General Principles

- Definition

CRIMINAL LAW- is that branch or division of law which defines crimes, treats of their nature, and provides for their punishment.

CRIME- is an act committed or omitted in violation of a public law forbidding or commanding it.

ELVIRA YU OH v. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES

G.R. No. 125297, June 6, 2003, 403 SCRA 300
Topic: Criminal Law — B.P. Blg. 22 / Retroactivity of Penal Laws / Jurisdiction

FACTS

Elvira Yu Oh purchased jewelry from Solid Gold International Traders, Inc. and later entered into a compromise agreement requiring her to issue **99 post-dated checks worth ₱50,000 each**. She issued ten checks totaling **₱500,000**, but the checks were dishonored because her bank account was already **closed**. She was charged with **10 counts of violation of B.P. Blg. 22 (Bouncing Checks Law)** and was convicted by the RTC. The Court of Appeals affirmed her conviction. Yu Oh appealed to the Supreme Court, arguing, among other things, that **R.A. No. 7691** should be applied retroactively because it expanded the jurisdiction of the MTC over certain criminal cases. She also argued that the prosecution failed to prove that she received the required **notice of dishonor**.

ISSUE

Whether R.A. No. 7691 should be applied retroactively under Article 22 of the Revised Penal Code, thereby transferring jurisdiction over Yu Oh's B.P. Blg. 22 cases from the RTC to the MTC.

RULING — ALAC METHOD

A — ANSWER

NO. R.A. No. 7691 could not be applied retroactively to divest the RTC of jurisdiction that it had already acquired when the criminal cases were filed.

L — LEGAL BASIS

Under **Article 22 of the Revised Penal Code**, penal laws shall have retroactive effect insofar as they favor the person guilty of a felony, provided that the offender is not a habitual criminal. However, the Supreme Court held that **R.A. No. 7691 is not a penal law** because it does not define a crime or prescribe a penalty for a criminal offense. Rather, it is a law that **expands and reallocates the jurisdiction of the lower courts**. Jurisdiction is determined by the law in force at the time the action is commenced, and once a court validly acquires jurisdiction, a subsequent law transferring jurisdiction to another court does not divest the original court of jurisdiction.

A — APPLICATION

When Yu Oh's criminal cases were filed in **October 1992**, R.A. No. 7691 had not yet taken effect. Therefore, under the law existing at that time, the **RTC had jurisdiction** over the B.P. Blg. 22 cases. The subsequent enactment of R.A. No. 7691, which expanded the jurisdiction of the MTC, could not retroactively remove the jurisdiction that the RTC had already acquired. Consequently, Article 22 of the Revised Penal Code did not apply because R.A. No. 7691 was not a penal law.

C — CONCLUSION

The **RTC properly retained jurisdiction** over Yu Oh's criminal cases. R.A. No. 7691 could not be given retroactive application to transfer the cases to the MTC.

IMPORTANT CRIMINAL LAW RULING

Although the jurisdictional issue was decided against Yu Oh, the Supreme Court ultimately **ACQUITTED her of all ten counts of B.P. Blg. 22** because the prosecution failed to prove beyond reasonable doubt that she received the required **notice of dishonor**. The Court explained that notice of dishonor is important because the accused must be given the opportunity to **pay the amount of the check or make arrangements for payment within five banking days after receiving notice**. Without proof that Yu Oh actually received the notice, her criminal liability under B.P. Blg. 22 was not established beyond reasonable doubt. The Court also noted that the complainant's general manager **already knew that Yu Oh did not have sufficient funds** when the checks were issued. The Court held that there is no violation of B.P. 22 where the drawer had already informed the complainant of the insufficiency of funds.

CONNECTION TO CRIMINAL LAW

1. Article 22, Revised Penal Code — Prospectivity/Retroactivity

This case is important because Yu Oh invoked **Article 22**, which provides for the retroactive application of **penal laws favorable to the accused**.

However:

R.A. No. 7691 is not a penal law.

It merely concerns **jurisdiction**, so Article 22 does not apply.

2. B.P. Blg. 22 — Criminal Liability

The case demonstrates that conviction under B.P. Blg. 22 requires the prosecution to establish the elements of the offense **beyond reasonable doubt**.

In particular, the prosecution must establish the required **notice of dishonor** and the accused's failure to pay or make arrangements within the statutory period.

3. Presumption of Innocence / Proof Beyond Reasonable Doubt

The Supreme Court emphasized that the prosecution's failure to prove receipt of the required notice of dishonor created a failure of proof sufficient to warrant **acquittal**.

4. Prospective vs. Retroactive Application

Article 22 RPC
↓
Penal laws favorable to the accused may be applied **retroactively**
↓
But **R.A. No. 7691 is not a penal law**
↓
Therefore, Article 22 does **not** apply
↓
Jurisdiction determined by the law existing **when the case was filed**

KEY DOCTRINE

A law that merely affects or reallocates the jurisdiction of courts is not a penal law and cannot be given retroactive application under Article 22 of the Revised Penal Code. Jurisdiction is determined by the law in force at the time the action is commenced, and once acquired, it is not affected by subsequent legislation transferring jurisdiction to another court.

Memory Aid

YU OH = Article 22 + B.P. 22 + Jurisdiction

Penal law favorable to accused? → Retroactive under Art. 22

R.A. 7691 penal law? → NO

RTC already had jurisdiction? → YES

Prosecution proved notice of dishonor? → NO

Result: → ACQUITTED

- Theories in Criminal Law

    1. CLASSICAL THEORY

    - The basis of criminal liability is man's free will, the moral trait of the offender, and the purpose of the penalty is retribution. It is endeavored to establish a mechanical and direct proportion between crime and penalty. There is scant regard to the human element.

      NOTE: The RPC is generally governed by this theory.

2. POSITIVIST THEORY

- The basis of criminal liability is the sum of the social, natural, and economic phenomena to which the actor is exposed. The purposes of penalty are prevention and correction. The penalties imposed must not only be retributive but must also be reformative. (Campanilla, 2020)

- This theory is exemplified in the provisions regarding impossible crimes (Art. 4, RPC), the mitigating circumstances of voluntary surrender and plea of guilty (Art. 13(7), RPC), and habitual delinquency. (Art. 62 (5), RPC)

3. ECLECTIC OR MIXED THEORY

- It is a combination of positivist and classical thinking wherein crimes that are economic and social in nature should be dealt with in a positive manner; thus, the law is more compassionate. Ideally, the classical theory is applied to heinous crimes, whereas the positivist is made to work on economic and social crimes.

4. UTILITARIAN THEORY

- The primary purpose of punishment under criminal law is the protection of society from actual and potential wrongdoers. The courts, in exacting retribution for the wrong committed, should direct the punishment to potential or actual wrongdoers since criminal law is directed against acts or omissions which society does not approve.

- Consistent with this theory is the mala prohibita principle which punishes an offense regardless of malice or criminal intent.

  Q: Magno was accused of violating BP Blg. 22. Teng referred Magno to LS Finance for credit facilities in which the latter required a warranty deposit of 30% of the equipment's value. Magno could not provide such deposit. Teng advanced the deposit as a short-term loan at 3% interest which was unknown to Magno. Magno issued postdated checks to cover the deposit but the same were dishonored due to insufficient funds. Should the accused be punished for the mere issuance of the checks in question?

  A: NO. Under the utilitarian theory, the "protective theory" in criminal law, "affirms that the primary function of punishment is the protective (sic) of society against actual and potential wrongdoers." It is not clear whether petitioner could be considered as having actually committed the wrong sought to be punished in the offense charged, but on the other hand, it can be safely said that the actuations of Mrs. Carolina Teng amount to that of potential wrongdoers whose operations should also be clipped at some point in time in order that the unwary public will not be falling prey to such a vicious transaction. (Magno v. CA, G.R. No. 96132, 26 June 1992)

❖ Nullum crimen, nulla poena sine lege

It means "there is no crime when there is no law punishing the same." No matter how wrongful, evil, or bad the act is, if there is no law defining the act, the same is not considered a crime.

1. POTENCIANA EVANGELISTA v. PEOPLE

G.R. Nos. 108135-36, August 14, 2000
Topic: Nullum Crimen Nulla Poena Sine Lege / Criminal Liability

FACTS

Tanduay Distillery, Inc. applied for **tax credits** from the BIR for allegedly erroneous payments of ad valorem taxes. The BIR eventually issued a certification supporting the tax-credit application. A complaint was later filed alleging irregularities in the grant of the tax credit. Potenciana Evangelista, a BIR official, was charged before the Sandiganbayan with violation of **Section 268(4) of the NIRC** and **Section 3(e) of R.A. No. 3019 (Anti-Graft and Corrupt Practices Act)**. The Supreme Court initially convicted her under Section 3(e) of R.A. No. 3019. Upon reconsideration, however, the Court acquitted her because the acts attributed to her did not constitute an offense under the law.

ISSUE

Whether Evangelista may be held criminally liable for an act that was not clearly defined and penalized by law.

RULING — ALAC METHOD

A — ANSWER

NO. Evangelista cannot be held criminally liable for an act that is not clearly defined and penalized by law.

L — LEGAL BASIS

The fundamental principle of criminal law is **nullum crimen, nulla poena sine lege**, which means **there is no crime when there is no law punishing the act, and there can be no penalty without a law prescribing it**. Criminal liability must therefore be based on a clear legislative enactment defining the prohibited act and prescribing its corresponding penalty. Courts cannot create a crime by judicial interpretation or expand a penal statute beyond what the law expressly provides. This principle is an essential protection of individual liberty because a person must be able to know beforehand what conduct is criminal and what penalty may be imposed.

A — APPLICATION

In Evangelista's case, the acts attributed to her did not sufficiently fall within the acts prohibited and penalized by the applicable criminal law. The Court therefore could not sustain her criminal conviction merely because the conduct was considered irregular or improper. There must first be a **law specifically making the act a crime**.

C — CONCLUSION

Evangelista was **acquitted** because criminal liability cannot arise from an act that is not clearly defined and penalized by law.

KEY POINT

NULLUM CRIMEN, NULLA POENA SINE LEGE
No crime without law; no penalty without law.

CONNECTION TO CRIMINAL LAW

No law penalizing the act
↓
No crime
↓
No criminal liability
↓
No penalty

It also demonstrates the principle that **courts interpret and apply criminal laws; they do not create crimes.**

2. PEÑALOSA v. OCAMPO, JR.

G.R. No. 230299, April 26, 2023
Topic: Nullum Crimen Nulla Poena Sine Lege / Prospectivity of Penal Laws / Cyberlibel

FACTS

Jannece C. Peñalosa made a **Facebook post on August 3, 2011** concerning Jose A. Ocampo, Jr. Ocampo claimed that the post was defamatory and resulted in a **libel complaint**.

Peñalosa sought to have the criminal proceedings deferred while she pursued remedies before the prosecution offices. The **DOJ eventually granted her Petition for Review**, finding that there was no law penalizing **"Internet Libel"** when the Facebook post was made in 2011.

The RTC dismissed the case. Ocampo challenged the dismissal before the Court of Appeals, which reversed the RTC. The case eventually reached the Supreme Court.

ISSUE

Whether Peñalosa may be criminally prosecuted for her Facebook post made in 2011 when there was no law expressly penalizing Internet Libel at the time the post was made.

RULING — ALAC METHOD

A — ANSWER

NO. Peñalosa could not be criminally prosecuted for the Facebook post because there was no law penalizing **Internet Libel** at the time she made the post.

L — LEGAL BASIS

The principle of **nullum crimen, nulla poena sine lege** requires that an act must already be defined and penalized by law before a person may be held criminally liable for it. Penal laws cannot be applied retroactively to punish conduct that was not criminal when committed. This principle is closely connected with the **prospectivity of penal laws** and the constitutional prohibition against **ex post facto laws**. A person cannot be punished under a penal provision that did not yet exist when the act was committed.

A — APPLICATION

Peñalosa made the Facebook post in **2011**. At that time, there was no law expressly penalizing **Internet Libel**. The Cybercrime Prevention Act of 2012, which subsequently recognized cyberlibel, could not be applied retroactively to punish her 2011 post. Therefore, the absence of a law penalizing the specific conduct at the time it was committed prevented the imposition of criminal liability.

C — CONCLUSION

The Supreme Court ruled **in favor of Peñalosa**. The criminal case could not proceed because the act complained of was not punishable as Internet Libel when it was committed. The Court also held that Ocampo used the wrong procedural remedy and lacked standing to pursue the criminal case in the manner he did.

KEY POINT

A person cannot be punished for an act that was not a crime when committed.

CONNECTION TO CRIMINAL LAW

Peñalosa → Nullum Crimen Nulla Poena Sine Lege

Act committed in 2011
↓
No law penalizing Internet Libel at that time
↓
Cybercrime Prevention Act enacted later
↓
Cannot be applied retroactively
↓
No criminal liability

COMPARISON OF THE TWO CASES

	Evangelista v. People	**Peñalosa v. Ocampo, Jr.**
Main principle	*Nullum crimen nulla poena sine lege*	*Nullum crimen nulla poena sine lege*
Issue	Act was not sufficiently penalized by law	Internet Libel was not yet penalized when committed
Key concept	No crime without law	Prospectivity of penal laws
Result	**Acquittal**	**Case dismissed / favorable to Peñalosa**
Criminal Law connection	Courts cannot create crimes	Penal laws cannot be applied retroactively
Memory aid	**No law = No crime**	**Later law = Cannot punish earlier act**

Evangelista: *There can be no criminal liability for an act unless a law clearly defines and penalizes it.*

Peñalosa: *A person cannot be punished under a law enacted after the commission of the act because penal laws operate prospectively, not retroactively to the accused's prejudice.*

- ❖ Sources of Philippine Law
  1. The Revised Penal Code (Act No. 3815) and its amendments.

2. Special Penal Laws passed by the Philippine Commission, Philippine Assembly, Philippine Legislature, National Assembly, the Batasang Pambansa, and the Congress of the Philippines.
3. Penal Presidential Decrees issued during Martial Law.

