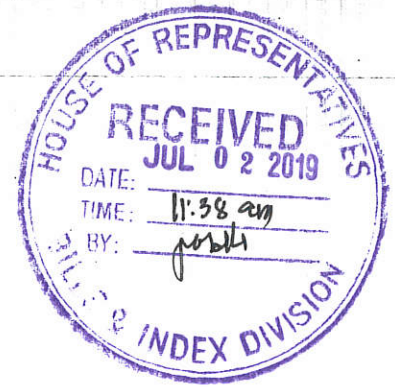


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 944



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE


The Parole and Probation Administration plays a very important role in our society as it is the agency mandated and given the responsibility in assisting probationers, parolees, pardonees, first-time minor drug offenders and juvenile in conflict with the law placed on probation, to adjust their lives in a free community. The agency tries to prevent these ex-law offenders from committing future criminal acts as well as lend a hand in ensuring that, once freed, they will lead more productive and useful lives.

Moreover, because of their work as investigators, supervisors and officers of the court, agency employees and officials are exposed to a lot of danger as they may have to deal with law offenders. They also may be assigned to areas which may expose them to a lot of risks and various forms of hazards.

This bill seeks to improve and promote the social and economic status of our Probation and Parole Workers, as well as their living and working conditions, terms of employment, professional growth and provide for their career advancement.

Further, the proposed measure seeks to provide Probation and Parole Workers additional compensation and incentives such as hazard pay, housing and living quarters allowance, longevity pay and compensation for injuries.

In the view of the foregoing, immediate approval of this measure is earnestly sought.


MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

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HON. MANUEL G. CABOCHAN

AN ACT
PROVIDING A MAGNA CARTA FOR PROBATION AND PAROLE WORKERS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.-** This Act shall be known as the "Magna Carta for Probation and
2 Parole Workers."

3
4 **SEC. 2. Declaration of Policy.-** The state shall promote and improve the social, moral
5 and economic well-being of Probation and Parole Workers, their living and working
6 conditions, and terms of employment. It shall develop their skills and capabilities to make
7 them more responsive to the needs and problems of their clients namely, the probationers,
8 parolees, pardonees, first-time minor drug offenders and juveniles in conflict with the law
9 who are placed on probation and better equip them in delivering community corrections
10 and/or rehabilitation services and programs, professionalize their positions and to encourage
11 them remain in probation and parole work and help professionalize this field of service.

12
13 **SEC. 3. Definition of Terms. -** As used in this Act, unless the context provides
14 otherwise, the following terms shall be construed to mean as follows:

- 15
16 A) "Probation and Parole Work" - refers to the profession that promotes the
17 correction and rehabilitation of a convicted offender placed under probation,
18 parole and/or conditional pardon as provided by law by providing him
19 individualized community treatment programs through the use of innovative
20 intervention techniques;
21
22 B) "Probation" - a disposition under which a defendant, after conviction and sentence,
23 is released subject to the conditions imposed by the court and to the supervision of
24 a Probation Officer;
25
26 C) "Parole" - shall refer to the conditional release of an offender from a penal or
27 correctional institution after he has served the minimum period of his prison
28 sentence under the continued custody of the State and under conditions that permit
29 his re-incarceration if he violates a condition of his release;

- 1 D) "Executive Clemency" - refers to Reprieve, Commutation of Sentence,
2 Conditional Pardon or Absolute Pardon which exclusively rests within the sound
3 discretion of the President of the Philippines;
4
5 E) "Petitioner"- a convicted defendant who files an application for probation;
6
7 F) "Probationer" - person who is placed under probation;
8
9 G) "Parolee" - shall refer to a prisoner who is released on parole;
10
11 H) "Pardonee" - shall refer to a prisoner who is released on conditional pardon with
12 parole conditions;
13
14 I) "First-time Minor Drug Offender" - youthful drug offender on probation under
15 RA 9165;
16
17 J) "Juvenile In Conflict with the Law" - a youthful offender charged and convicted
18 of an offense and placed on probation under RA 9344;
19
20 K) "Probation and Parole Worker" - refers to all Personnel employed at the Parole
21 and Probation Administration-Department of Justice;
22
23 L) "Trial Court" - refers to Court which originally tried the case;
24
25 M) "Parole and Probation Offices" - refers either to the Central Office, Regional
26 Office, Provincial or City Parole and Probation Office of the Parole and Probation
27 , Administration-Department of Justice; and
28
29 N) "PPA-DOJ" - refers to the Parole and Probation Administration-Department of
30 Justice.
31

32 **SEC. 4. Coverage.** - This Act shall cover all Probation and Parole Workers of the
33 Parole and Probation Administration-Department of Justice.
34

