

INTRODUCTION TO CRIMINOLOGY

CRIMINAL SOCIOLOGY – 20%
TOPICS
Introduction to Criminology
Theories of Crime Causation
Human Behavior and Victimology
Professional Conduct and Ethical Standards
Juvenile Delinquency and Juvenile Justice
Dispute Resolution and Crisis / Incident Management
Criminological Research 1 & 2

CHAPTER 1
Criminology in the Philippines

RA 10912 (*Continuing Professional Development Act of 2016*) – An act mandating and strengthening the continuing professional development program for all regulated professions, creating a continuing professional development council, an appropriating funds therefore, and for other purposes.

PEACE (*Philippine Educators Association for Criminology Education*) – Created on January 13-25, 1983; Primarily its role is to professionalize criminology education in the contest of national Development.

APO (*Accredited Professional Organization*) – Refers to the PRC *Accredited Professional Organization* where membership therein by professionals is only voluntary.

Created under the Professional regulatory Board of Criminology, as the one and only recognized and accredited integrated national organization of criminologists, subject to the approval of the Professional Regulation Commission (PRC) hereinafter referred to as the Commission created under RA 8981, otherwise known as the “PRC Modernization Act of 2000.”

DEFINITION OF TERMS

Section 4. **IRR of RA 11131**
Resolution No. 02, Series of 2020

AIPO (*Accredited Integrated Professional Organization*) – Refers to one and only recognized and accredited integrated national organization of criminologists, as endorsed by the Professional Regulatory Board subject to the approval of the Professional Regulation Commission (PRC). For purposes of implementing RA 11131, AIPO shall be referred to as the *Accredited Integrated Professional Organization (AIPO)* for the criminology profession.

PCAP – *Professional Criminologist Association of the Philippines*

The legitimate organization of Criminologists reorganized by Professional Regulation Commission (PRC).

Reso. No. 2018-1089 – Revised Rules on the Accreditation of Professional Organizations and Integrated Professional Organizations

Refers to the PRC *Accredited Integrated Professional Organization* for a given profession which specifically mandated by the provisions of Professional Regulatory Law (PRL) to integrate the professionals into one national organization and where the membership therein by professionals is automatic and mandatory.

Except: As provided in RA 8050 (Revised Optometry Law of 1995) and RA 7836 (Philippine Teachers Professionalization Act of 1994) as amended.

Board – Refers to the Professional Regulatory Board of Criminology.

CHED (*Commission on Higher Education*)
RA 11131 – Created under RA 7722, otherwise known as “*Higher Education Act of 1994*”.

CHED - Created under RA 7722, otherwise known as “*Higher Education Act of 1994*”, in the formulation of policy standards, and monitoring of the criminology education in the country, which shall be assisted by the Criminology Technical Panel composed of: ^{RA 11131}

- President from APO
- Chairperson of the Board of Criminology
- One (1) from the *Academe*
- Two (2) from the *Law Enforcement Agencies*

Code of Ethics – Refers to the set of moral and ethical principles that all registered Criminologists must abide by as they practice the profession.

Code of Good Governance for the Practice of Criminology – Refers to the formal outlines of the mission, vision, and ideals of Filipino criminologists. It also governs the criminologists’ conduct towards the state, the public, the profession and fellow professionals.

Commission – Refers to the Professional Regulation Commission created under RA 8981, “*PRC Modernization Act of 2000*.”

Continuing Professional Development (CPD) – The attainment of advanced knowledge, skills and ethical values in a post-licensure specialization or in an inter or multidisciplinary field of study, for assimilation into professional practice, self-directed research and/or lifelong learning.

Criminology – Refers to the scientific study of crimes, criminals, victims, and criminal behavior. It also deals with the prevention and solution of crimes.

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RA 11131

Foreign Reciprocity – Refers to *Section 14 (a)* and 29 of the IRR of RA 11131 which provide that only nationals of foreign countries in which the requirements for the licensure examination and/or registration and practice are substantially the same as those required and contemplated by the Philippine laws and regulations, and which laws and regulations allow Philippine citizens to practice criminology within the territory of such foreign countries on the same basis and grant the same privileges as those enjoyed by their citizens, subjects or nationals shall be allowed to take the Philippine Criminologists licensure examination and be given CORs and PICs pursuant to RA 11131.

Law Enforcement – The component of internal or homeland security of the Philippines charged with the mandate to enforce, investigate, and participate as important agents in the prosecution of violations of criminal local laws, including international laws duly adopted as part of the law of the land under the Constitution.

National Security – The dynamics and interplay of the political, economic, socio-cultural, techno-scientific, environmental, and military to attain and maintain a condition where the sovereignty of the nation, the territorial integrity of the state, the government and its instrumentalities, and the welfare of the people are secured, advanced, nurtured, and protected.

Profession – The art and science in the practice of criminology discipline.

Professional / Component Subjects on Criminology – Refer to the component subjects per area as provided under Section 15 of this IRR and the subject to the conditions as may be provided therefor or by the Board.

Public Safety – The protection of the homeland which includes law enforcement and policing, criminal justice system, protection and safeguard of lives and properties, customs and immigration, maritime sea and border protection, health, environment and ecosystem, public safety and civil defense.

Quasi-Police Functions (Order Maintenance / Community Services) – Activities of law enforcement agencies and its agents which does not directly involve enforcement or investigation of violations of criminal laws.

Report of Rating – Refers to the document stating the rating obtained by the examinee in the licensure examination.

Table of Specification (TOS) – Refers to the list of outcome-based competencies which the licensure examination measures and assesses.

RA 6506	An act <i>Creating the Board of Examiners for Criminologist in the Philippines</i> and for other purposes. <i>Approved:</i> July 1, 1972
RA 11131	An act <i>Regulating the Practice of Criminology Profession in the Philippines</i>, and appropriating funds therefor, <u>repealing</u> for the purpose of RA 6506 otherwise known as “An act Creating the Board of Examiners for Criminologist in the Philippines.” <i>“The Philippine Criminology Profession Act of 2018”</i> <i>Approved:</i> November 8, 2018 <i>Published:</i> November 15, 2018 <i>Effectivity:</i> November 30, 2018 <i>President:</i> Rodrigo Roa Duterte This Act was passed by the Senate of the Philippines as Senate Bill No. 452 on March 12, 2018, and was adopted by the House of Representative as an amendment to House Bill No. 7191 on September 11, 2018. A total of 192 lawmakers voted to approved <i>House Bill 7191</i> or the “<i>The Philippine Criminology Profession Act of 2018</i>” authored by Rep. Gary Alejandro and Maximo Rodriguez Jr.

Members of the PRC Board of Criminology
– as of April 2023

Chairman: Atty. Ramil G. Gabao

Members:

1.

Hon. Warren M. Corpuz
2.

Hon. Lani T. Palmones
3.
4.
- Vacant as of April 2023

REGISTERED CRIMINOLOGIST

- A **criminologist** is any person who is a graduate of the Degree of Criminology, who has passed the examination for criminologists and is registered as such by the Board of Examiners of the Professional Regulation Commission. RA 6506
- Registered Criminologists** refers to a natural person who holds a valid certificate of registration (COR) and an updated professional identification card (PIC) as criminologist issued by the Board and the Commission. RA 11131

HB 7191
Authored by REPS. GARY
ALEJANO & MAXIMO
RODRIGUEZ JR.

SALIENT FEATURES
The Philippine Criminology Profession Act of 2018

11/30/2018

and

**Implementing Rules and Regulations of
RA 11131**

12/4/2020

Section 3. Objectives IRR Rule I, RA 11131

This act shall govern:

- a. The examination, registration, and licensure for criminologists.
- b. The supervision, control, and regulation of the practice of criminology.
- c. The participation in the standardization of the criminology education program.
- d. The development of the professional competence of criminologists through Continuing Professional Development (CPD).
- e. The integration of all criminology professional groups and membership of all registered criminologists to the accredited professional organization.

→ AIPO – Accredited Integrated Professional Organization

→ PCAP – Professional Criminologists Association of the Philippines

Section 5. Scope of Practice IRR Rule I, RA 11131

The practice of criminology shall include, but shall not be limited to, acts or activities performed:

- a. As a **Law Enforcement Administrator**, executive, adviser, consultant, officer, investigator, agent or employee in any private or government agencies performing law enforcement and quasi-police functions at:

- Philippine National Police (PNP)
- National Bureau of Investigation (NBI)
- Philippine Drug Enforcement Agency (PDEA)
- Bureau of Fire Protection (BFP)
- Bureau of Jail Management and Penology (BJMP)
- Probation and Parole Administration (PPA)
- Bureau of Internal Revenue (BIR)
- Bureau of Customs (BoC)
- Bangko Sentral ng Pilipinas (BSP)
- Other government and private banks.
- Philippine Postal Corporation (PPC)
- Sea and Air Marshalls
- VIP Security
- Airport and Seaport Police
- National Intelligence Coordinating Agency (NICA)
- Intelligence Service of the Armed Forces of the Philippines (ISAFP)

And agencies of the government exercising similarly related functions in the field of national security, public safety, and peace and order.

- b. In **Teaching Profession** such as those performed by a professor, instructor or teacher in any university, college or school duly recognized by the government on any of the following professional and component subjects of the criminology program:
 - 1. Criminal Jurisprudence and Procedure
 - 2. Criminalistics
 - 3. Law Enforcement Administration
 - 4. Crime Detection and Investigation
 - 5. Correctional Administration
 - 6. Criminal Sociology and Ethics

And other technical and specialized subjects in the criminology curriculum provided by the CHED.

- c. As a **technician, examiner/criminalist, or specialist** in:

1. Dactyloscopy,
2. Questioned Document,
3. Deoxyribonucleic Acid (DNA),
4. Lie Detection,
5. Firearms Identification,
6. Forensic Photography,
7. Forensic Chemistry,

Other scientific crime detection and investigation or forensic science.

- d. As a **correctional administrator**, executive, supervisor, or officer in any rehabilitation, correctional, and penal institution or facility, and in any community-based corrections, and rehabilitation agencies and/or programs.
- e. As a counselor, consultant, adviser or researcher in any government or private agency on any aspect of criminological research or project involving the causes of crime, children in conflict with the law, treatment and correction of persons deprived of liberty (PDL), police operation, law enforcement administration, scientific criminal investigation or public safety and national security administration.

As a **private** investigator, administrator, consultant or agent, or detective in any private security and investigation agency organized under the laws of the Philippines.

The Board, in consultation with the AIPO and the academe, subject to the approval of the Commission, may revise, exclude from or add to the above enumerated acts or activities as the need arises to conform with the latest trends in the practice of criminology in the country.

The Board shall coordinate with government agencies involve in the national security, public safety, peace and order, and criminal justice to evaluate and identify which positions in those agencies involve the practice of criminology profession as identified in the PDF or job description.

Section 6. Creation and COMPOSITION of the Professional Regulatory Board for Criminologists IRR Rule II, RA 11131

The Professional Regulatory Board for Criminologists is under the administrative supervision and control of the Professional Regulation Commission.

Chairperson

Four (4) Members

Appointing Authority: *Appointed by* the President of the Philippines from the list of three (3) recommendees for each position, chosen and ranked by the Commission from a list of three (3) nominees for every position endorsed by AIPO.

The new Board shall be organized not later than six (6) months from the effectivity of RA 11131.

Section 7. **Qualifications of the Chairperson and Members of the Board** IRR Rule II, RA 11131

The Chairperson and each member shall, at the time of their appointment, possess all these qualifications:

- a. Must be a natural-born Filipino citizen and a resident of the Philippines.
- b. Must be of good moral character, good reputation, and of sound mind and body.
- c. Not convicted by a court of competent jurisdiction of any offense involving moral turpitude.
- d. Must be a graduate of Bachelor of Science in Criminology, and a holder of a Post-Graduate Degree in Criminology from any reputable school recognized by the CHED *or a criminologist-lawyer* in good standing before the Supreme Court and the Integrated Bar of the Philippines (IBP).
- e. Must be a registered criminologist with a valid certificate of registration and a valid professional identification card, having **at least ten (10) years of practice in the profession** prior to the appointment including **no less than two (2) years teaching experience of criminology or law subjects** in full-time or part-time capacity in any college of criminology, college of law or law enforcement training institutions recognized by relevant government agency.
- f. Must be a member in good standing of the AIPO but not an officer or trustee thereof.
- g. Must **not** be a member of the faculty of any school, college or university where a regular class or review course in criminology is offered, nor a member of the staff of reviewers in a review school or center for criminologists and must not have any direct or indirect pecuniary interest in any such institution.

