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	FOURTEENTH CONGRESS OF TI OF THE PHILIPPINE First Regular Session	<i>·</i>	,	7
		SENATE S.B. No. <u>1127</u>	1 1	HECENVED BY :
	Introduced b	y Senator Miriam Defen	sor Sa	ntiago

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

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

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



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SENATE S.B. No. <u>1127</u>

	Introduced by Senator Miriam Defensor Santiago			
1	AN ACT			
2 3	AMENDING SECTION 2 OF ACT NO. 4103 ALSO KNOWN AS THE INDETERMINATE SENTENCE LAW, AS AMENDED			
4 5	Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:			
6	SECTION 1. Section 2 of Act No. 4103, also known as the Indeterminate Sentence Law			
7	is hereby amended as follows:			
8	Sec. 2. This Act shall not apply to persons convicted of offenses punished with death			
9	penalty or life-imprisonment; to those convicted of treason, conspiracy or proposal to commit			
10	treason; to those convicted of misprision of treason, rebellion, sedition or espionage; to those			
11	convicted of piracy; TO THOSE CONVICTED OF CRIMINAL OFFENSES AGAINST A			
12	MINOR, WHICH IS COMPARABLE TO OR WHICH EXCEEDS THE FOLLOWING:			
13	KIDNAPPING OF A MINOR, EXCEPT BY A PARENT; FALSE IMPRISONMENT OF A			
14	MINOR, EXCEPT BY A PARENT; CRIMINAL SEXUAL CONDUCT TOWARD A MINOR;			
15	SOLICITATION OF A MINOR TO ENGAGE IN SEXUAL CONDUCT; USE OF A MINOR			
16	IN A SEXUAL PERFORMANCE; SOLICITATION OF A MINOR TO PRACTICE			
17	PROSTITUTION; ANY CONDUCT THAT BY ITS NATURE IS A SEXUAL OFFENSE			
18	AGAINST A MINOR; AND PRODUCTION OR DISTRIBUTION OF CHILD			
19	PORNOGRAPHY; to those who are habitual delinquents; to those who have escaped from			
20	confinement or evaded sentence; to those who having been granted conditional pardon by the			
21	Chief Executive shall have violated the terms thereof; to those whose maximum term of			
22	imprisonment does not exceed one year, not to those already sentenced by final judgment at the			
23	time of approval of this Act, except as provided in Section 5 hereof. (As amended by Act No.			
24	4225.)			

SECTION 2. Separability Clause. - If any provision of this Act is held invalid or
 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
 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.

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

Approved,