



Republic of the Philippines
Office of the President
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**BOARD REGULATION No. 2
Series of 2006**

SUBJECT: REGULATION GOVERNING THE IMPLEMENTATION OF SECTION 57 (PROBATION AND COMMUNITY SERVICE UNDER THE VOLUNTARY SUBMISSION PROGRAM) AND SECTION 70 (PROBATION OR COMMUNITY SERVICE FOR A FIRST-TIME MINOR OFFENDER IN LIEU OF IMPRISONMENT) OF RA 9165

WHEREAS, there is an urgent need to establish specific Rules and Procedures to govern the application of Section 57 and Section 70 of RA No. 9165 to clarify/explain the gray areas in their implementation in relation to the provisions of PD No. 968 as amended;

WHEREAS, the Dangerous Drugs Board as the policy-making and strategy-formulating body on drug prevention and control (Sec. 77, RA 9165) is primarily mandated to design and develop, after proper consultation and coordination with Agencies involved in drug abuse control, treatment and rehabilitation, both public and private, a national treatment and rehabilitation program for drug dependents including a standard aftercare and community service program for recovering drug dependents;

WHEREAS, the lack of specific rules defining the statutory responsibility of the Parole and Probation Administration and its relationship with other stakeholders in the implementation of the aforesaid provisions has created a vacuum which hinders the proper application of the said provisions;

NOW THEREFORE, this Board hereby adopts and consequently applies the following Regulation governing the implementation of Section 57 and Section 70 of RA 9165 or the Comprehensive Dangerous Drugs Act of 2002:

**ARTICLE I
GENERAL PROVISIONS**

Section 1. Scope – This Regulation shall be implemented in conformity with the applicable provisions of PD. No. 968, as amended; the Parole and Probation Administration (PPA) Omnibus Rules on Probation Methods and Procedures; and DDB Regulation No.1, s. 2006.

Section 2. Applicability – This Regulation exclusively shall apply only to natural persons covered by Section 57 and Section 70 of RA 9165, specifically;

- a. Those who have been discharged as rehabilitated by the DOH-Accredited Center under Voluntary Submission Programs, but failed to qualify for exemption from criminal liability under Section 55. As a consequence, they

were charged and convicted for violation of Section 15 of RA 9165, however, instead of serving sentence, they were placed on probation and required to undergo community service as an alternative to imprisonment.

- b. Those first-time minor offenders whose sentence was suspended pursuant to Section 66 of this Act. However, in view of their violation of the condition of their suspended sentence and the applicable rules and regulations of the Board exercising supervision and rehabilitative surveillance over them, including the rules and regulations of the Center should confinement be required, they are returned to the Court for the pronouncement of the sentence. The Court, in its discretion, may place the first-time minor offenders under probation even if the sentence actually imposed exceeds the maximum term of imprisonment covered by PD 968.

Section 3. Definition of Terms – As used in this Act, unless the context otherwise provides, the following terms shall mean as indicated:

- a. “Act” refers to Republic Act No. 9165, the Comprehensive Dangerous Drugs Act of 2002.
- b. “Board” refers to the Dangerous Drugs Board.
- c. “Administration” refers to the Parole and Probation Administration.
- d. “DSWD” refers to the Dept. of Social Welfare and Development.
- e. “DOH” refers to the Department of Health.
- f. “DDB Duly Recognized Representative under Section 57 and Section 70” refers to the Regional Director of the Parole and Probation Administration.
- g. “Center” refers to the treatment and Rehabilitation Center, whether public or private, for drug dependents.
- h. “Voluntary Submission Program” is an intervention activity whereby any drug dependent or any person who violates Sec. 15 of RA 9165, either by himself or through his parents, spouse, guardian or relative within the fourth degree of consanguinity or affinity, shall apply to the Board or its duly recognized representative, for treatment and rehabilitation. By virtue of such application, the Board or its duly recognized representative shall refer the matter to the Court which shall order that the applicant be examined for drug dependency by a DOH-accredited physician. If the result is positive, the Court shall issue an order for him to undergo treatment and rehabilitation in a center designated by the Board for a period of not less than six (6) months. However, in the absence of a center near or accessible to his residence or where such drug dependent is below 18 years of age, and a first-time offender, and non-confinement will not pose serious danger to his family or the community, the drug dependent may be placed under the care of the DOH-accredited physician. A drug dependent discharged as rehabilitated from the center shall be criminally exempt under Sec. 15 provided he satisfies the requirements under Section 55 of the Act.
- i. “First-time minor offenders” refers to a natural person who commits a crime or an offense in violation of the Act for the first-time when he is over 15 but under 18 when the decision should have been promulgated.

