

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
First Regular Session

House Bill Number 873



Introduced by Representatives **GLORIA MACAPAGAL ARROYO**
and **DIOSDADO MACAPAGAL ARROYO**

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

EXPLANATORY NOTE

This bill seeks to amend Republic Act No. 4103, also known as the Indeterminate Sentence law, in order to include 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 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.

In view of the foregoing, immediate passage of this measure is earnestly sought.


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur

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

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

Sec. 2. This Act shall not apply to persons convicted of offenses punished with death penalty or life-imprisonment; to those convicted of treason, conspiracy or proposal to commit treason; to those convicted of misprision of treason, rebellion, sedition or espionage; to those convicted of piracy; TO THOSE CONVICTED OF CRIMINAL OFFENSES AGAINST A MINOR, WHICH IS COMPARABLE TO OR EXCEEDS ANY OF THE FOLLOWING: KIDNAPPING OF A MINOR, EXCEPT BY A PARENT; FALSE IMPRISONMENT OF A MINOR, EXCEPT BY A PARENT; CRIMINAL SEXUAL CONDUCT TOWARD A MINOR; SOLICITATION OF A MINOR TO ENGAGE IN SEXUAL CONDUCT; USE OF A MINOR IN A SEXUAL PERFORMANCE; SOLICITATION OF A MINOR TO PRACTICE PROSTITUTION; ANY CONDUCT THAT BY ITS NATURE IS A SEXUAL OFFENSE AGAINST A MINOR; AND PRODUCTION OR DISTRIBUTION OF CHILD PORNOGRAPHY; to

those who are habitual delinquents; to those who have escaped from confinement or evaded sentence; to those who having been granted conditional pardon by the Chief Executive shall have violated the terms thereof; to those' whose maximum term of imprisonment does not exceed one year, not to those already sentenced by final judgment at the time of approval of this Act, except as provided in Section 5 hereof.

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.

SECTION 3. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the 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 the Official Gazette or at least two (2) newspapers of general circulation.

Approved,