

[**PRESIDENTIAL DECREE NO. 1257, December 01, 1977**]

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 in me vested 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 imposes a term of imprisonment or a fine with subsidiary imprisonment in case of insolvency. An application for probation shall be filed with the trial court, with notice to the appellate court if an appeal has been taken from the sentence of conviction,, The filing 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, said application shall be acted upon by the trial court en the basis of the judgment of the appellate court.

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

SEC. 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 receipt of said report."