


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL 1915

SENATE
S.B. No. 1127

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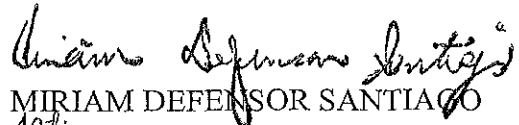
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

This bill seeks to amend Act No. 4103, also known as the Indeterminate Sentence Law, in order to include the criminal offenses against minors in the enumeration of certain crimes to which the provisions of the Act do not apply.

According to the Supreme Court, the positivist theory of criminal law states that the basis for criminal liability is the sum total of the social and economic phenomena to which the offense is expressed. The State is concerned not only in the imperative necessity of protecting the social organization against the criminal acts of destructive individuals but also in redeeming the individual for economic usefulness and other social ends (*People v. Ducosin*, 59 Phil. 109 [1933]). The adoption of this theory is exemplified in the Indeterminate Sentence law.

However, the application of this law was limited by excluding persons convicted of certain crimes or offenses due to its heinous nature, severity and gravity of the offense. The mere nature and seriousness of offenses (especially sexual offenses) against a minor justifies its inclusion in the enumeration.¹


MIRIAM DEFENSOR SANTIAGO
Def.

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

1 SECTION 2. *Separability Clause.* – If any provision of this Act is held invalid or
2 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
3 valid and subsisting.

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6 provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved,