

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 336

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>30 JUN 2016</u>
TIME:	<u>6:46pm</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

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

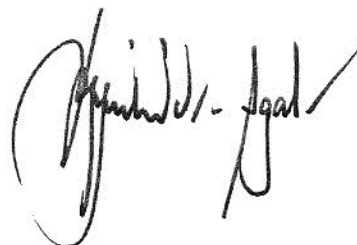
The proposal has been filed in the previous Congresses and this Representation deems it just that the proposal must be reconsidered in this Congress. The bill seeks to amend Republic Act No. 4103 also known as the Indeterminate Sentence Law. It proposes to include criminal offenses against minors in the enumeration of certain crimes to which the provisions of the Act do not apply.

It is paramount for a society to protect those who are helpless, which in this proposal focuses on children. Those that are subject to abuse and ill-treatment must be protected in order to deter individuals from perpetuating abuse and take advantage of their vulnerability.

The application of this Law is mandatory except to cases expressly excluded by the law. This proposal intends to add several instances to the list of excluded cases in the application of the Indeterminate Sentence Law.

The nature of seriousness of the offense committed against a minor justifies its inclusion on the enumeration in Sec. 2. of RA 4103. In this regard, the indeterminate sentence law shall not apply to those who have been convicted of offenses against a minor, which is comparable to or analogous to any of the following: kidnapping of a minor, except by a parent; false imprisonment of a minor or sexual conduct to the same among others.

In view hereof, passage of the bill is earnestly sought.



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 326

Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

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

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

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

3
4 "Sec. 2. This Act shall not apply to persons convicted of
5 offenses punished with death penalty or life imprisonment; to those
6 convicted of treason, conspiracy or proposal to commit treason; to
7 those convicted of misprision of treason, rebellion, sedition or
8 espionage; to those convicted of piracy; **TO THOSE CONVICTED OF**
9 **CRIMINAL OFFENSES AGAINST A MINOR, WHICH IS**
10 **COMPARABLE TO OR EXCEEDS ANY OF THE FOLLOWING:**
11 **KIDNAPPING OF A MINOR, EXCEPT BY A PARENT; FALSE**
12 **IMPRISONMENT OF A MINOR, EXCEPT BY A PARENT, WHICH**
13 **REFERS TO THE DEPRIVATION OR RESTRAINT AGAINST THE**
14 **WILL OF THE MINOR WITHOUT LEGAL JUSTIFICATION;**
15 **CRIMINAL SEXUAL CONDUCT TOWARD A MINOR;**
16 **SOLICITATION OF A MINOR TO ENGAGE IN SEXUAL CONDUCT;**

1 USE OF A MINOR IN SEXUAL PERFORMANCE; SOLICITATION OF
2 A MINOR TO PRACTICE PROSTITUTION; ANY CONDUCT THAT
3 BY ITS NATURE IS A SEXUAL OFFENSE AGAINST A MINOR;
4 PRODUCTION OR DISTRIBUTION OF CHILD PORNOGRAPHY;
5 CHILD TRAFFICKING; AND USING CHILDREN IN DRUG
6 TRAFFICKING; to those who are habitual delinquents; to those who
7 have escaped from confinement or evaded sentence; to those who
8 having been granted conditional pardon by the Chief Executive shall
9 have violated the terms thereof; to those whose maximum term of
10 imprisonment does not exceed one (1) year, nor to those already
11 sentenced by final judgment at the time of approval of this Act, except
12 as provided in Section 5 hereof.”

13

14 **SEC. 2.** All laws, decrees, executive orders, issuances, letter of
15 instructions, rules and regulations inconsistent with the provisions of this Act are
16 hereby repealed and modified accordingly.

17

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

20

21 *Approved,*

22