Section 8. IRR Rule II, RA 11131	
Term of Office	Term of three (3) years and may be reappointed to the same office for another three (3) years. <i>Provided:</i> The holding of such position shall <u>not be more than two (2) terms</u> nor more than six (6) years. <i>Provided:</i> The <i>first</i> Board under this Act shall hold these terms of office: Chairperson – 3 years First two (2) members – 2 years Second two (2) members – 1 year

Section 10. **Powers, Functions, Duties and Responsibilities of the Board** IRR Rule II, RA 11131

The Board shall exercise executive, administrative, rule-making and quasi-judicial powers in carrying out the provision of this Act. It shall be vested with the following specific powers, functions, duties and responsibilities.

- a. To administer, supervise, and monitor the conduct of the licensure examination, registration, membership in the AIPO and the practice of criminology in accordance with the provisions of RA No. 11131 and this IRR.
- b. To receive complaints and decide the matter as to the *malpractices and unethical conduct* in the practice of the criminology profession.
- c. To promulgate and issue rules and regulations implementing the provisions of RA No. 11131.
- d. To promulgate and adopt *Code of Ethics and Code of Good Governance* for the practice of criminology.
- e. To adopt an official seal of the Board.

- f. To prescribe and promulgate guidelines on the conduct of a CPD program for criminologists, in consultation with the AIPO and the academe.
- g. To promulgate, adopt or amend the syllabi and tables of specification of the subjects for the licensure examination/s in consultation with the AIPO, the academe, and the CHED Technical Panel for Criminology, prepare questions for the licensure examination which shall strictly be within the scope of the syllabi of the subjects for examination, as well as administer and correct, and release the results of the licensure examinations.
- h. To issue, suspend, revoke or reinstate the certificate of registration of the registered criminologist or cancel temporary/special permit granted to foreign criminologist.

Temporary/Special Permit – refers to privilege granted to registered Criminologists from other countries and for Filipinos in allied discipline as mentioned in Section 30 of this IRR to be able to practice in the Philippines.

- i. To administer oaths in the performance of its functions such as, but not limited to the oath of a professional to successful examinees in licensure examination for criminologists, together with the AIPO, in an appropriate *mass oath-taking ceremony* to be held for the purpose.
- j. To monitor the conditions affecting the practice of criminology and whenever necessary, adopt such measure as may be deemed proper for the enhancement of the profession and the maintenance of high professional, ethical and technical standards; for this purpose, the members of the Board, duly authorized by the Commission, may conduct ocular inspection of establishments where criminology is practiced, and recommend sanction as it may deem proper to the appropriate government agency concerned.
- k. To monitor all colleges and universities offering criminology program and recommend sanctions to the CHED or to other authorized government offices, for non-compliance with the policies, standards, and requirements as to faculty qualifications, laboratory, library, facilities and equipment, research outputs, curriculum and administration of the criminology education.
- l. To hear and investigate cases on violations of *RA No. 11131, this IRR, the Code of Ethics, the Code of Good Governance and other policies*, and for this purpose, to issue summons, subpoena ad testificandum and subpoena duces tecum to alleged violators and/or witnesses to compel their attendance in such hearing or investigation and the production of documents in connection therewith.

Subpoena ad testificandum – is a court summons to appear and give oral testimony for use at a hearing or trial.

Subpoena duces tecum (Subpoena for Production of Evidence) – is a court summons ordering the recipient to appear before the court and produce documents or other tangible evidence for use at a hearing or trial.

- m. To delegate to the Commission the hearing or investigation of cases against the alleged violators: Provided, That the hearing or investigation of cases wherein the issue or question involved strictly concerns the technical practice of criminology shall be presided over by at least one (1) member of the Board assisted by a Legal or Hearing Officer of the Commission.
- n. To recommend to the Commission the endorsement of cases involving criminal violations of RA No. 11131, this IRR, or other laws to the Prosecution Office or appropriate government agency, for investigation and appropriate action.
- o. To **disqualify applicants** for the licensure examination who has been previously convicted of a crime with finality involving moral turpitude. Hear and decide administrative cases against the examinees or registered criminologists if they have been convicted of a crime involving moral turpitude.
Provided: That if they are found guilty, the Board shall cancel their examination papers and/or preclude them from taking another licensure examination, or to revoke/suspend their certificates of registration and cause the surrender of their professional identification card subject to the rules and regulations of the PRC.
Provided: That the decision of the Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision.
- p. To conduct, through the Legal or Hearing Officers, summary proceedings against the examinees who commit violations of RA No. 11131, its IRR, any of the Codes aforementioned, including violation of the General Instructions to Examinees, and to render summary judgment thereon which shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision.
- q. To prepare an annual report of accomplishments on programs, projects and activities of the Board for submission to the Commission after the close of each calendar years and make appropriate recommendations to the Commission on issues or problems affecting the criminology profession.
- r. To exercise such other powers as may be provided by law as well as those which may be implied from, or which are incidental or necessary to the effective carrying out of the express powers granted to the Board to achieve the objectives and purposes of RA No. 11131. The resolutions, rules and regulations and other policies issued and promulgated by the Board shall be subject for review and approval by the Commission.

Section 11. Grounds for REMOVAL OR SUSPENSION of BOARD CHAIRPERSON / MEMBER

The President of the Philippines, upon the recommendation of the Commission, after due process and administrative investigation conducted by the Commission, may remove or suspend the chairperson or member of the Board on any of the following grounds:

- a. Gross neglect, incompetence or dishonesty in the discharge of one's duty.

- b. Commission of any of the causes/grounds and the prohibited acts provided in RA No. 11131 and the offenses in the Revised Penal Code, the Anti-Graft and Corrupt Practices Act, and other laws.
- c. Manipulation or rigging of the results in the licensure examination for criminologists, disclosure of secret and confidential information on the examination questions prior to the conduct thereof or tampering of grades.
- d. Conviction with final judgment of any crime involving moral turpitude.

The Commission, in the conduct of the investigation, shall be guided by Section 7(s) of RA No. 8981, the rules on administrative investigation, and the applicable provisions of the New Rules of Court.

Section 14. Qualification of an APPLICANT for the Licensure Examination IRR Rule III, RA 11131

An applicant for the licensure examination for criminologist shall satisfactorily prove that one possesses the following qualifications:

- a. Must be a citizen of the Republic of the Philippines or a foreign citizen whose country/state has reciprocity with the Philippines in the practice of criminology.
- b. Must be of good moral character, good reputation and of sound mind and body certified by the school where he/she graduated and the barangay where he/she lives, unless the examinee is a foreign national a certification from any professional criminologist of good standing will do.
- c. Must hold a bachelor's degree in criminology duly accredited by the CHED and conferred by a school/college/university duly authorized by the government or its equivalent programs as approved by the PRB obtained by either a Filipino or foreign citizen from an institution of learning in a foreign country/state:
Provided: That it is duly recognized and/or accredited by the CHED.
- d. Must not have been convicted of an offense involving *moral turpitude* by a court of competent jurisdiction.
- e. Those who failed five (5) times whether consecutive or cumulative in the criminologist licensure examination, must present a certification issued by a reputable institution duly recognized by the CHED that *such applicant has satisfactorily completed a refresher course in criminology.*

Requirements for CRIMINOLOGIST LICENSURE EXAMINATION:

1. Certificate of Live Birth in Philippine Statistics Authority (PSA) Security Paper
2. Marriage Contract in PSA Security Paper for married female applicants.
3. College Diploma issued by PHEI with indication therein of the date of graduation and Special Order Number, unless it is not required. In case of degree equivalency, the college diploma and the certificate of equivalency issued by CHED.
4. Baccalaureate Transcript of Records (TOR) with indication therein of the date of graduation and Special Order (SO) Number, unless it is not required.

- CHED Certification, Authentication and Verification (CAV).
- National Bureau of Investigation (NBI) Clearance.
- Regional Trial Court Clearance.
- Certificate of Good Moral Character issued by the school Dean of the Criminology Program with the corresponding dry seal of the college, and the barangay where the applicant actually resides.
- Other documents that the Board may reasonably require.

Requirements for FOREIGN NATIONALS
Subject to Section 29 on Foreign Reciprocity

- Duly authenticated college diploma and transcript of records issued by foreign HEI.
- Certificate of Equivalency from the CHED (if he/she graduated from a foreign university/school).
- Certification of good standing from any professional criminologist.

Section 15. *Subjects for Licensure Examination*

SUBJECTS

Licensure Examination for Criminologist (LEC)

MAIN SUBJECTS	RELATIVE WEIGHT
Criminal Jurisprudence and Procedure <i>Resolution No. 01, s. 2021</i> - Introduction to Philippine Criminal Justice System - Human Rights Education - Criminal Law (<i>Book 1</i>) - Criminal Law (<i>Book 2</i>) - Evidence - Criminal Procedure and Court Testimony	20%
Law Enforcement Administration <i>Resolution No. 01, s. 2021</i> - Comparative Models in Policing - Introduction to Industrial Security Concepts - Law Enforcement Operations and Planning with Crime Mapping.	
<i>IRR Rule III, RA 11131</i> - Police Organization and Administration, Police Planning - Police Patrol Operations, Police Communication System - Police Intelligence - Police Personnel and Records Management - Comparative Police Systems - Industry Security Management	20%
Crime Detection and Investigation <i>Resolution No. 01, s. 2021</i> - Fundamentals of Criminal Investigation with Intelligence - Specialized Crime Investigation 1 with Legal Medicine	15%

- Specialized Crime Investigation with Simulation on Investigation and Interview - Traffic Management and Accident Investigation with Driving - Technical English 1 (<i>Investigative Report Writing and Presentation</i>) - Fire Protection and Arson Investigation - Vice and Drug Education and Control - Technical English 2 (<i>Legal Forms</i>) - Introduction to Cybercrime and Environmental Laws and Protection	
Criminalistics (Forensic Science) - Forensic Photography - Personal Identification Techniques - Forensic Chemistry and Toxicology - Questioned Documents Examination - Lie Detection Techniques - Forensic Ballistics	20%
Correctional Administration - Institutional Corrections - Non-Institutional Corrections - Therapeutic Modalities	10%
Criminal Sociology <i>IRR Rule III, RA 11131</i> - Introduction to Criminology and Psychology of Crimes - Philippine Criminal justice System - Ethics and Values - Juvenile Delinquency and Crime Prevention - Human Behavior and Crisis Management - Criminological Research and Statistics	15%
TOTAL:	100%

The Board, in consultation with the AIPO and the academe, and subject to the approval of the Commission, may revise or exclude any of the subjects with their corresponding ratings and their syllabi, and add new ones as the need arises to conform with technological changes brought about by developing trends in the profession.

However, the Board may change or revise any of the above subjects in the event that the CHED shall correspondingly change the curriculum prescribed for the Degree of Bachelor of Science in Criminology. In the conduct of the examination, the Board, in its discretion, may give practical and field examinations in each subject, as it may deem fit.

Section 17. **RATING in the Licensure Examination** ★

To pass the licensure examination for criminologists, a candidate must obtain a weighted average rating of:

Weighted Average Rating of:
75% with NO grade less than 60% in any given subject.

PASSED

In cases of:

Weighted Average Rating of:
75% BUT has a grade below 60% in any of the subjects.

DEFERRED

- ✓ Required to RETAKE that particular SUBJECT/S.
- ✓ Allowed to retake ONCE within TWO (2) YEARS from the date of examination.
- ✓ Required to obtain a grade NOT LOWER THAN 80% on the subject.
- ✓ If failed to retake after the lapse of 2 years or failed to get the passing mark of 80%, the examinee shall RETAKE ALL THE BOARD SUBJECTS.