- j. "Community service" is a free public labor or work with therapeutic purpose as a sanction for an offense committed to be performed by an offender for the benefit of the community designed as an aftercare intervention program for the rehabilitation of offender placed on probation pursuant to Section 57 and Section 70 of the Act.
- k. "Petitioner" is a convicted defendant who files an application for probation.
- l. "Probationer" is a person placed on probation.
- m. "Probation" means a court disposition by which a defendant, after conviction and sentence, is released subject to conditions imposed by the Court and to the supervision of a Probation Officer.
- n. "Probation Officer" is a public officer who investigates a Court referral for probation or supervises a probationer or both, and likewise performs other related and necessary tasks as directed.
- o. "Probation Office" refers either to a Provincial or City Probation Field Office directed by the Court to investigate petitioner or supervise probationer as the case may be.

ARTICLE II PETITION FOR PROBATION

Section 4. Docket Book for Drug Cases – The Provincial and City Probation Offices shall maintain a separate docket book for purposes of recording all orders/referrals from the Courts of Law for the conduct of Post-Sentence Investigation (PSI) of drug cases.

Section 5. Intake Interview; Waiver – The Probation Officer assigned to conduct PSI shall conduct the initial intake interview of the petitioner not later than five (5) days after the petitioner's initial reporting at the Probation Office pursuant to the Order of the Court. In the absence of explicit order to report to the Probation Office contained in the Court Order, the Probation Officer shall invite the petitioner, personally or by mail, to appear before the Probation Officer for the intake interview within the aforementioned prescribed period. In the invitation, the petitioner shall be advised that he shall be accompanied by at least one member of his immediate family or, if there is none, by a responsible member of the community.

During the intake interview, the petitioner shall be required to accomplish and sign a Post-Sentence Investigation Worksheet (PPA Form No. 1), or if unable to do so, he shall be assisted by the Probation Officer designated to conduct the post-sentence investigation (PSI). The contents of the prescribed worksheet and other relevant and material information obtained during the interview shall be the bases of further investigation.

The Probation Officer shall likewise require petitioner to execute and sign a Waiver-Cum-Authorization (PPA Form No. 2-A, copy attached) authorizing the administration to secure any and all information pertaining to him, including matters about his confinement in a center if necessary. The data and information gathered during the post sentence investigation shall be treated with strict confidentiality. In the same document, the petitioner shall grant his consent to and/or be required, pending submission of the post-sentence investigation report (PSIR) and/or the resolution of the Trial Court, to be subjected to community-

based disposition measures, including but not limited to any or all of the following:

- a. Guidance and Counseling;
- b. Educational, vocational or life skills programs;
- c. Competency development;
- d. Socio-cultural and recreational activities;
- e. Community volunteer projects;
- f. Leadership Training; and
- g. Community and Family Welfare Services, and/or other treatment measures for the good of petitioner.

Section 6 Records Check - Within two (2) days after petitioner's initial intake interview, the investigating probation officer shall conduct records check with the following-named government offices/council:

- a. National Bureau of Investigation
- b. Regional Trial Courts/ Municipal Trial Courts
- c. Prosecution Service
- d. Police/Philippine Drug Enforcement Agency (PDEA)
- e. Barangay; and
- f. City/Municipal Anti-Drug Abuse Council *.

* In addition to the regular clearances required, this document shall validate petitioner's criminal record if any.

Section 7. Drug Test/ Drug Dependency Examination - When condition or need dictates, and in order to help the Trial Court in determining whether or not the grant of probation will serve the ends of justice and the best interest of the community as well as that of the petitioner, the Probation Officer conducting Post-Sentence Investigation (PSI) shall require petitioner to submit himself to drug test or drug dependency examination to be conducted by a Center or Office duly accredited by the Department of Health.

Section 8. Courtesy Investigation (CI) - Within two (2) days from the completion of the intake interview, the Probation Office shall send a request for courtesy investigation to another Probation Office when needed:

- a. Where petitioner is a permanent resident or has stayed for a substantial length of time; and
- b. Where petitioner frequently travels to a place or in connection with his work, business or for any reason.

Section 9. Collateral Information - During the conduct of the Post-Sentence Investigation (PSI), the Probation Officer shall likewise gather materials and relevant information from those responsible members of the community who have direct personal knowledge of the petitioner, his family members and/or his relatives. The purpose of the conduct of collateral investigation is to verify the following:

- a. Qualifications and suitability of the petitioner and his possible response to the program;
- b. Attitude of petitioner towards the offense and the degree of remorse;
- c. Community standing, and the possible effect of grant of probation to petitioner's family, neighborhood and the community in general; and
- d. Availability of community-based rehabilitation resources and services.

