of existing policies/regulations or in the formulation of new ones in line with the provisions of this Act;

“(d) To periodically develop a comprehensive 3 to 5-year national juvenile intervention program, with the participation of government agencies concerned, NGOs and youth organizations;

“(e) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities which may have an important bearing on the success of the entire national juvenile intervention program. All programs relating to juvenile justice and welfare shall be adopted in consultation with the JJWC;

“(f) To consult with the various leagues of local government officials in the formulation and recommendation of policies and strategies for the prevention of juvenile delinquency and the promotion of juvenile justice and welfare;

“(g) To formulate and recommend policies and strategies in consultation with children for the prevention of juvenile delinquency and the administration of justice, as well as for the treatment and rehabilitation of the children in conflict with the law;

“(h) To collect relevant information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare, such as, but not limited to:

“(1) The performance and results achieved by juvenile intervention programs and by activities of the local government units and other government agencies;

“(2) The periodic trends, problems and causes of juvenile delinquency and crimes; and

“(3) The particular needs of children in conflict with the law in custody.

“The data gathered shall be used by the JJWC in the improvement of the administration of juvenile justice and welfare system.

“The JJWC shall submit an annual report to Congress on the implementation of the provisions of this Act.

“The JJWC shall set up a mechanism to ensure that children are involved in research and policy development.

“(i) Through duly designated persons and with the assistance of the agencies provided in the preceding section, to conduct regular inspections in detention and rehabilitation facilities and to undertake spot inspections on their own initiative in order to check compliance with the standards provided herein and to make the necessary recommendations to appropriate agencies;

“(j) To initiate and coordinate the conduct of trainings for the personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program;

“(k) To submit an annual report to the President on the implementation of this Act; and

“(l) To perform such other functions as may be necessary to implement the provisions of this Act.”

“SEC. 9-A. *Duties and Functions of the RJJWC.* – The RJJWC shall have the following duties and functions:

“(a) To oversee and ensure the effective implementation of this Act at the regional level and at the level of the LGUs;

“(b) To assist the concerned agencies in the implementation and in compliance with the JJWC’s adopted policies/regulations or provide substantial inputs to the JJWC in the formulation of new ones in line with the provisions of this Act;

“(c) To assist in the development of the comprehensive 3 to 5-year local juvenile intervention program, with the participation of concerned LGUs, NGOs and youth organizations within the region and monitor its implementation;

“(d) To coordinate the implementation of the juvenile intervention programs and activities by national government agencies and other activities within the region;

“(e) To oversee the programs and operation of the intensive juvenile intervention and support center established within the region;

“(f) To collect relevant regional information and conduct continuing research and support evaluations and studies on all matters relating to juvenile justice and welfare within the region, such as, but not limited to:

“(1) Performance and results achieved by juvenile intervention programs and by activities of the LGUs and other government agencies within the region;

“(2) The periodic trends, problems and causes of juvenile delinquency and crimes from the LGU level to the regional level; and

“(3) The particular needs of children in conflict with the law in custody within their regional jurisdiction.

“The data gathered shall be forwarded by the RJJWC to the JJWC on an annual basis and as may be deemed necessary by the JJWC.

“(g) Through duly designated persons and with the assistance of the agencies provided in the preceding section, to conduct regular inspections in detention and rehabilitation facilities within the region and to undertake spot inspections on their own initiative in order to check compliance with the standards provided herein and to make the necessary reports and recommendations to appropriate agencies and to the JJWC;

“(h) To initiate and coordinate the conduct of trainings for the personnel of the agencies involved in the administration of the juvenile justice and welfare system and the juvenile intervention program within the region;

“(i) To submit an annual report to the JJWC on the implementation of this Act; and

“(j) To perform such other functions as may be determined by the JJWC to implement the provisions of this Act.”

SEC. 6. Section 20 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 20. *Children Below the Age of Criminal Responsibility.* – If it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child, in consultation with the local social welfare and development officer, has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child’s nearest relative. The child shall be subjected to a community-based intervention program supervised by the local social welfare and development officer, unless the best interest of the child requires the referral of the child to a youth care facility or ‘Bahay Pag-asa’ managed by LGUs or licensed and/or accredited NGOs monitored by the DSWD.

“The local social welfare and development officer shall determine the appropriate programs for the child who has been released, in consultation with the child and the person having custody over the child. If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

“(a) A duly registered nongovernmental or religious organization;

“(b) A barangay official or a member of the Barangay Council for the Protection of Children (BCPC);

“(c) A local social welfare and development officer; or, when and where appropriate, the DSWD.

“If the child has been found by the local social welfare and development officer to be dependent, abandoned, neglected or abused by his/her parents and the best interest of the child requires that he/she be placed in a youth care facility or ‘Bahay Pag-asa’, the child’s parents or guardians shall execute a written authorization for the voluntary commitment of the child: *Provided*, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the Local Social Welfare and Development Office (LSWDO) pursuant to Presidential Decree No. 603, as amended,

otherwise known as 'The Child and Youth Welfare Code' and the Supreme Court rule on commitment of children: *Provided, further*, That the minimum age for children committed to a youth care facility or 'Bahay Pag-asa' shall be twelve (12) years old."

