

OVERVIEW OF THE COMMUNITY CORRECTIONS SYSTEM OF THE PHILIPPINES

I. THE PHILIPPINE PROBATION SYSTEM

A. Historical Development of Community Corrections

Probation was first introduced in the Philippines during the American colonial period (1898-1945) with the enactment of Act 4221 on August 7, 1935 by the Philippine Legislature. This Law created a Probation Office under the Department of Justice. However due to some defects in its procedural framework, it was declared unconstitutional by the Supreme Court on November 16, 1937 after barely two years of existence.

In 1972, House Bill No.393 intended to establish a probation system in the Philippines was filed in Congress. This bill avoided the objectionable features of Act 4221 which was the cause of its declaration as unconstitutional. The bill was passed by the House of Representatives and was pending in the Senate when Martial Law was declared, and the Congress was abolished.

Three years after in 1975, the National Police Commission acting on a report submitted by the Philippine delegation to the 5th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, created an Interdisciplinary Committee tasked to formulate a national strategy to reduce crime and to draft a probation law.

Eighteen Technical hearings were done over a period of six months involving international experts in the field of corrections and when presented to a selected group of jurist, penologist, civic leaders, social and behavioral practitioners, it was overwhelmingly endorsed the establishment of an Adult Probation System in the Philippines.

On the last day of the First National Convention on Crime Control held at Camp Aguinaldo, Quezon City, Presidential Decree No, 968 also known as Adult Probation Law of 1976 was signed into law by the President of the Philippines, His Excellency Ferdinand E. Marcos. The law gave birth to the agency named Probation Administration, a line agency under the Department of Justice.

The operation of the probation system in 1976-1977 was a massive undertaking during which all judges and prosecutors nationwide were trained in probation methods and procedures; administrative and procedural manuals were developed; probation officers were recruited and trained; and the central office and also the probation field offices were organized throughout the country. Fifteen probation officers were selected from the first batch of trainees for an observation tour to the Los Angeles Training Academy, April 1, 1977. Upon their return, they were assigned to train the newly recruited probation officers.

The probation system started to operate on January 3, 1978. As more probation officers were recruited and trained as more probation field offices were opened. At present there are 183 field offices spread all over the country, supervised by 15 regions.

B. Legal Basis of the Community Corrections

The enabling law that governs the administration and operation of the probation system in the country is Presidential Decree No. 968, or the Adult Probation Law of 1976. Since its promulgation on July 24, 1976, the Adult Probation Law has undergone several amendments such as:

Presidential Decree No 1257 approved on December 1, 1977, allowing public prosecutors to participate in the probation process by directing them to make a comment on the application for probation.

Batas Pambansa Blg.76 (BP 76) signed June 9,1980, extending the benefits of probation to convicted offenders whose prison sentence imposed was six years and one day. Formerly, it was only for those convicted offenders whose prison sentence is six years.

Presidential Decree No.1990 promulgated on October 15, 1985 , provided that the application for probation shall no longer be entertained or granted if the defendant has perfected an appeal from the judgment of conviction. Further, it also amends BP 76 returning it to six years.

On November 21, 1987, a new Administrative Code was adopted by the Philippine government under Executive Order No. 292. The Code transferred the function of supervising parolees and pardonees which heretofore were supervised by the trial courts, to the Probation Administration. Executive Order 292 also changed the name of the agency to Parole and Probation in order to reflect the change in its mandate.

In 1991, the Parole and Probation Administration was assigned the new task of conducting pre-parole and executive clemency investigation in all city and provincial jails and prepare pre-parole reports for the Board of Pardons and Parole. This new task was mandated by BPP Resolution No. 229, dated April 2, 1991.

Republic Act 9165 known as the Comprehensive Dangerous Drug Act of 2002 signed on January 23, 2002, which repealed Republic Act 6425, the Dangerous Drugs Act of 1972 which provides under Section 57 , Probation and Community Service under the Voluntary Submission Program an after care program in lieu of imprisonment and or fine.

On April 28, 2006, Juvenile Justice and Welfare Act of 2006 was signed into a law. This Act established a comprehensive juvenile justice and welfare system in the country. Parole and Probation Administration was tasked to develop individualized probation program appropriate for the correction and rehabilitation of children in conflict with the law consistent with the objectives of rehabilitation and reintegration provided in the Act.