- Ex-post facto law

Congress is prohibited from passing retroactive penal laws that are prejudicial to the accused. Penal laws are those acts of the legislature which prohibit certain acts and establish penalties for their violations; or those that define crimes, treat of their nature and provide for their punishment. (Lacson v. The Executive Secretary, 301 SCRA 298)

An ex post facto law is one which:

1. makes criminal an act done before the passage of the law and which was innocent when done, and punishes such an act;
2. aggravates a crime, or makes it greater than it was, when committed;
3. changes the punishment and inflicts a greater punishment than the law annexed to the crime when committed;
4. alters the legal rules of evidence, and authorizes conviction upon less or different testimony than the law required at the time of the commission of the offense;
5. assumes to regulate civil rights and remedies only, in effect imposes penalty or deprivation of a right for something which, when done, was lawful; and
6. deprives a person accused of a crime some lawful protection to which he has become entitled, such as the protection of a former conviction or acquittal, or a proclamation of amnesty.

- Characteristics of Criminal Law: Generality, Territoriality, and Prospectivity

1. GENERAL – binding on all persons who live or sojourn in the Philippine Territory. (ART. 14 of the New Civil Code)

U.S. vs. Sweet, 1 Phil. 18

Civil courts have jurisdiction over murder cases committed by persons subject to military law.

Even in times of war, the civil courts have concurrent jurisdiction with the military courts or general courts-martial over soldiers of the Philippine Army, provided that in the place of the commission of the crime no hostilities are in progress and civil courts are functioning.

THE REVISED PENAL CODE OR OTHER PENAL LAW IS NOT APPLICABLE WHEN THE MILITARY COURT TAKES COGNIZANCE OF THE CASE.

THE PROSECUTION OF AN ACCUSED BEFORE A COURT MARTIAL IS A BAR TO ANOTHER PROSECUTION OF THE ACCUSED FOR THE SAME OFFENSE.

A court-martial is a court, and the prosecution of an accused before it is a criminal, not an administrative, case, and therefore it, under certain conditions, is a bar to another prosecution of the accused for the same offense, because the latter would place the accused in double jeopardy.

OFFENDERS ACCUSED OF WAR CRIMES ARE TRIABLE BY MILITARY COMMISSION.

War is not ended simply because hostilities have ceased. After cessation of armed hostilities, incidents of war may remain pending; these should be disposed of as in time of war. A military commission has jurisdiction so long as technical state of war continues. This includes the period of an armistice, or military occupation, up to the effective date of a treaty of peace.

EXCEPTIONS TO THE GENERAL APPLICATION OF CRIMINAL LAW

Even if the crime is committed by a person residing or sojourning in the Philippines.

- The court keeps the jurisdiction because the case is still under the penal law(general rule) even though it is military.

ART. 2 OF THE RPC – "EXCEPT AS PROVIDED IN THE TREATIES AND LAWS OF PREFERENTIAL APPLICATION"

ART. 14 OF THE NCC provides that the penal laws and those of public security and safety shall be obligatory upon all who live and sojourn in the Philippine Territory, subject to the PRINCIPLES OF PUBLIC INTERNATIONAL LAW and treaty stipulation.

AN EXAMPLE OF TREATY STIPULATION:

As an exception to the general application of our criminal law – BASE AGREEMENT ENTERED INTO BY AND BETWEEN RP AND US ON MAR. 14, 1947 – to exercise jurisdiction over the following offenses:

a. Offense committed within the base, EXCEPT when the offender and offended party are both Filipino citizens or the offense is against the security of the Philippines.
b. Offenses committed outside the bases by any member of the ARMED FORCES OF THE US in which the offended party is also a member of the armed forces of the US.
c. Offenses committed outside the bases by any member of the armed forces if the US is against the security of the US.

NOTE: Military Bases Agreement expired on September 16, 1991.

EXAMPLE OF PREFERENTIAL APPLICATION

REP. ACT NO. 75 may be considered a law of preferential application in favor of diplomatic representatives and their domestic servants.

PERSONS EXEMPT FROM THE OPERATION OF OUR CRIMINAL LAWS BY VIRTUE OF THE PRINCIPLES OF PUBLIC INTERNATIONAL LAW

The following are not subject to the operation of our criminal laws:

Sovereigns and other chiefs of state;
Ambassadors, ministers plenipotentiary, ministers resident, and chargés d'affaires.

A well-established principle of International Law provides that diplomatic representatives, ambassadors, or public ministers and their official retinue possess immunity from the criminal jurisdiction of the country of their sojourn and cannot be sued, arrested, or punished by the law of that country.

A CONSUL IS NOT ENTITLED TO THE PRIVILEGES AND IMMUNITIES OF AN AMBASSADOR OR MINISTER.

However, a consul is subject to the laws and regulations of the country to which he is accredited.

2. TERRITORIAL – to punish crimes committed within the Philippine territory.

The PRINCIPLE OF TERRITORIALITY means that, as a rule, penal laws of the Philippines are enforceable only within its territory.

EXTENT OF THE PHILIPPINE TERRITORY FOR PURPOSES OF CRIMINAL LAW.
ART. 2 OF THE RPC provides that the provisions of said Code shall be enforced within the Philippine Archipelago, including its atmosphere, its interior waters, and maritime zone.

ART. I OF THE 1987 CONSTITUTION provides that the national territory comprises the Philippine Archipelago, with all the islands and waters embraced therein, and other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the Archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.

EXCEPTIONS TO THE TERRITORIAL APPLICATION OF CRIMINAL LAW: See Art. 2.

3. PROSPECTIVE – penal law cannot make an act punishable in a manner in which it was not punishable when committed.

Art. 366 of the RPC – crimes are punished under the laws in force at the time of their commission.

EXCEPTION TO THE PROSPECTIVE APPLICATION OF CRIMINAL LAWS

Whenever a new statute dealing with crime establishes conditions more lenient or favorable to the accused, it can be given a retroactive effect.

BUT THIS APPLICATION HAS NO APPLICATION:

A) Where the new law is expressly made inapplicable to pending actions or existing causes of action.

B) Where the offender is a habitual criminal under Rule 5, Art. 62 of the RPC (Art. 22, RPC).

❖ Construction and interpretation

1. Penal laws are strictly construed against the Government and liberally in favor of the accused. The rule that penal statutes should be strictly construed against the State may be invoked only where the law is ambiguous and there is doubt as to its interpretation. Where the law is clear and unambiguous, there is no room for the application of the rule.
2. In the construction or interpretation of the provisions of the RPC, the Spanish text is controlling, because it was approved by the Philippine Legislature in its Spanish text.

1. PEOPLE v. GARCIA

85 Phil. 651, G.R. No. L-2873, February 28, 1950

Topic:

Strict Construction of Penal Laws / Harmonization of Statutes

FACTS

Eugenio Garcia was **17 years old** when he committed robbery. The trial court convicted him but did not grant him the **privileged mitigating circumstance under Article 68(2) of the Revised Penal Code**, which applies to offenders over 15 but under 18 years of age.

The prosecution argued that **Republic Act No. 47**, which amended Article 80 and reduced the age for commitment to a reformatory institution from 18 to 16, had also impliedly amended Article 68(2).

ISSUE

Whether Republic Act No. 47 impliedly amended Article 68(2) of the Revised Penal Code, thereby removing the privileged mitigating circumstance from offenders between 16 and 18 years old.

RULING — ALAC

A — ANSWER

NO. Republic Act No. 47 did not impliedly amend Article 68(2) of the Revised Penal Code. Garcia, being 17 years old, remained entitled to the privileged mitigating circumstance.

L — LEGAL BASIS

Penal statutes must be **strictly construed against the State and liberally in favor of the accused**. Criminal statutes cannot be enlarged or extended by implication, intendment, or equitable considerations. Where there is reasonable doubt as to whether an accused falls within the operation of a penal provision, the doubt must be resolved in favor of the accused. In addition, statutes and their amendments should be **harmonized and reconciled**, giving effect to every provision whenever possible, rather than assuming that one provision has impliedly repealed or amended another.

A — APPLICATION

Republic Act No. 47 amended **Article 80**, concerning commitment to a reformatory institution, but it did not expressly amend **Article 68(2)**. The two provisions could operate together: an offender between 16 and 18 could still receive the privileged mitigating circumstance under Article 68(2), even though the amended Article 80 no longer required commitment to a reformatory institution for those above 16.

C — CONCLUSION

Garcia was entitled to the privileged mitigating circumstance under **Article 68(2)**.

KEY POINT

Penal laws are strictly construed against the State and liberally in favor of the accused. Courts should harmonize provisions instead of finding an implied amendment or repeal.

CONNECTION TO CRIMINAL LAW

Construction of Penal Laws → Strict Construction → Doubt → Accused benefits

2. ABARQUEZ v. PEOPLE

G.R. No. 150762, January 20, 2006, 479 SCRA 225

Topic:

In Dubio Pro Reo / Equipoise Rule / Presumption of Innocence

FACTS

Abarquez was charged with **homicide and attempted homicide**. The prosecution alleged that he conspired with Alberto Almojuela in killing Ricardo Bello.

The trial court convicted Abarquez as an **accomplice in homicide**, and the Court of Appeals affirmed. Abarquez argued that the evidence did not establish that he shared the principal's criminal design.

ISSUE

Whether the prosecution presented sufficient evidence to establish beyond reasonable doubt that Abarquez was an accomplice in the killing.

RULING — ALAC

A — ANSWER

NO. The prosecution failed to establish beyond reasonable doubt that Abarquez was an accomplice.

L — LEGAL BASIS

Under the **in dubio pro reo** principle, when the evidence in a criminal case gives rise to reasonable doubt regarding the accused's guilt, the doubt must be resolved in favor of the accused. The **equipoise rule** provides that when the evidence for the prosecution and the defense is evenly balanced, the party carrying the burden of proof loses. In a criminal case, the prosecution bears the burden of proving every element of the offense and the accused's participation **beyond reasonable doubt**. If the evidence is capable of two reasonable interpretations, one consistent with guilt and another consistent with innocence, the evidence does not meet the required quantum of proof.

A — APPLICATION

The evidence merely showed Abarquez's presence and his act of holding the shoulder of one of the participants. It did not sufficiently establish that he **knew of and concurred with the criminal design** of the principal. Mere assistance or presence is not enough to establish accomplice liability without proof of the required community of design.

C — CONCLUSION

The Supreme Court **reversed Abarquez's conviction** because the prosecution failed to prove his guilt beyond reasonable doubt.

KEY POINT

When the evidence is in equipoise or is reasonably capable of supporting both guilt and innocence, the doubt must be resolved in favor of the accused.

CONNECTION TO CONSTRUCTION AND INTERPRETATION

This illustrates **in dubio pro reo**:

Doubt in evidence or application → favor accused → acquittal

It complements the rule that **doubt in the interpretation of a penal law is also resolved in favor of the accused.**

3. PEOPLE v. SULTAN

G.R. No. 132470, April 27, 2000, 331 SCRA 216

Topic:

Strict Construction of Penal Laws / Rule of Lenity

FACTS

Fernando Sultan was convicted of **robbery with rape**. The prosecution established that he robbed the victim and raped her twice while threatening her with an ice pick.

The issue concerning construction arose from the **additional rape** and whether it could be treated as an aggravating circumstance that would increase the penalty.

ISSUE

Whether the additional rape committed by Sultan may be considered an aggravating circumstance to impose the heavier penalty.

RULING — ALAC

A — ANSWER

NO. The additional rape could not be considered an aggravating circumstance because there was no law expressly providing that additional rape or homicide would constitute an aggravating circumstance in the commission of robbery with rape.

L — LEGAL BASIS

Penal laws are **strictly construed against the State and liberally in favor of the accused**. Courts cannot enlarge the scope of a penal statute by implication, particularly when doing so would result in a heavier penalty. Aggravating circumstances are governed by law, and the enumeration under **Article 14 of the Revised Penal Code is exclusive**. Unlike mitigating circumstances under Article 13, which may include analogous circumstances, courts cannot create or recognize an aggravating circumstance that the law does not expressly provide.

A — APPLICATION

Although Sultan committed more than one rape, there was **no law providing that the additional rape would constitute an aggravating circumstance** for purposes of imposing the death penalty. The Court therefore refused to expand Article 14 against the accused.

Since there were neither mitigating nor aggravating circumstances, the Court applied **Article 63(2)** and imposed the **lesser indivisible penalty of reclusion perpetua**.

C — CONCLUSION

The Court affirmed the conviction but imposed **reclusion perpetua**, rather than the heavier penalty.

KEY POINT

Courts cannot create aggravating circumstances by interpretation. If the law does not clearly provide for the circumstance, it cannot be used to increase the accused's penalty.

CONNECTION TO CRIMINAL LAW

Penal law ambiguous → strict construction → no expansion against accused → lighter penalty

This is a strong example of the **rule of lenity**.

4. GO v. DIMAGIBA

G.R. No. 151876, June 21, 2005, 460 SCRA 451

Topic:

Rule of Lenity / Finality of Judgment / Habeas Corpus

FACTS

Fernando Dimagiba was convicted of **13 counts of violation of B.P. Blg. 22**. His conviction became final.

He later sought relief through **habeas corpus**, invoking Supreme Court Administrative Circular No. 12-2000, which expressed a preference for the imposition of a **fine rather than imprisonment** in appropriate B.P. 22 cases.

ISSUE

Whether Administrative Circular No. 12-2000 could be applied through habeas corpus to change Dimagiba's final and executory imprisonment sentences into fines.

RULING — ALAC

A — ANSWER

NO. Administrative Circular No. 12-2000 could not be used to reopen and modify Dimagiba's final and executory judgment through habeas corpus.

L — LEGAL BASIS

The **rule of lenity** requires ambiguities in penal laws to be resolved in favor of the accused. However, the rule of lenity concerns the **interpretation of an ambiguous penal provision**; it does not authorize a court to disregard the finality of a judgment. Administrative Circular No. 12-2000 did not abolish imprisonment as a penalty for B.P. 22. It merely established a **rule of preference** in imposing the penalties provided by law. A final and executory judgment cannot ordinarily be reopened through habeas corpus merely because a subsequent judicial issuance expresses a preference for a different penalty.

A — APPLICATION

Dimagiba's conviction and sentence had already become **final and executory**. Administrative Circular No. 12-2000 did not decriminalize B.P. 22 or remove imprisonment as a possible penalty. Therefore, the circular could not be used to transform his final imprisonment sentence into a fine through habeas corpus.

