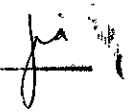




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SENATE

Senate Bill No. 1288

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The purpose of the Indeterminate Sentence Law is to be beneficial to the convict in order to uplift and redeem valuable human material, and prevent unnecessary and excessive deprivation of personal liberty and economic usefulness. (*People vs. Temporada, G.R. No. 173473, 17 December 2008*).

This measure seeks to amend Section 2 of the Indeterminate Sentence Law to include as exemptions to the coverage of the said law those persons who were convicted of crimes against minor, to wit:

- kidnapping of a minor, except by a parent;
- criminal sexual conduct towards a minor including soliciting him / her to engage in sexual conduct or to practice prostitution, using him / her in a sexual performance, or any conduct that by its nature is a sexual offense against a minor;
- production or distribution of child pornography;
- child trafficking;
- using of children in drug trafficking

With these exemptions and stricter penalties, the State can provide better protection for our children.

This bill was filed by the Committee on Justice and Human Rights during the Fifteenth Congress but was overtaken by events that it did not prosper into law.

Because there is no compromise in protecting our children, the immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator



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SENATE

Senate Bill No. 1288

RECEIVED BY: jin

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
AMENDING SECTION 2 OF ACT NO. 4103, AS AMENDED, OTHERWISE
KNOWN AS THE INDETERMINATE SENTENCE LAW

*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

1 **SECTION 1.** Section 2 of Act No. 4103, as amended, otherwise known as the
2 Indeterminate Sentence Law, is hereby further amended to read as follows:
3

4 "Section 2. This Act shall not apply to persons convicted of
5 offenses punished with death penalty or life-imprisonment; to those
6 convicted of treason, conspiracy or proposal to commit treason; to
7 those convicted of misprision of treason, rebellion, sedition or
8 espionage; to those convicted of piracy; TO THOSE CONVICTED
9 OF CRIMINAL OFFENSES AGAINST A MINOR, WHICH IS
10 COMPARABLE TO OR EXCEEDS ANY OF THE FOLLOWING:
11 KIDNAPPING OF A MINOR, EXCEPT BY A PARENT; CRIMINAL
12 SEXUAL CONDUCT TOWARD A MINOR; SOLICITATION OF A
13 MINOR TO ENGAGE IN SEXUAL CONDUCT; USE OF A MINOR
14 IN A SEXUAL PERFORMANCE; SOLICITATION OF A MINOR TO
15 PRACTICE PROSTITUTION; ANY CONDUCT THAT BY ITS
16 NATURE IS A SEXUAL OFFENSE AGAINST A MINOR;
17 PRODUCTION OR DISTRIBUTION OF CHILD PORNOGRAPHY;
18 CHILD-TRAFFICKING; AND USING CHILDREN IN DRUG
19 TRAFFICKING to those who are habitual delinquents; to those who
20 have escaped from confinement or evaded sentence; to those who
21 having been granted conditional pardon by the Chief Executive
22 shall have violated the terms thereof; to those whose maximum
23 term of imprisonment does not exceed one year, not to those
24 already sentenced by final judgment at the time of approval of this
25 Act, except as provided in Section 5 hereof."
26
27

28 **SEC. 2. Separability Clause.** – If any provision of this Act is held invalid or
29 unconstitutional, the remainder of the Act or the provision not otherwise affected
30 shall remain valid and subsisting.
31
32

1 **SEC. 3. *Repealing Clause.*** – Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative rule or regulation contrary to or
3 inconsistent with the provisions of this Act is hereby repealed, modified or
4 amended accordingly.

5

6

7 **SEC. 4. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or at least two (2) newspapers of general
9 circulation.

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15 *Approved,*