

OVERVIEW OF THE COMMUNITY-BASED TREATMENT SYSTEM OF THE PHILIPPINES

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I. INTRODUCTION TO COMMUNITY-BASED TREATMENT IN THE PHILIPPINES

A. Historical Development of Community-Based Treatment

The community-based treatment of offenders in the Philippines is governed by Presidential Decree No. 968 (PD 968) promulgated on July 24, 1976.

Probation was first introduced in the Philippines during the American colonial period (1898-1945) with the enactment of Act 4221 on August 7, 1935 by the Philippine legislature. This law created a Probation Office under the Department of Justice. However due to some defects in its procedural framework, it was declared unconstitutional by the Supreme Court on November 16, 1937 after barely two years of existence.

On July 24, 1976, Presidential Decree No. 968, also known as Adult Probation Law of 1976, was signed into law by the President of the Philippines, His Excellency Ferdinand E. Marcos. The law gave birth to the Probation Administration, a line agency under the Department of Justice.

The operation of the probation system in 1976-1977 was a massive undertaking during which all judges and prosecutors nationwide were trained in probation methods and procedures; administrative and procedural manuals were developed; probation officers were recruited and trained; and the central office and also the probation field offices were organized throughout the country, and on January 3, 1978, the probation system started to operate in the entire country of the Philippines. At present there are 183 field offices spread all over the country supervised by 16 regions.

B. Legal Basis of Community-Based Treatment

- Presidential Decree No. 968 or the Adult Probation Law of 1976
- Administrative Code of 1987
- Board of Pardons and Parole Resolution No. 229, dated April 2, 1991
- Republic Act 6425, the Dangerous Drugs Act of 1972
- Juvenile Justice and Welfare Act of 2006.