C — CONCLUSION

The petition for habeas corpus was **denied**. Dimagiba could not use the rule of lenity or the administrative circular to reopen a final judgment.

KEY POINT

The rule of lenity favors the accused when interpreting an ambiguous penal law, but it cannot be used to overturn a final and executory judgment.

CONNECTION TO CRIMINAL LAW

Rule of Lenity ≠ automatic reduction of final penalty

5. PEOPLE v. GONZALES

G.R. Nos. 113255–56, July 19, 2001, 361 SCRA 350

Topic:

Pro Reo Doctrine / Interpretation of Penalties / Indeterminate Sentence Law

FACTS

Romeo Gonzales was convicted of **possession and sale of marijuana** under R.A. No. 6425, the Dangerous Drugs Act.

On appeal, he questioned the penalty imposed. The Supreme Court considered how the penalty under the special law should be treated for purposes of applying the **Indeterminate Sentence Law**.

ISSUE

Whether the penalty prescribed under R.A. No. 6425 should be treated as the equivalent of the corresponding RPC penalty for purposes of imposing an indeterminate sentence.

RULING — ALAC

A — ANSWER

YES. The penalty prescribed under R.A. No. 6425 should be treated as the equivalent of **prision mayor** for purposes of applying the Indeterminate Sentence Law.

L — LEGAL BASIS

The **pro reo doctrine** requires that when interpreting penal provisions, the interpretation more favorable to the accused should be adopted. R.A. No. 6425 was a **special penal law** and used its own nomenclature for penalties rather than the terminology of the Revised Penal Code. However, for purposes of applying the Indeterminate Sentence Law, the penalty prescribed by the special law must be properly correlated with the RPC penalty system. The Court held that the penalty under Section 8 of R.A. No. 6425 was actually equivalent to **prision mayor**, allowing the accused to benefit from the corresponding rules governing the indeterminate sentence.

A — APPLICATION

The penalty for possession under Section 8 of R.A. No. 6425 was imprisonment from **6 years and 1 day to 12 years**. The Court treated this as equivalent to **prision mayor**. Applying the Indeterminate Sentence Law and the pro reo doctrine, the Court imposed an indeterminate sentence with the minimum within **prision correccional** and the maximum within the appropriate period of **prision mayor**.

C — CONCLUSION

The conviction was **affirmed with modification of the penalty**, applying the interpretation more favorable to Gonzales.

KEY POINT

When a penal provision is capable of an interpretation favorable to the accused, the favorable interpretation should be adopted.

CONNECTION TO CRIMINAL LAW

Pro Reo → favorable interpretation → lighter/more favorable penalty

6. BONGALON v. PEOPLE

G.R. No. 169533, March 20, 2013, 694 SCRA 12

Topic:

Strict Construction of Special Penal Laws / Pro Reo / Specific Intent

FACTS

George Bongalon confronted a **12-year-old boy** during a Santo Niño procession after believing that the boy had harassed his daughters. Bongalon **slapped and struck the child**, causing injuries requiring several days of medical treatment. He was charged and convicted under **Section 10(a) of R.A. No. 7610**, the Child Abuse Law.

ISSUE

Whether every act of laying hands on a child constitutes child abuse under Section 10(a) of R.A. No. 7610.

RULING — ALAC

A — ANSWER

NO. Not every act of laying hands on a child constitutes child abuse under Section 10(a) of R.A. No. 7610.

L — LEGAL BASIS

Penal statutes must be **strictly construed**, and the prosecution must establish every element of the offense beyond reasonable doubt. Section 10(a) of R.A. No. 7610 does not punish every physical act against a child. The prosecution must establish the required **specific intent to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being**. Where the statutory elements of the special penal law are not established, the accused cannot be convicted under that law merely because the act appears wrongful or undesirable.

A — APPLICATION

Bongalon did physically strike the child, but the evidence did not establish that he acted with the **specific intent to debase, degrade, or demean** the child's intrinsic worth and dignity. His conduct arose from anger after believing that the child had harmed or harassed his daughters.

Thus, the elements of child abuse under R.A. No. 7610 were not established. However, his physical acts constituted **slight physical injuries under Article 266(1) of the Revised Penal Code**.

C — CONCLUSION

The Supreme Court **set aside the child-abuse conviction** and found Bongalon **guilty of slight physical injuries**, imposing the corresponding penalty.

KEY POINT

Not every wrongful act against a child falls under the Child Abuse Law. The specific elements and intent required by the statute must be proven.

CONNECTION TO CRIMINAL LAW

Strict construction of penal statute
↓
Prosecution must prove every element
↓
Specific intent required
↓
If element is absent → cannot convict under special law

OVERALL DOCTRINE — CONSTRUCTION AND INTERPRETATION IN CRIMINAL LAW

These cases can be grouped into **four major principles**:

Case	Main Principle	Easy Memory
People v. Garcia	Strict construction; harmonization of statutes	**Don't expand penal laws by implication**
Abarquez v. People	In dubio pro reo / equipoise	**Doubt → accused**
People v. Sultan	Strict construction; rule of lenity	**No aggravation without law**
Go v. Dimagiba	Rule of lenity	**Lenity cannot reopen final judgment**
People v. Gonzales	Pro reo / favorable interpretation	**Choose favorable interpretation**

Bongalon v. People	Strict construction of special penal law	**Prove every element**

MASTER RULE

Penal laws are strictly construed against the State and liberally in favor of the accused. Courts cannot enlarge a penal statute by implication or interpretation. Where a penal provision is ambiguous, the interpretation more favorable to the accused is adopted. However, the rule of lenity does not authorize courts to create an offense, create an aggravating circumstance, or reopen a final and executory judgment.

This is the common thread connecting **Garcia, Abarquez, Sultan, Go, Gonzales, and Bongalon**.

- ❖ Repeal and Amendment

Different effects of repeal of penal law

1. **If the repeal makes the penalty lighter in the new law, the new law shall be applied, except when the offender is a habitual delinquent or when the new law is made not applicable to pending actions or existing causes of action.**
2. **If the new law imposes a heavier penalty, the law in force at the time of the commission of the offense shall be applied.**
3. **If the new law totally repeals the existing law so that the act which was penalized under the old law is no longer punishable, the crime is obliterated.**

When the repeal is absolute, the offense ceases to be criminal.

Truates v. Bersamin
(G.R. No. 138962, October 4, 2002)

Facts: Petitioners were convicted of the crime of violation of Pres. Decree No. 772 or the Anti-Squatting Law. Upon appeal to the Regional Trial Court, their conviction was affirmed. Pending resolution of their Motion for Reconsideration, Rep. Act No. 8368 repealed Pres. Decree No. 772.

Held: The repeal of Pres. Decree No. 772 is explicit, categorical, definite and absolute. As such, the act that was penalized by Pres. Decree No. 772, i.e., squatting, ceases to be criminal under Rep. Act No. 8368, and the previous offense is obliterated.

In the same vein, the absolute repeal of Pres. Decree No. 772 has the effect of depriving a court of its authority to punish a person charged with violation of the old law prior to its repeal. This is because an unqualified repeal of a penal statute constitutes a legislative act of rendering legal what had been previously declared as illegal, such that the offense no longer exists and it is as if the person who committed it never did so.

When the repealing law fails to penalize the offense under the old law, the accused cannot be convicted under the old law.

An Information was filed against the accused for violation of Sections 1458 and 1459 of the Revised Administrative Code, in relation with Act No. 3243, and Section 2723 of the same Code for neglecting to make a return of their sales for purpose of evading the payment of percentage tax as owners, managers and operators of "The Magazine Center," an establishment devoted to the selling of newspapers, magazines and stationery. At the time of filing of the Information, the Revised Administrative Code had already been expressly repealed by the National Internal Revenue Code (NIRC), which did not require the filing of returns by a merchant or person who acquires newspapers or magazines from a publisher for purposes of resale.

Where the repealing law wholly fails to penalize the acts which constituted the offense defined and penalized in the repealed law, the repeal carries with it deprivation of the courts of jurisdiction to try, convict and sentence persons charged with violations of the old law prior to the repeal. This is the case here since the NIRC wholly fails to penalize the acts imputed upon the accused.
(People v. Sindiong and Pastor, 72 Phil. 1000)

When the new law and the old law penalize the same offense, the offender can be tried under the old law.

An Information was filed against Respondents for violation of Section 4 in relation to Section 56 of the Revised Securities Act for selling unregistered securities. At the time the DOJ Resolution was issued directing the filing of an Information, the Revised Securities Act had already been repealed by the Securities Regulation Code and the Securities 2000. However, both the Revised Securities Act and the Securities Regulation Code of 2000 provide for exactly the same penalty for the same offense: "a fine of not less than five thousand (₱5,000.00) pesos nor more than five hundred thousand (₱500,000.00) pesos or imprisonment of not less than 7 years nor more than 21 years, or both, in the discretion of the court."

The Court held that the enactment of Securities Regulation Code of 2000 in lieu of the Revised Securities Act could not have extinguished all criminal acts committed under the old law. It stated that in 1909 to 1910, the Philippine and United States Supreme Courts affirmed the principle that when the repealing act reenacts substantially the former law and does not increase the punishment of the accused, the right still exists to punish the accused for an offense of which they were convicted and sentenced before the passage of the later act. This doctrine was reaffirmed in **Benedicto v. Court of Appeals, 416 Phil. 722 (2011)**, where the Court held that an exception to the rule that the absolute repeal of a penal law deprives the court of authority to punish a person charged with violating the old law prior to its repeal is where the repealing act reenacts the old law and punishes the act previously penalized under the old law. (**Gabionza v. Court of Appeals, 586 Phil. 606 [2008]**)

A person charged under a repealed statute may be punished under the repealing statute.

An Information was filed against the private respondent for violation of Section 41(1) of B.P. Blg. 337, otherwise known as the "Local Government Code of 1983" for entering into a lease contract with the municipality of Sta. Cruz, Zambales, covering two public market stalls while being a member of its Sangguniang Bayan and its Committee on Bids and Awards. Said Section makes it unlawful for any government official to engage in any business transaction with the local government unit of which he is an official.

Batas Pambansa Blg. 337 was repealed by Rep. Act No. 7160, otherwise known as the "Local Government Code of 1991." However, Rep. Act No. 7160 reenacted in its Section 89 the legal provision of Section 41 of B.P. Blg. 337 under which the private respondent was charged, and penalizes the same act previously penalized under the repealed law, such that the act committed before the reenactment continues to be a crime. Hence, prosecution will proceed under the provisions of Section 89 in relation to Section 514 of Rep. Act No. 7160. (**People v. Toledano, G.R. No. 110220, May 18, 2000**)

Self-repealing law.

An Information was filed against Pedro de los Reyes for violation of Rep. Act No. 6450 for "material misrepresentation in any document required" by said Act "or the rules and regulations issued thereunder" committed while said Act was still in force. It was punishable under Section 18 of the Act with fine or imprisonment, or both, and with forfeiture of the goods or commodities imported in any violation thereof. When Rep. Act No. 6450 expired by its own limitation on June 30, 1953, the forfeiture could no longer be subsequently enforced.

Where an act expires by its limitation, the effect is the same as though it had been repealed at the time of its expiration, and it is a recognized rule in this jurisdiction that the repeal of a law carries with it the deprivation of the courts of jurisdiction to try, convict and sentence persons charged with violation of the old law prior to the repeal. (People v. Jacinto, C.A., 54 O.G. 7587)

Art. 1. Effectivity

Article 1. Time when Act takes effect.--- This Code shall take effect on the first day of January, nineteen hundred and thirty-two.

Art. 2. Application of Provisions

Article 2. *Application of its provisions.* - Except as provided in the treaties and laws of preferential application, the provisions of this Code shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction, against those who:

1. Should commit an offense while on a Philippine ship or airship;

2. Should forge or counterfeit any coin or currency note of the Philippine Islands or obligations and securities issued by the Government of the Philippine Islands;

3. Should be liable for acts connected with the introduction into these islands of the obligations and securities mentioned in the preceding number;

4. While being public officers or employees, should commit an offense in the exercise of their functions; or

5. Should commit any of the crimes against national security and the law of nations, defined in Title One of Book Two of this Code.

- 1987 Constitution, Article I

ARTICLE I
NATIONAL TERRITORY

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.

❖ Rule 110, Sec. 15, 2000 Rules on Criminal Procedure

Section 15. *Place where action is to be instituted*. —

(a) Subject to existing laws, the criminal action shall be instituted and tried in the court of the municipality or territory where the offense was committed or where any of its essential ingredients occurred.

(b) Where an offense is committed in a train, aircraft, or other public or private vehicle while in the course of its trip, the criminal action shall be instituted and tried in the court of any municipality or territory where such train, aircraft or other vehicle passed during such its trip, including the place of its departure and arrival.

(c) Where an offense is committed on board a vessel in the course of its voyage, the criminal action shall be instituted and tried in the court of the first port of entry or of any municipality or territory where the vessel passed during such voyage, subject to the generally accepted principles of international law.

(d) Crimes committed outside the Philippines but punishable under Article 2 of the Revised Penal Code shall be cognizable by the court where the criminal action is first filed. (15a)

❖ Visiting Forces Agreement, Article V

Article V: *Criminal Jurisdiction*

1. Subject to the provisions of this Article:ITC@ALF

(a) Philippine authorities shall have jurisdiction over United States personnel with respect to offenses committed within the Philippines and punishable under the law of the Philippines.

(b) United States military authorities shall have the right to exercise within the Philippines all criminal and disciplinary jurisdiction conferred on them by the military law of the United States over United States personnel in the Philippines.

2. (a) Philippine authorities exercise exclusive jurisdiction over United States personnel with respect to offenses, including offenses relating to the security of the Philippines, punishable under the laws of the Philippines, but not under the laws of the United States.

(b) United States authorities exercise exclusive jurisdiction over United States Personnel with respect to offenses, including offenses relating to the security of the United States, punishable under the laws of the United States, but not under the laws of the Philippines.

(c) For purposes of this paragraph and paragraph 3 of this Article, an offense relating to security means:

(1) treason;

(2) sabotage, espionage or violation of any law relating to national defense.

3. In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply:

(a) Philippine authorities shall have the primary right to exercise jurisdiction over all offenses committed by United States personnel, except in cases provided for in paragraphs 1 (b), 2 (b), and 3 (b) of this Article.

