



# INTRODUCTION TO CRIMINAL LAW — READING SUMMARY

## 1. What is Criminal Law?

**Criminal Law** is the branch of law that:

- defines crimes;
- explains their nature; and
- provides their punishment.

A **crime** is an act or omission punishable by law.

### **Important:**

A person cannot generally be criminally punished simply because an act is immoral or wrong. There must be a **law defining and punishing the act**. The Philippines does not recognize common-law crimes.

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## 2. Sources of Criminal Law

The reading identifies the following:

### **A. Revised Penal Code**

**Act No. 3815**, including its amendments.

### **B. Special Penal Laws**

Penal laws enacted separately from the Revised Penal Code.

### **C. Penal Presidential Decrees**

Penal decrees issued during the relevant period covered by the reading.

### **Important:**

**Court decisions are not sources that create crimes.**

Courts interpret and apply the law; they do not create a crime simply because they believe an act should be punished.

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### 3. State's Power to Punish

The State has the power to:

- define what acts are crimes;
- prescribe their penalties; and
- establish rules for criminal procedure.

This power is connected with the State's **police power**—the authority to protect public welfare and maintain peace and order.

However, this power is **not unlimited**.

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### 4. Constitutional Limitations on Criminal Laws

#### A. Ex Post Facto Law

An **ex post facto law** is a law that operates retroactively to the prejudice of the accused.

**Simple meaning:**

A person should not be punished under a new penal law for an act committed **before that law existed**, when doing so would prejudice the accused.

**Memory:**

**Ex post facto = retroactive criminal punishment**

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## B. Bill of Attainder

A **bill of attainder** is a legislative act that imposes punishment on a person **without judicial trial**.

**Memory:**

**Bill of attainder = punishment by legislature without trial**

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## 5. Characteristics of Criminal Law

Criminal law is generally:

### 1. GENERAL

It applies to all persons within Philippine territory, subject to recognized exceptions such as diplomatic immunity.

### 2. TERRITORIAL

It generally applies to crimes committed within Philippine territory.

### 3. PROSPECTIVE

Penal laws generally operate **for the future**, rather than retroactively to the prejudice of the accused.

**Easy memory:**

**G-T-P = General – Territorial – Prospective**

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## 6. ARTICLE 1 — EFFECTIVITY OF THE REVISED PENAL CODE

Article 1 provides that the Revised Penal Code took effect on:

**January 1, 1932**

The Code is divided into:

- **Book One** – General provisions, criminal liability, penalties
- **Book Two** – Crimes and their corresponding penalties.

**Memory:**

**Art. 1 = WHEN? → January 1, 1932**

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## **7. ARTICLE 2 — APPLICATION OF THE RPC**

The Revised Penal Code generally applies within the **Philippine Archipelago**, including its:

- atmosphere;
- interior waters; and
- maritime zone.

But Article 2 recognizes circumstances where the RPC applies **even outside Philippine territory**.

### **The 5 important situations:**

#### **1. Philippine Ship or Airship**

The crime is committed on a **Philippine ship or airship**.

#### **2. Counterfeiting Philippine Currency**

The crime involves forging or counterfeiting Philippine coins, currency, obligations, or securities.

#### **3. Acts Connected with Counterfeiting**

Acts connected with the introduction into the Philippines of the forged or counterfeit items.

#### **4. Philippine Public Officer**

A Philippine public officer or employee commits an offense **in the exercise of his functions**, even outside the Philippines.

## 5. National Security / Law of Nations

The crime is against **national security or the law of nations**.

**Memory:**

**SHIP – MONEY – INTRODUCTION – PUBLIC OFFICER – NATIONAL SECURITY**

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# 8. ARTICLE 3 — FELONIES

Article 3 defines felonies as:

**Acts and omissions punishable by law.**

Felonies may be committed through:

**DOLO**

or

**CULPA.**

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## A. DOLO

**Dolo = deliberate intent or malice.**

The offender **intentionally performs the wrongful act**.

**Example:**

A intentionally shoots B.

👉 **Dolo**

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## B. CULPA

**Culpa = fault.**

The wrongful result comes from:

- imprudence;
- negligence;
- lack of foresight; or
- lack of skill.

### **Example:**

A drives recklessly and accidentally kills B.

👉 **Culpa**

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## 9. Elements of a Felony

The reading identifies **three general elements**:

### **1. ACT OR OMISSION**

There must be an act or an omission.

### **2. PUNISHABLE BY LAW**

The act or omission must be punishable by the Revised Penal Code.

### **3. DOLO OR CULPA**

The act or omission must be committed through dolo or culpa.

### **Memory:**

**A – P – D**

**Act → Punishable → Dolo/Culpa**

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# 10. ARTICLE 4 — CRIMINAL LIABILITY

Article 4 contains an important principle:

**A person who commits a felony is liable for the wrongful consequences even if the actual result is different from what he intended, when the wrongful act is the direct, natural, and logical consequence of the felony.**

## **Example:**

A intends only to hurt B.

A beats B.

B dies.

A cannot automatically escape liability by saying:

“I did not intend to kill him.”

If the death was the direct, natural, and logical consequence of A's felony, Article 4 may apply.

## **Memory:**

**Article 4 = What if the result is different from what I intended?**

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# 11. IMPOSSIBLE CRIME

Article 4 also deals with the concept of an **impossible crime**.

This involves a person who has the intention to commit an offense against a person or property, but the crime cannot be accomplished because:

- the accomplishment is inherently impossible; or
- the means used are inadequate or ineffectual,

and the act does not constitute another violation of the Revised Penal Code.

## **Example from the reading:**

A intends to kill B and shoots at him, but A does not know that the gun is empty.

👉 The means used are **ineffectual**.

**Purpose:**

The law punishes the impossible crime to address the offender's **criminal propensity or criminal tendency**.

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## 12. ARTICLE 5 — DUTY OF THE COURT

Article 5 covers two situations:

**A. An act should be punished but is NOT covered by law.**

**B. Strict application of the law would result in a CLEARLY EXCESSIVE PENALTY.**

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### A. Act Not Covered by Law

If the court encounters an act that it believes should be punished but **there is no law making it punishable**:

**The court cannot simply create a crime.**

Instead, it:

1. renders the proper decision under existing law; and
2. reports the matter to the **Chief Executive through the Department of Justice**, explaining why the act should be made the subject of penal legislation.

**Important principle:**

**Courts apply the law; they do not create crimes.**

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## 13. Clearly Excessive Penalty

If strict enforcement of the RPC would result in a **clearly excessive penalty**, considering:

- the degree of malice; and
- the injury caused,

the court may submit a statement to the **Chief Executive through the Department of Justice**.

## **BUT:**

The court **does not suspend execution of the sentence** simply because it believes the penalty is excessive.

The reading emphasizes that courts must apply the law even when the judge personally disagrees with the penalty.

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## **SUPER SHORT SUMMARY**

If you need to review this quickly before class:

### **INTRODUCTION**

Criminal law = **defines crimes + explains their nature + provides punishment**.

### **CHARACTERISTICS**

**General + Territorial + Prospective**

### **LIMITATIONS**

- ✗ Ex post facto law
- ✗ Bill of attainder

### **ARTICLE 1**

 **January 1, 1932**

### **ARTICLE 2**

RPC applies in the Philippines + certain cases outside the Philippines:

**Ship/Airship – Counterfeit – Introduction – Public Officer – National Security**

## ARTICLE 3

**Felony = act or omission punishable by law**

Two forms:

**Dolo = intentional**

**Culpa = negligence/fault**

## ARTICLE 4

Liability may exist even when the **actual wrongful result is different from what was intended**, if it is the direct, natural, and logical consequence.

Also: **Impossible Crime**

## ARTICLE 5

**Court cannot create a crime.**

**Court cannot simply change a penalty.**

It must apply existing law and report certain matters to the Chief Executive through the DOJ.



## WHAT YOU SHOULD UNDERSTAND FOR FOLLOW-UP QUESTIONS

Don't just memorize "**Article 3 = dolo and culpa.**" Understand:

**Why is A liable?** → Because he committed a felony through dolo or culpa.

Don't just memorize "**Article 4 = different result.**" Understand:

**Why is A liable for B's death even if he didn't intend to kill B?** → Because the death may be the direct, natural, and logical consequence of the felony he intentionally committed.

Don't just memorize "**Article 5 = duty of court.**" Understand:

**Can the judge punish an act that he personally thinks is wrong even though no law prohibits it?** → **No.** There must be a law. The court applies the law; it does not create the crime.