

# THE PAROLE AND PROBATION SUPERVISION PROGRAMME IN THE PHILLIPINES

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## I. THE CURRENT SITUATION

The Parole and Probation Administration is currently implementing a three-pronged approach programme, namely: Therapeutic Community (TC), Restorative Justice (RJ) and Volunteer Probation Assistant (VPA) Programs for the rehabilitation of clients released into the community.

Therapeutic Community (TC) was originally designed for institutional treatment for substance abusers but was later redesigned to address supervision treatment needs of offenders in a community-based setting in the Philippines. TC has been implemented in the PPA since 1998. It underwent several revisions across time to arrive at its present shape as the Therapeutic Community Ladderized Program (TCLP). TCLP is implemented to all clients (probationers, parolees, pardonees and minor offenders who are released on probation) of the Agency. TCLP is divided into four phases namely: Orientation, Primary Treatment, Immersion and Integration. As a general rule, every client must undergo TC activity sessions regardless of sex or gender, but the approach admits of certain exemptions like those who are seriously ill, students, pregnant women and detained clients. It is worth mentioning that there are some Gender and Development (GAD) lesson plans in Phases II, III and IV of the TC Manual.

Restorative Justice (RJ) is a process through which remorseful offenders accept responsibility for their misconduct to those directly injured and to the community as a secondary victim, which, in response, allows the reintegration of the offender into the said community. RJ treats crime as a violation of people and relationships. It creates an obligation to make things right through proactive involvement of victims, ownership of the crime by the offender and participation of the community in search for solutions which promote repair, reconciliation and reassurance (probation.gov.ph). Through the process of RJ, clients, victims and other people who have stakes in the case are gathered together in a dialogue that aims to address the impact or consequence of the offence committed, with the goal of promoting peace and reconciliation, if possible.

The volunteerism programme is aimed at generating maximum, effective and efficient citizen participation and community involvement in the overall process of client rehabilitation. Section 28 of Presidential Decree No. 968, the Probation Law of 1976, authorizes the appointment of citizens of good repute and probity to act as probation aides to assist in the supervision of probationers, parolees and pardonees. Republic Act No. 9418 or the Volunteer Act of 2007, Section 12, par. c, provides for National Government Agencies and Local Government Units to establish volunteer programmes in their respective offices to promote and encourage volunteering in government programmes and projects as well as enjoin government employees to render volunteer service in social, economic and humanitarian development undertakings in the community. Additionally, Executive Order No. 468 revitalizes the VPAs Program of the DOJ-PPA to heighten and maximize community involvement and participation in the community-based programme of Parole and Probation in the prevention of crime, treatment of offenders and criminal justice administration (probation.gov.ph). Although TC, RJ and Volunteerism programmes have no gender specific guidelines for implementation, in the conduct of these programmes, however, we observe gender fair language in the delivery of topics and lessons, we uphold the rights of senior citizens, minors, pregnant women and nursing mothers and differently abled clients. At present, there is an ongoing Impact Assessment on the Rehabilitation Programs of the PPA being conducted by the University of the Philippines, to determine, inter alia, the following:

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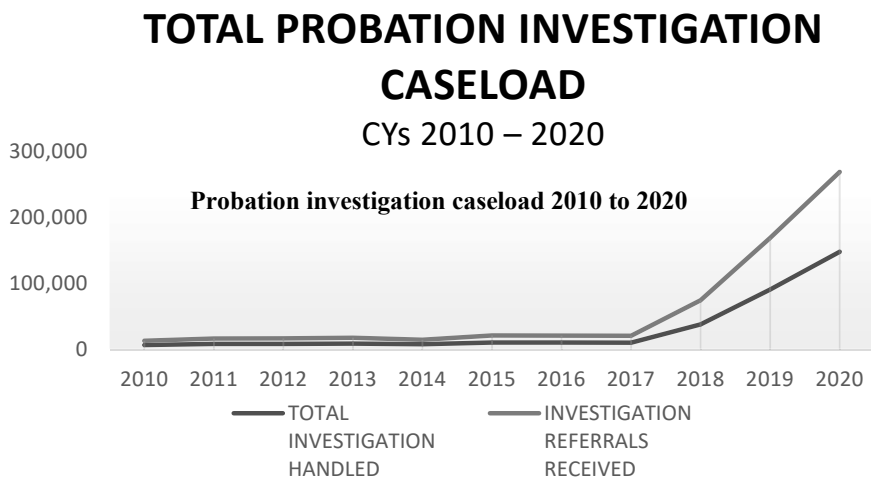
- a. The impact of the above-mentioned rehabilitation programmes on the lives of the clients, including those who have been discharged from supervision by virtue of a Termination Order in the case of probation and Final Release and Discharge in the case of parole and conditional pardon.
- b. The field offices' level of efficiency and effectiveness in the implementation of rehabilitation programmes.

## II. STATISTICS

### A. Probation Investigation Caseload

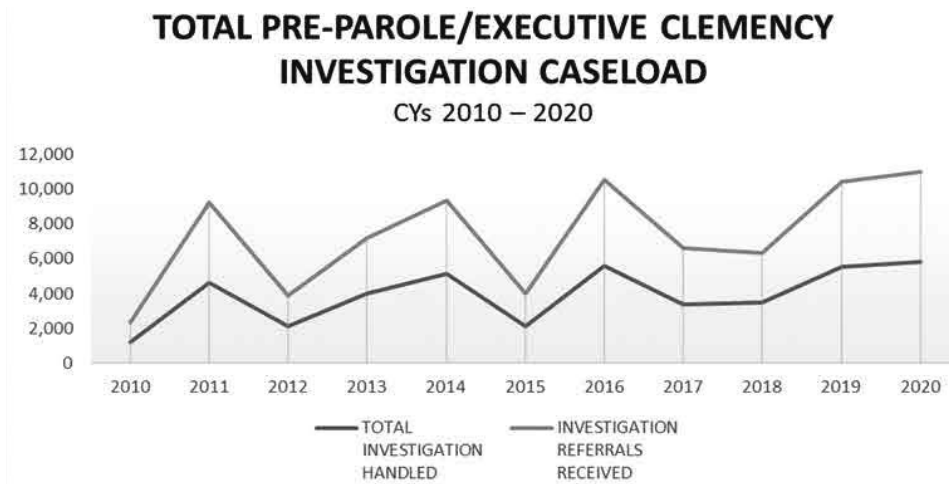
Statistics in the graph and table hereunder show that probation investigation cases received from 2010 to 2020 registered an extremely startling increase in 2017.

1. Probation Investigation Caseload (Graph and Table)



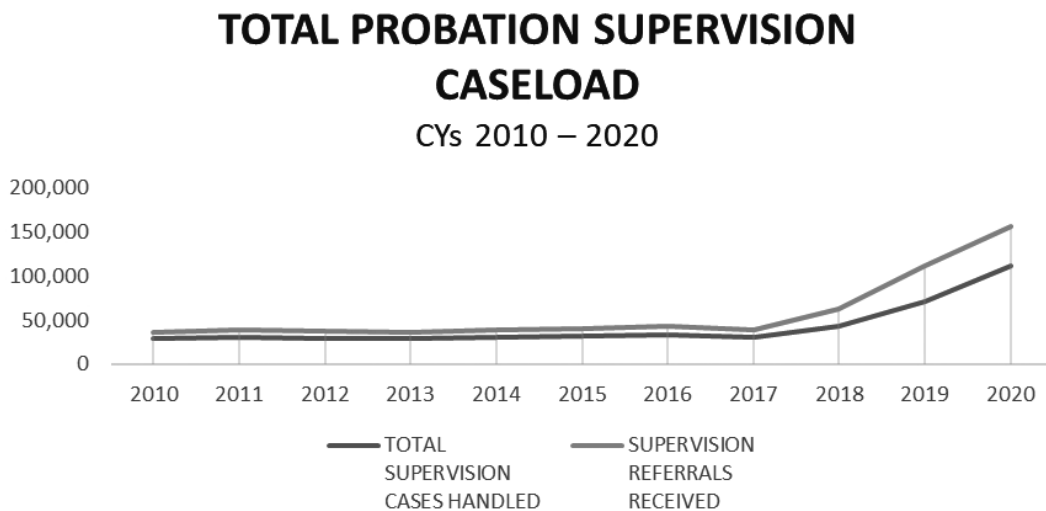
YEAR	TOTAL INVESTIGATIONS HANDLED	INVESTIGATION REFERRALS RECEIVED
2010	7,034	6,453
2011	8,634	8,208
2012	8,810	8,202
2013	9,298	8,731
2014	8,190	6,813
2015	10,795	10,629
2016	10,710	10,508
2017	10,601	10,367
2018	38,384	36,366
2019	91,126	78,103
2020	148,216	120,923
<b>Total / Average</b>		<b>626,767</b>