(b) United States military authorities shall have the primary right to exercise jurisdiction over United States personnel subject to the military law of the United States in relation to:

(1) offenses solely against the property or security of the United States or offenses solely against the property or person of United States personnel; and

(2) offenses arising out of any act or omission done in performance of official duty.

(c) The authorities of either government may request the authorites of the other government to waive their primary right to exercise jurisdiction in a particular case.

(d) Recognizing the responsibility of the United States military authorities to maintain good order and discipline among their forces, Philippine authorities will, upon request by the United States, waive their primary right to exercise jurisdiction except in cases of particular importance to the Philippines. If the Government of the Philippines determines that the case is of particular importance, it shall communicate such determination to the United States authorities within twenty (20) days after the Philippine authorities receive the United States request.

(e) When the United States military commander determines that an offense charged by authorities of the Philippines against United States personnel arises out of an act or omission done in the performance of official duty, the commander shall issue a certificate setting forth such determination. This certificate will be transmitted to the appropriate authorities of the Philippines and will constitute sufficient proof of performance of official duty for the purposes of paragraph 3 (b) (2) of this Article. In those cases where the Government of the Philippines believes the circumstances of the case require a review of the duty certificate, United States military authorities and Philippine authorities shall consult immediately. Philippine authorities at the highest levels may also present any information bearing on its validity. United States military authorities shall take full account of the Philippine position. Where appropriate, United States military authorities will take disciplinary or other action against offenders in official duty cases, and notify the Government of the Philippines of the actions taken.

(f) If the government having the primary right does not exercise jurisdiction, it shall notify the authorities of the other government as soon as possible.

(g) The authorities of the Philippines and the United States shall notify each other of the disposition of all cases in which both the authorities of the Philippines and the United States have the right to exercise jurisdiction.

4. Within the scope of their legal competence, the authorities of the Philippines and United States shall assist in each other in the arrest of United States personnel in the Philippines and in handing them over to authorities who are to exercise jurisdiction in accordance with the provisions of this Article.

5. United States military authorities shall promptly notify Philippine authorities of the arrest or detention of United States personnel who are subject to Philippine primary or exclusive jurisdiction. Philippine authorities shall promptly notify United States military authorities of the arrest or detention of any United States personnel.

6. The custody of any United States personnel over whom the Philippines is to exercise jurisdiction shall immediately reside with United States military authorities, if they so request, from the commission of the offense until completion of all judicial proceedings. United States military authorities shall, upon formal notification by the Philippine authorities and without delay, make such personnel available to those authorities in time for any investigative or judicial proceedings relating to the offense with which the person has been charged. In extraordinary cases, the Philippine Government shall present its position to the United States Government regarding custody, which the United States Government shall take into full account. In the event Philippine judicial proceedings are not completed within one year, the United States shall be relieved of any obligations under this paragraph. The one year period will not include the time necessary to appeal. Also, the one year period will not include any time during which scheduled trial procedures are delayed because United States authorities, after timely notification by Philippine authorities to arrange for the presence of the accused, fail to do so.

7. Within the scope of their legal authority, United States and Philippine authorities shall assist each other in the carrying out of all necessary investigation into offenses and shall cooperate in providing for the attendance of witnesses and in the collection and production of evidence, including seizure and, in proper cases, the delivery of objects connected with an offense.

8. When United States personnel have been tried in accordance with the provisions of this Article and have been acquitted or have been convicted and are serving, or have served their sentence, or have had their sentence remitted or suspended, or have been pardoned, they may not be tried again for the same offense in the Philippines. Nothing in this paragraph, however, shall prevent United States military authorities from trying United States personnel for any violation of rules of discipline arising from the act or omission which constituted an offense for which they were tried by Philippine authorities.

9. When United States personnel are detained, taken into custody, or prosecuted by Philippine authorities, they shall be accorded all procedural safeguards established by the law of the Philippines. At the minimum, United States personnel shall be entitled:

(a) To a prompt and speedy trial;

(b) To be informed in advance of trial of the specific charge or charges made against them and to have reasonable time to prepare a defense;

(c) To be confronted with witnesses against them and to cross examine such witnesses;

(d) To present evidence in their defense and to have compulsory process for obtaining witnesses;

(e) To have free and assisted legal representation of their own choice on the same basis as nationals of the Philippines;

(f) To have the services of a competent interpreter;

(g) To communicate promptly with and to be visited regularly by United States authorities, and to have such authorities present at all judicial proceedings. These proceedings shall be public unless the court, in accordance with Philippine law, excludes persons who have no role in the proceedings.

10. The confinement or detention by Philippine authorities of United States personnel shall be carried out in facilities agreed on by appropriate Philippine and United States authorities. United States personnel serving sentences in the Philippines shall have the right to visits and material assistance.

11. United States personnel shall be subject to trial only in Philippine courts of ordinary jurisdiction, and shall not be subject to the jurisdiction of Philippine military or religious courts.

- French v. English Rule

  There are two rules as to jurisdiction over crimes committed aboard merchant vessels while in the territorial waters of another country.

  1. **FRENCH RULE**- Such crimes are not triable in the courts of that country unless their commission affects the peace and security of the territory or the safety of the state is endangered.

  2. **ENGLISH RULE**- Such crimes are triable in that country unless they merely affect things within the vessel or they refer to the internal management thereof.

1. U.S. v. BULL
15 Phil. 7, January 15, 1910
G.R. No. L-5270

Topic:

Article 2 — Territoriality / Foreign Merchant Vessel / French Rule vs. English Rule

FACTS

H.N. Bull was the master of the foreign vessel **Stanford**, which transported cattle and carabaos from Formosa to Manila.

While the vessel was within Philippine territorial waters, the animals were found to have been transported without suitable means of protection. Some animals were injured and others died.

Bull was prosecuted under the Philippine law against cruelty to animals. He argued that the Philippine courts had no jurisdiction because the offense occurred aboard a **foreign vessel**.

ISSUE

Whether Philippine courts have jurisdiction over an offense committed aboard a foreign merchant vessel while the vessel is within Philippine territorial waters.

RULING — ALAC

A — ANSWER

YES. Philippine courts have jurisdiction over the offense because the foreign merchant vessel was within Philippine territorial waters when the offense was committed.

L — LEGAL BASIS

The Court discussed **two theories concerning the jurisdiction of a country over crimes committed aboard foreign merchant vessels in its ports.**

First is the French Rule. Under this theory, matters occurring aboard a foreign merchant vessel which do not affect the **tranquility of the port or persons foreign to the crew** are generally within the jurisdiction of the country to which the vessel belongs. Thus, the foreign vessel is treated, in a limited sense, as an extension of the territory of its own country.

Second is the English Rule. Under this theory, when a merchant vessel enters the territorial waters or port of another country, it becomes subject to the **jurisdiction of the local authorities**, unless the local State has expressly or impliedly waived part of its jurisdiction through treaty or other arrangement. The Court adopted this rule.

A — APPLICATION

The vessel **Stanford** was within Philippine territorial waters when the animals were subjected to cruelty. The offense therefore occurred within Philippine territory for purposes of jurisdiction.

The fact that the vessel was foreign did not exempt it from Philippine jurisdiction. The Court held that when a foreign merchant vessel enters Philippine territorial waters, it is generally subject to Philippine laws.

C — CONCLUSION

Bull was properly prosecuted in the Philippines.

KEY POINT

ENGLISH RULE: A foreign merchant vessel entering Philippine territorial waters is generally subject to Philippine jurisdiction.

FRENCH vs. ENGLISH RULE

FRENCH RULE	**ENGLISH RULE**
Foreign vessel is treated, in a limited sense, as an extension of the territory of its flag State.	Foreign vessel is subject to the jurisdiction of the coastal State when within its territorial waters.
Local courts generally do not interfere with matters internal to the vessel that do not disturb the peace of the port.	Local courts generally have jurisdiction over offenses committed within territorial waters.
More protective of the flag State's jurisdiction.	More protective of the territorial State's jurisdiction.
Not the rule adopted in Bull.	**Rule adopted in Bull.**

2. U.S. v. AH SING

36 Phil. 987, October 10, 1917
G.R. No. L-13005

Topic:

Article 2 — Territoriality / Foreign Vessel / Illegal Importation

FACTS

Ah Sing was a fireman aboard the foreign steamship **Shun Chang**, which traveled directly from **Saigon to Cebu**.

Ah Sing bought eight cans of opium in Saigon and brought them aboard the vessel. When the ship arrived in Cebu, Philippine authorities discovered the opium under his control.

He was charged with **illegal importation of opium**.

ISSUE

Whether Ah Sing could be held criminally liable in the Philippines for illegally importing opium when the opium was purchased in a foreign country and was found aboard a foreign vessel upon its arrival in Cebu.

RULING — ALAC

A — ANSWER

YES. Ah Sing was criminally liable because the prohibited drug was brought into Philippine jurisdiction on a vessel that came directly from a foreign country.

L — LEGAL BASIS

Under the principle of **territoriality**, Philippine criminal laws apply to offenses committed within Philippine territory. In this case, the Court interpreted the Opium Law as covering the act of unlawfully bringing prohibited drugs into the Philippines. The importation was considered complete when the vessel carrying the prohibited drug entered Philippine jurisdiction; it was not necessary that the opium first be unloaded from the vessel.

The Court, however, specifically distinguished the case from a **foreign vessel merely in transit**. The Court stated that its ruling did not concern foreign vessels in transit.

A — APPLICATION

The **Shun Chang** had come directly from Saigon to Cebu. It was not merely passing through Philippine waters on its way to another foreign destination.

When the vessel entered Philippine jurisdiction with the opium under Ah Sing's control, the prohibited drug had effectively been brought into the Philippines. Thus, the Philippine courts could exercise jurisdiction.

C — CONCLUSION

Ah Sing was **guilty of illegal importation of opium**.

KEY POINT

A foreign vessel coming directly into a Philippine port is subject to Philippine jurisdiction, and importation may be complete upon entry into Philippine jurisdiction even before the prohibited goods are unloaded.

CONNECTION TO ARTICLE 2

Foreign country → vessel enters Philippine waters → offense affects Philippine territory → Philippine criminal law applies.

3. PEOPLE v. LOL-LO AND SARAW

43 Phil. 19

Topic:

Article 2 — Territoriality / Piracy / Exception to Territoriality

FACTS

Lol-lo and Saraw, together with other armed Moros, attacked **Dutch vessels in the Dutch East Indies**.

They robbed the passengers and crew, attacked several men, and raped two women. After the attack, Lol-lo and Saraw returned to the Philippines and were later arrested in **Sulu**.

They were charged before Philippine courts with **piracy**.

ISSUE

Whether Philippine courts have jurisdiction over piracy committed outside Philippine territory.

RULING — ALAC

A — ANSWER

YES. Philippine courts have jurisdiction over piracy even though the acts were committed outside Philippine territory.

L — LEGAL BASIS

Although the general rule under **Article 2 of the Revised Penal Code is territoriality**, piracy is treated differently because it is considered a crime against **all mankind** rather than merely against a particular State. Consequently, piracy is subject to **universal jurisdiction**, allowing the offender to be tried by the competent courts of a country where he is found.

A — APPLICATION

Lol-lo and Saraw committed the acts of piracy in the Dutch East Indies, outside Philippine territory. However, they subsequently returned to the Philippines and were found and arrested in Sulu.

Because piracy is an offense subject to universal jurisdiction, the Philippine courts could prosecute them even though the piracy was committed outside Philippine territory.

C — CONCLUSION

Philippine courts had jurisdiction over Lol-lo and Saraw.

KEY POINT

PIRACY IS AN EXCEPTION TO TERRITORIALITY.

It is a crime against **all mankind**, so it may be prosecuted by a competent court where the pirate is found.

CONNECTION TO ARTICLE 2

General Rule: Territoriality
↓
Exception: Piracy
↓
Universal jurisdiction
↓
Philippines may prosecute pirate found in Philippine territory

4. AAA v. BBB

G.R. No. 212448, January 11, 2018

Topic:

Article 2 — Territoriality / Transitory or Continuing Offense / R.A. No. 9262

FACTS

AAA and BBB were married in the Philippines. BBB later worked and became a permanent resident in **Singapore**.

AAA alleged that BBB had an illicit relationship with another woman in Singapore, which caused her **mental and emotional anguish**.

The alleged marital infidelity occurred in Singapore, while AAA and her children were residing in **Pasig City**.

The RTC initially dismissed the case for lack of territorial jurisdiction, reasoning that the acts constituting the alleged psychological violence occurred outside the Philippines.

ISSUE

Whether Philippine courts have territorial jurisdiction over a violation of Section 5(i) of R.A. No. 9262 when the alleged marital infidelity occurred outside the Philippines but the victim suffered mental and emotional anguish in the Philippines.

RULING — ALAC

A — ANSWER

YES. Philippine courts may exercise jurisdiction because an essential element of the offense—**the mental and emotional anguish suffered by the victim—occurred in the Philippines**.

L — LEGAL BASIS

The basic rule of **territorial jurisdiction in criminal cases** is that the offense must have been committed, or at least one of its **essential ingredients must have occurred**, within the territorial jurisdiction of the court. The Supreme Court explained that some offenses are **transitory or continuing crimes**, meaning that material and essential acts necessary for their consummation may occur in different territories. In such cases, the courts of any territory where an essential part of the offense occurred may exercise jurisdiction.

The Court also emphasized that R.A. No. 9262 does not criminalize **marital infidelity by itself**. What the law criminalizes is the **psychological violence that causes mental or emotional anguish**. Thus, mental or emotional anguish is an essential element of the offense.

A — APPLICATION

The alleged illicit relationship occurred in Singapore. However, AAA and her children were residents of **Pasig City**, and the mental and emotional anguish allegedly caused by BBB's conduct was suffered in the Philippines.

Since mental or emotional anguish is an essential element of the offense, an essential ingredient of the crime occurred within Philippine territory.

Therefore, the fact that the marital infidelity occurred abroad did not automatically remove Philippine courts' jurisdiction.

C — CONCLUSION

The Philippine courts had territorial jurisdiction. The Supreme Court ordered the reinstatement of the Information.

