

AMENDING PRESIDENTIAL DECREE NO. 968 OTHERWISE KNOWN AS THE PROBATION LAW OF 1976

PRESIDENTIAL DECREE NO. 1990, October 05, 1985

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WHEREAS, it has been the sad experience that persons who are convicted of offenses and who may be entitled to probation still appeal the judgment of conviction even up to the Supreme Court, only to pursue their application for probation when their appeal is eventually dismissed ;

WHEREAS, the process of criminal investigation, prosecution, conviction and appeal entails too much time and effort, not to mention the huge expenses of litigation, on the part of the State;

WHEREAS, the time, effort and expenses of the Government in investigating and prosecuting accused persons from the lower courts up to the Supreme Court, are oftentimes rendered nugatory when, after the appellate Court finally affirms the judgment of conviction, the defendant applies for and is granted probation;

WHEREAS, probation was not intended as an escape hatch and should not be used to obstruct and delay the administration of justice, but should be availed of at the first opportunity by offenders who are willing to be reformed and rehabilitated;

WHEREAS, it becomes imperative to remedy the problems abovementioned confronting our probation system ;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree:

SECTION 1. Section 4 of Presidential Decree No. 963 is hereby amended to read as follows:

"SEC. 4. Grant of Probation. — Subject to the provisions of this Decree, the trial court may, after it shall have convicted and sentenced a defendant, and upon application by said defendant within the period for perfecting an appeal, suspend the execution of the sentence and place the defendant on probation for such period and upon such terms and conditions as it may deem best; Provided, That no application for probation shall be entertained or granted if the defendant has perfected the appeal from the judgment of conviction.

"Probation may be granted whether the sentence imposes a term of imprisonment or a fine only. An application for probation shall be filed with the trial court. The filing of the application shall be deemed a waiver of the right to appeal.

"An order granting or denying probation shall not be appealable."

SEC. 2. Section 9 of Presidential Decree No. 968 is hereby amended to read as follows:

"SEC. 9. Disqualified Offenders. —The benefits of this Decree shall not be extended to those:

- sentenced to serve a maximum term of imprisonment of more than six years;
- convicted of subversion or any crime against the national security or the public order;
- who have previously been convicted by final judgment of an offense punished by imprisonment of not less than

one month and one day and/or a fine of not. less than Two Hundred Pesos.

- who have been once on probation under the provisions of this Decree; and
- who are already serving sentence at the time the substantive provisions of this Decree became applicable pursuant to Section 33 hereof.

SEC. 3. The provisions of Section 4 of Presidential Decree No. 968, as above amended, shall not apply to those who have already filed their respective applications for probation at the time of the effectivity of this Decree.

SEC. 4. All laws, decrees, executive or administrative orders, rules and regulations, or parts thereof, inconsistent with this Decree, are hereby repealed, amended or modified accordingly.

SEC. 5. This Decree shall take effect after fifteen (15) days following its publication in the Official Gazette.

DONE in the City of Manila, this 5th day of October, in the year of Our Lord, nineteen hundred and eighty-five.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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