2. Pre-Parole/Executive Clemency Investigation Caseload (Graph and Table)



YEAR	TOTAL INVESTIGATIONS HANDLED	INVESTIGATION REFERRALS RECEIVED
2010	1,207	1,144
2011	4,621	4,601
2012	2,115	1,766
2013	3,979	3,204
2014	5,164	4,175
2015	2,123	1,873
2016	5,603	4,961
2017	3,371	3,228
2018	3,473	2,839
2019	5,543	4,909
2020	5,839	5,207
<b>Total</b>		<b>63,470</b>

3. Probation Supervision Caseload (Graph and Table)



YEAR	TOTAL SUPERVISION CASES HANDLED	SUPERVISION REFERRALS RECEIVED
2010	29,523	6,785
2011	30,385	8,421
2012	29,768	7,696
2013	29,236	7,248
2014	30,671	8,616
2015	31,582	9,073
2016	33,013	10,142
2017	31,088	8,415
2018	42,637	19,496
2019	71,669	40,020
2020	111,679	45,440
<b>Total/Average</b>		<b>458,896</b>

4. Probation and Parole Officers

Supervision data reveals a sharp increase of 278.28%. On the other hand, the number of Probation and Parole Officers handling cases has remained low with a felt decrease for the past two years. A spike in the number of filled Probation Officer positions is noted in 2019, with the creation of an additional 47 *plantilla* positions for Probation Officer I and Probation Officer II in October 2019, as shown in the following data:

**Summary of Filled Probation Officer Positions**

Position Title	2017	2018	2019	2020	2021	Unfilled Positions 2021
Supervising Probation Officer	135	135	142	137	119	45
Senior Probation Officer	127	120	129	121	115	43
Probation Officer II	120	125	117	122	121	75
Probation Officer I	108	103	117	116	111	45
<b>Total</b>	<b>490</b>	<b>483</b>	<b>505</b>	<b>496</b>	<b>466</b>	<b>208</b>

In the selection of employees, the Agency has its own Merit and Selection system that is characterized by observance of merit, fitness and equality principles in the screening of personnel for appointment and promotion. The position of Probation Officer I is the entry level for field officers, which does not require training and experience, whereas Probation II is a promotional position that requires one year of progressively responsible experience in Probation or other related experience in order to qualify for promotion. As an officer advances in rank to Senior Probation Officer and further, so should the required skills and competencies according to position/rank. Required skills/competencies are: Investigation and Supervision skills, Adaptability, People and Information Management, Communication, Process Management, Decision Making and Problem Solving. The levels of competencies are: Basic (for POI), Intermediate (POII), Advanced (Sr. PO) and Expert (SPO).