Section 10. Case Conference – Prior to the submission of the PSIR to the Trial Court, it shall be mandatory for the Chief Probation and Parole Officer supervising the investigating Probation Officer handling the case for post-sentence investigation (PSI) to call for a case conference. In the conference, the Probation Officer shall confer with the petitioner, his immediate family member, or relative within the 4th Civil degree of consanguinity or affinity, or in the latter's absence, a significant other who is a responsible and permanent resident of the community where the petitioner is actually residing. The ultimate objective of the conference is to enhance the commitment of petitioner's relative or concerned member of the community to the supervision treatment program. The Chief Probation and Parole Officer shall preside over the conference.

The petitioner shall be encouraged to participate in the case conference to express his views on matters which will help him in redirecting and rehabilitating his life.

ARTICLE III POST-SENTENCE INVESTIGATION REPORT (PSIR)

Section 11. Preparation and Submission of PSIR – The PSIR shall as a rule be prepared by the investigating Probation Officer and approved by the Chief Probation and Parole Officer. However, in drug cases, the PSIR shall be referred to the PPA Regional Director as the duly authorized representative of the Board for appropriate review before the document is finally submitted to the Court. The PPA Regional Director is granted reasonable time from receipt of the Report to effect review of the document.

Section 12. Designation of the Regional Director of the PPA as the Board's duly recognized representative – In order to facilitate the appropriate review of the PSIR, the Board hereby designates the Regional Director of the PPA Regional Office having jurisdiction over the Probation Office ordered by the Trial Court to conduct post-sentence investigation as its duly recognized representative mentioned in Section 11 above.

ARTICLE IV SUPERVISION OF PROBATIONER

Section 13. Rehabilitation Program; Goals. – The Probation Officer assigned to conduct supervision of the probationer shall prepare a rehabilitation program for strict compliance by the probationer. The rehabilitation program shall be prepared after proper consultation with the probationer, and his relative, or in the absence of the latter, a significant other who is a responsible and permanent resident of the place where the probationer resides.

The Rehabilitation Program shall have the following goals:

- a. To fix or, as needed, adjust/readjust the level of supervisory control required to address the overall danger posed by the probationer to the community.
- b. To assess/reassess how the probationer will make amends for the harm he may have inflicted and what strategies will be used to increase his understanding of the impact of his behavior to himself, his family and his community;
- c. To identify the behavior gaps, problematic mindset and/or inadequacy in skills that contributed to his delinquency and involvement in drug, and set intervention and treatment measures and solutions thereafter; and

- d. To select appropriate community-work service which will help probationer make up for his wrongdoing.

Section 14. Acceptance of Rehabilitation Program; Review – The rehabilitation program shall take effect after it is accepted by the probationer. The Probation Officer assigned to supervise the latter shall review/evaluate the rehabilitation program every six (6) months after it takes effect. Whenever the need arises and/or upon the request of the probationer, the supervising Probation Officer shall make the corresponding change to the rehabilitation program or make a new one, and thereafter, submit the same to the Chief Probation Officer for approval. The revised or new rehabilitation program shall also require the written acceptance of the probationer.

ARTICLE V CONDITION OF PROBATION

Section 15. Condition of Probation – Pursuant to Section 10 of PD No. 968, and in harmony with the provisions of Section 57 and 70 of the Act, the following shall be incorporated in every probation order issued by the Court with respect to drug cases:

- a. Submit himself to an accepted treatment modality implemented by the Probation Office for probationer with drug cases;
- b. Perform community-work service; and
- c. Submit himself for drug testing at least once a year or as the need requires.

ARTICLE VI COMMUNITY SERVICE

Section 16. Community Service under the Voluntary Submission Programs – As integral part of his after-care and follow-up program provided in Section 57 of the Act, a probationer who is placed on probation shall likewise undergo community service under the supervision of the Probation Office.

In this situation, the Probation Office shall coordinate with the local government units or non-governmental civic organizations duly accredited.

Section 17. Community Service for First-time Minor Offender – Pursuant to Section 70 of the Act, a first-time minor offender may be placed on probation or perform community service in lieu of imprisonment. In case the first-time minor offender is sentenced to perform community service, the order of the Court shall be complied with under such conditions, time and place as may be determined by the Court in its discretion and upon the recommendation of the Board, and shall apply only to violators of Section 15 of this Act. In order to give teeth to the Act, the Administration, through its Provincial and City Probation Offices, shall monitor and actually supervise the implementation of community service performed by a first-time minor offender. Upon the completion of the community work service, the Probation Officer shall submit a report to the Court, copy furnish the Board.