C. Organization and Personnel

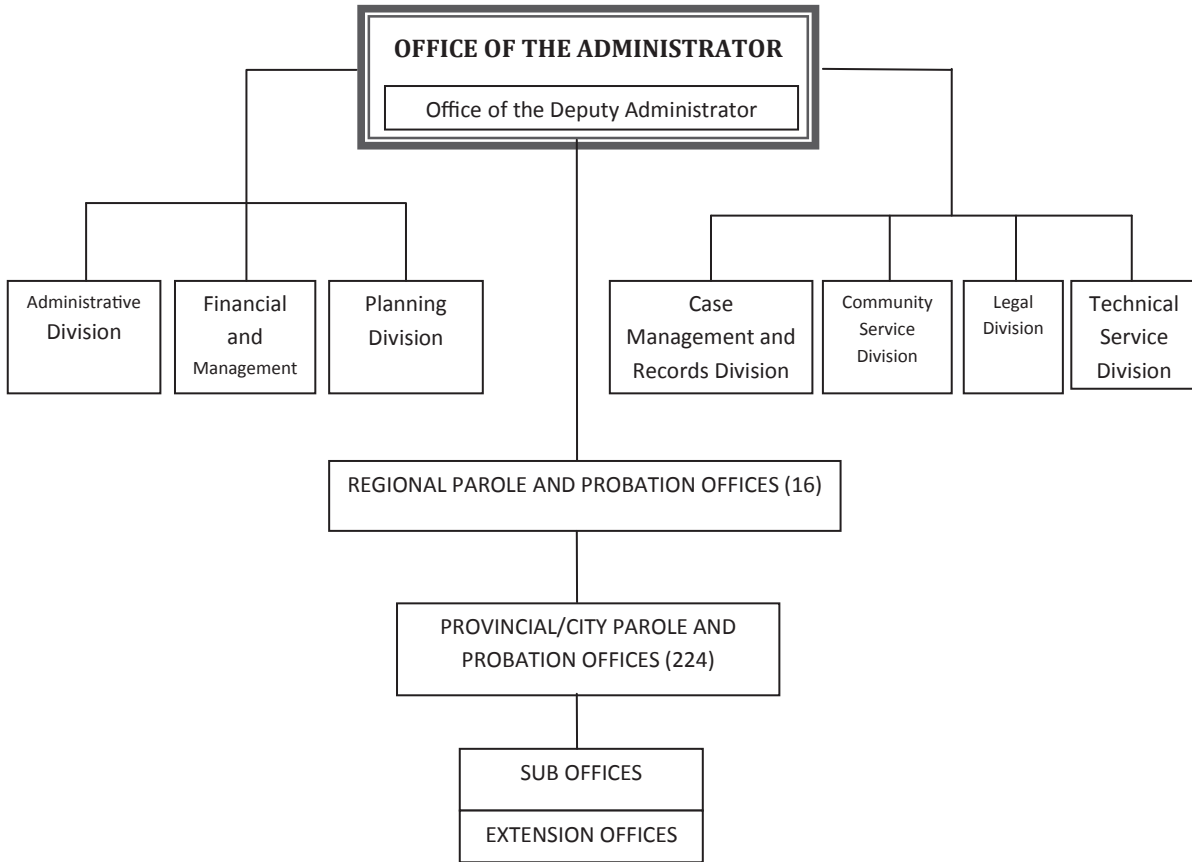
1. Organization

The Parole and Probation Administration is a line-bureau type of organization created under the Department of Justice. To carry out the objectives of the Probation Law of 1976, the Administration was organized in 15 Regional Offices and Provincial/City Probation and Parole offices with a total of 183 Probation and Parole Offices nationwide.

The Administration has seven divisions which consist of the following: Administrative, Legal, Finance and Management, Planning, Community Service, Technical Service, and Case Management and Records.

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**PAROLE AND PROBATION ADMINISTRATION
ORGANIZATIONAL CHART**



Four staff divisions, namely, Administrative, Planning, Finance and Management, and Legal perform staff functions that are primarily designed for the internal affairs of the Administration's offices. They are concerned with the day-to-day operations essential for the orderly and effective management of the Administration's activities.

On the other hand, technical services are done by three divisions namely, Case Management and Records, Community Service and Technical.

In the front-line services, the Regional Parole and Probation Office serve as the administrative and support services and supervise the overall operations of the Region. Provincial and City Parole and Probation Offices conduct the primary services, which are investigation and supervision of offenders placed under probation and parole.

The personnel complement of each field office varies. In Region 12 alone there are field offices that have only one or two Probation and Parole Officers with supervision caseloads of about 150 to 250.

2. Personnel

In general, appointments of personnel at the Parole and Probation Administration are in accordance to merit and fitness following the Civil Service Law and Rules. Entry qualifications for probation and parole officers are that they must be at least 25 years of age, satisfy the minimum educational requirement of a bachelor's degree with a major in social work, sociology, psychology, criminology, penology, corrections, police administration, public administration, or related fields and have no criminal record.

3. Training of Personnel

The training unit of the Parole and Probation Administration is primarily responsible for providing training in specific professional courses and developing programmes of trainers, and such training courses

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are conducted as in-house programmes. Where there are available specialized trainings offered by other government or non-government agencies, selected personnel are authorized to attend or enroll in said programmes with fees paid by the Parole and Probation administration.

Training in specific skills is done based on the needs of the employee but the agency has an initial training programme mandatory for all newly hired employees. These are Employee Orientation Courses for all newly hired employees and the Parole and Probation Officers Basic Course for newly appointed probation and parole officers.

<u>Actual Working Staff as of January 31, 2014</u>		
Probation and Parole Officers	-	887
Lawyers	-	5
Administrative	-	404
Total	-	1,296

D. Main Tasks

1. Post-Sentence Investigation

After conviction and sentence, an offender or his counsel files a petition for probation with the trial court, which in turn orders the probation officer to conduct a post-sentence investigation to determine whether or not an offender may be placed on probation. The grant of probation is presumed upon three conditions: 1.) An application for probation by the offender 2.) An investigation conducted by the probation and parole officer 3.) a determination by the court that the ends of justice and the best interest of the public as well as the offender shall be served thereby. The grant of probation in effect suspends the execution of the sentence of imprisonment.

2. Pre-Parole Investigation

In Resolution No. 229, the Board of Pardons and Parole on April 22, 1991 directed the Parole and Probation Administration to conduct pre-parole investigation of all sentenced prisoners confined in prisons and jails within their jurisdiction. The purpose is to determine whether offenders in prison may be qualified for parole or any form of executive clemency and to discuss with them their plan after their release. The probation and parole officers submit their pre-parole assessment report to the Board of Pardons and Parole.