Failed THREE (3) or MORE SUBJECTS

FAILED

Professional Regulatory Board of Criminology
Resolution No. 01, series of 2021

Section 17 of the IRR of R.A. No. 11131 provides that the new Rating in the licensure examination shall be implemented in the 2nd LEC in the year 2022 to coincide with the first batch of graduates of CMO No. 05 (s. 2018)

Section 19. **OATH** IRR Rule III, RA 11131

All successful candidates of the licensure examination shall take their oath of profession in person before the Board or any of its members, and with the AIPO in a mass oath-taking ceremony, held for such purpose. Any person authorized by law may administer oath to any successful examinee only upon approval and due delegation by the Board and only upon presenting of membership and taking of the oath from the AIPO prior to entering the practice of the profession.

Requests for individual special oath taking shall be through a formal petition or request for the approval of the Board stating thereto reasonable cause why the successful examinee was not able to participate in the joint mass oath taking held for the purpose pursuant to Section 10, par (i) of RA 11131.

Section 20. **Issuance of CERTIFICATE OF REGISTRATION (COR) and PROFESSIONAL IDENTIFICATION CARD (PIC)** IRR Rule III, RA 11131

A **COR** shall be issued to those who shall register, subject to payment of fees prescribed by the Commission. It shall bear the signatures of the chairperson and the commissioners of the Commission and the chairperson and members of the Board, stamped with the official seals of the Commission and of the Board, certifying that the person named therein is entitled to practice the criminology profession with all the privileges appurtenant thereto. It

LEGENDS:

★ CLE Board Question

shall remain in full force and effect until withdrawn, suspended or revoked in accordance with RA No. 11131.

Certificate of Registration – refers to the documents issued by the Commission, through the Board, signifying that the person named therein is entitled to practice the criminology profession with all the privileges appurtenant thereto. IRR, RA 11131

A **PIC** bearing the full name, signature of the professional, registration no., dates of issuance and expiry, duly signed by the Commission Chairperson shall be issued to every registrant who has paid the prescribed fees. It shall be re-issued after every three (3) years upon payment of the prescribed fees, compliance with the prescribed CPD units, and certification by the AIPO as active member.



Professional Identification Card – refers to the document bearing the registration number, dates of issuance and expiry, duly signed by the Commission Chairperson. IRR, RA 11131

Section 21. **Refusal to Issue Certificate of Registration and Professional Identification Card or Temporary / Special Permit** IRR Rule III, RA 11131

This board shall not register any successful applicant for registration who has been:

1. Convicted with finality of a crime involving moral turpitude by a court of competent jurisdiction.
2. Found guilty of immoral or dishonorable conduct by the Board.
3. Summarily adjudged guilty for violation of the General Instruction to Examinees by the Board.
4. Declared unsound mind by a court of competent jurisdiction.

In refusing such registration, the Board shall give the applicant a written statement setting forth the reasons thereof and shall file a copy in its records.

Section 22. **Revocation or Suspension of the COR and Cancellation of Temporary / Special Permit** IRR Rule III, RA 11131

The Board shall have the power, upon notice and hearing, to revoke or suspend the certificate of registration of a registered criminologist or to cancel a temporary/special permit granted to foreign criminologist for the following causes/grounds:

- a. Violation of any provision of RA No. 11131, this IRR, the Code of Ethics, the Code of Good Governance, or policy of the Board and/or the Commission.
- b. Conviction of a crime with finality involving moral turpitude.

- c. Perpetration or use of fraud in obtaining one's certificate of registration, professional identification card or temporary/special permit.
- d. Gross incompetence, negligence, ignorance resulting to death or injury of a person, or damage to property.
- e. Nonrenewal of the professional identification card for six (6) years or for two (2) consecutive renewal period with the PRC without justifiable cause.
- f. Aiding or abetting the illegal practice of a non-registered criminologist by allowing the use of one's certificates of registration and/or professional identification card or temporary/special permit.
- g. Practicing the profession during the suspension from the practice.
- h. Addiction to drugs or alcohol impairing one's ability to practice the profession or a declaration by a court of competent jurisdiction that the registrant is of unsound mind.
- i. Noncompliance with the CPD and AIPO reasonable requirements as approved by the Board, unless one is exempted therefrom, for the renewal of the professional identification card.

The Board shall periodically evaluate the aforementioned grounds and revise or exclude or add new ones as need arises, subject to the approval of the Commission.

Any person, firm or association may file charge/s in accordance with the provision of this section against any registrant, and the Board may investigate the commission of any of the abovementioned causes. Affidavit-complaint shall be filed together with the affidavits of witnesses and other documentary evidence with the Board through the Legal and Investigation Office. The conduct of an investigation motu proprio shall be embodied in a formal charge to be signed by at least majority of the members of the Board. The rules on administrative investigation issued by the Commission shall govern the hearing or investigation, subject to applicable provisions of RA No. 11131, RA No. 8981 and the Rules of Court.

The Board, pursuant to applicable issuances of the Civil Service Commission, shall inform the Civil Service Commission and/or the concerned government agency or instrumentality, and the AIPO, should there be a registered criminologist whose license had been revoked or suspended.

Section 23. **Reissuance of revoked COR, Replacement of Lost or Damaged COR, PIC or Temporary / Special Permit**
IRR Rule III, RA 11131

The Board may, upon a verified petition, reinstate or reissue a revoked certificate of registration after two (2) years from the effectivity of the period for revocation, which is the date of surrender of the certificate and/or the professional identification card, if still valid to the Board and/or the Commission. The petitioner shall prove to the Board that one has valid reason/s to practice anew the profession. In the granting of the petition, the Board shall issue a Board resolution, subject to approval by the Commission.

A certificate of registration, professional identification card or temporary/special permit that has been declared lost may be reissued in accordance with the rules thereon and upon payment of prescribed fees.

Section 25. **Renewal of PIC**
IRR Rule III, RA 11131

The professional identification card shall be renewed only upon the completion of the prescribed minimum units of the CPD program by the registered professional from the AIPO as a CPD Provider or from any accredited provider as duly authorized by the Commission.

Section 27. **Lawful PRACTITIONERS of Criminology**
IRR Rule IV, RA 11131

The following persons shall be authorized to practice the criminology profession:

1. **Natural Persons**
 - a. Duly registered criminologists and holders of valid certificates of registration and valid professional identification cards issued by the Board and the Commission pursuant to RA No. 11131.
2. **Juridical Persons**
 - a. Single proprietorship whose owner and technical staff are registered criminologists.
 - b. Partnership duly registered with the Securities and Exchange Commission (SEC) as professional partnership pursuant to the Civil Code and composed of partners majority of whom are registered criminologists.
 - c. Corporation duly registered with the SEC as engaged in the practice of criminology and with officers and Board of Directors whom are all registered criminologists.
 - d. Association and cooperative duly registered with the appropriate government agency as a non-stock corporation where majority of the officers, Board of Trustees and members are registered criminologists.

These juridical persons shall also be registered with the Board and the Commission in accordance with the rules and regulations thereon. The Board shall issue a separate guideline to implement this provision.

Section 29. **FOREIGN RECIPROCITY**
IRR Rule IV, RA 11131

No foreigner shall be allowed to take the licensure examination for criminologists, register, receive one's certificate of registration and professional identification card, and practice criminology in the Philippine **unless** the requirements for the licensure examination and/or registration and practice of criminology imposed *under the laws and regulations in the foreign country/state are substantially the same as those required and contemplated by the Philippine laws and regulations*, and unless the foreign laws and regulation allow Philippine citizens to practice criminology within the territory of the foreign country/state on the same basis and grant the same privileges as those enjoyed by the citizens, subjects or nationals thereof.

A foreign national, whether or not he/she studied in the Philippines, who desires to take the Criminologists Licensure Examination, through reciprocity, shall initiate the establishment of reciprocity between his/her country or state and the Philippines by submitting a letter or any document signed by and under the official seal of the appropriate official of his/her country or state requesting the chairperson of the Board to allow the foreign applicant to take the licensure examination; and that by express provision of the law of his/her country or state or international treaty, agreement or covenant to which his/her country or state and the Philippines are signatories, Filipino

citizens are allowed to take the Criminologists Licensure Examination and to register as such in said foreign country or state on terms of strict and absolute equality with its own citizens or subjects, including the unconditional recognition of prerequisite degrees issued by institutions of higher learning duly recognized or established by the Government of the Republic of the Philippines, attaching/appending thereto an authenticated copy of said law, treaty, agreement or covenant officially translated in the English language, if applicable.

If the letter/document and the copy of the law or treaty, agreement or covenant submitted by the applicant is satisfactory to the Board, the foreign applicant shall be allowed to take the Criminologists Licensure Examination by requiring him/her to file an application to take the licensure examination and by submitting the following documents that shall accompany the application:

- a. Original or certified true copy of any official document issued by the Bureau of Immigration (BI) allowing the applicant to enter and reside in the Philippines.
- b. Copy of passport for examination and for photocopying of pertinent information about the applicant.
- c. Original or certified true copy of the transcript of records or equivalent document of the course for licensure examination issued by an institution of higher learning in case he/she studied outside the Philippines, and which must be duly authorized or accredited by the country or state which issued such document: Provided, that the documents must also be certified by CHED to be equivalent to the degree in Criminology accredited/recognized in the Philippines.
- d. Other documents which may be required to be submitted by the Board.

Section 30. Practice Through Temporary / Special Permit
IRR Rule IV, RA 11131

Temporary/Special permit may be issued by the Board subject to the approval by the Commission and payment of fees the latter has prescribed and charged thereof to the following:

- a. Registered criminologists from foreign countries/states whose services are rendered either for free or for a fee:
 - 1. If they are internationally known criminologists or experts in any branch, specialty or allied field of criminology.
 - 2. If their services are urgently and importantly required for lack or inadequacy of available local specialists or experts; or for the promotion or advancement of the practice of criminology through transfer of technology.
- b. Registered criminologists from foreign countries/states whose services shall be free and limited to indigent clients or for research purposes.
- c. Registered criminologists from foreign countries/states employed as exchange professors in a branch, specialty or allied field of criminology, in schools, colleges or universities offering the course of criminology.
- d. Filipino professionals in allied disciplines who intend to teach in PHEI offering criminology program and in review centers for criminology licensure examination subject to the conditions as stated in section 16 of this IRR.

The permit shall, among other things, contain the following limitations and conditions:

- 1. Its validity must be for a period coterminous with the contract or engagement but not exceeding one (1) year subject to renewal.
- 2. The branch or specialty of criminology.
- 3. Specific place of practice such as national security, public safety, law enforcement agencies, center, school, college or university offering the program or review of criminology.

The Board, subject to the approval of the Commission, shall promulgate rules and regulations on the implementation of this particular section.

Section 34. Privileges of Registered Criminologists IRR Rule V, RA 11131

All criminologists shall be exempt from taking any other entrance or qualifying government or civil service examinations and shall be considered civil service eligible to the following government positions:

- 1. Dactylographer
- 2. Ballistician
- 3. Questioned Document Examiner
- 4. Forensic Photographer
- 5. Polygraph Examiner
- 6. Probation Officer I to Chief Probation Officer
- 7. Assistant Parole Officer
- 8. Special Investigator
- 9. Special Agent
- 10. Investigative Agent
- 11. Intelligence Agent
- 12. Law Enforcement Evaluation Officer
- 13. National Police Commission (NAPOLCOM) Inspector
- 14. Traffic Operation Officer
- 15. Associate Graft Investigation Officer
- 16. Special Police Officer
- 17. Safekeeping Officer
- 18. Sheriff
- 19. Government Security Officer
- 20. Criminal Investigator
- 21. Warden
- 22. Reformation Officer
- 23. Firefighter or Fire Officer I
- 24. Fire Marshall
- 25. Jail Officer I, Corrections Officer and Corrections Technical Officer I up to the rank of Superintendent or its equivalent.
- 26. Police Officer up to the Rank of Police Superintendent or its equivalent in other law enforcement, national security and public safety agencies, and criminal justice administration.