35 **SEC. 5. Recruitment and Selection.** - Recruitment policies with respect to the
36 selection and appointment of Probation and Parole Workers shall be clearly defined by the
37 Parole and Probation Administration- Department of Justice.
38

39 **SEC. 6. Security of Tenure.** - Stability of employment and security of tenure shall be
40 assured the Probation and Parole Worker as provided under existing law.
41

42 **SEC. 7. Transfer or Reassignment.** - A Probation and Parole Worker shall not be
43 transferred or reassigned, except when made in the interest of the service as determined by
44 the agency's management, in which case the Probation and Parole Worker concerned shall be
45 informed of the reasons therefor in writing. If the Probation and Parole Worker believes that
46 there is no justification or valid reason for the transfer or reassignment, he/she may appeal
47 his/her case to the Civil Service Commission (CSC), which may cause his/her transfer to be
48 held in abeyance in exceptional cases: *Provided however*, That no transfer or reassignment
49 shall be made three (3) months before any local or national elections.

1 Necessary transfer or reassignment expenses of the Probation and Parole Worker shall
2 be paid by the Government if his/her transfer is finally approved.
3

4 **SEC. 8. Merit and Promotion and Career System.-** The PPA-DOJ shall maintain its
5 existing career and personnel development plan applicable to all Probation and Parole
6 Workers. Such career and personnel development plan shall include provisions on merit,
7 promotion, performance evaluation, in-training grants, suggestions and incentive award
8 system.
9

10 **SEC. 9. Code of Conduct.** - The duly approved Code of Ethics of Probation and
11 Parole Worker and RA 6713 shall be the bases in determining the Ethical Standards of
12 Probation and Parole Workers.
13

14 **SEC. 10. Safeguards in Disciplinary Actions.** – Every Probation and Parole Worker
15 shall enjoy equitable safeguards at each stage of any disciplinary procedure and shall have:
16

- 17 A) the right to be informed of the charges in writing;
- 18
- 19 B) the right to full access to the evidences of the case;
- 20
- 21 C) the right to defend himself and to be defended by a representative of his choice
22 and/or by his organization, adequate time being given to the officer for the
23 preparation of defense;
- 24
- 25 D) the right to confront witnesses presented against him/her and summon witnesses
26 in his/her behalf;
- 27
- 28 E) the right to appeal clearly designated authorities;
- 29
- 30 F) the right to reimbursement of reasonable expenses incurred in his/her defense in
31 case of exoneration of the charges against him/her; and
- 32
- 33 G) such other rights that will ensure fairness and impartially during proceedings.
34

35 **SEC. 11. Normal Hours of Work.** – The normal hours of work of any Probation and
36 Parole Worker shall not exceed eight (8) hours a day of forty (40) a week.
37

38 **SEC. 12. Overtime Work.** – Where the exigencies of the service so require, any
39 Probation and Parole Worker may be required to render service beyond the normal eight (8)
40 hours a day, inclusive of Saturday, Sunday or non-working holidays. In such case, the
41 Probation and Parole Worker shall be entitled to Compensatory Time-Off (CTO).
42

43 **SEC. 13. Compensation.**– The existing law on the salary scale of the government
44 employees shall apply in determining the salaries of the Probation and Parole Workers. In
45 case of violation of these provisions, the Probation and Parole Worker concerned may file the
46 necessary complaint to the Civil Service Commission.
47

48 **SEC. 14. Leave Benefits.** – Probation and Parole Workers shall be entitled to all
49 accumulated commutable leave benefits and privileges, such as but not limited to maternity,
50 paternity, vacation and sick leaves, and special privilege leave as provided for under existing

1 laws:*Provided*,That upon separation of the Probation and Parole Worker from service, they
2 shall be entitled to all accumulated leave credits with pay.
3

4 **SEC. 15. *Highest Basic Salary Upon Retirement.*** – Upon retirement, a Probation and
5 Parole Worker shall automatically be granted an increase of one salary grade higher from
6 his/her position with the corresponding increase in basic salary, and his/her retirement
7 benefits shall be computed on the basis of his/her highest salary after such promotion.
8

9 **SEC. 16. *Other Benefits.*** – Aside from the benefits received as required under
10 existing laws and executive orders, the Probation and Parole Workers shall receive the
11 following:
12

13 A) Hazard pay – Probation and Parole Workers who are directly assisting or
14 performing functions which expose them to danger, occupational risks or threats
15 of life shall be compensated with hazard pay of at least Two Thousand Five
16 Hundred Pesos (P2,500.00) per month.
17