C. Organization and Personnel

1. Organization

The Parole and Probation Administration is a line-bureau type of organization created under the Department of Justice. To carry out the objectives of the Probation Law of 1976, the Administration was organized into 15 Regional Offices and Provincial /City Probation and Parole offices with a total of 183 Probation and Parole Offices nationwide .

Maximum support is given to the local parole and probation offices which provide direct services to clients. Relative to this, the Administration has seven divisions which consists of the following: Administrative, Legal, Finance and Management, Planning, Community Service, Technical Service and Case Management and Records.

Four staff divisions, namely, Administrative, Planning, Finance and Management, and Legal perform staff function that are primarily designed for the internal affairs of the Administration's offices. They are concerned with the day to day operations essential for the orderly and effective management of the Administration's activities.

On the other hand, technical services are done by three divisions namely, Case Management and Records, Community Service and Technical.

2. Personnel

In general, appointments of personnel at Parole and Probation Administration are in accordance to merit and fitness to be determined as far as practicable by competitive examination .It is in accordance with the Civil Service Law and Rules. There are other regulations and standards that may be promulgated by the Career Executive Service Board for 3rd level position.

Appointments for the positions of Probation and Parole Officer I to Clerks are made by the Regional Directors; Probation and Parole Office II to Supervising Probation and Parole Officer are within the authority of the Probation Administrator; Chief Probation and Parole Officer are appointed by the Secretary of Justice upon the recommendation of the Probation Administrator; the Regional Directors, Deputy Administrator and the Probation Administrator are all appointed by the President of the Philippines.

Entry qualification for probation and parole officers are at least 25 years of age, minimum educational requirement is a bachelor's degree with a major in social work, sociology, psychology, criminology, penology, corrections, police administration, public administration, or related fields and with no criminal record.

Recruitment of field personnel is done on a region-wide level. Specifically, applicants who are residents of the area where the vacancy occurs are given first preference. Only those

who meet the requirements of the position being applied for e.g. age, education, eligibility are allowed to undergo the screening which includes interviews and psychological testing.

3. Training of Personnel

The training unit of the Parole and Probation Administration is primarily responsible for providing training in specific professional courses and developing programs of trainers, and such training courses are conducted as in-house programs. Where there are available specialized trainings offered by other government and or non-government agencies., selected personnel are authorized to attend or enroll in said programs with fees paid by the Parole and Probation Administration.

Training in specific skills done on a need basis of the employee but the agency has an initial training program mandatory to all employees newly hired. These are Employee Orientation Courses for all newly hired employees and Parole and Probation Officers Basic Course for newly appointed probation and parole officers.

Actual Working Staff as of January 31, 2014

Probation and Parole Officers	-	887
Lawyers	-	5
Administrative	-	404
Total	-	1,296

D. Main Tasks

- Post Sentence Investigation

Alter conviction and sentence, an offender or his counsel files a petition for probation with the trial court, which in turn orders the probation officer to conduct a post sentence investigation to determine whether or not an offender may be placed on probation. The grant of probation is premised upon three conditions: 1) an application for probation by the offender 2) an investigation conducted by the probation and parole officer 3) a determination of by the court that the ends of justice and the best interest of the public as well as the offender shall be served thereby. The grant of probation in effect suspends the execution of the sentence of imprisonment.

- Pre-Parole Investigation

Prior to April 19, 1992, probation officers regularly visited provincial and city jails to explain to prisoners the probation law and its benefits and how they can avail of these benefits in the event they are convicted and sentenced.

In a Resolution No.229, the Board of Pardons and Parole on April 22, 1991 directed the Parole and Probation Administration to conduct pre-parole investigation of all sentenced prisoners confined in prisons and jails within their jurisdiction. The purpose of which is to determine whether offenders in prison may be qualified for parole or any form of executive clemency and to discuss with them their plan after their release. The probation and parole officers submit their pre parole assessment report to the Board of Pardons and Parole.

Offenders sentenced under the Indeterminate Sentence Law are eligible for parole after serving their minimum sentence. The Rules of the Board of Pardons and Parole also provide that they may be considered for conditional pardon after service of one-half of their minimum sentence.

- Supervision of Offenders

The Parole and Probation Administration supervises two types of offenders under conditional release: (1) Probationers or persons placed under probation by the courts and, (2) Parolees and Pardonees or prisoners released on parole or conditional pardon and referred by the Board of Pardons and Parole to the Parole and Probation Administration.