Section 18. Goals of Community Service (CS) – Community service, either under the Voluntary Submission Program or for first-time minor offender is a free public labor which seeks to achieve the following:

- a. CS is aimed to hold offender accountable for the harm indirectly caused by him to the community;
- b. CS presents a meaningful lesson for offender to realize that crime/offense he has committed has a public repercussion, and therefore, on his part, incurred restorative obligation to settle;
- c. CS helps offender develop new skills and practical experiences which he could acquire for reintegration to the societal mainstream;
- d. CS provides the community with human resources that can improve the quality of life in public environment, business and even individual residences; and
- e. CS is a mechanism that can be used by the community to foster/enhance public safety and order.

To summarize the above statements, CS has 3 aims:

- a. Accountability on the part of the Offender;
- b. Competency development; and
- c. Community protection.

Section 19. Public-Private Collaboration – In the implementation of community service, public and private genuine collaboration and cooperation is desired. The ill effects of crime which affect tranquillity and stability can at least be partially restored by meaningful community service of the wrongdoer who can still contribute to community development.

Section 20. CS Mandate of Implementation – Community Service may be imposed as a condition of probation or imposed as a sentence or penalty in lieu of imprisonment, pursuant to Section 57 and Section 70 of the Act. With the foregoing, therefore, this Administration, through its City and Provincial Probation Offices, shall implement community service disposition measures, including but not limited to any or all of the following;

- a. Crime and Drug Abuses Prevention Program;
- b. Citizenship and Civic Participation;
- c. Economic and Social Development;
- d. Health and Sanitation;
- e. Public Construction Work;
- f. Mentoring and Intergenerational Services; and
- g. Ecology and Environment Program.

Section 21. Time Frame and Placement – Serving Offender shall be given reasonable time to adjust to work program. The duration of the community service shall depend on the length of the project, therapeutic needs of the Offender and the participation of the community.

In matching Offenders to Community Service placement site, the supervising Probation Officer shall consider the following factors:

- a. Personal and family circumstances of the Offender and nature of the offense;
- b. Suitability to the placement site; and
- c. Development of a monitoring system with the ultimate purpose of evaluating offender's behavior and initiative to reintegrate himself to the mainstream of society.

**ARTICLE VII
VIOLATION OF PROBATION GRANT AND/OR
COMMUNITY SERVICE ORDER**

Section 22. *Infraction of Probation Condition and/or Community Service Order* – At any time during probation or community service, the Court may issue a warrant for the arrest of the probationer for serious violation of probation condition or willful and unreasonable refusal to abide with community service order of the Court. A probationer or offender ordered to perform community service who commits a specific act and/or omission which constitutes a violation of probation condition or community service order shall be reported to the Court, after considering the facts and surrounding circumstances relevant to such violation.

Section 23. *Report: Violation of Condition-* After the completion of a fact-finding investigation, the supervising Probation Officer shall prepare a violation report containing his findings and recommendation, and submit the same to the Chief Probation Officer for review and approval. However, said findings and recommendation shall be finally evaluated by the PPA Regional Director as the duly recognized representative of the Board before its final submission to the Court.

Section 24. *Arrest of Erring Probationer or Offender under Community Service Order* – After having duly considered the nature and gravity of such reported violation, the Trial Court may issue a warrant of arrest of the probationer or offender.

Section 25. *Hearing of the Violation* – Once arrested and detained, the probationer or offender charged for violation shall be brought before the Trial Court for hearing of the violation charge. 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 technical rules of evidence, but may inform itself of all the facts and circumstances which are material and relevant to determine the veracity of the charge. The probationer may be admitted to bail pending such hearing. In such case, the provisions regarding release on bail of persons charged with the crime or offense shall be applicable to the probationer or offender ordered to perform community service and arrested under this provision.

In the case of first-time minor offender, the Supplemental Rules to the Omnibus Rules on Probation Methods and Procedures, which are applicable to Juvenile In Conflict with the Law (JICL) shall be applicable.

If the violation is established, the Court may revoke or continue his probation or community service, and modify the conditions thereof. If revoked, the Court shall order the probationer or offender to serve the sentence originally imposed. An order revoking the grant of probation or modify the terms and conditions thereof shall not be appealable.