Registered criminologists who are not in the government service shall be eligible and given preference for appointment via lateral entry as Police, Fire, and Jail Inspectors or its equivalent in the PDEA, NBI, and other law enforcement agencies.

Provided: That they possess the general qualifications for appointment as provided in the existing laws on appointment of personnel in the PNP, BJMP, BFP, PDEA, NBI and other agencies.

Provided, further: That those who are already in the police, fire, jail, and other government agencies involve in national security, public safety, and criminal justice administration as non-commissioned officers and who are already registered and licensed criminologists shall be given preference for lateral entry.

Section 37. *Penal Clause* IRR Rule V, RA 11131

<i>Fine</i>	<i>Imprisonment</i>
Not less than ₱100,000.00 nor more than ₱500,000.00	Not less than 2y & 1d nor more than 6 years, or both.

1. Practicing criminology as stated in Section 5 of RA 11131 without valid COR and a valid PIC or a valid temporary/special permit.
2. Attempting to use the seal, COR and PIC of a registered criminologist or temporary/special permit issued to a foreign criminologist.
3. Abetting the illegal practice of criminology by an unregistered or unauthorized person.
4. Securing through false information or fraudulent means certificate of registration and professional identification card or temporary/special permit.
5. Impersonating a registered criminologist or a holder of a temporary/special permit.
6. Violating any provision of RA No. 11131 or this IRR.

Where the violator is a juridical person, the Board of Directors and other responsible officers of the corporation shall be held liable.

Section 38. *Enforcement* IRR Rule V, RA 11131

In carrying out the provisions of RA 11131, the Board shall be assisted by the Commission, the AIPO, duly constituted government agencies and authorities and private organizations in the industry.

Plaridel Education Institution (1954) Philippine College of Criminology (1960)

- The first education institution to teach *scientific crime detection* and police science in the Philippines, also in SEA region.
- Founded by *Justice Felix Angelo Bautista*
Father of Criminology of Southeast Asia

Dr. Pedro P. Solis

- Former NBI Director
- Father of Legal Medicine in the Philippines

Eliseo Vibat

- Former Police Major of Manila
- Founded also the Plaridel Education Institution

CHAPTER 2
Criminology

Sociology is the mother discipline of criminology. It is the study of human society, its origin, structure, functions, and direction.

Etymology (Origin)

Latin: **crimen** – **crime**

Greek: **logos** – **to study**

1885 Raffaele Garofalo ➔ **Criminologia**
 Italian Law Professor Coined

1887 Paul Topinard ➔ **Criminologie**
 French Anthropologist Used

CRIMINOLOGY refers to the scientific study of crimes, criminals, and victims, it also deals with the prevention, and solution of crimes. ^{RA 11131}

CRIMINOLOGY refers to the scientific study of crimes, criminals, victims, and criminal behavior. It also deals with the prevention and solution of crimes. ^{IRR, RA 11131} ★

CRIMINOLOGY is the entire body of knowledge regarding crime as a social phenomenon. It includes within its scope the *process of making laws, of breaking laws, and the society's reaction* towards the breaking of law.

- EDWIN H. SUTHERLAND

PRINCIPAL DIVISION OF CRIMINOLOGY	
Etiology of Crimes (Criminal Etiology)	The <u>scientific study</u> of the <u>causes</u> and <u>criminal behavior</u> . This deals with the determination of different origins, causes, factors that may bring crime and criminal behavior. ★ Etiology – means origin, root cause.
Penology (Penal Science)	The study of the <u>control of delinquencies</u> and <u>crime</u> and the <u>rehabilitation of lawbreakers</u> . • The process of crime prevention through the infliction of fear and punishment. <i>Latin</i> poena and poenalis pain/ suffering & punishment
Sociology of Law	The examination of the <u>nature of criminal law</u> and its <u>administration</u> . Also deals with the <u>different laws</u> and its <u>function to a society</u> . ★
Criminalistics	Some authors suggest that <i>criminalistics</i> is another branch of Division of Criminology. Criminalistic – is the sum total <u>application of entire science in crime detection</u> . The profession and scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the physical and natural sciences to law sciences matters. Criminalist – who is trained in science of application of instrument and method to the detection of crime.

CHARACTERISTICS / NATURE OF CRIMINOLOGY	
S A N D	
Social Science	Because it studies crime as a <i>social phenomenon</i> . Crime is a social problem which has a great impact on society. <i>Crime is a societal reaction</i> and that it exists in a society, its study must be considered a part of social science.
Applied Science	Because criminology as a body of knowledge has already established <i>universally accepted</i> principles and concepts and these are used by other fields of study. Instrumentation Anthropology, psychology, sociology, and other natural sciences may be applied in the study of the causes of crime while chemistry, medicine, physics, mathematics, etc. may be utilized in crime detection.
Nationalistic	Because the study of criminology takes into consideration the <i>history, culture, and the social norms</i> and the <i>laws of the country</i> . Each country has its own set of laws and crimes are defined by the laws of the country. The study of crime <i>must always be in relation to the existing criminal law</i> within the territory.
Dynamic	Because the concepts of criminology and their applications <i>adapt to the changing times</i> . Criminology <i>changes as social conditions change</i> . That means the progress of criminology is concordant with the advancement of other sciences that have been applied to it.

Is CRIMINOLOGY A SCIENCE?

George Wilker – Criminology **cannot** become a science because it has *not yet acquired universal validity*. In his manuscript “*The Scientific Adequacy of Criminological Concept*”, argued that criminology cannot possibly become a science. Accordingly, general proposition of universal validity is the essence of science.

SCOPE IN THE STUDY OF CRIMINOLOGY

- Study of the *origin and development of criminal law*.
- Study of the *causes of crimes* and development of criminals.
- Study of the *other sciences* that examine criminal behavior using scientific method such as:

- a. **Criminal Demography** (Criminality and Population / Population Statistics)

The study of the *relationship between criminality and population*. There is hypothesis that as the population increases, the number of crimes may also increase.

Rawson W. Rawson – utilized crime statistics to suggest a link between population density and crime rates with crowded cities creating an environment conducive for crime.

↑ POPULATION vs. NUMBER OF CRIMES ↑

b. **Criminal Epidemiology** (Criminality and Environment)

The study of the correlation between *environment* or “*milieu*” and *criminality*. This is in connection with the notion that the more disorganized an environment we have, the more crime may occur.

Henry Mayhew – used empirical method and an ethnographic method to address social questions and poverty.

Empirical – based on actual observations or experiment.

Ethnography – qualitative method for collecting data often used in the social and behavioral sciences.

c. **Criminal Ecology**

The study of criminality in relation to the *spatial distribution in a community*. This science blames the rapid increase on community or societal congestion in terms of the number of houses that causes lessening of spaces that probably can be a source of criminality.

d. **Criminal Physical Anthropology**

The study of criminality in relation to the *physical structure of men*.

e. **Criminal Psychology** (Behavior)

The study of *human behavior* in relation to criminality.

f. **Criminal Psychiatry** (Mind)

The study of the *human mind* in relation to criminality.

g. **Criminal Politics**

A science consisting of *principles which the government organizes its fight against criminality*. The bases are knowledge of criminal law, or criminality, penalties, and other measures of social defense.

h. **Forensic Chemistry**

The application of *chemical doctrines* in the solution of problems that arise in connection with the administration of justice.

i. **Forensic Medicine**

Medical knowledge in the administration of justice; civil or criminal.

The object is to place medical knowledge at the disposal of the administration of justice, mutually civil and criminal.

j. **Victimology**

Study of the *role of the victim* in the commission of crime.

A branch of criminology that deals with the underlying *factors of victimization* and the contributory *role of the victims* in the commission of crime. Being the study of “crime targets”, showed that a person becomes a victim of crime *consciously* (knowingly) and *unconsciously* (unknowingly). A person could become a victim due to his own actions or faults.

Six Sub-Areas of Criminology

1. **Criminal Statistic** (*Crime Measurement*) and **Research Methodology**

Creating methodologies that are able to accurately measure activities, trends, and patterns in crime.

2. **Sociology of Law** (*Law of Society / Sociological Studies*)

Concerned with the role that social forces play in shaping criminal law and the role of criminal law in shaping society.

3. **Developing Theories of Crime Criminology**

Researching data and creating theories as to why certain crimes take place.

4. **Understanding and Describing Criminal Behavior** (*Criminal Behavior System and Criminal Typology*)

Involve research on specific criminal types and patterns: violent crime, theft, organized crime, white-collar crime, etc.

5. **Penology and Social Control**

Involves effort to control crime through the correction of criminal offenders.

6. **Victimology**

Recognizing that the victim plays a critical role in the criminal process and that the victim’s behavior is often a key determinant of crime.

Why must Members of Society be Interested in Crime?

Crime is...	
Pervasive	Nearly all are once upon a time a victim. Criminal as an associate of society <i>affects almost all people</i> regardless of age, sex, race, nationality, religion, financial condition, education, and other personal circumstances.
Expensive	Government and private sector <i>use an enormous amount of currency</i> for crime detection, prosecution, correction, and prevention. Those expenses are either: Direct Expense: those spent by the government of private sector for maintenance or the police and security guards for crime detection, prosecution, and judiciary, support of prison system. Indirect Expense: those expense utilized to prevent the commission of crimes like the construction of window grills, fences, gate, purchase of door locks, safety vaults, hiring of watchmen etc.
Destructive	Many <i>lives have been vanished</i> , properties have been <i>lost or devastated</i> .
Reflective	Crime rate or incidence is <i>reflecting the efficiency of the social defenses</i> . Performance of Authority <i>Before:</i> Number of apprehended criminals <i>Now:</i> Absence of crime in community
Progressive	The progressive upsurge in the volume of crime is on account of the ever-increasing crime rate and their techniques <i>show the progress of the society</i> for advancement.

PREHISTORIC CRIME AND PUNISHMENT AND
EARLY CODES

Retaliation: Vengeance

Fines and Punishment: Expulsion / Execution

Punishment was *severe* as mutilation, dismemberment, death.

Primitive Tribes

- Punishment by ostracism and expulsion.
- Adultery: Husband may kill the adulterer and his wife.
- Crime is avenged by the victim or family.

Code of Hammurabi: Mesopotamia (Iraq)

- **King Hammurabi** of Babylon from 1792 until 1750 BCE. He is recognized as the first codifier of laws.
- *Code of Hammurabi* are engraved on a diorite cylinder, provides the first comprehensive view of the laws.
- Focused on the concepts of *lex talionis* (the law of retaliation)

TIT for TAT

“Oculum Pro Oculo, Dentem Pro Dente”

“An eye for an eye, a tooth for a tooth”

Code 8 – if a man stolen goods from a temple, or house, he shall be put to death. PROPERTY

Code 196 – if a man knocked out the eye of a patrician, his eye shall be knocked out. RETRIBUTION

Code 199 – if a man has knocked out the eye of a patrician’s servant or broken the limb of a patrician’s servant, he shall pay half of his value. HIERARCHAL

Code 209 – if a man has struck a free woman with child and has caused her a miscarriage, he shall pay ten shekels for her miscarriage. RESTITUTION

Highlights of the Code of Hammurabi:

1. Compensation to the victim of a robbery by the authorities of the city in which the robbery occurred if the thief was not caught.
2. The killer is answerable not to the family of the victim but to the king.
3. Death was the penalty for robbery, theft, false witness, building a house that falls on its owner (if the house should collapse and kill the owner’s son, the son of the builder would be the one executed).
4. A son who struck his father would suffer the amputation of a hand.
5. If in an assault a victim’s bone was broken, the same bone of the assailant would be broke.

The Hittites

- The Hittites existed about 2 Centuries after Hammurabi and eventually conquered Babylon.
- Highlights of the Laws of the Hittites:
1. Capital punishment was used for many offenses, except for homicide or robbery.
 2. Rape, sexual intercourse with animals, defiance of the authority and sorcery were all punishable by death.
 3. The law of homicide provided for the restitution to the victim’s heir.
 4. Law enforcement and judicial functions were placed in the hands of commanders of military garrisons.

Code of Draco / Drakon

- *Ultimate in severity*
- Codified by **Drakon**, the Athenian lawgiver of the 7th Century BC.
- Extremely cruel laws.