Before November 1989, parolee and pardonees were supervised by the judges of the municipal and city courts within whose jurisdiction these offenders resided. This function of supervising parolees and pardonees was transferred from the trial courts to the Parole and Probation Administration by virtue of Executive Order No. 292 which took effect on November 23, 1989. Thereafter, all prisoners released on parole by the Board of Pardons and Parole were turned over to the Parole and Probation Administration for supervision.

With respect to probationers, offenders placed on probation by the courts are turned over to the Parole and Probation Administration for supervision. The objectives of probation supervision are to carry out the conditions set forth in the probation order, to ascertain whether the probationer is following said conditions, and to bring about the rehabilitation of the probationer and his re-integration into the community.

E. Probation and Parole Supervision

1.Types of Community Measures/Orders

Type	Description/Eligible Offender	Sentencing/Authority	Supervision/Treatment Period
Adult Probation	Persons Under Suspension of Execution of sentence	Criminal Court	Period of is a maximum of Six Years
Parolees	Conditional release of Prisoner from Correctional institution after serving the minimum prison sentence	Board of Pardons and Parole	Expiration of the Maximum Sentence
Conditional Pardonees	Prisoners who have served at least one half of the maximum of the original prison term	Office of the President	As recommended by the Office of the President

Section 3(a) of Presidential Decree 968 defines probation as a disposition under which an accused, after conviction and sentence is released subject to conditions imposed by the court and to the supervision of a probation officer. It is a privilege granted by the court; it cannot be availed of as a matter of right by a person convicted of a crime. To enjoy the benefits of probation, it must be shown that an applicant has none of the disqualifications imposed by law.

2. Conditions of Probation

The grant of probation is accompanied by conditions imposed by the court. There are two types of conditions that must be adhere to. These are the general mandatory conditions and the discretionary conditions which are both incorporated in every probation order issued by the court.

2.a Mandatory Conditions

The mandatory conditions require that the probationer shall (a) present himself to the probation officer assigned to undertake the supervision at each place as may be specified in the order within 72 hours from receipt of said order. and, (b) report to the probation officer at least once a month at such time and place as specified by said order.

2.b Discretionary Conditions

Discretionary conditions are those additional conditions imposed on the probationer which are geared towards his correction and rehabilitation outside of prison and in the community to which probationer resides. The court may require probationer to: (a) cooperate with a program of supervision thru a therapeutic community modality (b)

meet his family responsibilities (c) devote himself to a 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, creation or residence or 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 or place of work;(j) reside at premises approved by it and not to change his residence without 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.

A violation of any of the conditions may lead either to a more restrictive modification of the same or the revocation of the grant of probation. Consequent to the revocation, the probationer will have to serve the sentence originally imposed.

3. Implementation of Probation and Parole Supervision

3.a Modification of conditions of probation

During the period of probation, the court may, upon application of either the probationers 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.

3.b Transfer of Residence

The probationer and his probation program shall be under the control of the court which 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 regional trial court of that place, and in such a case, a copy of the probation order, the investigation report and other pertinent records shall be furnished to said executive judge. Thereafter, the executive judge to whom the jurisdiction over the probationer was transferred shall have the power with respect to the probationer that was previously possessed by the court which granted the probation.

The transfer of residence of a parolee or pardonee is requested by the Supervising Probation and Parole Officer to the Chief Probation and Parole Officer which said request is forwarded to the Board of Pardons and Parole for an issuance of a board resolution approving the request of transfer of residence.

3.c Revocation

At any time during probation, the court may issue a warrant for the arrest of a probationer for any serious violation 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 given bail pending such hearing. In such case, the provisions regarding release on bail of a person charged with crime shall be applicable to probationers arrested under this provision.

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 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.

Once the parolee/pardonee commits infraction on the conditions embodied in their discharge on parole/conditional pardon, the supervising probation and parole officer shall prepare an infraction report to the Board of Pardons and Parole thru the Technical Service Division of the agency to be submitted to the Board of Pardons and Parole for its approval.

3.d Termination of Probation/Parole

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 fully discharge his liability for any fine imposed as to the offense for which probation was granted.

The probationer and his probation officer shall each be furnished with a copy of such order of termination.