In the face of the Agency's dire need for manpower, there are several vacant/unfilled positions, which are created by promotion to higher positions, retirement and other personnel movement resulting in the termination or disengagement of employee from the service. Another reason why these positions have remained unfilled over the past two years is because of the lack of authority of the incumbent OIC Administrator to approve appointments (original appointments and promotion to higher positions) as this matter is inherent to the Secretary of Justice pursuant to: Paragraph e), Section 19 of PD 968, which states: *"recommend to the Secretary of Justice the appointment of the subordinate personnel of his Administration*

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*and other offices established in this Decree;"*

The reasons for the severance of work by the employees were because of retirement, transfer to another position in another branch of the government, resignation due to migration/relocation to another country, physical and mental health issues and death.

### III. CHALLENGES

There are many challenges in the implementation of the rehabilitation programme for clients, but the most serious of them are the following:

1. The volume of caseload which brings the number to a disproportionate ratio of 1:330.59 for investigation cases, whereas the supervision ratio stands at 1:270.778. The combined investigation and supervision average caseload of every Parole and Probation Officer is 601.368. This computation is derived from the Profile of Clients 2020 (Source: probation.gov.ph). This unprecedented increase negatively impacts the physical and mental health of Probation and Parole workers in addition to the effects of the Covid-19 pandemic;
2. Insufficient number of personnel to effectively conduct investigation and supervision of offenders and the implementation of rehabilitation programmes for clients; and engagement of volunteers and community partners and resources;
3. The Covid-19 pandemic and the consequent restrictions in mobility and access to most of the essential services including clients and relevant stakeholders;
4. Lack of infrastructure for programme implementation to support the rehabilitation needs of offenders in terms of appropriate and conducive office space, technology and resources;
5. Lack of funds for the implementation of rehabilitation programmes. Below are some of the pictures taken during the conduct of group activities, which are usually held outdoors due to the lack of appropriate facilities which deviates from the standards set forth by international mandates. Some of the photos depict clients' desire and capacity to be productive members of the community by doing reforestation, coastal clean-up and classroom repairs despite the situation. Faces of clients are deliberately blurred to protect their identity;
6. Limited capacity of staff to effectively implement a holistic approach to rehabilitation programmes that are informed by gender-specific risks and needs assessment;
7. Limited capacity of staff to address the gender-specific treatment needs of women offenders, consisting of 126,183 individuals. Data obtained from the Profile of Clients 2020 revealed that women clients composed 13,294, or 10.35 per cent, of the total number of clients for the year 2020.





At the moment, the Agency has no gender-specific treatment programmes for women offenders. Such programmes are being advanced by international standards like the Standard Minimum Rules for Non-custodial Measures on the Treatment of Offenders (the Tokyo Rules), the Beijing Platform for Action, the United Nations Minimum Rules for the Treatment of Offenders (the Mandela Rules) and the United Nations Rules for the Treatment of Women Offenders (the Bangkok Rules). While it is true that in some regions, these international mandates are being cascaded to implementers for the purpose of creating or enhancing awareness, still there is no specific programme design on how to implement or translate these principles into activities or session plans as to form a component of the intervention programme for offenders.

<b>DISTRIBUTION BY SEX</b>				
<b>Sex</b>	<b>Probationers</b>	<b>Parolees</b>	<b>Pardonees</b>	<b>Total</b>
<b>Male</b>	<b>99,902</b>	<b>12,823</b>	<b>164</b>	<b>112,889</b>
<b>Female</b>	<b>11,777</b>	<b>1,517</b>	<b>0</b>	<b>13,294</b>
<b>Total</b>	<b>111,679</b>	<b>14,340</b>	<b>164</b>	<b>126,183</b>

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This international training, therefore, is a welcomed opportunity to the author, who is a Gender and Development advocate. Incidentally, Gender and Development is a programme that is being advanced by the Philippine Commission on Women pursuant to Republic Act 9710, otherwise known as The Magna Carta of Women. RA 9710 defines Gender and Development as the development perspective and process that is participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potential. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices and contends that women are active agents of development, not just passive recipients of development (pcw.gov.ph).