18 B) Living Quarters or Living Quarters Allowance – The PPA-DOJ shall provide
19 Living Quarters to each employee who are assigned more than fifty (50)
20 kilometers away from their residence. If Living Quarter is not available, the
21 Probation Worker shall be entitled to at least Three Thousand Pesos (P3,000.00) a
22 month of Living Quarters Allowance.
23

24 C) Longevity Pay – A monthly longevity pay equivalent to five per centum (5%) of
25 his/her latest monthly basic pay shall be paid to a Probation and Parole Worker for
26 every five (5) years continuous, efficient meritorious service rendered as certified
27 by the chief of office concerned with the service after approval of this Act.
28

29 D) Clothing Allowance – All Probation and Parole Workers shall be entitled to a
30 minimum of Five Thousand Pesos (P5,000.00) clothing allowance annually,
31 which amount shall be adjusted as needed.
32

33 E) Medical Allowance – All Probation and Parole Workers shall receive a minimum
34 of Five Hundred Pesos (P500.00) medical allowance monthly, which amount shall
35 be adjusted as needed.
36

37 **SEC. 17. *Compensation from Injuries.*** – Probation and Parole Workers shall be
38 protected against work-related injuries and be compensated equivalent to their daily wage
39 while in the period of rehabilitation in accordance with the Labor Code and Civil Service
40 Law, as the case may be.
41

42 **SEC.18. *Rights of the Probation and Parole Workers.*** – Probation and Parole
43 Workers shall have the following rights:
44

45 A) Protection from discrimination by reason of sex, sexual orientation, age, political
46 or religious beliefs, civil status, physical characteristics, disability or ethnicity;
47

48 B) Protection from any form of interference, intimidation, harassment, or punishment
49 in the performance of his/her duties and responsibilities;
50

- 1 C) Join, organize or assist organizations or unions for lawful purposes;
2 D) Protection from any act that will prevent him/her for applying professional
3 interventions for the client's development; and
4
5 E) Opportunities for continuing professional growth and development.
6

7 **SEC. 19. *Human Resource Development.*** – The PPA-DOJ shall conduct a periodic
8 human resource development and management study in the following areas:
9

- 10 A) Adequate facilities and resources to render quality rehabilitation service to the
11 clientele;
12
13 B) Opportunities for Probation and Parole Workers to grow professionally and to
14 develop their potentials and experience a sense of self-worth and dignity in their
15 work;
16
17 C) Mechanisms for democratic consultations;
18
19 D) Staffing patterns and standards of Probation and Parole Work to ensure that the
20 clients receive quality service;
21
22 E) Upgrading of working conditions, reclassifications of positions and salaries of
23 Probation and Parole Workers to correct the disparity vis-à-vis other professions;
24 and
25
26 F) Allocations of funds for the participants of Probation and Parole Workers in
27 seminars, conferences, conventions and similar activities as part of their
28 continuing professional growth.
29

30 **SEC. 20. *Appropriations.*** – The amount of Seventy Million Pesos (P70,000,000.00)
31 needed to carry out the provisions of this Act is hereby authorized to be appropriated in the
32 General Appropriations Act of the years following its enactment into law, in addition to the
33 amount appropriated for the Parole and Probation Administration.
34

35 **SEC. 21. *Implementing Rules and Regulations.*** – The PPA-DOJ shall formulate the
36 necessary rules and regulations, not inconsistent with any provision of this Law, for the
37 implementation of the Magna Carta for Probation and Parole Worker for the approval of the
38 Secretary of Justice. The rules and regulations shall be promulgated within six (6) months
39 from the effectivity of this Act.
40

41 **SEC. 22. *Penal Provisions.*** – Any person who shall willfully interfere with, restrain
42 or coerce any Probation and Parole Worker in the discharge of his/her duties or shall in any
43 manner commit any act in violation of any of the provisions of this Act, upon conviction,
44 shall be punished of a fine not less than Twenty Thousand Pesos (P20,000.00) but not more
45 than Forty Thousand Pesos (P40,000.00) or imprisonment of not more than one (1) year, or
46 both, at the discretion of the Court. If the offender is a public official, the Court in addition to
47 the above mentioned penalties, may impose the additional penalty of disqualifications to hold
48 public office.
49

1 **SEC. 23. *Separability Clause.*** – If any provision of this Act is declared
2 unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in
3 full force and effect.
4

5 **SEC. 24. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or other
6 issuance or parts thereof inconsistent with the provision of this Act are hereby repealed
7 amended or modified accordingly.
8

9 **SEC. 25. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
10 in official gazette or in atleast two (2) newspaper of general circulation.

Approved,