

Republic of the Philippines  
HOUSE OF REPRESENTATIVES

SEVENTEENTH CONGRESS  
*First Regular Session*

House Bill No. 2212

HOUSE OF REPRESENTATIVES

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Introduced by Representative Gloria Macapagal-Arroyo

**AN ACT EXCLUDING FROM THE APPLICATION OF THE  
INDETERMINATE SENTENCE LAW THOSE CONVICTED OF  
CRIMINAL OFFENSES AGAINST A MINOR, AMENDING FOR THE  
PURPOSE ACT NO. 4103, 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 social and economic phenomena to which the offense is expressed. The State is concerned not only with 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 vs. 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, the immediate passage of this measure is earnestly sought.

  
**REP. GLORIA MACAPAGAL-ARROYO**  
Second District, Pampanga

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

SECTION 1. Section 2 of 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, which refers to the deprivation or restraint against the will of the minor without legal justification; criminal sexual conduct toward a minor; solicitation of a minor to engage in sexual conduct; use of a minor in sexual performance; solicitation of a minor to practice prostitution; any conduct that by its nature is a sexual offense against a minor; production or distribution of child pornography; child trafficking; and using children in drug trafficking; to those who are habitual delinquents; to those who shall 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; nor to those already sentenced by final judgment at the time of approval of this Act, except as provided in section five hereof.”

SEC. 2. All laws, decrees, executive orders, issuances, letters of instruction, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 3. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,