GAD was introduced in 1995 through Executive Order No. 273 – Approving and Adopting the Philippine Plan for Gender-Responsive Development (PPGD) 1995-2025. The PPGD 1995-2025 is a 30-year perspective plan that outlines the policies, strategies, programmes and projects that the government must adopt to enable women to participate in and benefit from national development, while EO 273 directs all government agencies, departments, bureaus, offices and instrumentalities, including government owned and controlled corporations, at the national level, sub-national and local levels:

1. To take appropriate steps to ensure the full implementation of the policies/strategies and programmes/projects outlined in the Plan;
2. To institutionalize GAD efforts in government by incorporating GAD concerns, as spelled out in the Plan, in their planning, programming and budgeting processes.

A more recent issuance on the matter is Memorandum Circular No. 2011-01: Guidelines for the Creation, Strengthening, and Institutionalization of the GAD Focal Point System, the purpose of which is: To provide guidelines and procedures for the establishment, strengthening and institutionalization of the GAD Focal Point System (GFPS) in constitutional bodies, government departments, agencies, bureaus, SUCs, GOCCs and all other government instrumentalities; and to clarify the roles and responsibilities, composition and structure of the GFPS to enable it to function as a mechanism for catalysing and accelerating gender mainstreaming in the agency towards the promotion of Gender Equality and Women's Empowerment (pcw.gov.ph).

In compliance with this requirement, the Agency has created national and regional GAD committees to lead in the mainstreaming of gender perspectives in order to promote and fulfil women's human rights and eliminate gender discrimination in the Agency's programmes, projects and activities and assess the gender responsiveness of the systems, structures, policies, programmes and procedures, among others.

At present the PPA is at the end stages of programme development of treatment programmes informed by the Classification and Risk Needs Assessment (CARAT) tool, namely:

- 1) Livelihood and Employment Program (LEP) – designed to provide technical skills and capacities to clients to enable them to be self-sustaining and productive citizens.
- 2) I CARE Program – I am Committed, Accountable, Responsible, and Empowered (Criminogenic Anti-Social Personality Pattern) Program – tailored for clients with anti-social personality pattern, which aims to increase self-awareness and enhance personal competency to manage negative behaviours.
- 3) “*Hulagpos*” Breaking Free from Drugs Program – intends to eliminate drug dependence of clients and encourage lifestyle change that is free from drugs.

The above-mentioned programmes were crafted as the result of assessment conducted among practitioners as to what kinds of intervention programmes are the most needed by clients. Unfortunately, the needs of women offenders were overlooked.

## IV. PROPOSED SOLUTIONS

### A. Programme Development

1. Development of a gender responsive approach in the treatment of women offenders that looks into the realities of women's lives, their strengths and challenges. A gender responsive approach will necessarily include looking into programme development, content, material, programme site and infrastructure as well as staff competency and selection. Guided by the Guiding Principles and Strategies for Effective System Change by Dr. Stephanie Covington, treatment programmes for women offenders should be gender specific, sensitive and responsive. They should be based on safety, respect, dignity and cultural sensitivity not only for women clients but also for CICLs and other people impacted by the offence, including the community. It should address substance use disorders, trauma and mental health issues and should provide women with opportunities to improve their socio-economic conditions.
2. Designing of intervention programmes based on Women's Risk-Needs Assessment (WRNA) by the Technical Working Group.
3. Programme development for capacity-building training for implementers on GR Risk Needs Assessment and gender-specific treatment programmes for women officers.
  - The training syllabus should include: Understanding trauma and victimization, GR criminogenic risk assessment, GR case management, among others.
4. Training for implementers.
5. Pilot run of WRNA and GR Treatment Program for women offenders.
6. Assessment and evaluation of the result of pilot implementation.
7. Programme improvement and recommendations based on the result of programme evaluation conducted.
8. Nation-wide implementation of WRNA and GR treatment programme to all women-offender clients of the PPA.
9. Monitoring and evaluation.
10. Documentation and benchmarking of best practices to guide recommendations for continual improvement.

