

AN ACT ESTABLISHING PROBATION FOR PERSONS, EIGHTEEN YEARS OF AGE OR ABOVE, CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS; PROVIDING PROBATION OFFICERS THERE...

Acts No. 4221, August 07, 1935

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Whenever any person eighteen years of age or more, at the time of committing a criminal offense or misdemeanor is convicted and sentenced by a Court of First Instance or by the Supreme Court on appeal, for such offense or misdemeanor, the proper Court of First Instance may after the sentence has become final and before the defendant has begun the service thereof, suspend the execution of said sentence and place the defendant on probation for such period as it may determine not less nor exceeding the minimum and maximum periods prescribed in this Act. No person, however, shall be placed on probation until an investigation and report by the probation officer shall have been made to the court of the circumstances of his offense, his criminal record, if any, and his social history and until the provincial fiscal shall have been given an opportunity to be heard. The court shall enter in the minutes the reasons for its action.

SEC. 2. The probationer shall be subject to the supervision and visitation of the probation officer and shall comply faithfully with such conditions as the court may deem proper to impose in accordance with the following section. Every probation officer shall have, as to persons placed in probation under his care, the powers of a police officer.

SEC. 3. The conditions of probation shall be such as the court, in its discretion, may prescribe and may include, among others, the following:

That the probationer (a) shall indulge in no injurious or vicious habits;

(b) Shall avoid places or persons of disreputable or harmful character;

(c) Shall report to the probation officer as directed by the court or probation officers;

(d) Shall permit the probation officer to visit him at reasonable times at his place of abode or elsewhere;

(e) Shall truthfully answer any reasonable inquiries on the part of the probation officer concerning his conduct or condition;

(f) Shall endeavor to be employed regularly;

(g) Shall remain or reside within a specified place or locality;

(h) Shall make reparation or restitution to the aggrieved parties for actual damages or losses caused by his offense;

(i) Shall support his wife and children;

(j) Shall comply with such orders as the court may from time to time make; and

(k) Shall refrain from violating any law, statute, ordinance, or any by-law or regulation, promulgated in accordance with law.

The court may at any time revise, modify or enlarge the conditions or period of probation. The court shall notify the probation officer in writing of the period and terms of probation.

SEC. 4. If after the period of probation the probation officer reports and the court finds, that the probationer has complied with the conditions of probation, the court shall order the definite termination of his case and his final discharge from supervision.

SEC. 5. Whenever within the period of probation, any probationer shall fail to comply with the conditions imposed upon him, the court may issue a warrant for his arrest and may commit him with or without bail. Upon his being arraigned and after an opportunity to be heard the court may revoke, continue or, modify his probation. If revoked, the court shall order the execution of the sentence originally imposed.

SEC. 6. It shall be the duty of every probation officer to furnish to all persons placed on probation under his supervision a statement of the period and conditions of their probation, and to instruct them concerning the same; to keep informed concerning their conduct and condition; to aid and encourage them by friendly advice and admonition, and by such other measures, not inconsistent with the conditions imposed by the court as may seem most suitable, to bring about improvement in their conduct and condition; to report in writing to the court having jurisdiction over said probationers at least once every two months concerning their conduct and condition; to keep records of their work; to make such reports as are necessary for the information of the Secretary of Justice and as the latter may require; and to perform such other duties as are consistent with the functions of the probation officer and as the court or judge may direct. The probation officers provided for in this Act may act as parole officers for any penal or reformatory institution for adults when so requested by the authorities thereof, and, when designated by the Secretary of Justice, shall act as parole officer of persons released on parole under Act Numbered Forty-one hundred and three, without any additional compensation.

SEC. 7. The period of probation of any defendant convicted of an offense for which the law prescribes a penalty not exceeding one year shall not extend beyond two years; and in the case of a defendant convicted of any other crime or offense, the period shall not exceed twice the maximum time of imprisonment to which he might be sentenced: Provided, That the period of probation shall never be less than the sentence imposed.

SEC. 8. This Act shall not apply to persons convicted of offenses punishable by death or life imprisonment; to those convicted of homicide, treason, conspiracy or proposal to commit treason; to those convicted of misprision of treason, sedition or espionage; to those convicted of piracy, brigandage, arson, or robbery in band; to those convicted of robbery with violence on persons when it is found that they displayed a deadly weapon; to those convicted of corruption of minors; to those who are habitual delinquents; to those who have been once on probation; and to those already-sentenced by final judgment at the time of the approval of this Act.

SEC. 9. For the purposes of this Act, the term "probationer" means a person placed on probation; and the term "probation officer" means one who, having been duly appointed, either investigates for the court prior to sentence or supervises a probationer, or both.

SEC. 10. There is hereby created in the Department of Justice and subject to its supervision and control, a Probation Office under the direction of a Chief Probation Officer to be appointed by the Governor-General with the advice and consent of the Senate who shall receive a salary of four thousand eight hundred pesos per annum. To carry out the purposes of this Act, there is hereby appropriated out of any funds in the Insular Treasury not

otherwise appropriated, the sum of fifty thousand pesos to be disbursed by the Secretary of Justice, who is hereby authorized to appoint probation officers and the administrative personnel of the probation office under civil service regulations from among those who possess the qualifications, training and experience prescribed by the Bureau of Civil Service, and shall fix the compensation of such probation officers and administrative personnel until such positions shall have been included in the Appropriation Act.

SEC. 11. This Act shall apply only in those provinces in which the respective provincial boards have provided for the salary of a probation officer at rates not lower than those now provided for provincial fiscals. Said probation officers shall be appointed by the Secretary of Justice and shall be subject to the direction of the Probation Office.

SEC. 12. This Act shall take effect on its approval.

Approved, August 7, 1935.

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