

Presidential Decree No. 1257, s. 1977

Signed on December 1, 1977 (<https://www.officialgazette.gov.ph/1977/12/01/presidential-decree-no-1257-s-1977/>).

MALACAÑANG MANILA

PRESIDENTIAL DECREE No. 1257

AMENDING CERTAIN SECTIONS OF PRESIDENTIAL DECREE NUMBERED
NINE HUNDRED AND SIXTY-EIGHT, OTHERWISE KNOWN
AS THE PROBATION LAW OF 1976.

WHEREAS, the need to strengthen certain provisions of Presidential Decree No. 968, otherwise known as the Probation Law of 1976, has surfaced in the nationwide seminars which introduced said law to judges, fiscals and private law practitioners;

WHEREAS, meeting such need would better ensure the achievement of its laudable objectives;

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

Section 1. Section 4 of Presidential Decree No. 968, otherwise known as the Probation Law of 1976, is hereby amended to read as follows:

“Sec. 4. Grant of Probation. Subject to the provisions of this Decree, the court may, after it shall have convicted and sentenced a defendant but before he begins to serve his sentence and upon his application, suspend the execution of said sentence and place the defendant on probation for such period and upon such terms and conditions as it may deem best.

The prosecuting officer concerned shall be notified by the court of the filing of the application for probation and he may submit his comment on such application within ten days from receipt of the notification.

Probation may be granted whether the sentence impose a term of imprisonment or a fine with subsidiary imprisonment in case of insolvency. An application for probation shall be filed with trial court, with notice to appellate court if an appeal has been taken from the sentence of conviction. The filling of the application shall be deemed a waiver of the right to appeal, or the automatic withdrawal of a pending appeal. In the latter case however, if the application is filed on or after the date of the judgment of the appellate court.

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

Section 2. The first paragraph of Section 7 of the same Decree is hereby amended to read as follows:

“Sec. 7. Period for Submission of Investigation Report. The probation officer shall submit to the court the investigation report on a defendant not later than sixty days from receipt of the order of said court to conduct the investigation. The court shall resolve the application for probation not later than fifteen days after receipts of said report.”

Section 3. Section 15 of the same Decree is hereby amended to read as follows:

“Sec. 15. Arrest and Probationer; Subsequent Disposition. At any time during probation, the court may issue a warrant for the arrest of a probationer for any serious violation of the conditions of probation. The probationer, once arrested and detained, shall immediately be brought before the court for a hearing of the violation charged. The defendant may be admitted to bail pending such hearing. In such case, the provisions regarding release on bail of persons charged with a crime shall be applicable to probationers arrested under this provision.

In the hearing, which shall be summary in nature, the probationer shall have the right to be informed of the violation charged and to adduce evidence in his favor. The court shall not be bound by the technical rules of evidence but may be inform itself of all the facts which are material and relevant to ascertain the veracity of the charge. The State shall be represented by a prosecuting officer in any contested hearing. If the violation is established, the court may revoke or continue his probation and modify conditions thereof. If revoked, the court shall order the probationer to serve the sentence originally imposed. An order revoking the grant of probation or modifying the terms and conditions thereof shall not be appealable.”

Section 4. Section 33 of the same Decree is hereby amended to read as follows:

“Sec. 33. Effectivity. This Decree shall take effect upon its approval: Provided, However, That the application of its substantive provisions concerning the grant of probation shall only take effect on January 3, 1978.”

Section 5. This Decree shall take effect immediately.

Done in the City of Manila, this 1st day of December, in the year of Our Lord, nineteen hundred and seventy-seven.

(Sgd.) **FERDINAND E. MARCOS**

By the President:

(Sgd.) JACOBO C. CLAVE

Presidential Executive Assistant

Source: **Malacañang Records Office**

RESOURCES

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