
ACT NO. 4103

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 INDETERMINATE SENTENCE AND TO PROVIDE FUNDS THEREFOR; AND FOR OTHER PURPOSES

SECTION 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and the minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same. (As amended by Act No. 4225.)

SECTION 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 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. (As amended by Act No. 4225.)

SECTION 3. There is hereby created a Board of Pardons and Parole to be composed of the Secretary of Justice who shall be its Chairman, and four members to be appointed by the President, with the consent of the Commission on Appointments who shall hold office for a term of six years: 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 and experience. At least one member of the board shall be a woman. Of the members of the present board, two shall be designated by the President to continue until December thirty, nineteen hundred and sixty-six and the other two shall continue until December thirty, nineteen hundred and sixty-nine. 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 members. (As amended by Republic Act No. 4203, June 19, 1965.)

SECTION 4. The Board of Pardons and Parole is authorized to adopt such rules and regulations as may be necessary for carrying out its functions and duties. The Board is empowered to call upon any bureau, office, branch, subdivision, agency or instrumentality of the Government for such assistance as it may need in connection with the performance of its functions. A majority of all the members shall constitute a quorum and a majority vote shall be necessary to arrive at a decision. Any dissent from the majority opinion shall be reduced to writing and filed with the records of the proceedings. Each member of the Board, including the Chairman and the Executive Officer, shall be entitled to receive as compensation fifty pesos for each meeting actually attended by him, notwithstanding the provisions of Section two hundred and fifty-nine of the Revised Administrative Code, and in addition thereto, reimbursement of actual and necessary travelling expenses incurred in the performance of duties: Provided, however, That the Board meetings will not be more than three times a week. (As amended by Republic Act No. 4203, June 19, 1965.)

SECTION 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, said 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 2 hereof, and have been sentenced for more than one year by final judgment prior to the date on which this Act shall take effect, and shall make recommendation 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. cdt

SECTION 6. Every prisoner released from confinement on parole by virtue of this Act shall, at such times and in 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.

SECTION 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.

SECTION 8. Whenever any prisoner released on parole by virtue of this Act shall, during the period of surveillance, violate any of the conditions of his parole, the Board of Indeterminate Sentence may issue an order for his re-arrest which may be served in any part of the Philippine Islands by any police officer. In such case the prisoner so re-arrested 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. (As amended by Act No. 4225.)

SECTION 9. Nothing in this Act shall be construed to impair or interfere with the powers of the Governor-General as set forth in Section 64(i) of the Revised Administrative Code or the Act of Congress approved August 29, 1916 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."

SECTION 10. Whenever any prisoner shall be released on parole hereunder he shall be entitled to receive the benefits provided in Section 1751 of the Revised Administrative Code.

Approved and effective on December 5, 1993.