Offenders sentenced under the Indeterminate Sentence Law are eligible for parole after serving the minimum sentence. The Rules of the Board of Pardons and Parole also provide that they may be considered for conditional pardon after serving one-half of their minimum sentence.

3. Supervision of Offenders

The Parole and Probation Administration supervises two types of offenders on conditional release: (1) probationers or persons placed under probation by the courts and, (2) parolees, pardonees or prisoners released on parole or conditional pardon and referred by the Board of Pardons and Parole to the Parole and Probation Administration.

E. Probation and Parole Supervision

1. Types of Community Measures/Orders

Type	Description/Eligible Offender	Sentencing/Authority	Supervision/Treatment Period
Adult Probation	Persons Under Suspension of Execution of Sentence	Criminal Court	Maximum of six years
Parolees	Conditional release of prisoner from correctional institution after serving the minimum prison sentence	Board of Pardons and Parole	Expiration of the maximum sentence
Conditional Pardonees	Prisoners who have served at least one half of the maximum of the original prison term	Office of the President	As recommended by the Office of the President

2. Conditions of Probation

The grant of probation is accompanied by the conditions imposed by the court. There are two types of conditions that must be adhered to. These are the general mandatory conditions and the discretionary conditions, which are both incorporated in every probation order issued by the court.

(a) Mandatory Conditions

The mandatory conditions require that the probationer shall (a) present himself to the probation officer assigned to undertake the supervision at each place as may be specified in the order within 72 hours from receipt of said order; and, (b) report to the probation officer at least once a month at such time and place as specified by said order.

(b) Discretionary Conditions

Discretionary conditions are those additional conditions imposed on the probationer which are geared towards his correction and rehabilitation outside of prison and in the community in which the probationer resides. The court may require the probationer to: (a) cooperate with a programme of supervision through a therapeutic community modality; (b) meet his family responsibilities; (c) devote himself to a specific employment and not to change said employment without the prior written approval of the probation officer; (d) undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose; (e) pursue a prescribed secular study or vocational training; (f) attend or reside in a facility established for instruction, creation or residence or persons on probation; (g) refrain from visiting houses of ill-repute; (h) abstain from drinking intoxicating beverages in excess; (i) permit the probation officer or an authorized social worker to visit his home or place of work; (j) reside at the premises approved by it and not change his residence without prior written approval; or (k) satisfy any other condition related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

A violation of any of the conditions may lead either to a more restrictive modification of the same or the revocation of the grant of probation. Consequent to the revocation, the probationer will have to serve the sentence originally imposed.

3. Implementation of Probation and Parole Supervision

(a) Modification of conditions of probation

During the period of probation, the court may, upon application of either the probationers or the probation officer, revise or modify the conditions or period of probation. The court shall notify either the probationer or the probation officer of the filing of such an application so as to give both parties an opportunity to be heard thereon. The court shall inform the probation officer and the probationer in writing of any change in the period or conditions of probation.

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(b) Transfer of Residence

The probationer and his probation programme shall be under the control of the court which placed him on probation subject to actual supervision and visitation by a probation officer. Whenever a probationer is permitted to reside in a place under the jurisdiction of another court, control over him shall be transferred to the executive judge of the regional trial court of that place, and in such a case, a copy of the probation order, the investigation report and other pertinent records shall be furnished to said executive judge.

The transfer of residence of a parolee or pardonee is requested by the Supervising Probation and Parole Officer to the Chief Probation and Parole officer; said request is forwarded to the Board of Pardons and Parole for an issuance of a board resolution approving the request of transfer of residence.

(c) Revocation

At any time during probation, the court may issue a warrant for the arrest of a probationer who, once arrested and detained, shall immediately be brought before the court for a hearing of the violation charged. If the violation is established, the court may revoke or continue his probation and modify the conditions thereof. If revoked, the court shall order the probationer to serve the sentence originally imposed.

Once a parolee/pardonee commits an infraction on the conditions embodied in their discharge on parole/conditional pardon, the supervising probation and parole officer shall prepare an infraction report for the Board of Pardons and Parole through the Technical Service Division of the agency to be submitted to the Board of Pardons and Parole for its approval.