KEY POINT

For transitory or continuing crimes, Philippine jurisdiction exists when an essential and material element of the offense occurs within Philippine territory.

FRENCH RULE vs. ENGLISH RULE

This is **very important for U.S. v. Bull**.

FRENCH RULE

Under the **French Rule**, a foreign merchant vessel is treated, in a limited sense, as an extension of the territory of its flag State.

Therefore:

Crime aboard foreign vessel
↓
Does NOT disturb peace/tranquility of the port
↓
Generally handled by **flag State**

ENGLISH RULE

Under the **English Rule**, a foreign merchant vessel becomes subject to the jurisdiction of the country whose territorial waters it enters.

Therefore:

Foreign merchant vessel
↓
Enters Philippine territorial waters
↓
Philippine jurisdiction applies

U.S. v. Bull = ENGLISH RULE.

HOW THE FOUR CASES CONNECT TO ARTICLE 2

CASE	WHERE WAS THE ACT?	RULE	RESULT
U.S. v. Bull	Foreign ship within Philippine territorial waters	**English Rule**	Philippine courts have jurisdiction
U.S. v. Ah Sing	Foreign vessel entering Cebu from Saigon	**Territoriality**	Philippine courts have jurisdiction
People v. Lol-lo & Saraw	Dutch East Indies	**Universal jurisdiction over piracy**	Philippine courts have jurisdiction
AAA v. BBB	Infidelity abroad; anguish in Philippines	**Transitory/continuing offense**	Philippine courts have jurisdiction

Article 2 follows the principle of territoriality. Generally, Philippine penal laws apply to crimes committed within Philippine territory.

U.S. v. Bull illustrates the **English Rule**, under which a foreign merchant vessel entering Philippine territorial waters becomes subject to Philippine jurisdiction.

U.S. v. Ah Sing applies territoriality to illegal importation: when prohibited drugs are brought into Philippine jurisdiction aboard a vessel coming directly from a foreign country, Philippine courts may exercise jurisdiction.

People v. Lol-lo and Saraw is an exception because **piracy is subject to universal jurisdiction**. It may be prosecuted by the competent courts of any country where the pirate is found.

AAA v. BBB demonstrates that territoriality does not require every act of a transitory or continuing offense to occur in one place. If an **essential element of the crime occurs in the Philippines**, Philippine courts may acquire jurisdiction.

MEMORY AID

BULL → ENGLISH RULE
AH SING → FOREIGN VESSEL ENTERS PH
LOL-LO → PIRACY = UNIVERSAL JURISDICTION
AAA v. BBB → ESSENTIAL ELEMENT IN PH = JURISDICTION

Art. 3. Felonies

Article 3. *Definition.* - 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.

Absolutely. These four cases are good for **Article 3 of the Revised Penal Code**, particularly the concepts of **felonies, dolo and culpa, mistake of fact, and criminal intent**.

I'll use the format you prefer: **short facts → issue beginning with "Whether" → ALAC ruling → key point → connection to Article 3.**

Article 3, Revised Penal Code

Felonies are acts or omissions **punishable by law** which are committed either by means of **dolo (deceit)** or **culpa (fault)**.

- **Dolo** — acts performed with **deliberate intent**
- **Culpa** — acts performed through **imprudence, negligence, lack of foresight, or lack of skill**

1. PEOPLE v. AH CHONG

15 Phil. 488, March 19, 1910

Topic:

Article 3 — Dolo / Mistake of Fact / Criminal Intent

FACTS

Ah Chong was a cook who shared a room with Pascual, a houseboy. One night, Ah Chong was awakened by someone trying to force open the door.

He repeatedly asked, **"Who is there?"** but received no answer. Believing that a burglar was forcing his way into the room, he warned the person that he would kill him if he entered.

When the door was forced open, Ah Chong believed he was being attacked. He grabbed a knife and struck the intruder.

He later discovered that the person was actually **Pascual, his roommate**, who had been playing a prank. Pascual died from the stab wound.

ISSUE

Whether Ah Chong is criminally liable for the death of Pascual despite his mistake of fact.

RULING — ALAC

A — ANSWER

NO. Ah Chong was not criminally liable because his mistake of fact was made **without fault or negligence**, and had the facts been as he reasonably believed them to be, his act would have been justified as self-defense.

L — LEGAL BASIS

Under **Article 3**, felonies are committed either by **dolo or culpa**. Thus, criminal liability generally requires the corresponding wrongful intent or negligence.

The doctrine of **mistake of fact (*ignorantia facti excusat*)** applies when a person acts under an honest and reasonable mistake concerning a fact, provided that:

1. The act would have been **lawful had the facts been as the accused believed them to be**;
2. The accused's **intention was lawful**; and
3. The mistake was made **without fault or carelessness**.

A — APPLICATION

Ah Chong honestly believed that a burglar was forcing his way into his room and attacking him. Had the person actually been a burglar attacking him, Ah Chong's act would have been justified by **self-defense**.

More importantly, he had taken reasonable precautions: he asked who was outside and received no answer. His mistake was therefore not the product of negligence or bad faith.

C — CONCLUSION

Ah Chong was **not criminally liable** for the death because his mistake of fact negated the criminal intent required for the felony.

KEY POINT

Mistake of fact may exempt an accused from criminal liability when the mistake is honest, reasonable, and without negligence.

CONNECTION TO ARTICLE 3

Article 3 → Felony requires dolo or culpa

In Ah Chong:

Mistake of fact
↓
No criminal intent (dolo)
↓
No negligence or fault (culpa)
↓
No criminal liability

MEMORY AID

AH CHONG = GOOD-FAITH MISTAKE

2. PEOPLE v. OANIS

74 Phil. 257, July 27, 1943

Topic:

Article 3 — Mistake of Fact / Negligence / Dolo or Culpa

FACTS

Chief of Police Antonio Oanis and Corporal Alberto Galanta were ordered to arrest **Anselmo Balagtas**, a notorious escaped criminal.

They went to a house where they believed Balagtas was staying. They saw a man sleeping and, without making a reasonable effort to verify his identity, **shot him**.

The man turned out to be **Serapio Tecson**, an innocent person, and not Balagtas. Oanis and Galanta claimed that they acted under a mistake of fact.

ISSUE

Whether Oanis and Galanta may invoke mistake of fact to avoid criminal liability for killing Tecson.

RULING — ALAC

A — ANSWER

NO. Oanis and Galanta cannot invoke mistake of fact because their mistake was accompanied by **fault and carelessness**.

L — LEGAL BASIS

The doctrine of **mistake of fact** does not apply when the mistake results from **negligence, recklessness, or carelessness**.

The maxim ***ignorantia facti excusat*** applies only when the mistake is made without fault or carelessness. This is the important distinction between *Oanis* and *Ah Chong*.

Under Article 3, criminal liability may arise through **culpa**, even when there is no deliberate criminal intent, when the wrongful result is caused by imprudence or negligence.

A — APPLICATION

Oanis and Galanta were police officers tasked with apprehending a particular person. Instead of verifying whether the sleeping man was actually Balagtas, they immediately fired at him.

Their mistake was therefore **not an innocent mistake**. They were negligent in identifying their target.

Consequently, they could not rely on the defense of mistake of fact.

C — CONCLUSION

The Court held them **criminally liable for the killing**, with the circumstances of the case considered in determining the proper penalty.

KEY POINT

Mistake of fact does not exempt an accused when the mistake is caused by negligence or carelessness.

CONNECTION TO ARTICLE 3

Ah Chong vs. Oanis

AH CHONG	**OANIS**
Mistake of fact	Mistake of fact
No negligence	**With negligence/carelessness**
Good faith	Failure to verify
No criminal liability	**Criminal liability**
Dolo and culpa absent	**Culpa present**

MEMORY AID

OANIS = BAD-FAITH/NEGLIGENT MISTAKE

The easiest way to remember the pair:

Ah Chong = mistake WITHOUT negligence → exempted.
Oanis = mistake WITH negligence → liable.

3. PEOPLE v. GIANNE CARLA THANARAJ

G.R. No. 262944, July 29, 2024, 956 Phil. 559

Topic:

Article 3 — Dolo / Intent / Self-Defense / Mistake of Fact

FACTS

Gianne Carla Thanaraj was charged with **parricide** for the death of her husband, Mervin Roy Richard Thanaraj.

The prosecution alleged that on **April 5, 2017**, in Caloocan City, Gianne deliberately stabbed her husband in the neck, causing his death.

The RTC found her guilty of parricide, and the Court of Appeals affirmed the conviction with modification. She appealed to the Supreme Court.

ISSUE

Whether Gianne Thanaraj is criminally liable for parricide considering her claim that she acted in self-defense.

RULING — ALAC

A — ANSWER

YES. The Supreme Court sustained her criminal liability for the killing, but the case is important in understanding **criminal intent and the distinction between an intentional act and a justified act**.

L — LEGAL BASIS

Under **Article 3**, a felony may be committed through **dolo or culpa**. In intentional felonies, the accused acts with deliberate intent.

However, the presence of intent to perform the physical act does not automatically settle criminal liability. The Court must also determine whether the act was **justified**, such as by self-defense under Article 11.

A claim of self-defense requires **unlawful aggression**, reasonable necessity of the means employed to prevent or repel it, and lack of sufficient provocation on the part of the person defending himself.

A — APPLICATION

The Court examined Gianne's claim of self-defense against the evidence surrounding the stabbing. The fact that she intentionally inflicted the stab wound did not by itself establish the absence of a justifying circumstance; the circumstances surrounding the act had to be considered.

The Supreme Court ultimately **affirmed her criminal liability for parricide**, finding that the requirements necessary to completely justify the killing were not established.

C — CONCLUSION

Gianne Thanaraj remained **criminally liable for the killing of her husband**.

KEY POINT

Under Article 3, intentional commission of the act establishes dolo, but the Court must still determine whether a justifying circumstance removes criminal liability.

CONNECTION TO ARTICLE 3

This case helps distinguish:

Actus reus / physical act

+

Intent (dolo)

+

No applicable justification

Criminal liability

MEMORY AID

THANARAJ = INTENT + SELF-DEFENSE CLAIM

4. ACHARON v. PEOPLE

G.R. No. 224946, November 9, 2021

Topic:

Article 3 — Dolo / Criminal Intent / Specific Intent

FACTS

Christian Pantonial Acharon was charged under **Section 5(i) of R.A. No. 9262**, or the Anti-Violence Against Women and Their Children Act.

The Information alleged that he **willfully and unlawfully denied financial support** to his wife, thereby causing her mental or emotional anguish.

Acharon argued that his failure to provide financial support was not a **deliberate or willful denial**, but was due to his financial circumstances and inability to provide consistent support.

ISSUE

Whether Acharon is criminally liable under Section 5(i) of R.A. No. 9262 when his failure to provide financial support was not shown to be a deliberate and willful denial intended to cause mental or emotional anguish.

RULING — ALAC

A — ANSWER

NO. Acharon is not criminally liable because the prosecution failed to prove the **specific intent** required under Section 5(i) of R.A. No. 9262.

L — LEGAL BASIS

Under **Article 3**, intentional felonies are committed through **dolo**, which requires deliberate intent.

For Section 5(i) of R.A. No. 9262, mere failure to provide financial support does not automatically constitute psychological violence. The prosecution must prove that the accused **willfully denied financial support with the deliberate intent to cause the victim mental or emotional anguish, or public ridicule or humiliation**.

Thus, the existence of the physical or factual act—failure to provide support—is not by itself sufficient. The **required criminal intent must also be established**.

A — APPLICATION

The prosecution failed to establish that Acharon's failure to provide support was a **deliberate and willful denial intended to cause mental or emotional anguish**.

His failure to consistently provide support, standing alone, was insufficient to establish the specific intent required by Section 5(i).

The Supreme Court therefore found that the prosecution failed to prove the elements of the offense beyond reasonable doubt.

C — CONCLUSION

Acharon was **ACQUITTED**.

KEY POINT

Mere failure to provide financial support does not automatically constitute a crime; the specific intent required by the penal law must be proven.

CONNECTION TO ARTICLE 3

This is a very good example of **dolo**:

Physical act:
Failure to provide financial support

BUT

Required intent:
Willful denial + deliberate intent to cause mental/emotional anguish

If specific intent is not proven → no criminal liability under the particular provision.

MEMORY AID

ACHARON = SPECIFIC INTENT

☆ OVERALL CONNECTION TO ARTICLE 3

These four cases can be arranged as follows:

CASE	ARTICLE 3 CONCEPT	KEY RULE
People v. Ah Chong	**Mistake of Fact / Dolo**	Honest mistake without negligence may exempt
People v. Oanis	**Culpa / Negligence**	Mistake caused by negligence does not exempt
People v. Thanaraj	**Dolo / Intent + Justifying Circumstance**	Intentional act must still be examined in light of justification
Acharon v. People	**Dolo / Specific Intent**	Required specific intent must be proven

▯ SIMPLE STUDY MAP

ARTICLE 3 — FELONIES

FELONY

↙ **DOLO**
Deliberate intent

→ **Ah Chong**
Mistake negated criminal intent

→ **Thanaraj**
Intentional act + claim of justification

→ **Acharon**
Specific intent must be proven

↘ **CULPA**
Imprudence / negligence

→ **Oanis**
Mistake caused by carelessness → liable

"How are these cases related to Article 3?"

Article 3 defines felonies as acts or omissions punishable by law committed either by dolo or culpa. People v. Ah Chong illustrates that a genuine mistake of fact, when made without negligence, may negate criminal intent. People v. Oanis, on the other hand, shows that mistake of fact does not exempt an accused when the mistake resulted from negligence or carelessness, thereby bringing the case within culpa. People v. Thanaraj illustrates the importance of intent in an intentional felony and the need to consider whether a justifying circumstance applies. Finally, Acharon v. People demonstrates that where a penal law requires a specific intent, mere commission of the physical act is insufficient; the prosecution must prove the required deliberate intent beyond reasonable doubt.

One-line memory aid:

AH CHONG = innocent mistake; OANIS = negligent mistake; THANARAJ = intent + justification; ACHARON = specific intent.

