

17 When may a prisoner be granted parole?

Whenever the Board of Pardons and Parole finds that there is a reasonable probability that, if released, the prisoner will be law-abiding and that the release will not be incompatible with the interest and welfare of society.

18 What happens if a parolee violates the conditions of the parole?

The parolee shall be arrested and recommitted or returned to prison to serve the unexpired portion of the maximum period of the sentence.

19 Who may file a petition for conditional pardon?

A prisoner who has served at least one-half (1/2) of the maximum of the original indeterminate and/or definite prison term.

20 Who may grant commutation of sentence and pardon?

The President of the Philippines.

21 Who may file a petition for commutation of sentence?

The Board may review the petition of a prisoner for commutation of sentence if the following minimum requirements are met:

(a) At least one-third (1/3) of the definite or aggregate prison terms;

(b) At least one-half (1/2) of the minimum of indeterminate or aggregate minimum of the indeterminate prison term.

(c) At least ten (10) years for inmates sentenced to one (1) Reclusion Perpetua or one (1) life imprisonment, for crimes/offenses not punishable under Republic Act No. 7659 and other special laws.

(d) At least thirteen (13) years, for inmates whose indeterminate and/or definite prison term were adjusted to a definite prison term of forty (40) years in accordance with the provisions of Article 70 of the Revised Penal Code, as amended;

(e) At least fifteen (15) years for inmates convicted

of heinous crimes as defined in Republic Act No. 7659 committed on or after January 1, 1994 and sentenced to one (1) Reclusion Perpetua or one (1) life imprisonment;

(f) At least eighteen (18) years for inmates sentenced to Reclusion Perpetua or life imprisonment for violation of RA 6495, as amended, otherwise known as "The Dangerous Drugs Act of 1972", or RA 9165, also known as "The Comprehensive Dangerous Drugs Act of 2002", and for kidnapping for ransom, or violation of the laws on terrorism, plunder, and transnational crimes;

(g) At least twenty (20) years, for inmates sentenced to two (2) or more Reclusion Perpetua or life imprisonment even if their sentences were adjusted to a definite prison term of forty (40) years in accordance with the provisions of Article 70 of the Revised Penal Code, as amended;

(h) At least twenty-five (25) years for inmates originally sentenced to death penalty but which was automatically reduced or commuted to Reclusion Perpetua or life imprisonment.

22 Who may file a petition for ABSOLUTE PARDON?

One may file a petition for absolute pardon if the maximum sentence is served or granted final release and discharge or court termination of probation.

23 Is a prisoner who is released on parole or conditional pardon with parole conditions placed under supervision?

Yes, the prisoner is placed under the supervision of a probation and parole officer.



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PRIMER ON PROBATION, PAROLE, AND EXECUTIVE CLEMENCY

1 What is PROBATION?

By probation, a person who is convicted of a criminal offense is not sent to prison by the sentencing court. Instead, the convicted person is released and placed under the supervision of a probation officer subject to the conditions, which the court may impose.

2 Is probation a right?

No, it is a privilege.

3 Who can apply for probation?

Any first time convicted offender who is above seventeen (17) years of age and not disqualified.

4 Who cannot be granted probation?

(1) Those sentenced to serve a maximum term of imprisonment of more than six (6) years;

(2) Those who are convicted of any crime against the national security;

(3) Those who have previously been convicted by final judgment of an offense punished by imprisonment of more than six (6) months and one (1) day and/or a fine of more than one thousand (Php1,000.00) pesos;

(4) Those who have been once on probation under the provisions of this Decree; and

(5) Those who are already serving sentence at the time the substantive provisions of this Decree became applicable pursuant to Section 33 thereof.

5 Will probation be automatically granted to one whose sentence is six (6) years or less?

No, the court may deny the application if:

(1) The offender would be better rehabilitated in prison to serve the sentence;

(2) There is undue risk that the offender will likely

commit another crime;

(3) Probation will depreciate the seriousness of the crime committed.

6 Where and when shall the application for probation be filed?

The application shall be filed with the court that tried and sentenced the offender at any time after conviction and sentence but within fifteen (15) days after promulgation of judgment.

7 May an accused in a joint trial apply for probation even if the other co-accused appealed their conviction?

Yes! In a case involving several defendants where some have taken further appeal, the other defendants may apply for probation submitting a written application and attaching thereto a certified true copy of the judgment of conviction.

8 What will happen if the application for probation is denied?

The offender will be sent by the sentencing court to prison to serve the sentence.

9 May an offender be released from confinement while the application for probation is pending?

Yes, the applicant may be released under the bail filed in the criminal case, or under recognizance.

10 How long is the period of probation?

Not more than two (2) years if the sentence of the offender is one (1) year or less; and not more than six (6) years if the sentence is more than one (1) year.

11 How many times can one be granted probation?

Only once.

12 What conditions are imposed by the court on an offender who is released on probation?

(1) To report to the probation officer within seventy-two (72) hours after receiving the order of the court granting probation;

(2) To report to the probation officer at least once a month;

(3) Not to commit any other offense while on probation;

(4) Comply with any other condition imposed by the court.

13 What will happen if a probationer violates the conditions of probation?

The court may modify the conditions of probation or revoke the same. If the violation is serious, the court may order the probationer to serve the prison sentence. The probationer may also be arrested and criminally prosecuted if the violation is a criminal offense.

14 What is PAROLE?

It is the conditional release of a prisoner from correctional institution after serving the minimum period of prison sentence.

15 Who cannot be granted parole?

Generally, those sentenced to a term of imprisonment of one (1) year or less, or to a straight penalty, or to a prison sentence without a minimum term of imprisonment.

16 Who may grant parole to a prisoner?

The Board of Pardons and Parole, an agency under the Office of the Secretary of Justice.