(d) Termination of Probation/Parole

After the period of probation and upon consideration of the report and recommendation of the probation officer, the court may order the final discharge of the probationer upon finding that he has fulfilled the terms and conditions of his probation and thereupon the case is deemed terminated.

In the case of parole, the Supervising Probation and Parole Officer prepares the Summary Report upon expiration of the maximum sentence as stated in the Discharge on Parole/Conditional Pardon and submitted to the Chief Probation and Parole Officer and thereafter to the Technical Service Division and said division to submit to the Board of Pardons and Parole for an issuance of a resolution of termination.

4. Assessment, Classification and Level of Supervision of Probationers and Parolees

The standards of criteria of case classification of offence are: individual characteristics/personality problems, education, motives, and, employable skills.

(a) Levels of Supervision

(i) Maximum Supervision

This requires personal contact at least once a week with the probationer/parolee including at least a once a month report in person at the probation office to attend to the ladderized therapeutic community programme. This also requires multiple services from the probation office and the community resources available. The probation officers provide their clients with services such as employment assistance, vocational training, education, medical assistance and seed money for livelihood activities and home industries.

(ii) Medium Supervision

This requires once a month personal contact with the probationer/parolee and attendance of a therapeutic community ladderized programme and few services from the probation office and/or community resources.

(iii) Minimum Supervision

This requires once a month personal contact and attendance of the therapeutic community ladderized programme.

F. Halfway Houses

The Parole and Probation Administration is constructing a halfway house in Guimaras, Region VI. However, since the building is still under construction, it is not yet operational.

On October 23, 2013, the Parole and Probation Administration, as the first party, the Board of Pardons and Parole as the second party and the Sikatuna First Baptist Church as the third party entered into a Memorandum of Agreement where the Sikatuna First Baptist Church at Quezon City agreed to serve as a halfway house for the reintegration of parolees/pardonees who have been recently released from prison or jail to the community. They shall provide active rehabilitation treatment programmes for residents and non-residents such as counselling, socialization and livelihood projects.

G. Specific Measures / Programmes of Community Corrections

1. Therapeutic Community Ladderized Program (TCLP)

The Therapeutic Community Ladderized Program integrates TC tools, norms and methods with probation and parole requirements, implemented in progressive phases within the non-residential community based setting of the Parole and Probation Administration programme for clients.

2. Restorative Justice

Restorative justice is the philosophical foundation of the rehabilitation programme of the agency through processes such as mediation, conferencing and circles of support.

II. PARTICIPATION OF THE COMMUNITY

A. Volunteer Probation Aides

1. Mission

To promote the rehabilitation and development of Parole and Probation Administration Clients through a competent corps of volunteers using a holistic approach in volunteer and community resource development.

2. Status

The volunteer probation aides do not receive any regular compensation for services rendered except for a reasonable travel allowance when they supervise an assigned probationer, parolee at a maximum of five clients. They hold office for a period of five years.

3. Main Tasks

- (a) To amplify the extent of services rendered to the clients in an effective yet economical means through the use of volunteers;
- (b) To develop a competent corps of Volunteer Probation Aides who will assist Parole and Probation Administration Officers in the effective supervision of its clients;
- (c) To inculcate greater citizen awareness and understanding of the criminal justice system and its components;
- (d) To enhance community participation in crime prevention, treatment of offenders and criminal justice administration; and
- (e) To foster an attitude of meaningful involvement in the social, economic, cultural and political affairs of the community.

4. Appointment/Recruitment

A. Strategies for Recruitment

1. Public Information Campaign/Information Drive

- a. Identification of possible candidates through personal invitation, informal interview, referrals, letters to interested applicants from all sectors.
- b. Conduct preparatory meetings with field officers on information drives.