- Kinds of crimes: Mala in se vs. Mala prohibita

Aspect	Mala in Se	Mala Prohibita
Nature of the Act	Inherently wrong or morally depraved.	Wrong only because it is prohibited by law.
Criminal Intent (Mens Rea)	Required – there must be proof of criminal intent. *(Valenzona vs. People, G.R. No. 248584, August 30, 2023)*	Not required - it is sufficient that the prohibited act is done freely and consciously. (*Valenzona vs. People, G.R. No. 248584, August 30, 2023*)
Example of Application under a Special Law	R.A. 9262 (Anti-Violence Against Women and Their Children Act) – Sections 5(i) and 5(e) are mala in se despite being under a special law; they require criminal intent.	Many special laws penalize acts mala prohibita (e.g., illegal possession of firearms, traffic violations), where intent is generally irrelevant.
As to use of Good Faith or Lack of Criminal Intent as Defense	Good faith or lack of criminal intent is a defense unless the crime is the result of culpa. *(Dungo vs. People, G.R. No. 209464, July 1, 2015)*	Good faith or lack of criminal intent is NOT accepted as a defense, UNLESS this is an element of the crime such as in Sec. 3(e) of Republic Act 3019 [evident bad faith] or the law specifically provides. *(Dungo vs. People, G.R. No. 209464, July 1, 2015)*
As to Laws Violated	Generally, punishable by the Revised Penal Code.	Generally, punishable by Special Laws.

MALA IN SE vs. MALA PROHIBITA

Basic distinction

MALA IN SE means an act that is **wrong or immoral in itself**. Criminal intent is generally important because the wrongful intent (*mens rea*) is an element of the felony.

MALA PROHIBITA means an act that is **not inherently immoral but is made punishable because the law prohibits it**. Generally, the prosecution need not prove criminal intent to commit the crime; it is generally sufficient to prove that the accused **intentionally performed the prohibited act**. The Supreme Court has emphasized that the better distinction is the **inherent immorality or vileness of the act**, not simply whether the offense is found in the RPC or a special law.

1. U.S. v. GO CHICO

G.R. No. 4963, September 15, 1909
14 Phil. 128

Topic:

Mala Prohibita — Criminal Intent

FACTS

Go Chico displayed in the window of his store medallions bearing the face of **Emilio Aguinaldo** and the flag or banner used by those who had participated in the Philippine insurrection.

The law prohibited the display of such emblems. Go Chico argued that he did not intend to commit a crime and that the medallions were merely part of merchandise that he had purchased at a public sale.

ISSUE

Whether criminal intent is necessary for conviction for an act prohibited by a special law.

RULING — ALAC

A — ANSWER

NO. Criminal intent is not necessary where the act punished is **mala prohibita**.

L — LEGAL BASIS

In crimes that are **mala in se**, criminal intent generally governs because the act is inherently wrongful. In crimes that are **mala prohibita**, however, the act is punishable because the legislature has prohibited it for reasons of public policy. Therefore, the intent to commit the crime itself is generally immaterial.

What must be established is that the accused **voluntarily and intentionally performed the prohibited act**.

A — APPLICATION

Go Chico intentionally displayed the prohibited medallions. Even if he did not know that the display was criminal or did not intend to violate the law, the law expressly prohibited the act.

His lack of criminal intent therefore did not excuse him.

C — CONCLUSION

Go Chico was **held liable** because the offense was **mala prohibita**.

KEY POINT

In mala prohibita, the prohibited act itself is the crime; criminal intent is generally not required.

CONNECTION TO MALA PROHIBITA

Law prohibits act
↓
Act is voluntarily performed
↓
Criminal intent generally immaterial
↓
Liability

MEMORY AID: GO CHICO = ACT, NOT INTENT

2. LIM v. PEOPLE

G.R. No. 130038, September 18, 2000
340 SCRA 497

Topic:

Mala Prohibita — B.P. Blg. 22 — Intent

FACTS

Rosa Lim issued two checks in connection with a jewelry transaction. The checks were later dishonored because of insufficient funds.

She was prosecuted for violation of **B.P. Blg. 22**, or the Bouncing Checks Law.

Lim argued that she should not be held liable because the checks were issued as a **guarantee/security arrangement** and she claimed that she did not intend to defraud the payee.

ISSUE

Whether the absence of intent to defraud exempts Lim from criminal liability for violation of B.P. Blg. 22.

RULING — ALAC

A — ANSWER

NO. The absence of intent to defraud does not exempt Lim from liability for violation of B.P. Blg. 22.

L — LEGAL BASIS

B.P. Blg. 22 is generally treated as a **mala prohibitum offense**. Its purpose is to protect the integrity and stability of the banking system and to prohibit the making and issuance of worthless checks.

The gravamen of the offense is the **making, drawing, and issuance of a check that is subsequently dishonored**, under the circumstances specified by the statute. The prosecution need not prove that the accused intended to defraud another person.

The law also establishes a **prima facie presumption of knowledge of insufficiency of funds** when the statutory conditions are present, subject to rebuttal.

A — APPLICATION

Lim admitted issuing the checks. The checks were dishonored, and she failed to sufficiently rebut the statutory presumption concerning knowledge of insufficient funds.

Her claim that she did not intend to defraud did not defeat the charge because **fraudulent intent is not an element of B.P. Blg. 22**.

C — CONCLUSION

The Supreme Court **affirmed her conviction**.

KEY POINT

For B.P. Blg. 22, intent to defraud is not required. The law punishes the prohibited act of issuing a bouncing check under the circumstances specified by the statute.

CONNECTION TO MALA PROHIBITA

B.P. Blg. 22
→ **Mala prohibita**
→ Intent to defraud **not required**
→ Focus on the prohibited act and statutory elements.

MEMORY AID

LIM = BOUNCING CHECK = NO NEED TO PROVE FRAUD

3. PEOPLE v. LACERNA

G.R. No. 109250, September 5, 1997
278 SCRA 561

Topic:

Mala Prohibita — Dangerous Drugs — Intent to Commit the Crime vs. Intent to Perform the Act

FACTS

Marlon Lacerna and Noriel Lacerna were charged with **selling, delivering, or giving away prohibited drugs** under R.A. No. 6425, the Dangerous Drugs Act.

Marlon admitted acts involving the prohibited marijuana. He argued that the prosecution failed to establish the elements of the offense charged.

The Supreme Court found that although the evidence did not establish the offense of **giving away prohibited drugs** as charged, the same acts established his liability for **illegal possession**, which was necessarily included in the offense charged.

ISSUE

Whether criminal intent must be proved in the prosecution of an offense punishable under a special law such as the Dangerous Drugs Act.

RULING — ALAC

A — ANSWER

NO. Criminal intent to violate the law need not be proved in a **mala prohibita** offense; however, the prosecution must establish that the accused **intentionally performed the prohibited act**.

L — LEGAL BASIS

In mala prohibita offenses, the law prohibits a particular act because it is considered harmful to public welfare. Thus, the offender's motive or intent to violate the law is generally immaterial.

However, this does **not** mean that a completely involuntary act is punishable. There is an important distinction between:

- **Intent to commit the crime**, and
- **Intent to perform the prohibited act.**

For mala prohibita, the first is generally unnecessary, but the second is still required.

A — APPLICATION

Lacerna's own acts established that he intentionally possessed the prohibited marijuana. Even if he did not specifically intend to commit the crime defined by the Dangerous Drugs Act, the intentional possession of the prohibited substance was sufficient to establish liability for the offense proven.

C — CONCLUSION

The Court held Lacerna liable for **illegal possession of prohibited drugs**, which was necessarily included in the offense charged.

KEY POINT

In mala prohibita, intent to violate the law is unnecessary, but there must still be intent to perform the prohibited act.

VERY IMPORTANT DISTINCTION

MALA IN SE

Intent to commit the wrongful crime matters.

MALA PROHIBITA

Intent to violate the law is generally unnecessary, but **intentional performance of the prohibited act is still required.**

MEMORY AID

LACERNA = INTENT TO ACT, NOT INTENT TO CRIME

4. GARCIA v. COURT OF APPEALS

G.R. No. 157171, March 14, 2006
484 SCRA 617

Topic:

Mala In Se Exception under Special Law / Criminal Intent

FACTS

Arsenia Garcia was an **Election Officer of Alaminos, Pangasinan**.

She was charged under **Section 27(b) of R.A. No. 6646**, which penalizes members of election boards who tamper with, increase, or decrease votes received by a candidate.

Garcia admitted that she announced a figure different from the correct number of votes. She claimed **good faith** and argued that she did not intend to alter the election results.

ISSUE

Whether criminal intent is necessary for conviction under Section 27(b) of R.A. No. 6646 despite the offense being punished by a special law.

RULING — ALAC

A — ANSWER

YES. Criminal intent is necessary in this case because the act involved is **inherently wrongful or mala in se**, even though the offense is punished under a special law.

L — LEGAL BASIS

The general rule is that offenses under special laws are **mala prohibita**, where criminal intent is ordinarily unnecessary.

However, this is **not an absolute rule**.

A crime may be **mala in se even when punished under a special law** if the act itself is inherently immoral or wrongful. The proper test is not merely whether the offense is found in the RPC or in a special law. The Court looks at the **nature of the act and whether it is inherently immoral**.

A — APPLICATION

The intentional alteration or decrease of votes in an election is inherently wrongful because it corrupts the electoral process.

Therefore, the prosecution had to establish that Garcia **intentionally altered or decreased the votes**, rather than merely showing that an incorrect figure was announced.

Her claim of good faith was therefore relevant to determining criminal liability.

C — CONCLUSION

The Court **affirmed Garcia's conviction**, finding that the circumstances established the required criminal intent.

KEY POINT

Not all crimes under special laws are mala prohibita. An offense under a special law may be mala in se when the act is inherently immoral.

CONNECTION TO MALA IN SE

Special Law
≠ automatically
Mala Prohibita

Instead:

Look at the nature of the act

If inherently immoral → **Mala in se**
If not inherently immoral but prohibited for public policy → **Mala prohibita**

MEMORY AID

GARCIA = SPECIAL LAW BUT MALA IN SE

5. YSIDORO v. PEOPLE

G.R. No. 192330, November 14, 2012
685 SCRA 637

Topic:

Mala Prohibita — Technical Malversation — Intent

FACTS

Arnold James Ysidoro was the **Municipal Mayor of Leyte**. The municipality had food supplies intended for the **Supplemental Feeding Program (SFP)** for malnourished children.

Because beneficiaries of the **Core Shelter Assistance Program (CSAP)** needed food, Ysidoro approved the release of **four sacks of rice and two boxes of sardines** from the SFP supplies for the CSAP beneficiaries.

He was charged with **technical malversation under Article 220 of the Revised Penal Code**, because the public property was applied to a public use different from the purpose for which it had been appropriated.

ISSUE

Whether Ysidoro's lack of intent to personally benefit from the diversion of the public property exempts him from criminal liability for technical malversation.

RULING — ALAC

A — ANSWER

NO. Ysidoro's lack of intent to personally benefit did not exempt him from liability for technical malversation.

L — LEGAL BASIS

Technical malversation under **Article 220 of the Revised Penal Code** is a **mala prohibita** offense.

Its elements are:

1. The offender is an **accountable public officer**;
2. He applies public funds or property under his administration to a **public use**; and
3. The public use is **different from the purpose for which the funds or property were originally appropriated by law or ordinance**.

The offense does not require proof that the accused intended to gain personally or intended to cause harm. The important inquiry is whether the public property was **diverted from its legally designated purpose**.

A — APPLICATION

Ysidoro approved the release of rice and sardines intended for the Supplemental Feeding Program and caused them to be used for the Core Shelter Assistance Program.

Although both purposes were public and he did not personally profit from the diversion, the property was still used for a **different public purpose** from the one for which it had been appropriated.

Thus, his lack of personal motive or intent did not eliminate criminal liability.

C — CONCLUSION

Ysidoro was held **criminally liable for technical malversation**.

KEY POINT

Technical malversation is mala prohibita; personal gain or criminal intent is not required. What matters is the unauthorized application of public property to a different public purpose.

CONNECTION TO MALA PROHIBITA

This is particularly important because **Article 220 is found in the Revised Penal Code**, yet it is **mala prohibita**.

Therefore:

Mala in se ≠ all crimes under the RPC
Mala prohibita ≠ all crimes under special laws

The correct test is the **nature of the prohibited act**.

MEMORY AID

YSIDORO = TECHNICAL MALVERSATION = MALA PROHIBITA

OVERALL COMPARISON

CASE	CLASSIFICATION	MAIN DOCTRINE
U.S. v. Go Chico	**Mala prohibita**	Criminal intent generally unnecessary
Lim v. People	**Mala prohibita**	Intent to defraud not an element of B.P. 22
People v. Lacerna	**Mala prohibita**	Intent to commit the crime ≠ intent to perform the prohibited act
Garcia v. CA	**Mala in se** despite special law	Special law does not automatically mean mala prohibita
Ysidoro v. People	**Mala prohibita** despite RPC	Technical malversation is malum prohibitum

THE MOST IMPORTANT RULE

Don't use this shortcut:

✕ **RPC = Mala in se**
✕ **Special Law = Mala prohibita**

Use this instead:

ASK: Is the act inherently immoral?

YES → MALA IN SE

Example:

Intentional alteration of election votes
→ inherently wrongful
→ **Garcia**

NO → MALA PROHIBITA

The act becomes criminal because the law prohibits it.

Examples:

Issuing a bouncing check → Lim

Possession of prohibited drugs → Lacerna

Displaying prohibited insignia → Go Chico

Using public property for a different public purpose → Ysidoro

"What is the distinction between mala in se and mala prohibita, based on these cases?"

Mala in se refers to acts that are inherently immoral or wrongful, while mala prohibita refers to acts that are not inherently immoral but are made punishable because the law prohibits them. In mala in se, criminal intent is generally material; in mala prohibita, criminal intent to violate the law is generally immaterial, although the accused

must still have intentionally performed the prohibited act. U.S. v. Go Chico, Lim v. People, People v. Lacerna, and Ysidoro v. People illustrate mala prohibita, while Garcia v. Court of Appeals demonstrates that an offense punished under a special law may nevertheless be mala in se when the act is inherently immoral. Therefore, the proper test is not simply whether the offense is found in the Revised Penal Code or in a special law, but whether the prohibited act is inherently immoral or wrongful.

