

PLANTING OF TREES AS ONE OF THE CONDITIONS FOR PROBATION

SC ADMINISTRATIVE CIRCULAR NO. 17-2003, March 12, 2003

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WHEREAS, the ultimate goal of the science of penology is to rehabilitate the offender and restore his relationship to society as useful and law-abiding citizen;

WHEREAS, one of the constructive means to achieve this goal is to suspend the execution of sentence imposed upon an offender and place him under probation subject to certain conditions, such as rendering service to the community;

WHEREAS, the acts of planting and nurturing a tree, tending a garden, or caring for a marine sanctuary provide a singular opportunity to reconnect the ties between man and Nature; and recent studies confirm that this reconnection with Nature is also a spiritually-restorative exercise, well in line with the goal of rehabilitating the offender;

WHEREAS, restoring natural systems, such as by planting trees, also leads to greater productivity;

WHEREAS, helping to restore the Earth's natural systems is one of the highest forms of community service, for it is encompassed in the constitutional duty of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature (Article II, Section 16, Constitution);

WHEREAS, under Section 10 of the Probation Law (P.D. No. 968, as amended) on Conditions of Probation, the court may impose any other condition related to the rehabilitation of the offender and not duly restrictive of his liberty or incompatible with his freedom of conscience, and hence, the planting of trees may validly be required as one of such conditions;

WHEREFORE, trial judges in territorial jurisdiction where public lands are located or where the offender involved has a land are hereby directed to include the planting of trees by the probationer as among the conditions in the grant of probation under the Probation Law.

For this purpose the Secretary of the Department of Environment and Natural Resources (DENR) is hereby requested to coordinate with the Office of the Court Administrator in designating the public land where probationers may plant trees and in providing the materials (seedlings, etc.) and the expertise to ensure proper planting and care of the plants. The Secretary and the Court Administrator shall issue the appropriate Guidelines in this regard, which shall include a databank of relevant information necessary to monitor compliance with this specific condition for probation.

The Guidelines shall be submitted to the Court before 31 May 2003; once approved, it can take effect on the first day of July 2003. Nonetheless, even before the approval of the Guidelines trial judges in places where public lands are located may, with the support of the local offices of the DENR, impose in probation cases the condition subject of this Administrative Circular. The present practice of some judges of imposing such a condition is hereby commended.

This Administrative Circular, whose issuance was approved by the Court En Bane in A.M. No. 03-03-10-SC, 11

March 2003, shall take effect upon its issuance.

Issued this 12th day of March 2003.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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