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Checklist II**Steps From Receipt Of Post-Sentence Investigation****Report To Issuance Of Probation Order**

1. Examine and consider the probation officer's post-sentence investigation report upon receipt thereof,²⁵² keeping in mind the criteria for placing an offender on probation established in Sec. 8 of the Probation Law, to wit: that 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 resources; and, that 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/her 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.

2. Determine after such examination and consideration of said report whether to deny or grant the application for probation, keeping in mind that the court must resolve the said application not later than fifteen (15) days after receipt of the post-sentence investigation report from the probation officer.²⁵³

2.1 If you resolve to deny the probation application, issue Order denying the application, setting forth a concise statement of the reason/s for the denial.

2.2 If you resolve to grant the probation application, issue Order (referred to in the Probation Law as the 'probation order')²⁵⁴ granting the application (see attached copy of such order for use as a guide in drafting the probation order), keeping in mind the following particulars required by the governing law, to wit: (a) that the probation order shall contain the following mandatory conditions, namely: (1) that the probationer shall present himself to the probation officer designated to undertake his/her supervision at such place as may be specified in the order within 72 hours from receipt of said order; and (2) that the probationer shall report to the probation officer at least once a month at such time and place as specified by said officer; (b) that the probation order shall state the period of probation;²⁵⁵ and (c) that the court may impose other conditions provided the same are related to the rehabilitation of the probationer and not unduly restrictive of his/her liberty or incompatible with his/her freedom of conscience.²⁵⁶

3. Issue probation order to the accused, at the same time informing him of the consequences of said Order (such as, that the Order does not set aside or otherwise do away with the judgment of conviction and that it merely suspends the execution of the sentence to give way to the probation) and explaining that upon his/her failure to comply with any of the conditions prescribed in the Order or his/her commission of another offense, he shall serve the penalty imposed in the said judgment.²⁵⁷

252 The post-sentence investigation report must be submitted by the probation officer to the Court within 60 Days from receipt of the court's order to conduct the investigation.

253 An order granting or denying probation shall not be appealable. Last para., sec. 4, PD 968, as amended.

254 PD 968, Sec. 4.

255 PD 968, Secs. 10 and 14.

256 PD 968, Sec. 10(k).

257 PD 968, Sec. 11.

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