The Supervising Probation and Parole Officer prepares the Summary Report upon expiration of the maximum sentence as stated in the Discharge on Parole/Conditional

Pardon and submitted to the Chief Probation and Parole Officer and thereafter to the Technical Service Division and said division to submit to the Board of Pardons and Parole for an issuance of an Resolution of termination

4. Assessment, Classification and Level of Supervision of Probationers and Parolees

The agency has established a case classification system for effective caseload management. The standards of criteria of case classification are offense; social/environmental factors, individual characteristics/personality problems; individual characteristics/personality problems; education; motives; and, employable skills.

4.1 Levels of Supervision

4.1.a Maximum supervision

This requires personal contact at least once a week with the probationer/parolee including at least a once a month report in person at the probation office to attend to the ladderized therapeutic community program. This also requires multiple services from the probation office and the community resources available. The probation officers provide their clients with services such as employment assistance, vocational training, education, medical assistance and seed money for livelihood activities and home industries.

4.1b. Medium supervision

This requires once a month personal contact with the probationer/parolee and attendance to therapeutic community ladderized program and few services from the probation office and/or community resources.

4.1c. Minimum Supervision

This requires a once a month personal contact and attendance to the therapeutic community ladderized program.

F. Halfway Houses

The Parole and Probation Administration has an ongoing construction of a halfway house project at Guimaras, Region VI. However, since the building is still under construction, it is not yet operational.

On October 23, 2013, the Parole and Probation Administration, as the first party, the Board of Pardons and Parole as the second party and the Sikatuna First Baptist Church as the third party entered into a Memorandum of Agreement where the Sikatuna First Baptist Church at Quezon City agreed to serve as a halfway house for the reintegration of parolees/pardonees who have been recently released from prison or jail to the

community. They shall provide active rehabilitation treatment program for residents and non-residents such as counseling, socialization and livelihood projects.

G. Specific Measures / Programmes of Community Corrections

G.1 Therapeutic Community Ladderized Program (TCLP)

The Therapeutic Community Ladderized Program integrates TC tools, norms and methods with probation and parole requirements, implemented in progressive phases within the non-residential community based setting of the Parole and Probation Administration program for clients.

G.2 Restorative Justice

It is the philosophical foundation of the rehabilitation program of the agency through restorative justice processes such as mediation, conferencing and circle of support..``

II. PARTICIPATION OF THE COMMUNITY

The Parole and Probation and Probation Administration has used techniques in motivating community involvement in the rehabilitation of the probationer/parolee/pardonee through its Volunteer Probation Aide (VPA) program. The first is an information campaign in order to stimulate the members of the community to have an interest and support the rehabilitation program, for if the community does not give a penitent offender another chance in life, recidivism will continue to be a perennial criminal justice system problem. The second is the positive incentive program instilling in the minds of the members of the community that he has something to gain if a penitent offender is given another chance, that is freedom from fear of having this penitent offender transformed into a hardened criminal if put behind bars. The other probation rehabilitation approach to get community involvement is the social accountability approach that is an individual helping a neighbor in need, the development of emotional dimension of interaction of people caring for others and this is done by involving the probationer in various community projects.

1.A Mission

To promote the Rehabilitation and development of Parole and Probation Administration Clients through a competent corps of volunteers using the holistic approach in volunteer and community resource development.

2.B Status

The volunteer probation aides do not receive any regular compensation for services rendered except for a reasonable travel allowance when they supervise an assigned probationer, parolee or pardonee at a maximum of five clients.

They shall hold office for a period of five years.

3.C Main Tasks

1. To amplify the extent of services rendered to the clients in an effective yet economical means through the use of volunteers;
2. To develop a competent corps of Volunteer Probation Aides who will assist Parole and Probation Administration Officers in the effective supervision of its clients;
3. To inculcate greater citizen awareness and understanding of the criminal justice system and its components;
4. To enhance community participation in crime prevention, treatment of offenders and criminal justice administration; and,
5. To foster an attitude of meaningful involvement in the social, economic, cultural and political affairs of the community.

