

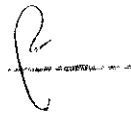
FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SENATE SECRETARY

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SENATE

S. No. 2370

RECEIVED BY 

Introduced by Senator FRANCIS G. ESCUDERO

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 is 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.



FRANCIS G. ESCUDERO

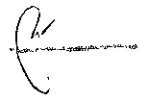
FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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OFFICE OF THE SECRETARY

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SENATE

S. No. 2370

RECEIVED BY 

Introduced by Senator FRANCIS G. ESCUDERO

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
2 the Indeterminate Sentence Law, is hereby further amended to read as follows:

3
4 Sec. 2. This Act shall not apply to persons convicted of offenses punished
5 with death penalty or life-imprisonment; to those convicted of treason,
6 conspiracy or proposal to commit treason; to those convicted of misprision of
7 treason, rebellion, sedition or espionage; to those convicted of piracy; TO THOSE
8 CONVICTED OF CRIMINAL OFFENSES AGAINST A MINOR, WHICH IS
9 COMPARABLE TO OR EXCEEDS ANY OF THE FOLLOWING: KIDNAPPING
10 OF A MINOR, EXCEPT BY A PARENT; FALSE IMPRISONMENT OF A MINOR,
11 EXCEPT BY A PARENT; CRIMINAL SEXUAL CONDUCT TOWARD A
12 MINOR; SOLICITATION OF A MINOR TO ENGAGE IN SEXUAL CONDUCT;
13 USE OF A MINOR IN A SEXUAL PERFORMANCE; SOLICITATION OF A
14 MINOR TO PRACTICE PROSTITUTION; ANY CONDUCT THAT BY ITS
15 NATURE IS A SEXUAL OFFENSE AGAINST A MINOR; AND PRODUCTION
16 OR DISTRIBUTION OF CHILD PORNOGRAPHY; to those who are habitual
17 delinquents; to those who have escaped from confinement or evaded sentence; to
18 those who having been granted conditional pardon by the Chief Executive shall
19 have violated the terms thereof; to those whose maximum term of imprisonment
20 does not exceed one year, not to those already sentenced by final judgment at the
21 time of approval of this Act, except as provided in Section 5 hereof.

22
23 SEC. 2. *Separability Clause.* - If any provision of this Act is held invalid or
24 unconstitutional, the remainder of the Act or the provision not otherwise affected
25 shall remain valid and subsisting.

26
27 SEC. 3. *Repealing Clause.* - Any law, presidential decree or issuance,
28 executive order, letter of instruction, administrative rule or regulation contrary to
29 or inconsistent with the provisions of this Act is hereby repealed, modified or
30 amended accordingly.

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

34
35 *Approved,*