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- c. Schedule orientation or briefing of potential Volunteer Probation Aide candidates.
 - d. Aim for quality candidates rather than quantity
 - e. Recruit individually rather than in a group.
2. Establishment of Linkages
 - a. Referral system
 - b. Courtesy calls to heads of organizations (GO/NGO) regarding Volunteer Probation Aide Program Identification and Exploration of Possible volunteers during field work or home visits to clients.
 3. Preference in Recruitment
 - a. Seek candidates with character, competence and commitment
 - b. Seek candidates with strong involvement in community, civic, social or religious affairs
- B. Screening/Selection of Volunteer Probation Aides
1. Qualifications of Volunteer Probation Aides
 - a. Preferably 35 years or older
 - b. A reputable member of the community and of good moral character
 - c. Preferably a resident of the same community as the client
 - d. Preferably with adequate source of income or financially stable
 - e. Willing to serve without compensation
 - f. Willing to prepare reports
 - g. No criminal record or conviction except former clients with exemplary behavior who are fit to be role models.
 - h. In good health
 2. Requirements
 - a. Duly completed Volunteer Probation Aide application form with two ID pictures
 - b. Certification of Barangay Chairman as to place of residence
 - c. Endorsement of and/or certification of Chief of Probation and Parole Officer/Officer in Charge based on background investigation.
 - d. Recommendation of the Regional Director/Regional Officer-In-Charge
 3. Appointment Procedure
 - a. Candidate accomplishes the Volunteer Probation Aide application form
 - b. Officer conducts background investigation

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- c. Chief of Probation and Parole Officer/Officer-in-Charge endorses application with required documents to the Regional office.
- d. Regional Director/Regional Officer-in-Charge recommends application to the Administrator.
- e. Community Service Division reviews and evaluates application form and attachments, and prepares appointment.
- f. Administrator signs appointment for a five year term.
- g. Community Service Division officially notifies the Regional Directors of Volunteer Probation Aide's appointment
- h. Department of Justice Secretary attests appointment
- i. Volunteer Probation Aide takes an Oath of Office administered by the Chief of Probation and Parole Officer/Officer-in-Charge concerned.
- j. Parole and Probation Administration issues Volunteer Probation Aide Identification Card to be surrendered upon termination or revocation of appointment, or upon renewal of Identification Card.

4. Capacity Building and Training

The training course is focused on the areas where the Volunteer Probation Aide needs some knowledge, namely:

- a. Probation—The mandate, objectives, principles and methods as embodied in Presidential Decree No. 968 and its amendments.
- b. Basic Volunteer Probation Aide Course—The rationale for volunteer services, mechanics of probation supervision work, duties, and functions and responsibilities of a volunteer probation aide.
- c. Therapeutic Community Modality
- d. Restorative Justice

III. STATISTICS

Number of Offenders (As of 2013)

(A) Total Admission Number

PROBATIONERS	PAROLEES	PARDONEES	TOTAL
29,236	13,758	408	43,402

(B) Number by Type of Offense (As of 2013)

CRIMES	PROBATIONERS	PAROLEES	PARDONEES	TOTAL
Crimes Against Public Interest	342	1	0	343
Crimes and Relative to Opium and Other Prohibited Drugs	8,976	55	26	9,057
Crimes Against Persons	6,468	8,500	210	15,178

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Crimes Against Property	5,538	3,139	85	8,762
Crimes Against Chastity	1,523	452	28	2003
Crimes Against Security	690	0	0	690
Crimes Against Honor	538	55	0	593
Crimes Against Special Laws	4,937	1,431	37	6,405
Crimes Against Public Officer	67	98	0	165
Crimes Against Public Ordinance	28	21	22	71
Crimes Against Public Morals	22	1	0	23
Multiple Crimes	107	0	0	107
Crimes Against Public Order	0	5	0	5
Crimes Against Liberty	0	0	0	0
Crimes Against The Civil Status of Persons	0	0	0	0
TOTAL	29,236	13,758	408	43,402

● Number by Gender (as of 2013)

SEX	PROBATIONERS	PAROLEES	PARDONEES	TOTAL
Male	26,208	13,448	392	40,048
Female	3,028	310	16	3,354
TOTAL	29,236	13,758	408	43,402

A. Recidivism Rate - Within 1 year
 PROBATIONERS - 1.96%
 PAROLEES - 1.25%
 PARDONEES - 0.49%

B. Number of Personnel
 No. of Probation and Parole Officers (as of January 2014) - 887
 No. of Volunteer Probation Aides (as of March 2014) - 13,507

C. Average Caseload
 Avg. No. of Cases Handled per PPO - 48

D. Budget
 The Budget released by the Department of Budget and Management for the Volunteer Probation Aide Program of the Parole and Probation Administration is P5,470,000.00