Highlights of the Code of Draco / Drakon:

1. Death was the punishment for almost every offense.
2. Murderers might avoid execution by going exile; if they return to Athens, it was not a crime to kill them.
3. Death penalty was administered with great brutality.

Code of Solon / Laws of Solon

- By **Solon**, an Athenian, appointed archon with a legislative power.
- *Repealed all the laws in the Code of Drakon*.
- Except for homicide.
- He was the *first* lawgiver to make *laws that applied equally to all citizens* and saw that the law of punishment had to maintain proportionality to the crimes committed.

Highlights of the Laws of Solon:

1. The thief was required to return stolen property and pay the victim a sum equal to twice its value.
2. Penalty of death for temple robbery.
3. A fine of certain amount for raping a woman.

Roman Law / Rome’s Twelve Tables

- Foundation of all laws in Rome and written in tablets of bronze.
- Witten in Mid-16th Century BC.
- Drafted by **Decembris** – special commission of patricians.

Highlights of the Twelve Tables:

1. If a man breaks another’s limb and does not compensate the injury, he shall be liable to retaliation.
2. A person who committed arson of a house or a stack of corn shall be burned alive.
3. Judges who accepted bribes as well as those who bribed them were subject to execution.
4. Any act of treason was punishable by crucifixion.

The Burgundian Code

- Special punishment according to *social class of offenders*:
 1. Noble
 2. Middle class
 3. Lower Class
- Specifying the value of life of each person according to social status.

Middle Ages

- Execution
- Corporal punishment
- Guillotine
- Gallows

The (UN)HOLY THREE of CRIMINOLOGY

CESARE LOMBROSO

November 6, 1835 – October 19, 1909

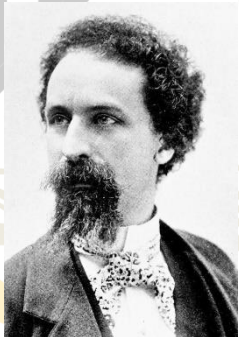
- Ezechia Marco Lombroso
- *Father of Modern and Empirical Criminology*
- Known for the concept of *Atavistic Stigmata* – the physical features of creatures at any earlier stage of development.
- He claimed that criminals are distinguishable from non-criminals due to the presence of atavistic stigmata.
- Founder of the Italian School of *Positivist Criminology*.
- Italian criminologist, phrenologist, physician.



ENRICO FERRI

February 25, 1856 – April 12, 1929

- Italian Criminologist
- Focused on the influences of *psychological factors* and *sociological factors* such as economics on crimes.
- He believed that criminals could not be held morally responsible because *they did not choose to commit crimes*, but rather *driven to commit crimes by conditions in their life*.



RAFFAELE GAROFALO

November 18, 1851 – April 18, 1934

- *Moral Anomalies*:
 - ✗ Physical Features
 - ✓ Psychological Equivalents
- He rejected the doctrine of free will (classical theory)
- *Classified Criminals*:
 - Murderers
 - Violent Criminals
 - Deficient Criminals
 - Lascivious Criminals



CHAPTER 4
Crimes and Criminals

CRIMES

Crimes is an act *committed* or *omitted* in violation of public law.
Phil. Law Dictionary

It also refers to an act committed or omitted in violation of a public law forbidding or commanding it.
Reyes, 2006

Crime of Commission	Crime of Omission
- An act that is violation of a law forbidding it. <i>Preforming an act</i> that is <i>prohibited by law</i>.	- An act that is in violation of law commanding it. <i>Failure to perform an act</i> that is <i>commanded by law</i>.

ESSENTIAL ELEMENTS OF CRIME / TRIAD OF CRIME

D – O – C

Desire

What induces or pushes the person to commit crime.

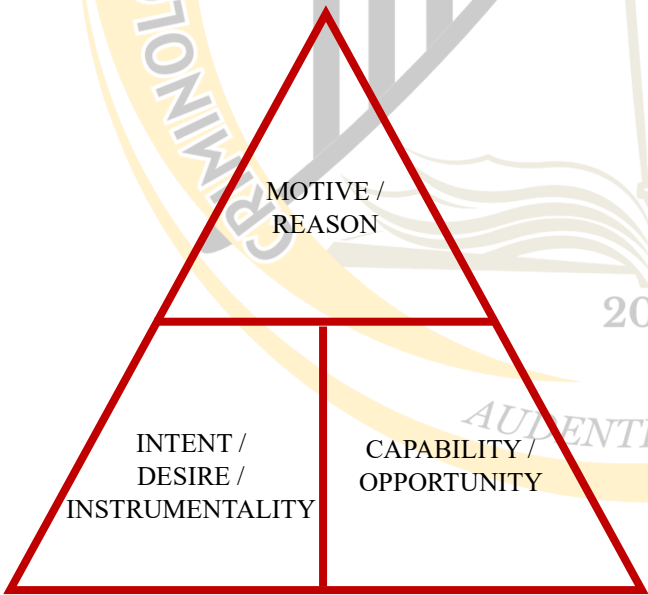
Opportunity

The physical possibility that the crime could have been committed.

Capability

The ability of the person to execute the acts or omission punishable by law.

TRIANGLE OF CRIME / ELEMENTS OF CRIME



McNaghten’s Rule / McNaughton Pronounced

Stated that a defendant is not guilty of a crime if, at the time of the act, mental illness permits the actor from:

- Knowing what he/she was going.
- Knowing that the act was wrong.

Durham Rule

States that “an accused is not criminally responsible if his unlawful act was the product of mental disease or defect.”

LEGENDS:
★ CLE Board Question

McNaghten’s Rule

Insanity defense is cognitive and focuses on the defendant’s awareness.

VS

Required the acquittal of those unable to distinguish right from wrong.

See LEC Reviewer in Human Behavior & Victimology

Durham Rule

Focuses on the defendant’s ability to control conduct. A jury can find the person not guilty because a criminal act was the product of mental disease.

TYPOLOGY OF CRIME

Involve classifying offenses or offenders according to some criteria if relatedness or similarity.

LEGAL / SUB-CLASSIFICATION OF CRIMES

According to LAW VIOLATED

Felony	Article 3: RPC Acts and omissions punishable by law are felonies (delitos). Felonies are committed not only by means of deceit (dolo) but also by means of fault (culpa). There is deceit when the act is performed with deliberate intent and there is fault when the wrongful act results from imprudence, negligence, lack of foresight, or lack of skill.
Offense	An act or omission in violation of <i>Special Penal Law</i> (SPL). A crime punished under a special law is called a <i>statutory offense</i>. Statutory Offense (Written Law) – one that is declared illegal and punishable under a proscriptive statue. Common Law – is based on past judicial opinions.
Infraction (Misdemeanor)	An act or omission in violation of <i>city or municipal ordinance</i> (C/MO). A minor infraction of law.
Crime – whether the wrongdoing is punished under the Revised Penal Code or under a special law, the generic word “crime” can be used.	

According to NATURE of the Act

Mala in Se	A crime or act that is <i>inherently immoral</i>, such as murder, arson, or rape. Black's Law Dictionary, 9th Ed. <i>As to Laws Violated:</i> General Rule: RPC Exception: A crime is mala in se, even if punishable under SPL, when the act is inherently immoral. <i>Example:</i> Plunder Estrada v. Sandiganbayan, GR 148560 (2001)
Mala Prohibita	An act that is a crime because it is <i>prohibited by statute</i>, although the act itself is <i>not necessarily immoral</i>. Special Law <i>Example:</i> RA 10591 - "Comprehensive Firearms and Ammunition Regulation Act"

Intelligence (Exempting Cir.) - Imbecility or insanity	
Example Crimes: 1. Art. 293 – Robbery (Intent to gain) 2. Art. 308 – Theft (Intent to gain) 3. Art. 249 – Homicide (Intent to kill) 4. Art. 342 – Forcible Abduction (Intent to lewd designs)	

According to MANNER of Committing Crime

	Intentional Felonies	Culpable Felonies
Dolo (Deceit)	The act or omission is performed with deliberate <i>intent</i> or <i>malice</i>. <i>Elements:</i> 1. Freedom 2. Intelligence 3. Dolo <i>Actus Non Facit Reum, Nisi Mens Sit Rea</i> An act does not make a defendant guilty without a guilty mind.	The act or omission of the offender is <i>not malicious</i>, and the injury caused by the offender is <i>unintentional</i>, it being simply the incident of another act performed without malice. <i>Elements:</i> 1. Freedom 2. Intelligence 3. Negligence / Imprudence
	<i>Mens Rea</i> A guilty mind, a guilty or wrongful purpose or criminal intent, and essential for criminal liability.	<i>Resulting Harm / Injury</i> Unless the negligent or imprudent act results in harm / injury to another, there is no criminal liability.
	<i>Criminal Intent</i> (Mitigating Cir.) - No intention to commit so grave a wrong (<i>Praeter Intentionem</i>) <i>Freedom of Action</i> (Justifying Cir.) - State of necessity. It exists when there is a clash between unequal rights, the lesser right giving way to the greater right.	<i>Negligence</i> "Lack of Foresight" Deficiency of <u>perception</u>. Failure to pay proper attention and use diligence in foreseeing the injury or damage to be caused. <i>Imprudence</i> "Lack of Skill" Deficiency in <u>action</u>. A person is failed to take necessary precaution to avoid injury to person or damage to property.
		<i>Culpa (Fault)</i>

According to STAGES of Execution

- 1. **Formal Crimes** – crimes which are consummated in one instance.
Ex: Adultery
- 2. **Material Felonies** – those that have various stages of execution.
Ex: Homicide
- 3. **Crime which has No Frustrated Stage** – the essence of the crime is the act itself.
Ex: Rape

Article 6. Revised Penal Code	
Consummated	When <i>all the elements</i> necessary for its execution and accomplishment are <i>present</i>. <i>All acts of execution are finished.</i>
Frustrated	When the offender has <i>performed all the acts</i> of execution which would produce the felony but <i>does not produce it</i> by reason of <i>causes independent of the will</i> of the perpetrator. <i>All acts of execution are finished BUT crime sought to be committed is not achieved.</i>
Attempted	When the offender commences the commission of a felony directly or overt acts and <i>does not perform all the acts of execution</i> which should produce the felony by reason of <i>some cause or accident other than his own spontaneous desistance</i>. <i>Overt acts of execution are stated BUT NOT all acts of execution are present.</i>

According to PLURALITY

Consists in the successive execution by the same individual of different criminal acts upon any of which no conviction has yet been declared.

Simple Crime

Single act constituting only one offense.

Complex Crimes Art. 48, RPC

When a single act constitutes two or more grave or less grave felonies, or when an offense necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

Kinds of Complex Crimes:

Compound Crime – Delito Compuesto

Single act constitutes two or more grave or less grave felonies.

Requisites:

- 1. Only a single act is performed.
- 2. Single act produces:
 - a. 2 or more grave felonies
 - b. 1 or more grave
 - c. 1 or more less grave
 - d. 2 or more less grave

The penalty for the most serious crime shall be imposed in its maximum period.

Complex Crime Proper – Delito Complejo

An offense is a necessary means to commit another offense.

Requisites:

- 1. At least 2 offenses have been committed.
- 2. One or some of the offenses must be necessary to commit the other.
- 3. Both or all offenses must be punished under the same statute.

Penalties for the most serious crime shall be imposed in its maximum period.

Special Complex Crime (Composite Crime)– Delito Especial Complejo

The substance is made up of more than one crime but which in the eyes of the law is only a single indivisible offense. All those acts done in pursuance of the crime agreed upon are acts which constitute a single crime.

The law fixes one penalty for two or more crimes committed.

Requisites:

- 1. 2 or more crimes are committed.
- 2. But the law treats them as a single, indivisible, and unique offense.
- 3. Product of single criminal impulse.

That penalty which is indicated in the RPC shall be imposed.

Example:

- 1. Robbery with Homicide – Article 294 (1)
- 2. Robbery with rape – Article 294 (2)
- 3. Kidnapping with Serious Physical Injuries – Article 267 (3)
- 4. Rape with Homicide – Article 335

Continuing Crime

A single act consisting of series of acts arising from a single criminal resolution or intent not susceptible of division.