"SEC. 20-A. *Serious Crimes Committed by Children Who Are Exempt from Criminal Responsibility.* – A child who is above twelve (12) years of age up to fifteen (15) years of age and who commits parricide, murder, infanticide, kidnapping and serious illegal detention where the victim is killed or raped, robbery, with homicide or rape, destructive arson, rape, or carnapping where the driver or occupant is killed or raped or offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall be mandatorily placed in a special facility within the youth care facility or 'Bahay Pag-asa' called the Intensive Juvenile Intervention and Support Center (IJISC).

"In accordance with existing laws, rules, procedures and guidelines, the proper petition for involuntary commitment and placement under the IJISC shall be filed by the local social welfare and development officer of the LGU where the offense was committed, or by the DSWD social worker in the local social welfare and development officer's absence, within twenty-four (24) hours from the time of the receipt of a report on the alleged commission of said child. The court, where the petition for involuntary commitment has been filed shall decide on the petition within seventy-two (72) hours from the time the said petition has been filed by the DSWD/LSWDO. The court will determine the initial period of placement of the child within the IJISC which shall not be less than one (1) year. The multi-disciplinary team of the IJISC will submit to the court a case study and progress report, to include a psychiatric evaluation report and recommend the reintegration of the child to his/her family or the extension of the placement under the IJISC. The multi-disciplinary team will also submit a report to the court on the services extended to the parents and family of the child and the compliance of the parents in the intervention program. The court will decide whether the child has successfully completed the center-based intervention program and is already prepared to be reintegrated with his/her family or if there is a need for the continuation of the center-based rehabilitation of the child. The court will determine the next period of assessment or hearing on the commitment of the child."

"SEC. 20-B. *Repetition of Offenses.* – A child who is above twelve (12) years of age up to fifteen (15) years of age and who commits an offense for the second time or oftener: *Provided*, That the child was previously subjected to a community-based intervention program, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall undergo an intensive intervention program supervised by the local social welfare and development officer: *Provided, further*, That, if the best interest of the child requires that he/she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: *Provided, finally*, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the LSWDO pursuant to Presidential Decree No. 603, as amended."

"SEC. 20-C. *Exploitation of Children for Commission of Crimes.* – Any person who, in the commission of a crime, makes use, takes advantage of, or profits from the use of children, including any person who abuses his/her authority over the child or who, with abuse of confidence, takes advantage of the vulnerabilities of the child and shall induce, threaten or instigate the commission of the crime, shall be imposed the penalty prescribed by law for the crime committed in its maximum period."

“SEC. 20-D. Joint Parental Responsibility. – Based on the recommendation of the multi-disciplinary team of the IJSC, the LSWDO or the DSWD, the court may require the parents of a child in conflict with the law to undergo counseling or any other intervention that, in the opinion of the court, would advance the welfare and best interest of the child.

“As used in this Act, ‘parents’ shall mean any of the following:

“(a) Biological parents of the child; or

“(b) Adoptive parents of the child; or

“(c) Individuals who have custody of the child.

“A court exercising jurisdiction over a child in conflict with the law may require the attendance of one or both parents of the child at the place where the proceedings are to be conducted.

“The parents shall be liable for damages unless they prove, to the satisfaction of the court, that they were exercising reasonable supervision over the child at the time the child committed the offense and exerted reasonable effort and utmost diligence to prevent or discourage the child from committing another offense.”

“SEC. 20-E. Assistance to Victims of Offenses Committed by Children. – The victim of the offense committed by a child and the victim’s family shall be provided the appropriate assistance and psychological intervention by the LSWDO, the DSWD and other concerned agencies.”

SEC. 7. Section 22 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 22. Duties During Initial Investigation. – The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law should be referred.

“The taking of the statement of the child shall be conducted in the presence of the following: (1) child’s counsel of choice or in the absence thereof, a lawyer from the Public Attorney’s Office; (2) the child’s parents, guardian, or nearest relative, as the case may be; and (3) the local social welfare and development officer. In the absence of the child’s parents, guardian, or nearest relative, and the local social welfare and development officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC.

“The social worker shall conduct an initial assessment to determine the appropriate interventions and whether the child acted with discernment, using the discernment assessment tools developed by the DSWD. The initial assessment shall be without prejudice to the preparation of a more comprehensive case study report. The local social worker shall do either of the following:

“(a) Proceed in accordance with Section 20 if the child is fifteen (15) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment; and

“(b) If the child is above fifteen (15) years old but below eighteen (18) and who acted with discernment, proceed to diversion under the following chapter.”

SEC. 8. Section 33 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 33. *Preliminary Investigation and Filing of Information.* – The prosecutor shall conduct a preliminary investigation in the following instances: (a) when the child in conflict with the law does not qualify for diversion; (b) when the child, his/her parents or guardian does not agree to diversion as specified in Sections 27 and 28; and (c) when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is not appropriate for the child in conflict with the law.