4.D Appointment/ Recruitment

A. Strategies for Recruitment

1. Public Information Campaign/Information Drive
 - a. Identification of Possible candidates through personal invitation, informal interviews, referrals, letters to interested applicants from all sectors.
 - b. Conduct preparatory meeting with field officers on information drive.
 - c. Schedule orientation or briefing of potential Volunteer Probation Aide candidates.
 - d. Aim for quality candidates rather than quantity
 - e. Recruit individually rather than in a group.
2. Establishment of Linkages
 - a. Referral system
 - b. Courtesy call to heads of organizations (GO/NGO) re Volunteer Probation Aide Program Identification and Exploration of Possible volunteers during field work or home visits to clients.
3. Preference in Recruitment

- a. Seek candidates with character, competence and commitment
- b. Seek candidates with strong involvement in community, civic, social or religious affairs

B. Screening/Selection of Volunteer Probation Aide's

1. Qualifications of Volunteer Probation Aide's

- a. Preferably 35 years or older
- b. A reputable member of the community and of good moral character
- c. Preferably a resident of the same community as the client
- d. Preferably with adequate source of income or financially able
- e. Willing to serve without compensation
- f. Willing to prepare reports
- g. No criminal record or conviction except former clients with exemplary behavior fit to be role models
- h. With adequate good health

2. Requirements

- a. Duly accomplished Volunteer Probation Aide application form with two ID pictures
- b. Certification of Barangay Chairman as to place of residence
- c. Indorsement of and/or certification of Chief Probation and Parole Officer/Officer In Charge based on background investigation
- d. Recommendation of the Regional Director/Regional Officer –in-Charge

3. Appointment Procedure

- a. Candidate accomplishes the Volunteer Probation Aide application form.
- b. Officer conducts background investigation
- c. Chief Probation and Parole Officer/Officer In Charge endorses application with required documents to the Regional Office.
- d. Regional Director/Regional Officer-In-Charge recommends application to the Administrator
- e. Community Service Division reviews and evaluates application form and attachments, and prepares appointment.
- f. Administrator signs appointment for a five-year term.

- g. Community Service Division officially notifies the Regional Directors of Volunteer Probation Aide's appointed
- h. Department of Justice Secretary attests appointment
- i. Volunteer Probation Aide takes an Oath of Office administered by the Chief Probation and Parole Officer/Officer In Charge concerned.
- j. Parole and Probation Administration issues Volunteer Probation Aide Identification Card to be surrendered upon termination or revocation of appointment, or upon renewal of Identification Card.

4. Capacity Building and Training

The training course is focused on the areas where the Volunteer Probation Aide needs some knowledge, namely:

- i. Probation- the mandate, objectives, principles and methods as embodied in Presidential Decree No. 968 and its amendments;
- ii. Basic Volunteer Probation Aide Course- The rationale for volunteer services, mechanics of probation supervision work, duties, and functions and responsibilities of a volunteer probation aide
- iii. Therapeutic Community Modality –
- iv. Restorative Justice

IV. STATISTICS

A. Number of Offenders (As of 2013)

- Total Admission Number

PROBATIONERS	PAROLEES	PARDONEES	TOTAL
29,236	13,758	408	43,402

- Number by Type of Offense (As of 2013)

CRIMES	PROBATIONERS	PAROLEES	PARDONEES	TOTAL
Crimes Against Public Interest	342	1	0	343
Crimes Relative to Opium and Other Prohibited Drugs	8,976	55	26	9,057
Crimes Against Persons	6,468	8,500	210	15,178
Crimes Against Property	5,538	3,139	85	8,762
Crimes Against Chastity	1,523	452	28	2003

Crimes Against Security	690	0	0	690
Crimes Against Honor	538	55	0	593
Crimes Against Special Laws	4,937	1,431	37	6,405
Crimes Against Public Officer	67	98	0	165
Crimes Against Ordinance	28	21	22	71
Crimes Against Public Moral	22	1	0	23
Multiple Crime	107	0	0	107
Crimes Against Public Order	0	5	0	5
Crimes Against Liberty	0	0	0	0
Crimes Against The Civil Status of Persons	0	0	0	0
TOTAL	29,236	13,758	408	43,402

- Number by Gender (As of 2013)

SEX	PROBATIONERS	PAROLEES	PARDONEES	TOTAL
Male	26,208	13,448	392	40,048
Female	3,028	310	16	3,354
TOTAL	29,236	13,758	408	43,402

B. Recidivism Rate - within 1 year

PROBATIONERS	-	1.96%
PAROLEES	-	1.25%
PARDONEES	-	0.49%

C. Number of Personnel

No. of Probation and Parole Officers (as of January 2014)	-	887
No. of Volunteer Probation Aides (as of March 2014)	-	13,507

D. Average caseload

Ave. No. of Cases Handled per PPO	-	48
-----------------------------------	---	----

E. Budget

The Budget release by the Department of Budget and Management for the Volunteer Probation Aide Program of Parole and Probation Administration is P 5,470,000.00