Requisite:

- 1. Plurality of acts
- 2. Unity of penal provision infringed upon
- 3. Unity of criminal intent and purpose

According to GRAVITY Art. 25, RPC

Grave Felonies
Are those which the law attaches the capital punishment or penalties which in any of their period are afflictive.
Capital: Death – see RA 9364
Afflictive: Reclusion Perpetua – 20y, 1d – 40y Reclusion Temporal – 12y, 1d – 20y Prision Mayor – 6y, 1d – 12y
Fines: More than ₱1,200,000.00 Art 26, amend. RA 10951
Less Grave Felonies
Are those which the law punishes with penalties which in their maximum period are correccional.
Correctional: Prision Correccional – 6m, 1d – 6y Arresto Mayor – 1m, 1d – 6m Suspension / Destierro – 6m, 1d – 6y
Fines: Not exceeding ₱1,200,000.00 but not less than ₱40,000.00 Art 26, amend. RA 10951
Light Felonies
Punishable only when they have been consummated, with the exception of those committed against person or property. The law attaches the penalty of arresto menor or a fine.
Light: Arresto Menor – 1d – 30d
Fines: Not exceeding ₱40,000.00 Art 26, amend. RA 10951

CRIMINOLOGICAL CLASSIFICATION OF CRIME

According to the RESULT / EFFECTS of Crime

Acquisitive Crime

If the offender acquired or gained something by committing the crime. Ex: Robbery, Estafa, Bribery

Destructive Crime (Extinctive Crime)

If the crime resulted in destruction, damage or even death. Ex: Arson, Murder, Damage to Property

According to the TIME / PERIOD of Commission

Seasonal Crime

Crimes that happen only during a particular season or period of the year. Ex: Violation of Election, Tax Law Violation

Situational Crimes

Crimes committed when the situation is conducive to the commission of the crime and there is an opportunity to commit it. Ex: Pickpocketing, Theft

According to the LENGTH OF TIME of the Commission

Instant Crime

Crimes can be committed in a very short time. Ex: Theft

Episodical Crime

Crimes committed through a series of acts or episodes and in a much longer time. Ex: Serious Illegal Detention

According to PLACE / LOCATION

Static Crime

Committed in one place.

Continuing Crime

Crimes that take place in more than one place or several places.

According to the USE OF MENTAL FACULTIES

Rational Crimes

The offender is capable of knowing what he is doing and understanding the consequences of his actions.

Those committed with intent; the offender is in full possession of his mental faculties / capabilities.

Irrational Crimes

The offender suffers from any form of mental disorders, insanity, or abnormality. Thus, the offender does not know what he is doing.

Committed without intent; the offender does not know the nature of his act.

According to the PROFESSION / TYPE OF OFFENDER

White Collar Crime

Committed by those persons belonging to the upper socio-economic status or in the course of their occupational activities.

Forms:

1. *Corporate Crimes* – the violation of a criminal statute wither by a corporate entity or by its executives, employees, or agents, acting on behalf of and for the benefit of the corporation, partnership or other business entity.
2. *Environmental Crimes* – violation of criminal law which although typically committed by businesses of by business officials, may also be committed by other persons or organizational entities, and which damage some protected or otherwise significant aspect of the natural environment.
3. *Occupational Crimes* – an act punishable by law, which is committed through opportunity created in the course of an occupation that is legal.

4. *Organizational Occupational Crime* – crimes committed for the benefit of the entire organization in such instances only the organization or the employer, not individual employees.

5. *State Authority Occupational Crime* – crimes by officials through the exercise of their state-based authority. Such crime is occupation specific and can only be committed by a person in public office or by working for such persons.

6. *Professional Occupational Crime* – crimes by professionals in their capacity as professionals. The crimes of physicians, attorneys, psychologists, and the like are included here.

7. *Individual Occupational Crime* – crimes by individuals as individuals which include income tax evasion, theft of goods and services by employees, the filing of false expense reports, and the like.

Blue Collar Crime

Crimes committed by ordinary criminals as a means of livelihood.

According to SOCIAL CLASS

Upper World Crimes

Those committed by individuals belonging to the upper class of society.

Under World Crimes

Committed by members of the lower or under privilege class of society.

According to EXTERNAL FACTORS

Crimes by Imitation

Crimes committed merely duplication of what was done by others.

Crimes by Passion

Crimes committed because of the fit of great emotions.

Service Crimes

Crimes committed through rendition of a service to satisfy the desire of another.

Crimes of the MODERN WORLD

Transnational Crime

Is an offense that has an international dimension and implies crossing at least one national border before, during or after the fact. This include but not limited to illegal drug trafficking, money laundering, terrorism, arm smuggling, piracy, kidnapping, trafficking in persons, and cybercrimes. Most of these crimes falling under this category reflect connection with organized and white-collar criminals.

Organized Crimes

A criminal activity by an enduring structure or organization developed and devoted primarily to the pursuit of profits through illegal means.

The CONVENTIONAL CRIMES

Conventional crimes are those traditional, illegal behaviors that most people think of as crimes.

Violent Crimes

Criminal acts, which in the threat of or actual physical harm by an offender to a victim.

Forms:

Interpersonal Violence – forcible rape, murder, serious assault, family violence, robbery

Political Violence – terrorism

Collective Violence – riots, mobs, crowds, urban violence

Property Crimes

Are crimes of economic interest. It includes those crimes that would most commonly be categorized as theft in ordinary language.

Forms:

Occasional Property Crimes – shoplifting, vandalism, motor vehicle theft, check forgery

Conventional Property Crimes – burglary / unlawful entry to commit theft, fence, larceny / theft.

CRIME STATISTICS

Crime Statistics refers to the measure of the level or amount of crimes; The collection or study of numerical data of crimes in recorded / reported to the police.

It uses the terms *index crimes* and *non-index crimes* in classifying crimes.

INDEX CRIMES (Violent Crimes)

Crimes which are sufficiently significant, and which occur with sufficient regularity to be meaningful such as murder, homicide, physical injury, robbery, theft, and rape,

- **Murder** is the unlawful killing of human being with malice and with the “*act of violence*.”

Serial Murder – an act involving killing of several victims in three or more separate incidents over a week, a month or year.

Mass Murder – it is the killing of four or more victims at one location with one event.

Spree Murder – the killing in two or more locations with almost no time break between murders.

- **Homicide and Assault**
- **Robbery**
- **Family Violence**
- **Child Abuse** – an attack or assault of an adult against the defenseless or people who cannot defend themselves, usually by a parent to a child.
- **Spouse Abuse** – husband vs. wife battering

NON-INDEX CRIMES

Crimes that are not classified as index crimes. Violations of special laws and other crimes against

morality and order. These crimes are generated from the result of positive police-initiated operations.

OTHER TYPES OF CRIMES

Bias Crimes (Hate Crimes)

These are violent acts directed toward particular person or members of a group merely because the targets share discernable racial, ethnic, religious or gender characteristics.

Reactive Hate Crime

Perpetrators believe they are taking a defensive stand against outsiders who they believe threaten their community or way of life.

Mission Hate Crime

Violent crimes committed by disturbed individuals who see it as their duty to rid the world of evil.

Retaliatory Hate Crime

Offense committed in response to a hate crime, real or perceived.

Thrill-seeking Hate Crime

Hate mongers who join forces to have fun by bashing minorities or destroying property; inflicting pain on others; gives a sadistic thrill.

Statutory Crime

Crimes are defined by legislative bodies in response to changing social conditions, public opinion, and customs.

Cleared Crimes

- a. When at least one person is arrested, charged, and turned over to the court for prosecution.
- b. By exception means when some element beyond police control precludes the physical arrest of an offender. Ex. When he/she leaves the country.

Corporative Crimes

White collar crime involving a legal violation by a corporate entity such as price fixing, restraint of trade, or hazardous waste dumping.

Crime of Reduction

Crimes that are committed when the offended party experiences a loss of some quality relative to his/her present standing such as when they become victims of robbery or theft, but they may also be victimized if their dignity is tripped from them when they are taunted by racists.

Crime of Repression

Crimes that are committed when members of a group are prevented from achieving their fullest potential because of racism, sexism, or some status bias.

Cybercrime

The commission of criminal acts using the instruments of modern technology such as computers or the internet.

LEGENDS:

★ CLE Board Question

Economical Crime

An act in violation of the criminal that is designed to bring financial gain to the offender.

Enterprise Crime

The use of illegal tactics by a business to make profits in the marketplace.

Expressive Crime

A crime that has no purpose except to accomplish the behavioral hand such as shooting someone.

Inchoate Crime

Incomplete or contemplated crimes; criminal solicitation or criminal attempts.

Public Order Crimes (Victimless Crime)

Are acts considered illegal because they conflict with social policy, accepted moral rules and public opinion.
Ex: Prostitution, Gambling, Pornography, Obstruction

CRIMINALS

Legal Definition

A criminal is any person who has been found to have committed a wrongful act in the course of the standard judicial process; there must be a final verdict of his guilt; A person who is found guilty beyond reasonable doubt.

Criminological Definition: A person is already considered a criminal the moment he committed a crime.

Criminal Justice Definition: A criminal may be defined as one who has undergone the process and went through all the pillars of the Criminal Justice System.

Social Definition: A person who violated a social norm or one who did an anti-social act.

Psychological Definition: A person who violated rules of conduct due to behavioral maladjustment.

CLASSIFICATION OF CRIMINALS

According to ETIOLOGY

Acute ★ — Emotion As a result of reacting to a situation or during a moment of anger or burst of feeling. One who violates a criminal law because of the impulse or fit of passion. They commit passionate crime.
Chronic — Planned Is one who committed a crime with intent or deliberate thinking. He plans the crime ahead of time. They are the targeted offenders.
Neurotic One who has a mental disorder. Intra-psycho conflict inside mind
Normal ★ A person who commits crime because he looks up to, idolizes people who are criminals. Their psychic conditions resemble that of a normal individual except that they identify themselves with criminal prototypes.

According to the TYPE OF OFFENDER / BEHAVIORAL SYSTEM

Ordinary Criminal — Lower class — Most common — Less ; No plan A criminal who engages in crimes which do not require specialized or technical skill. Considered the lowest form of criminal in a criminal career. He does not stick to crime as a profession but rather pushed to commit crimes due to great opportunity by chance.
Organized Criminal Possesses some skills and know-how which enable him to commit crimes and evade detection. Is one who associates himself with other criminals to earn a high degree of organization to enable them to commit crimes easily without being detected by authorities. Force violence, intimidation and bribery are used to gain and maintain control over economic activities.
Professional Criminal — Livelihood ; Career ; Profit A highly skilled criminal which engaged in large scale criminal activities and usually operates in a group. He is usually one who practices crime as a profession to maintain a living.

According to CRIMINAL ACTIVITIES

Habitual Criminal One who repeatedly commits criminal acts for different reasons. Commit crime because of deficiency of intelligence and lack of self-control.
Accidental Criminal A person who accidentally violated the law due to some circumstances. Commit crimes when the situation is conducive to its commission. Commit criminal acts because of unanticipated circumstances.
Professional Criminal Practice crime as a profession for a living. Criminal activity is constant to earn skill and develop ability in their commission. Earn his living through criminal activities.
Situational Criminal / Occasional Criminal A person who got involved in a criminal act because the situation presented itself.

According on MENTAL ATTITUDES

Active Criminal / Active-Aggressive Criminal Those who commit crimes due to aggressiveness. Such an attitude is clearly shown in crimes of passion, revenge, and resentments.
Passive Criminal / Passive Inadequate Criminal – “Ulukan” ★ Those who commit crimes because they are pushed to it by reward or promise without considering its consequences.
Socialized Delinquents — Influenced by the social circ. Criminals who are normal in behavior but defective in their socialization process or development. To this group belongs the educated respectable members of society who may turn criminals on account of the situation they are involved in.