Five-case memory aid

GO CHICO → *No need for criminal intent*
LIM → *Bouncing check; no intent to defraud*
LACERNA → *Intent to act, not intent to violate law*
GARCIA → *Special law can still be mala in se*
YSIDORO → *RPC crime can still be mala prohibita*

Art. 4. Criminal Liability

Article 4. *Criminal liability.* - Criminal liability shall be incurred:

1. By any person committing a felony *(delito)* although the wrongful act done be different from that which he intended.

2. By any person performing an act which would be an offense against persons or property, were it not for the inherent impossibility of its accomplishment or on account of the employment of inadequate or ineffectual means.

1. PEOPLE v. ILIGAN

191 SCRA 643 (1990)
G.R. No. 75369, November 26, 1990

Topic:

Article 4(1) — Wrongful act different from that intended / Direct, natural and logical consequence

FACTS

Fernando Iligan and his companions encountered Esmeraldo Quiñones, Jr. and his companions while they were walking home after attending a barrio fiesta.

An altercation occurred between the groups. Iligan drew a bolo and hacked Zaldy Asis but missed. The group of Quiñones then ran away and was pursued by the accused.

During the pursuit, Iligan hacked **Esmeraldo Quiñones, Jr.** He fell on the road and was subsequently **run over by a vehicle**, causing his death.

Iligan argued that he should not be held responsible for Quiñones' death because the victim was actually run over by a vehicle.

ISSUE

Whether Iligan is criminally liable for the death of Quiñones even though the victim was subsequently run over by a vehicle.

RULING — ALAC

A — ANSWER

YES. Iligan is criminally liable for the death of Quiñones even though the victim was subsequently run over by a vehicle.

L — LEGAL BASIS

Article 4(1) of the Revised Penal Code provides that a person committing a felony is criminally liable **although the wrongful act done is different from that which he intended**.

The Court stated that there are two requisites:

1. **An intentional felony has been committed; and**
2. **The wrongful act done is the direct, natural, and logical consequence of the felony committed.**

This embodies the principle:

"El que es causa de la causa es causa del mal causado."

He who is the cause of the cause is the cause of the evil caused.

A — APPLICATION

Iligan intentionally hacked Quiñones with a bolo. The hacking caused Quiñones to fall on the road, where he was subsequently run over.

The fact that a vehicle subsequently struck the victim did not automatically break the causal connection. The hacking was an intentional felony, and the resulting death was sufficiently connected to that felony.

C — CONCLUSION

Iligan was criminally liable for the death of Quiñones.

KEY POINT

An offender is liable for the natural and logical consequences of his felonious act even if the ultimate result is different from what he intended.

ARTICLE 4 CONNECTION

Intentional felony → natural consequence → different result → LIABILITY

MEMORY AID

ILIGAN = FELONY + NATURAL CONSEQUENCE

2. PEOPLE v. MANANQUIL

G.R. No. L-35574, September 28, 1984
132 SCRA 196

Topic:

Article 4(1) — Praeter intentionem / Natural and logical consequence

FACTS

Valentina Mananquil went to the place where her husband, Elias Day, was working. She poured gasoline on him and **set him on fire**.

The victim suffered severe second-degree burns covering a large portion of his body. He was brought to the hospital but subsequently died of **pneumonia**, which developed as a complication of the burns.

Mananquil argued that she should not be held responsible for the death because the immediate cause of death was pneumonia and not the burning itself.

ISSUE

Whether Mananquil is criminally liable for her husband's death even though he died from pneumonia rather than directly from the burns she inflicted.

RULING — ALAC

A — ANSWER

YES. Mananquil is criminally liable for her husband's death even though he died from pneumonia rather than directly from the burns she inflicted.

L — LEGAL BASIS

Article 4(1) applies when:

1. An **intentional felony** has been committed; and
2. The resulting injury or death is the **direct, natural, and logical consequence** of that felony.

An offender who intentionally inflicts an injury is responsible for the natural consequences of that injury. The existence of another contributing circumstance does not necessarily relieve the offender from criminal liability when the original injury remains the proximate cause.

A — APPLICATION

Mananquil intentionally burned her husband. The burns covered a substantial portion of his body and caused complications that resulted in pneumonia.

Although pneumonia was the immediate cause of death, it was a **complication of the burns** inflicted by Mananquil.

Therefore, her felonious act remained the proximate cause of the victim's death.

C — CONCLUSION

Mananquil was held criminally liable for her husband's death.

KEY POINT

The offender is liable even when the victim dies from a complication resulting from the injuries intentionally inflicted by the offender.

ARTICLE 4 CONNECTION

Intentional burning → severe burns → pneumonia → death

The final result need not be exactly what the offender intended.

MEMORY AID

MANANQUIL = BURNS → PNEUMONIA → DEATH

3. U.S. v. BROBST

14 Phil. 310

Topic:

Article 4(1) — Natural and logical consequences

FACTS

Brobst, the owner of a mining company, had dismissed an employee whom he suspected of being a thief.

The employee later returned to the mining camp looking for work. Brobst ordered him to leave. When the employee merely smiled or grinned, Brobst approached him and delivered a **powerful blow with his closed fist** to the left side of his body.

The employee staggered away toward his sister's house and **died before reaching the door**.

Brobst argued that the evidence did not establish that his blow caused the employee's death.

ISSUE

Whether Brobst is criminally liable for the death of the employee resulting from the blow he inflicted.

RULING — ALAC

A — ANSWER

YES. Brobst is criminally liable for the death of the employee resulting from the blow he inflicted.

L — LEGAL BASIS

Article 4(1) makes an offender liable for the wrongful consequence of an intentional felony even if the actual result was different from what the offender intended.

The important consideration is whether the wrongful result was the **natural and logical consequence** of the felonious act.

A — APPLICATION

Brobst intentionally struck the victim with considerable force. The victim immediately staggered after receiving the blow and died shortly thereafter.

There was no sufficient intervening cause that would break the causal connection between the assault and the death.

C — CONCLUSION

Brobst was held responsible for the consequences of his felonious act.

KEY POINT

Once an intentional felony produces a natural and logical consequence, the offender is liable for that consequence even if he did not intend the ultimate result.

MEMORY AID

BROBST = BLOW → DEATH

4. PEOPLE v. BALMORES

85 Phil. 493 (1950)

Topic:

Article 4(2) — Impossible Crime / Inadequate or Ineffectual Means

FACTS

Rafael Balmores attempted to falsify a **Philippine Charity Sweepstakes ticket** by altering its number so that it would appear to be a winning ticket.

He tore part of a genuine ticket and substituted the number **074000**, which was supposedly a winning number. He intended to present the falsified ticket and obtain the corresponding prize.

His falsification was discovered before he could successfully obtain the money.

Balmores argued that the manner in which he falsified the ticket made the commission of the crime impossible.

ISSUE

Whether Balmores' unsuccessful falsification constituted an impossible crime under Article 4(2).

RULING — ALAC

A — ANSWER

NO. Balmores' unsuccessful falsification did not constitute an impossible crime under Article 4(2).

L — LEGAL BASIS

Article 4(2) applies when an act would constitute an offense against persons or property were it not for:

1. The **inherent impossibility of accomplishing the offense**, or
2. The employment of **inadequate or ineffectual means**.

However, the mere fact that the offender's method was clumsy, reckless, or unsuccessful does not automatically make the crime impossible.

A — APPLICATION

Balmores' falsification was poorly executed, but the Court could not say that the crime was **inherently impossible**.

Had the ticket been presented to a clerk who failed to discover the falsification, there was still a possibility that Balmores could have obtained the money.

Thus, the means employed were not inherently incapable of producing the intended result.

C — CONCLUSION

The Court did **not** consider Balmores' act an impossible crime.

KEY POINT

An unsuccessful or poorly executed criminal act is not automatically an impossible crime. The means must be inherently inadequate or ineffectual to accomplish the intended offense.

ARTICLE 4 CONNECTION

Attempt fails ≠ automatically impossible crime

The question is:

Was the crime inherently impossible, or were the means inherently inadequate or ineffectual?

MEMORY AID

BALMORES = CLUMSY DOES NOT MEAN IMPOSSIBLE

5. INTOD v. COURT OF APPEALS

G.R. No. 103119, October 21, 1992
215 SCRA 52

Topic:

Article 4(2) — Impossible Crime / Factual Impossibility

FACTS

Sulpicio Intod and his companions planned to **kill Bernardina Palangpangan** because of a land dispute.

They went to Palangpangan's house armed with firearms. They located what they believed was her bedroom and fired several shots into it.

However, **Palangpangan was not in the room** at that time. She was actually in another city.

No one was injured or killed.

The lower courts convicted Intod of attempted murder. Intod argued that he should instead be liable for an **impossible crime**.

ISSUE

Whether Intod is liable only for an impossible crime when he fired at the place where he believed the intended victim was, but the victim was actually absent.

RULING — ALAC

A — ANSWER

YES. Intod is liable for an impossible crime because the intended killing was factually impossible due to the absence of the intended victim.

L — LEGAL BASIS

Article 4(2) recognizes an impossible crime when a person performs an act that would be an offense against persons or property were it not for the **inherent impossibility of accomplishment** or the use of **inadequate or ineffectual means**.

The Court explained that **factual impossibility** exists when extraneous circumstances unknown to the offender and beyond his control prevent the accomplishment of the intended crime.

A — APPLICATION

Intod intended to kill Palangpangan and performed acts directly aimed at accomplishing that purpose.

However, the victim was not actually present in the bedroom when the accused fired the guns.

Therefore, the intended killing could not be accomplished because of a circumstance unknown to the accused.

The situation constituted **factual impossibility**.

C — CONCLUSION

The Supreme Court modified the conviction and found Intod **guilty of an impossible crime**, not attempted murder.

KEY POINT

Factual impossibility exists when an unknown circumstance beyond the offender's control prevents the consummation of the intended crime.

ARTICLE 4 CONNECTION

Intent to kill
↓
Overt act toward killing
↓
Victim is absent
↓
Physical/factual impossibility
↓
Impossible crime under Article 4(2)

MEMORY AID

INTOD = VICTIM ABSENT = IMPOSSIBLE CRIME

6. PEOPLE v. DOMASIAN

G.R. No. 95322, March 1, 1993
219 SCRA 245

Topic:

Article 4(2) — Impossible Crime vs. Consummated Crime

FACTS

Pablito Domasian and his co-conspirator abducted **Enrico Paulo Agra**, a child.

The child was detained, but he was subsequently rescued before the ransom note could reach his father.

A ransom note demanding money for the child's release had been prepared and sent. The defense argued that because the ransom demand was unsuccessful, the act involving the ransom note should be treated as an **impossible crime**.

The prosecution, however, charged the accused with **kidnapping and serious illegal detention**.

ISSUE

Whether the unsuccessful delivery of the ransom note made the kidnapping an impossible crime under Article 4(2).

RULING — ALAC

A — ANSWER

NO. The unsuccessful delivery of the ransom note did not make the kidnapping an impossible crime because the crime of kidnapping had already been consummated when the child was unlawfully deprived of his liberty.

L — LEGAL BASIS

An impossible crime exists only when the intended offense cannot be accomplished because of **inherent impossibility** or **inadequate or ineffectual means**.

It does not apply when the crime has already been **consummated**.

For kidnapping and serious illegal detention, the essential element is the **actual deprivation of the victim's liberty**.

A — APPLICATION

Domasian and his companions had already deprived Enrico of his liberty. The subsequent rescue of the child and failure to successfully deliver the ransom demand did not erase the kidnapping. The offense was already complete when the child was unlawfully detained. Thus, there was no impossible crime.

C — CONCLUSION

The accused were liable for **kidnapping and serious illegal detention**, rather than an impossible crime.

KEY POINT

An offense that has already been consummated cannot subsequently become an impossible crime merely because another intended consequence was not achieved.

ARTICLE 4 CONNECTION

Kidnapping → actual deprivation of liberty → consummated

The ransom demand is not what completes the basic offense of kidnapping.

MEMORY AID

DOMASIAN = KIDNAPPING ALREADY COMPLETE

☆ OVERALL CONNECTION TO ARTICLE 4

These cases can be divided into **two major parts of Article 4**:

ARTICLE 4(1)

“Although the wrongful act done be different from that which he intended”

CASE	APPLICATION
U.S. v. Brobst	Intentional blow → death
People v. Mananquil	Intentional burning → pneumonia → death
People v. Iligan	Intentional hacking → victim falls → run over → death

Common rule:

INTENTIONAL FELONY

+

DIRECT, NATURAL & LOGICAL CONSEQUENCE

CRIMINAL LIABILITY

ARTICLE 4(2)

Impossible Crime

CASE	APPLICATION
People v. Balmores	Poor/clumsy execution ≠ automatically impossible

Intod v. CA	Victim absent → factual impossibility → impossible crime
People v. Domasian	Crime already consummated → not an impossible crime

VERY IMPORTANT DISTINCTIONS

1. ILIGAN vs. MANANQUIL vs. BROBST

All three involve **Article 4(1)**.

Iligan
Hacking → victim run over → death

Mananquil
Burning → pneumonia → death

Brobst
Blow → death

The common question is:

Was the ultimate result the direct, natural, and logical consequence of the intentional felony?

If **YES → Article 4(1) applies.**

2. BALMORES vs. INTOD

Both involve **Article 4(2)**, but the results are different.

BALMORES

The method was clumsy, but the crime was **still possible**.

→ Not impossible crime

INTOD

The victim was not present at the place where the accused fired.

→ Factual impossibility

→ Impossible crime

3. INTOD vs. DOMASIAN

INTOD

The intended crime **could never be accomplished under the actual circumstances** because the victim was absent.

→ Impossible crime

DOMASIAN

The kidnapping was **already completed** when the child was deprived of liberty.

→ Consummated crime

“What is the importance of these cases under Article 4?”

Article 4 establishes two important principles of criminal liability. First, under Article 4(1), an offender is liable even

if the wrongful act is different from what he intended, provided that an intentional felony was committed and the resulting wrong was its direct, natural, and logical consequence. People v. Iligan, People v. Mananquil, and U.S. v. Brobst illustrate this principle. Second, under Article 4(2), an offender may be liable for an impossible crime when he performs an act against persons or property which cannot be accomplished because of inherent impossibility or inadequate or ineffectual means. Intod v. Court of Appeals illustrates factual impossibility, while People v. Balmores shows that mere clumsiness or failure of execution does not automatically constitute an impossible crime. People v. Domasian, on the other hand, shows that there is no impossible crime when the principal offense has already been consummated.