### B. Systems Improvement

1. Digitization of Records and Information Systems – (in addition to the existing data systems which are already in place) enhancement of data systems that will enable the auto generation of required reports like Sex Disaggregated Data (SDD), Socio Demographic Profile (SDP) and Client's Profile (CP), and the use of data derived from these reports, to assess, identify, plan and design appropriate intervention programmes for women offenders. As a GAD programme requirement, periodic reports on SDD and SDP of clients are being submitted by all field offices; however, these reports are not utilized enough to determine the kind of rehabilitation programmes that are applicable to clients. Fortunately, there is now an ongoing study and pilot test of intervention programmes based on the Classification Risk Needs Assessment Tool (CARAT), but gender-specific needs of women offenders are still not among the programmes that were crafted by the national Technical Working Group. This programme is sponsored by UNODC and UNAFEI.
2. Fast tracking the improvement of the digitization programme in order to do away with manual encoding of Sex Disaggregated Data (SDD), Client's Profile (CP) and Socio-Demographic Profile (SDP)



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reports. Manual preparation of these reports and all other periodic reports aggravate the volume of caseload, insufficient personnel compliment that results in the delay in report submission. This is noted in almost all of the field offices of the Agency. Also, the data may not be 100% accurate due to many factors. In order to address these issues and to lessen the workload and ensure accuracy and timeliness of reports, it is proposed that the Post Sentence Investigation Report should be linked to the existing data system to auto generate SDD reports, whereas SDP reports could be auto generated once the client is granted probation or parole, while accomplishment of the client's Worksheet (interview sheet) could auto-populate Records Check (RC) requests and Client's Profile. RC and initial CP, therefore, are dependent on the accomplishment of the Worksheet, as SDD is to PSIR completion, whereas SDP is dependent on a grant of probation (Probation Order from the Court). In this way, personnel could focus on more important tasks of rehabilitation of clients and community building.

### **C. Human Resource Development**

The Parole and Probation Administration shall conduct periodic human resource development and management assessment in the following areas:

1. Adequate facilities, equipment and resources to enable process owners to render responsive and efficient rehabilitation service to clients;
2. Staffing patterns and standards of work to ensure that the clients receive quality service;
3. Upgrading of work conditions and reclassification of positions to accurately reflect the functions and responsibilities of probation officers as Parole and Probation Officers and to correct the disparity vis-à-vis other professions;
4. Opportunities for Probation and Parole Officers to grow professionally and to reach their potentials, to enable them to experience a sense of self-worth and dignity in their work;
5. Provision of funds for trainings, conventions, seminars, conferences and similar activities for Parole and Probation Officers as part of their continuing professional growth;
6. Provision of mechanisms for democratic consultations.

### **D. Modernization of Strengthening of the Parole and Probation System**

One of the biggest issues faced by the Philippine Corrections system is the overcrowding of jails and prisons. The congestion rate was registered at 403 per cent in 2020, equivalent to 115,336 prisoners occupying facilities meant only for 34,893 people, the COA said in its report for BJMP.

Severe overcrowding of jails leads to dehumanization of persons deprived of liberty (PDL). Deaths, serious illness, poor and dirty living conditions and inmate violence are among the consequences of overcrowding in jails. Unresolved probation and parole/executive clemency cases contribute to the high volume of pending cases awaiting resolution.

Release in the community through probation and parole is not only recognized as a tool for rehabilitating clients and preparing them for their eventual reintegration into the community. To realize the ends that the Agency seeks to achieve, it needs the necessary support and infrastructure. The passage of the proposed bill "Magna Carta of Parole and Probation Workers", which is now reworded to "An Act Strengthening the Parole and Probation Administration and Providing Funds Therefor" is hoped to address the lack of manpower, the sad plight of the already overworked staff, professionalize the service and enhance digitization capability of the Agency.