According to Types of VIOLENT CRIMINALS

Culturally Violent Offenders Individuals who live in cultures in which violence is an <u>acceptable problem-solving mechanism</u> . This prevents lower income minorities from slum environments of large central cities.
Criminally Violent Offenders Offenders <u>use violence as a means</u> of accomplishing criminal acts, such as robbery.
Pathologically Violent Offenders <u>Mental illness</u> or <u>brain damage</u> characterizes the pathologically violent offenders.
Situationally Violent Offenders (Crimes of Passion) Offenders commit acts of violence on <u>rare occasions</u> , often <u>under provocation</u> . The individual temporarily loses control and often expresses regret for the action later.

According to LEGAL CALSSIFICATION

Habitual Delinquent Article 62, RPC A person shall be deemed to be habitual delinquent, is within a period of ten years from the date of his release or last conviction of the crimes of serious or less serious physical injuries, robo (<i>robbery</i>), hurto (<i>theft / burglary</i>), estafa or falsification, he is found guilty of any of said crimes a third time or oftener. Elements: 1. That the offender must have been <u>convicted</u> of any of the crimes of: F-R-E-T-Se-LS Falsification Robbery (<i>robo</i>) Estafa Theft (<i>hurto / burglary</i>) Serious Physical Injury Less Serious Physical Injury 2. After that conviction or after serving his sentence, he <u>again committed</u> , and, <u>within 10 years from his release</u> or first conviction, he was again convicted of any of the said crimes for the second time. 3. After his conviction of, or after serving sentence for, the second offense, he again committed, and, <u>within 10 years from his last release</u> or last conviction, <u>he was again convicted</u> of any of said offense, the <u>third time</u> or oftener. These elements <i>must concur</i> with each other.
Recidivist A person who, at the time of his trial for one crime, shall been previously convicted by final judgment of another crime <u>embraced in the same title of the Revised Penal Code</u> . There must be <u>two convictions</u> . Requisites: 1. That the offender is on trial for an offense. 2. That he was previously convicted by final judgment of another crime. 3. That both the first and the second offense are embraced in the same title of the Code. 4. That the offender is convicted of the new offense.

Classification of MEN WHO RAPE

- Anger Rape** – sexual attack becomes a means of expressing anger or rage and involves more physical assault upon the victim.
- Power Rape** – assailant primarily wishes to express his domination over the victim.
- Sadistic Rape** – perpetrator combines the sexuality and aggression aims in psychic desires to often torture or otherwise abuse the victim.
- Acquaintance Rape** – forcible sex in which offender and the victim are acquainted with one another.
- Aggravated Rape** – rape involving multiple offenders, weapons, and victim injuries.
- Date Rape** – forcible sex during the courting relationship.
- Serial Rape** – multiple rapes committed by one person over time.
- Statutory Rape** – sexual relations between an underage minor female and an adult male.

Categories of RAPISTS

- a. **Naïve Graspers** – sexually inexperienced youths who possess an unrealistic conception of female erotic arousal. Awkward in relating to the opposite sex, they hold high expectations that their cute advances will be met with affection by their victims.
- b. **Meaning Stretchers** – an offender misinterprets woman's expressions of friendliness and affection as indicating that the female desire continues even when she says no.
- c. **Sex Looters** – persons who have a low desire for affection or low respect for the victim's autonomy and callously use woman as sex object.
- d. **Group Conformers** – rapist participates in a group rape or gang bang, often following the leader. A sex looter felt a sense of conformity and notion demonstrating their masculinity.

MASS MURDER AND SERIAL KILLING

- Serial killer and mass murderers are two different violent offenders.
- SERIAL KILLER** operates over a long period. Two or more murders committed by an offender/s *with a cooling off period*.
- These types are based on their motivations for carrying out their crimes:
- Visionary** – believes that a person or entity is commanding him to kill. Most likely suffering from psychosis.
- Mission-Oriented** – kills to “rid” society of a certain group. *such as Prostitution*
- Hedonistic** – commits his acts for his own personal pleasure. For example: Rape, torture, or money. (*Lust, Thrill and Comfort*)
- Power / Control** – fantasizes about having power and seeks to dominate and control his victims.

Types of Serial Killer Jack Levin and James Allan Fox

1. **Thrill Killers** – these killers strive for either *sexual sadism* or *dominance*. This is the most common form of serial murderer.
2. **Mission Killers** – these killers *want to reform the world* or have a vision that drives them to kill.
3. **Expedience Killers** – killers who *kill out for profit* or want to protect themselves from a perceived threat.

MASS MURDERERS kill many victims in a single violent outburst. *One incident* with no distinctive time period between the murders.

Types of Mass Murderer Jack Levin and James Allan Fox

1. **Revenge Killers** – these killers seek to get even with individuals or society at large.
2. **Love Killers** – motivated by *warped sense of devotion*. They are often despondent people who commit suicide and take others, such as a wife and children with them.
3. **Profit Killers** – usually trying to *cover-up a crime*, eliminate witnesses, and carry out a criminal conspiracy.
4. **Terrorist Killers** – killer who are *trying to send a message*. Gang killings tell rivals to watch out; cult killers may actually leave a message behind to warn society about impending doom.

SPREE MURDER is committed with two or more murders by offender's without a cooling off period.

Spree Killer – is someone who embarks on a murderous assault on 2 or more victims in a short time in multiple locations.

Spree Killing – killings at two or more locations with almost no time break between murder.

CONKLIN'S TYPOLOGY OF ROBBERS

1. PROFESSIONAL ROBBERS

- ✓ Have long-term commitment to crime, their major source of livelihood.
- ✓ Very rational about crime and plan their operations carefully.

2. OPPORTUNIST ROBBERS

- ✓ Little commitment to, or no specialization in robbery.
- ✓ Infrequent and relatively unplanned
- ✓ Most common types

3. ALCOHOLIC ROBBERS

- ✓ Little commitment to robbery
- ✓ Unplanned robberies on occasion in order to support their habit.
- ✓ Intoxicated at the time of their offense.

4. ADDICT ROBBERS

- ✓ Commit robbery to support their expensive habits.

CHAPTER 5
The Death Penalty

METHOD OF DEATH PENALTY IN THE
PHILIPPINES

GARROTE (*Garrote Vil*) Spanish Word

- Is a weapon, usually a handheld ligature of chain, rope, scarf, wire or fishing line, used to strangle a person.

- GomBurZa**

The three Filipino Catholic priests were executed by *garrote* on February 17, 1872, in Bagumbayan, Philippines by Spanish Colonial authorities on charges of subversion arising from 1872 Cavite mutiny.

- Gomes**, Mariano
- Burgos**, Jose
- Zamora**, Jacinto

ACT No. 451 September 2, 1902

An act *abolishing the use of garrote* as a means of executing criminals hereafter condemned to death and substituting in place thereof execution by hanging.

MUSKETRY (*Fusillading / Firing Squad*) ★

- Normally composed of several soldiers, all of whom are usually instructed to fire simultaneously.
- Dr. Jose Rizal** National Hero of the Philippines

Born on June 19, 1861, in Calamba, Laguna. His advocacy for reforms in the Philippines under the hands of Spanish colonial authorities led to his early death at the age of 36. He was executed in Bagumbayan (*Luneta*), in Manila on December 30, 1896.



- Lim Seng** “*Gan Sou So*”

On January 15, 1973, Lim Seng, a Chinese manufacturer and trafficker of illegal drugs, was executed before an eight-man firing squad after a military tribunal convicted him to death at Fort Bonifacio which was also ordered broadcast on national television, after some 34.75 lbs. of heroin worth ₱3,000,000.00 in September 1972 was seized from his laboratories located in Caloocan and other areas in Metro Manila, a few days after the declaration of Martial Law.



BEHEADING (*Decapitation*)

- The cutting off the head by sword/ax.
- Guerillas**
Beheaded by samurai sword at the Japanese Kempeitai Garrison in 1943.

Kempeitai – was the military police of the Imperial Japanese Army from 1881 to 1945. The organization also shared civilian secret police, espionage, and counter-intelligence roles within Japan and its occupied territories and was notorious for its brutality and role in suppressing dissent.

HANGING

- Mostly, the execution is conducted at dawn.
- The executioner will place a cloth over his head. Steel weights are strapped to the legs of the death convict to ensure that he/she will die quickly. Then, the rope will be placed around the neck of the convict, and finally, the platform will be removed.

ELECTRIC CHAIR (*Silla Electrica*)

- The convict is seated on a chair made of electrical conducting materials with a strap of electrodes on wrist, ankle, and head. Upon orders, the levers will be pulled-up and the fatal volts of alternating current pass the body until the convict dies. If ever the convict is still alive, the lever shall be pulled again until he is pronounced dead.
- It was introduced in 1926 during American occupation.
- It was used until; 1976, during the time of former President Ferdinand E. Marcos Sr.

- *Approved:* December 8, 1930

Article 81. When and how the DEATH PENALTY is to be executed.

The death sentence shall be executed with reference to any other and shall consist in putting the person under sentence to death by electrocution. The death sentence shall be executed under the authority of the Director of Prisons, endeavoring so far as possible to mitigate the sufferings of the person under sentence during electrocution as well as during the proceedings prior to the execution.



If the person under sentence so desires, he shall be *anaesthetized at the moment of the electrocution*.

Article 83. Notification and execution of the sentence and assistance to the culprit.

The court shall designate a working day for the execution but not the hour thereof; and such designation shall not be communicated to the offender before sunrise of said day, and the execution shall not take place until after the expiration of at least eight hours following the notification, but before sunset. During the interval between the notification and the execution, the culprit shall, in so far as possible, be furnished such assistance as he may request in order to be attended in his last moments by priests or ministers of the religion he professes and to consult lawyers, as well as in order to make a will and confer with members of his family or persons in charge of the management of his business, of the administration of his property, or of the care of his descendants.

Article 84. SUSPENSION of the execution of the death sentence.

The death sentence shall not be inflicted upon a woman within the 3 years next following the date of the sentence or while she is pregnant, nor upon any person over 70 years of age. In this last case, the death shall be commuted to the penalty of reclusion perpetua with the accessory penalties provided in Article 40.

Article 85. PLACE of execution and persons who may WITNESS the same.

The execution shall take place in the penitentiary of Bilibid in a space closed to the public view and shall be *witnessed only by the priests* assisting the offender and by *his lawyers*, and by *his relatives*, NOT EXCEEDING SIX, if he so requests, by the physician and the necessary

personnel of the penal establishment, and by such persons as the Director of Prisons may authorize.

- **Jaime Jose, Besilio Pineda & Edgardo Aquino**

Executed by electrocution carried out in full view television cameras in 1972 for the gang rape of film star Maggie de la Riva.

- **Marcial "Baby" Ama**

On October 4, 1961, who was allegedly only 16 years old when he was executed via electric chair. At the time, the law considered the legal age for men and women to be 16 and 14 respectively.



Ama himself earned his sentence after leading one of the *biggest jail riots in history* which resulted in the deaths of 9 inmates, one of them having been beheaded.

The SC imposed the death penalty after finding him guilty of stabbing to death a man named *Almario Bautista* during the riot.

- **Marcelo San Jose**

The last judicial execution was carried out by electrocution in October 1976.

- **Muntinlupa Electric Chair**

Claimed more than 70 lives convicted of capital offenses since its installation.

1946, a total of six (6) Presidents:

1. Elpidio Quirino – 13
2. Ramon Magsaysay – 6
3. Carlos Garcia – 14
4. Diosdado Macapagal – 2
5. Ferdinand E. Marcos Sr. – 32
6. Joseph Estrada – 7

1987								
The Philippine Constitution								
Effectivity: February 11, 1987								
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Yusuf R. Abubakar, Felicitas S. Aquino, Adolfo S. Azcuna, Teodoro C. Bacani, Jose F. S. Bengzon Jr., Ponciano L. Bennagen, Joaquin G. Bernas, Florangel Rosario Braid, Crispino M. de Castro, Jose C. Colayco, Roberto R. Concepcion, Hilario G. Davide Jr., Vicente B. Foz, Edmundo G. Garcia, Jose Luis, Martin C. Gascon, Serafin V.C. Guingona, Alberto M. K. Jamir, Jose B. Laurel Jr., Eulogio R. Lerum, Regalado E. Maambong, Christian S. Monsod, Teodulo C. Natividad, Ma. Teresa F. Nieva, Jose N. Nollado, Blas F. Ople, Minda Luz M. Quesada, Florenz D. Regalado, Rustico F. de los Reyes Jr., Cirilo A. Rigos, Francisco A. Rodrigo, Ricardo J. Romulo, Decoroso R. Rosales, Rene V. Sarmiento, Jose E. Suarez, Lorenzo M. Sumulong, Jaime S. L. Tadeo, Christine O. Tan, Gregorio J. Tingson, Efrain B. Trenas, Lugum L. Uka, Wilfrido V. Villacorta, and Bernardo M. Villegas								
Attested by: Flerida Ruth P. Romeo Secretary General								

Section 19. Article III. Bill of Rights.