“Upon serving the *subpoena* and the affidavit of complaint, the prosecutor shall notify the Public Attorney’s Office of such service, as well as the personal information, and place of detention of the child in conflict with the law.

“Upon determination of probable cause by the prosecutor, the information against the child shall be filed before the Family Court within forty-five (45) days from the start of the preliminary investigation. The information must allege that the child acted with discernment.”

SEC. 9. Section 49 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 49. *Establishment of ‘Bahay Pag-Asa’.* – Each province and highly-urbanized city (the LGUs) shall be responsible for building, funding and operating a ‘Bahay Pag-asa’ within their jurisdiction following the standards that will be set by the DSWD and adopted by the JJWC.

“Every ‘Bahay Pag-asa’ will have a special facility called the IJISC. This Center will be allocated for children in conflict with the law in accordance with Sections 20, 20-A and 20-B hereof. These children will be required to undergo a more intensive multi-disciplinary intervention program. The JJWC in partnership with, but not limited to, the DSWD, the DOH, the DepED and the DILG, will develop and set the standards for the implementation of the multi-disciplinary intervention program of the IJISC. Upon institutionalization of the IJISC program, the JJWC will continue to monitor and provide technical assistance to the multi-disciplinary teams operating the said centers.”

SEC. 10. Section 50 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 50. *Care and Maintenance of the Child in Conflict with the Law.* – x x x

“The LGUs expected expenditures on the local juvenile intervention program for children at risk and children in conflict with the law shall be included in the LGUs annual budget. Highly-urbanized cities and provincial governments should include a separate budget for the construction and maintenance of the ‘Bahay Pag-asa’ including the operation of the IJISC within the ‘Bahay Pag-asa’.”

SEC. 11. Section 57 of Republic Act No. 9344 is hereby amended to read as follows:

“SEC. 57. *Status Offenses.* – Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child.”

“SEC. 57-A. *Violations of Local Ordinances.* – Ordinances enacted by local governments concerning juvenile status offenses such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, as well as light offenses and misdemeanors against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing, shall be for the protection of children. No penalty shall be imposed on children for said violations, and they shall

instead be brought to their residence or to any barangay official at the barangay hall to be released to the custody of their parents. Appropriate intervention programs shall be provided for in such ordinances. The child shall also be recorded as a 'child at risk' and not as a 'child in conflict with the law'. The ordinance shall also provide for intervention programs, such as counseling, attendance in group activities for children, and for the parents, attendance in parenting education seminars."

SEC. 12. *Mandatory Registry of Children in Conflict with the Law.* – All duty-bearers, including barangay/BCPC workers, law enforcers, teachers, guidance counselors, social workers and prosecutors who will receive report, handle or refer cases of children in conflict with the law, shall ensure a faithful recordation of all pertinent information, such as age, residence, gender, crime committed or accused of and the details of the intervention or diversion, as the case may be, under which they will undergo or has undergone, of all children in conflict with the law to guarantee the correct application of the provisions of this Act and other laws. The JJWC shall lead in the establishment of a centralized information management system on children in conflict with the law. This provision is however without prejudice to Section 43 of this Act.

SEC. 13. Section 63 of Republic Act No. 9344 is hereby amended to read as follows:

"SEC. 63. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the JJWC under the budget of the Department of Justice. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the budget of the DSWD under the annual General Appropriations Act: *Provided*, That the amount of Four hundred million pesos (P400,000,000.00) shall be appropriated for the construction of 'Bahay Pag-asa' rehabilitation centers in provinces or cities with high incidence of children in conflict with the law to be determined and identified by the DSWD and the JJWC on a priority basis: *Provided, further*, That the said amount shall be coursed through the Department of Public Works and Highways (DPWH) for its proper implementation.

"The LGUs concerned shall make available, from its own resources or assets, their counterpart share equivalent to the national government contribution of Five million pesos (P5,000,000.00) per rehabilitation center.

"In addition, the Council may accept donations, grants and contributions from various sources, in cash or in kind, for purposes relevant to its functions, subject to the usual government accounting and auditing rules and regulations."

SEC. 14. *Implementing Rules and Regulations.* – The JJWC shall promulgate the necessary rules and regulations within sixty (60) days from the effectivity of this Act.

SEC. 15. *Separability Clause.* – If any provision of this Act is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

SEC. 16. *Repealing Clause.* – All laws, decrees, ordinances and rules inconsistent with the provisions of this Act are hereby modified or repealed accordingly.

SEC. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after the completion of its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) FELICIANO BELMONTE JR.
Speaker of the House of Representative

(Sgd.) JINGGOY EJERCITO ESTRADA
Acting Senate President

This Act which is a consolidation of Senate Bill No. 3324 and House Bill No. 6052 was finally passed by the Senate and the House of Representatives on June 5, 2013.

(Sgd.) MARILYN B. BARUA-YAP
Secretary General

(Sgd.) EMMA LIRIO-REYES
Secretary of the Senate

Approved: OCT 03 2013

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippines

