

AN ACT TO PROVIDE FOR AN INDETERMINATE SENTENCE AND PAROLE FOR ALL PERSONS CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS; TO CREATE A BOARD OF INDETERMINAT...

Acts No. 4103, December 05, 1933

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Hereafter, in imposing a prison sentence for an offense punished by acts of the Philippine Legislature, otherwise than by the Revised Penal Code, the court shall order the accused to be imprisoned for a minimum term, which shall not be less than the minimum term of imprisonment provided by law for the offense, and for a maximum term which shall not exceed the maximum fixed by law; and where the offense is punished by the Revised Penal Code, or amendments thereto, the court shall sentence the accused to such maximum as may, in view of attending circumstances, be properly imposed under the present rules of the said Code, and to a minimum which shall not be less than the minimum imprisonment period of the penalty next lower to that prescribed by said Code for the offense. Except as provided in section two hereof, any person who shall have been so convicted and sentenced and shall have served the minimum sentence imposed hereunder, may be released on parole in accordance with the provisions of this Act.

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, sedition or espionage; to those convicted of piracy; 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. 3. There is hereby created a Board of Indeterminate Sentence to be composed of the Secretary of Justice, who shall be its chairman, and four members to be appointed by the Governor-General, with the advice and consent of the Philippine Senate, upon this Act taking effect, and thereafter at the beginning of each Legislature: Provided, That one member of the Board shall be a trained sociologist, one a clergyman or educator, one psychiatrist unless a trained psychiatrist be employed by the Board, and the other members shall be persons qualified for such work by training or experience. At least one member of the Board shall be a woman. The members of the Board shall be subject to removal at the will of the Governor-General, and in case of any vacancy in the membership of the Board, a successor may be appointed to serve only for the unexpired portion of the term of the respective member.

SEC. 4. The Board shall adopt rules and regulations for its meetings and procedure. Each member shall be entitled to receive as compensation ten pesos for each meeting, not exceeding one thousand pesos annually, notwithstanding the provisions of section two hundred and fifty-nine of the Revised Administrative Code, and in

addition thereto actual and necessary traveling expenses in the performance of duties.

SEC. 5. It shall be the duty of the Board of Indeterminate Sentence to look into the physical, mental and moral record of the prisoners who shall be eligible to parole and to determine the proper time of release of such prisoners. Whenever any prisoner shall have served the minimum penalty imposed on him, and it shall appear to the Board of Indeterminate Sentence, from the reports of the prisoner's work and conduct which may be received in accordance with the rules and regulations prescribed, and from the study and investigation made by the Board itself, that such prisoner is fitted by his training for release, that there is a reasonable probability that such prisoner will live and remain at liberty without violating the law, and that such release will not be incompatible with the welfare of society, and Board of Indeterminate Sentence may, in its discretion, and in accordance with the rules and regulations adopted hereunder, authorize the release of such prisoner on parole, upon such terms and conditions as are herein prescribed and as may be prescribed by the Board. The said Board of Indeterminate Sentence shall also examine the records and status of prisoners who shall have been convicted of any offense other than those named in section two hereof, and been sentenced for more than one year by final judgment prior to the date on which this Act shall take effect, and shall make recommendations in all such cases to the Governor-General with regard to the parole of such prisoners as they shall deem qualified for parole as herein provided, after they shall have served a period of imprisonment not less than the minimum period for which they might have been sentenced under this Act for the same offense.

SEC. 6. Every prisoner released from confinement on parole by virtue of this Act shall, at such manner as may be required by the conditions of his parole, as may be designated by the said Board for such purpose, report personally to such government officials or other parole officers hereafter, appointed by the Board of Indeterminate Sentence for a period of surveillance equivalent to the remaining portion of the maximum sentence imposed upon him or until final release and discharge by the Board of Indeterminate Sentence as herein provided. The officials so designated shall keep such records and make such reports and perform such other duties hereunder as may be required by said Board. The limits of residence of such paroled prisoner during his parole may be fixed and from time to time changed by the said Board in its discretion. If during the period of surveillance such paroled prisoner shall show himself to be a law-abiding citizen and shall not violate any of the laws of the Philippine Islands, the Board of Indeterminate Sentence may issue a final certificate of release in his favor, which shall entitle him to final release and discharge.

SEC. 7. The Board shall file with the court which passed judgment on the case, and with the Chief of Constabulary, a certified copy of each order of conditional or final release and discharge issued in accordance with the provisions of the next preceding two sections.

SEC. 8. Any prisoner released on parole from confinement by virtue of this Act who shall violate any of the conditions of his parole, or shall violate any law of the Philippine Islands during the period of surveillance and be convicted thereof by a competent court, shall be subject to re-arrest and confinement, and shall serve the remaining unexpired portion of the maximum sentence for which he was originally committed to prison, unless the Board of Indeterminate Sentence shall in its discretion grant a new parole to the said prisoner. In carrying out the provisions of this section, there shall be followed, as far as might be applicable, the procedure prescribed in sections four and five of Act Numbered Fifteen hundred and twenty-four.

SEC. 9. Nothing in this Act shall be construed to impair or interfere with the powers of the Governor-General as set forth in section sixty-four (i) of the Revised Administrative Code or the Act of Congress approved August twenty-nine, nineteen hundred and sixteen entitled "An Act to declare the purpose of the people of the United States, as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those Islands."

SEC. 10. Whenever any prisoner shall be released on parole hereunder he shall be entitled to receive the benefits provided in section one thousand seven hundred and fifty-one of the Revised Administrative Code.

SEC. 11. The sum of twenty-five thousand pesos is hereby appropriated out of any funds in the Insular Treasury, not otherwise appropriated, for the purpose of carrying out the provisions of this Act, to be disbursed by the Secretary of Justice.

SEC. 12. This Act shall take effect upon its approval.

Approved, December 5, 1933.

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