- 1. Excessive fines shall not be imposed, nor cruel, degrading, or inhuman punishment inflicted. *Neither shall death penalty be imposed*, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. *Any death penalty already imposed shall be reduced to reclusion perpetua.*
- 2. The employment of physical, psychological, or degrading punishment against any prisoners or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law.

- President Corazon Aquino 1886 – 1992
Death sentences continued to be handed down by the courts until late 1986. In 1987, the *death penalty was abolished*, over 500 prisoners, many of whom had been sentenced by military tribunals in the martial law period, were still under sentence of death. Following the promulgation of the 1987 Constitution, President Aquino announced that all existing death sentences would be commuted.

- | RA 7659 |
|--|
| An Act to Impose the Death Penalty on Certain Heinous Crimes |
| <ul style="list-style-type: none">Approved: December 13, 1993Due to upsurge of heinous crime:<ol style="list-style-type: none">TreasonQualified PiracyQualified BriberyParricideMurderInfanticideKidnapping and Serious Illegal DetentionRobbery with Violence against or Intimidation of PersonsDestructive ArsonRapePlunder (<i>of at least ₱50,000,000.00</i>)Violation of RA 6425, as amended known as the <i>Dangerous Drug Act of 1972</i>Death penalty cannot be imposed on those aged under 18 or over 70 at the time of the crime. |

Section 24. Article 81 – *When and how the death penalty is executed.*

The death sentence shall be executed with preference to any other and shall consist in putting the person under sentence to death by electrocution. The death sentence shall be executed under the authority of the Director of Prisons, endeavoring so far as possible to mitigate the sufferings of the person under the sentence during electrocution as well as during the proceedings prior to the execution.

If the person under sentence so desires, he shall be anaesthetized at the moment of the execution.

As soon as facilities are provided by the Bureau of Prisons, the method of carrying out the sentence shall be changed to gas poisoning.

The death sentence shall be carried out not later than one (1) year after the judgment has become final.

- | RA 8177 |
|--|
| An Act Designating Death by LETHAL INJECTION as a Method of Carrying out Capital Punishment, amending for the purpose Article 81 of the RPC, as amended by Section 24 of RA 7659 |

- Approved: March 20, 1996
- Section 1. Art. 81 of the RPC, as amended by Sec. 24 of RA 7659 is hereby further amended to read as follows:

Art. 81. *When and how the death penalty is to be executed.*
– The death sentence shall be executed with preference to any other penalty and shall consist in putting the person under the sentence to death by lethal injection. The death sentence shall be executed *under the authority of the Director of the Bureau of Corrections*, endeavoring so far as possible to mitigate the sufferings of the person under the sentence during the lethal injection as well as during the proceedings prior to the execution.

The Director of the Bureau of Corrections shall take steps to ensure that the lethal injection to be administered is sufficient to cause the instantaneous death of the convict.

Pursuant to this, all personnel involved in the administration of lethal injection shall be trained prior to the performance of such task.

The authorized physician of the Bureau of Corrections, after thorough examination, shall officially make a pronouncement of the convict's death and shall certify thereto in the records of the Bureau of Corrections.

The *death sentence shall be carried out not earlier than one (1) year nor later than eighteen (18) months after the judgment has become final and executory* without prejudice to the exercise by the President of his executive clemency powers at all times.



- **LETHAL INJECTION: Components**
MUST BE IN SEQUENTIAL ORDER



1. **SODIUM THIOPENTAL** Sodium Pentothal / Penthotal
 - Unconsciousness
 - A *sleep-inducing* barbiturate. An anesthetic agent used at a high dose that renders the person unconscious in less than 30 seconds.
 - *Truth Serum* as tool in psychiatry.
 - Discovered in 1930s by *Abbott Laboratories*.
2. **PANCURONIUM BROMIDE**
 - Paralysis of respiratory muscle.
 - Non-depolarizing *muscle relaxant*, which causes complete, fast, and sustained paralysis of the striated skeletal muscles, including the diaphragm and the rest of the respiratory muscles.
 - This would eventually cause death by asphyxiation.
3. **POTASSIUM CHLORIDE**
 - Cardiac arrest.
 - A potassium salt, which increases the blood and cardiac concentration of potassium to *stop the heart* via an abnormal heartbeat and thus cause death by cardiac arrest.

- **Leo Echegaray**

On February 5, 1999, the 38-year-old house painter convicted of raping his 10-year-old stepdaughter in 1994, was executed by lethal injection at the New Bilibid Prison death chamber, marking the *first execution* after the reinstatement of the death penalty.

RA 9346

An Act PROHIBITING the Imposition of Death

Penalty in the Philippines

- *Approved:* June 24, 2006
- The administration of Gloria Macapagal-Arroyo commuted the sentences of at least *1,230 death row inmates* on April 15, 2006. A number considered by Amnesty International to be the largest ever.

Section 2. In lieu of the Death Penalty, the following shall be imposed.

- a. The penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code.
- b. The penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

Section 3.

Person convicted of offenses punished with reclusion perpetua, or whose sentences will be reduced to reclusion perpetua, by reason of this Act, shall *not be eligible for parole under Act No. 4180*, otherwise known as the Indeterminate Sentence Law, as amended.

Criminal Law is a branch of public law which defines crimes, treats of their nature and provides for their punishment.

Act No. 3815: REVISED PENAL CODE

Approved: December 8, 1930

Effectivity: January 1, 1932

- Based on **Spanish Penal Law**

July 14, 1887 – December 31, 1931

The old penal law, revised by the Committee created by *Administrative Order No. 94 of the Department of Justice* (October 18, 1927) composed of:

- Anacleto Diaz, *Chairman*

Members:

- Alex Reyes
- Mariano de Joya

- Revised Penal Code composed of *two books*:

Book I: Article 1 – 113

Book II: Article 114 – 367

Title I: Crimes Against National Security and The Law of Nations

Title II: Crimes Against the Fundamental Laws of The State

Title III: Crimes Against Public Order

Title IV: Crimes Against Public Interest

Title V: Crimes Relative to Opium and Other Prohibited Drugs

Title VI: Crimes Against Public Morals

Title VII: Crimes Committed by Public Officer

Title VIII: Crimes Against Persons

Title IX: Crimes Against Personal Liberty and Security

Title X: Crimes Against Property

Title XI: Crimes Against Chastity

Title XII: Crimes Against the Civil Status of Persons

Title XIII: Crimes Against Honor

Title XIV: Quasi-Offenses

Title XV: Final Provisions

CIRCUMSTANCES AFFECTING CRIMINAL LIABILITY

	Criminal Liability	Civil Liability
J Justifying	No Felony	Except Par. 4
	The acts of the person are <i>in accordance with the law</i> . Basis: Lack of Dolo (Intent) Example: 1. Defense of person, right, property or honor. 2. Defense of relatives. 3. Defense of strangers.	
E Exempting		✓ Except Par. 4 & 7
	There is <i>absence in the agent of the crime</i> . Any of all the conditions that would make an act voluntary. Reason: The exemption lies on the <i>complete absence</i> of intelligence, freedom of action, or intent, or in the absence of negligence on the part of the accused.	
M Mitigating	⏏	✓
	Have the effect of <i>reducing the penalty</i> because there is <i>diminution of any of the elements</i> of dolo or culpa, which makes the act voluntary or because of the lesser perversity of the offender.	
A Aggravating	⏏	✓
	Those which serve to <i>increase the penalty</i> without exceeding the maximum provided by law because of the <i>greater perversity of the offender</i> as shown by the motivating power of the commission, the means employed or the personal circumstances of the offender.	
A Alternative	⏏ ⏏	✓
	Those which are <i>either aggravating or mitigating</i> according to the <i>nature and effects</i> of the crimes and <i>other conditions</i> attending its commission.	

Just Dessert “The Punishment that One Deserves.” – Andrew Von Hirsch

- Treat legal punishment as a desert.
- Avoid doing harm.
- Sentence delinquency, not the delinquent.
- Interfere parsimoniously.

CHARACTERISTICS OF CRIMINAL LAW	
GENERALITY – <i>General in Application</i> • Applied <i>equality to all persons</i>. • Penal laws are obligatory on all persons regardless of: - Nationality - Gender - Other personal circumstances • Subject to the principles of public international law and to treaty stipulation. <i>Exceptions:</i> 1. Treaty Stipulations 2. Laws of Preferential Application 3. Principles of Public International Law 4. Warship Rule 5. Head of State/ Country 6. Foreign Diplomat and Ambassador	PROSPECTIVITY – <i>Prospective or Retrospective</i> • Looking <i>forward</i>. • No felony shall be punishable by any penalty not prescribed by law prior to its commission. • Without prejudice to Article 22, felonies and misdemeanors, committed prior to the effectivity of the RPC, shall be punished in accordance with the code or acts in force at the time of their commission. Art. 366, RPC • Penal laws may be given retroactive effect when it is favorable to the accused. SPECIFIC and DEFINITE – <i>Pro Reo Principle</i> Art. 3, Sec. 14 (2), Phil. Constitution • All doubt shall be construed in favor of the accused and on the presumption of his innocence. • Penal statutes should be strictly construed against the state only when the law is ambiguous and there is no room for the rule to apply. UNIFORM in APPLICATION • An act described as a crime is a crime no matter who committed it, wherever committed in the Philippines and whenever committed. • <i>No exceptions must be made as to criminal liability.</i> • The definition of crimes together with the corresponding punishment must be uniformly construed, although there may be a difference in the enforcement of given specific provision of the penal law. PENAL SANCTION / PUNISHMENT • Penal sanction is the most essential part of the definition of the crime. • <i>If there is no penalty to a prohibited act, its enforcement will almost be impossible.</i> • The penalty is acting as a deterrence and as a measure of self-defense of the state to protect society from the threat and wrongs inflicted by the criminal.
TERRITORIALITY – <i>Territorial in Character</i> • Within its <i>jurisdiction</i>. • Penal laws have force and effect only within its territory. It cannot penalize crimes committed outside its territory. • As part of the right to self-preservation, each independent country has the right to promulgate laws enforceable within its territorial jurisdiction, subject only to the limitations imposed by treaties of preferential applications and by the operation of international law of nations. <i>Scope of Territory:</i> a. Philippine Archipelago – all the islands that comprise the Philippines. b. Atmosphere Water – all bodies of water that connect all the islands such as bays, rivers, and streams. c. Maritime Zone – the three (3) mile limit beyond our shore measured at low tide. <i>Note:</i> - If the foreign vessel is a warship, our courts have no jurisdiction as such is an extension of the country to which it belongs and is not subject to the laws of another state. US v. Fowler, 1 Phil. 614 - If the foreign vessel is a merchant vessel, there are two rules as to jurisdiction, namely: French Rule – the crime committed on board are not triable in our country unless those affect the peace and security of our country. English Rule – the crimes are triable unless such crimes affect merely the internal management of the vessel. ENGLISH RULE is FOLLOWED in the Philippines <i>Exceptions:</i> Art. 2 RPC The RPC shall be applicable to all cases committed outside the Philippine territorial jurisdiction under the following circumstances: a. Should commit an offense while on Philippine ship or airship. b. Should forge or counterfeit any coin or currency note of the Philippine Island or obligations and securities issued by the government of the Philippines. c. While being a public officer or employee, should commit an offense in the exercise of their functions. d. Should commit any of the crime against national security and law of nations.	