**ARTICLE VIII
TERMINATION OF PROBATION**

Section 26. *Final Supervision Conference/Final Report* – Before the supervising Probation Officer submits the final report to the Court, he shall have a final conference with the probationer or offender placed on community service together with his immediate relative or, in the latter's absence, a significant other who guided the probationer or offender placed on community service while under individualized, community-based treatment and rehabilitation program.

The presence of the Chief Probation Officer in the conference is mandatory.

The probation final report shall likewise be approved by the PPA Regional Director as the duly recognized representative of the Board before submitting the same to the Court.

ARTICLE IX PROBATION REPORTS

Section 27. Probation Reports – The Monthly Caseload Summary Report (PPA Form No. 5 and attachments), the Semestral Reports of the Parole and Probation Offices, the Annual Reports of Regional Directors, and the Annual Consolidated Reports of the Administration shall contain separate entries for Drug Cases clientele.

ARTICLE X MISCELLANEOUS PROVISIONS

Section 28. Appropriations – Assistance for the operationalization of the aftercare guidelines, which include surveillance drug testing, shall be extended by the Dangerous Drugs Board to the Parole and Probation Administration in order for it to move efficiently and effectively and implement Section 57 and Section 70 of RA No. 9165 in relation to the pertinent provisions of PD No. 968, as amended. Such support shall be provided upon submission of a proposal by the Administration and approval by the Board.

Section 29. Applicability of the Omnibus Rules on Probation – This Regulation shall be subject to pertinent provisions of the Juvenile Justice Welfare Act (RA 9344) and shall read and used in conjunction with the Omnibus Rules on Probation Methods and Procedures, as amended, and the Rules and Regulations on Parole Supervision, and DDB Regulation No. 1 s. 2006.

Section 30. Penalty Clause – Violation of this Regulation shall be immediately reported to the Board or to PPA for appropriate administrative sanctions without prejudice to Section 32, Article II of RA 9165.

Section 31. Repealing Clause – Any or all provisions of existing regulations, orders and issuances not consistent or contrary to this Regulation are hereby modified or repealed accordingly.

Section 32. Separability Clause – If any part, section or provision of this Regulation is held invalid or unconstitutional, the other parts, sections or provisions not affected thereby shall continue in operation.

Section 33. Effectivity – This Regulation shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation and after registration with the Office of the National Administrative Register (ONAR), UP Law Center, Quezon City.

APPROVED AND ADOPTED this 6th day of June, in the year of Our Lord 2006 in Quezon City.



Secretary ANSELMO S. AVENIDO, JR.
Chairman, Dangerous Drugs Board

Attested:



Undersecretary EDGAR C. GALVANTE
Secretary of the Board

WAIVER AND COMMITMENT

I, the undersigned, hereby authorize _____ of _____ to secure and make use of the following information and/or reports for purposes of evaluating my application for probation:

- _____ 1. Record of previous arrest, arresting agency, date and place of arrest, disposition;
- _____ 2. Record of previous probation/parole/pardon;
- _____ 3. School records;
- _____ 4. Medical records, including dates of all records of any physician, clinic or hospital where I have sought consultation or received treatment;
- _____ 5. Military records, including dates of all periods of active military service, records of disciplinary action, if any, other significant military history, awards, citations, date and time of discharge from active military service;
- _____ 6. Drug history (psychological/psychiatric evaluation results); and
- _____ 7. Others (pls. specify) _____

Likewise, the undersigned promises to abide with the following instructions while the Parole and Probation Administration is conducting its Post-Sentence Investigation:

- 1. Report at the Parole and Probation Office for a case conference, and weekly follow-up report;
 - a. Undergo drug test / drug dependency examination as need arises;
 - b. Secure / submit required certifications; and
 - c. Undergo community-based disposition measures, including but not limited to any or all of the following:
 - _____ a. Guidance and Counseling;
 - _____ b. Educational, vocational or life skills programs;
 - _____ c. Competency development;
 - _____ d. Socio-cultural and recreational activities;
 - _____ e. Leadership training;
 - _____ f. Community and family welfare services among others;
 - _____ g. Referral to rehabilitation, drop-in or open centers or living communities;
 - _____ h. Others (pls. specify) _____

In the event that the undersigned unreasonably refuses to comply with the requirements and conditions contained in this document, same will be a valid ground for the Parole and Probation Administration to recommend to the Court the denial of his/her application for probation, and suffer the consequence of such action.

I promise to help the aforementioned petitioner.

Signature over printed name

SUBSCRIBED AND SWORN TO before me this _____ day of _____ at _____.

Chief Probation and Parole Officer