🔍 ONE-LINE MEMORY AID

ILIGAN – MANANQUIL – BROBST = DIFFERENT RESULT, STILL LIABLE

BALMORES = NOT EVERY FAILED ACT IS IMPOSSIBLE

INTOD = VICTIM ABSENT → IMPOSSIBLE CRIME

DOMASIAN = CRIME ALREADY CONSUMMATED → NOT IMPOSSIBLE

Art. 5. Duty of Court

Article 5. *Duty of the court in connection with acts which should be repressed but which are not covered by the law, and in cases of excessive penalties.* - Whenever a court has knowledge of any act which it may deem proper to repress and which is not punishable by law, it shall render the proper decision, and shall report to the Chief Executive, through the Department of Justice, the reasons which induce the court to believe that said act should be made the subject of penal legislation.

In the same way the court shall submit to the Chief Executive, through the Department of Justice, such statement as may be deemed proper, without suspending the execution of the sentence, when a strict enforcement of the provisions of this Code would result in the imposition of a clearly excessive penalty, taking into consideration the degree of malice and the injury caused by the offense.

1. PEOPLE v. ORIFON

G.R. No. 36173, November 25, 1932
57 Phil. 594

Topic:

Article 5 — Clearly Excessive Penalty / Recommendation for Executive Clemency

FACTS

Maria Orifon was convicted of **murdering her father** and was sentenced to **cadena perpetua**.

The circumstances showed that Orifon had suffered a horrible wrong at the hands of her father and was in an obviously depressed physical and mental condition when she committed the crime. She had also pleaded guilty during the preliminary investigation but later pleaded not guilty upon arraignment.

The Court found that the law prescribed a severe penalty for the crime and that, under the circumstances, the penalty appeared **clearly excessive** in relation to her condition and the circumstances that impelled her to commit the crime.

ISSUE

Whether the Court may reduce the penalty prescribed by law when it considers the penalty clearly excessive in view of the accused's circumstances.

RULING — ALAC

A — ANSWER

NO. The Court may not itself reduce the penalty prescribed by law simply because it considers the penalty excessive.

However, under **Article 5**, the Court may **call the attention of the Chief Executive, through the Department of Justice**, to the case and recommend executive clemency when the strict enforcement of the law would result in a clearly excessive penalty.

L — LEGAL BASIS

Article 5 recognizes that the **judiciary must apply the penalty provided by law**. The Court cannot substitute its own judgment for that of the legislature by imposing a penalty lower than what the law prescribes.

When the penalty appears clearly excessive because of the degree of malice, the injury caused, or the circumstances of the offender, the proper remedy under Article 5 is to **recommend executive clemency**, rather than for the court to disregard the statutory penalty.

A — APPLICATION

The Court considered Orifon's horrible experience, depressed condition, and the circumstances that led her to commit the crime. Nevertheless, the Court recognized that **the law did not authorize the judiciary to impose a lower penalty**.

Thus, instead of reducing the penalty on its own, the Court invoked Article 5 and **submitted to the Chief Executive through the Department of Justice its sincere opinion that the penalty was clearly excessive**.

The Court also modified the obsolete penalty of *cadena perpetua* to **reclusion perpetua**, since *cadena perpetua* no longer existed under the Revised Penal Code.

C — CONCLUSION

The Court **did not independently reduce the legally prescribed penalty**. Instead, it recommended that the case be considered for **executive clemency** under Article 5.

KEY POINT

The Court cannot reduce a penalty simply because it believes the penalty is too harsh. Under Article 5, it may recommend executive clemency to the Chief Executive.

CONNECTION TO ARTICLE 5

Law prescribes penalty
↓
Court finds penalty clearly excessive
↓
Court cannot simply reduce it
↓
Court recommends executive clemency

MEMORY AID

ORIFON = CLEARLY EXCESSIVE PENALTY → RECOMMEND CLEMENCY

2. DIRECTOR OF PRISONS v. ANG CHO KIO

G.R. No. L-30001, June 23, 1970
33 SCRA 494

Topic:

Article 5 — Duty of Courts / Application of Law / Separation of Judicial and Executive Functions

FACTS

Ang Cho Kio had been convicted of various offenses and sentenced to lengthy imprisonment.

After serving approximately **six and a half years**, he was granted a **conditional pardon by the President on July 4, 1959**.

One of the conditions of the pardon was that Ang Cho Kio would:

- voluntarily leave the Philippines upon his release; and
- **never return to the Philippines**.

He accepted the condition and left for Taipei.

In **1966**, however, Ang Cho Kio returned to the Philippines using the name **Ang Ming Huy**. His identity was discovered by immigration authorities.

The Executive Secretary, acting by authority of the President, ordered his **recommitment to prison to serve the unexpired portion of his original sentence** because he had violated the condition of his pardon.

Ang Cho Kio filed a petition for **habeas corpus**, questioning his recommitment.

ISSUE

Whether the courts may interfere with the President's determination that Ang Cho Kio violated the conditions of his conditional pardon and with the resulting recommitment.

RULING — ALAC

A — ANSWER

NO. The courts may not interfere with the President's determination that the conditions of a conditional pardon have been violated.

L — LEGAL BASIS

The grant of a pardon is an **executive power vested in the President**. When a pardon is granted subject to conditions, the determination of whether those conditions have been violated belongs to the Executive.

The case also illustrates the broader principle relevant to **Article 5**: courts must **apply the law as it exists**. Courts cannot substitute their own policy preferences for the judgment of the political branches.

The Court emphasized that its function is to determine whether the detention is legally authorized; it is not to modify the President's exercise of the pardon power.

A — APPLICATION

Ang Cho Kio expressly accepted the condition that he would leave the Philippines and **never return**.

He nevertheless returned to the Philippines in 1966 under an assumed name. The President therefore determined that he had violated the condition attached to his pardon and ordered his recommitment.

The Court held that the judiciary could not interfere with that executive determination simply because it might disagree with it.

The Supreme Court ultimately **denied the petition for certiorari**, leaving the Court of Appeals' decision standing.

C — CONCLUSION

The courts **could not interfere with the President's determination** regarding the violation of the conditional pardon.

KEY POINT

Courts must respect the division of governmental powers and cannot substitute their judgment for the President's exercise of the constitutional power to grant and enforce conditional pardons.

CONNECTION TO ARTICLE 5

Article 5 demonstrates that:

The court's duty is to apply the law, not to legislate or exercise powers belonging to another branch of government.

Thus:

Court encounters legal issue
↓
Apply existing law
↓
Cannot create/change the law
↓
Cannot invade powers constitutionally given to the Executive

MEMORY AID

ANG CHO KIO = COURT CANNOT INTERFERE WITH EXECUTIVE PARDON POWER

☆ COMPARISON OF THE TWO CASES

CASE	ARTICLE 5 CONCEPT	RULING
People v. Orifon	Clearly excessive penalty	Court cannot reduce the statutory penalty; may **recommend executive clemency**
Director of Prisons v. Ang Cho Kio	Duty of courts / Executive power	Court cannot interfere with the **President's exercise of pardon power**

ARTICLE 5 — TWO IMPORTANT RULES

1. ACT NOT PUNISHED BY LAW

If:

Act appears wrong
↓
But NO LAW makes it a crime

The Court **cannot convict**.

It must:

ACQUIT
↓
Report to Chief Executive through DOJ
↓
Recommend that the act be made punishable by legislation

This is based on ***nullum crimen, nulla poena sine lege***:

There is no crime when there is no law punishing the act.

The court **cannot create a crime by judicial decision**.

2. PENALTY IS CLEARLY EXCESSIVE

If:

Crime is clearly defined by law
+
Penalty is prescribed by law
+
Court considers the penalty clearly excessive

The Court **cannot simply lower the penalty**.

Instead:

Apply the law
↓
Execute the sentence
↓
Recommend executive clemency to the Chief Executive

This is People v. Orifon.

"What is the connection of People v. Orifon and Director of Prisons v. Ang Cho Kio to Article 5?"

Article 5 defines the duty and limitations of the courts in the application of criminal law. In People v. Orifon, the Supreme Court recognized that even when the penalty prescribed by law appears clearly excessive considering the circumstances of the accused, the court cannot simply impose a lower penalty. Instead, Article 5 allows the court to recommend executive clemency to the Chief Executive through the Department of Justice. In Director of

Prisons v. Ang Cho Kio, the Court likewise demonstrated that courts must respect the powers assigned by law and the Constitution to the Executive. The Court could not interfere with the President's determination regarding the violation of the conditions of a conditional pardon. Thus, Article 5 emphasizes that courts must apply the law as written and cannot create crimes, modify statutory penalties, or encroach upon powers belonging to another branch of government.

🔍 SIMPLE MEMORY AID

ARTICLE 5

NO LAW = NO CRIME → ACQUIT + REPORT

EXCESSIVE PENALTY → APPLY LAW + RECOMMEND CLEMENCY

ORIFON → EXCESSIVE PENALTY

ANG CHO KIO → RESPECT EXECUTIVE POWER

Art. 6. Stages of Commission

Article 6. *Consummated, frustrated, and attempted felonies.* - Consummated felonies as well as those which are frustrated and attempted, are punishable.

A felony is consummated when all the elements necessary for its execution and accomplishment are present; and it is frustrated when the offender performs all the acts of execution which would produce the felony as a consequence but which, nevertheless, do not produce it by reason of causes independent of the will of the perpetrator.

There is an attempt when the offender commences the commission of a felony directly by overt acts, and does not perform all the acts of execution which should produce the felony by reason of some cause or accident other than his own spontaneous desistance.

STAGE OF EXECUTION	RELEVANT REFERENCES AND ILLUSTRATIVE DECISIONS
1. Attempted	1. PEOPLE v. LAYLO **G.R. No. 192235, July 6, 2011** Topic: **Article 6 — Attempted Felony / Overt Acts** FACTS Rolando Laylo and his live-in partner approached two police officers who were acting as **poseur-buyers**. Laylo offered to sell shabu. He produced **two sachets of shabu** and told the officers, **"Dos ang isa,"** referring to the price of ₱200 for each sachet. Before the sale could be completed, the police officers identified themselves as police officers and arrested Laylo. The sale was therefore not consummated. Laylo was charged with **attempted sale of dangerous drugs** under Section 26(b) of R.A. No. 9165. ISSUE **Whether Laylo is guilty of attempted sale of dangerous drugs when he had already shown the shabu and quoted its price but the police officers arrested him before the sale was completed.** RULING — ALAC **A — ANSWER** **YES. Laylo is guilty of attempted sale of dangerous drugs.**

L — LEGAL BASIS

Under **Article 6 of the Revised Penal Code**, an attempted felony occurs when the offender commences the commission of the felony directly by **overt acts**, but does not perform all the acts of execution because of a cause or accident other than his own spontaneous desistance.

The Court explained that Laylo had already commenced the commission of the intended sale through **overt acts**. Section 26(b) of R.A. No. 9165 expressly penalized an attempt to sell dangerous drugs.

A — APPLICATION

Laylo did not merely plan or prepare to sell shabu. He:

1. approached the supposed buyers;
2. offered to sell shabu;
3. produced the sachets containing shabu; and
4. stated the price.

These acts were directly connected with the intended sale.

The sale failed only because the supposed buyers revealed that they were police officers and arrested him. Thus, his failure to complete the sale was **not due to spontaneous desistance**.

C — CONCLUSION

Laylo was guilty of attempted sale of dangerous drugs.

KEY POINT

Showing the drugs and quoting the price were overt acts directly commencing the sale. The arrest by the police prevented consummation.

ARTICLE 6 CONNECTION

Preparation: Planning to sell shabu
↓
Attempted: Showing shabu + quoting price
↓
Police intervention
↓
Sale not completed

MEMORY AID

LAYLO = OVERT ACTS + POLICE ARREST = ATTEMPTED

2. PEOPLE v. TRINIDAD

169 SCRA 51 (1989)

Topic:

Article 6 — Attempted vs. Frustrated Murder

FACTS

Emiliano Trinidad, an Integrated National Police officer, was riding in a vehicle with Lolito Soriano, Ricardo Tan, and Marcial Laroa.

While inside the vehicle, Trinidad fired his gun. Soriano and Laroa were hit in the head.

Tan managed to escape from the vehicle and attempted to get away. Trinidad pursued him and fired at him again. One of the bullets struck Tan in the thigh.

Tan survived.

Trinidad was initially charged with **frustrated murder**.

ISSUE

Whether Trinidad is guilty of frustrated murder or only attempted murder when he fired at the victim but the wound inflicted was not sufficient to cause death.

RULING — ALAC

A — ANSWER

Trinidad is guilty of attempted murder, not frustrated murder.

L — LEGAL BASIS

Under **Article 6**, a felony is **frustrated** when the offender performs **all the acts of execution** which would produce the felony as a consequence, but the felony is not produced because of causes independent of the offender's will.

It is **attempted** when the offender commences the commission of the felony by overt acts but **does not perform all the acts of execution**.

Thus, the distinction is whether **all acts of execution have been performed**.

A — APPLICATION

Trinidad fired at Tan, showing his intent to kill. However, the bullet wound inflicted on Tan's thigh was **not sufficient to cause death**.

The Court therefore found that Trinidad had **not performed all the acts of execution that would have produced the death of Tan**.

Consequently, the offense remained at the **attempted stage**.

C — CONCLUSION

Trinidad was **guilty of attempted murder**, rather than frustrated murder.

KEY POINT

If the offender has not performed all the acts of execution necessary to produce death, the crime is attempted, not frustrated.

ARTICLE 6 CONNECTION

Attempted

→ Not all acts of execution performed.

Frustrated

→ All acts of execution performed, but result does not occur because of an independent cause.

MEMORY AID

TRINIDAD = WOUND NOT FATAL → ATTEMPTED

3. PEOPLE v. LOPEZ

	312 SCRA 684 (1999) Topic: **Article 6 — Overt Acts / Attempted Felony** FACTS The accused was prosecuted for a felony involving an attempt to commit the intended offense. The evidence showed that the accused had already performed acts directed toward the accomplishment of the intended crime, but the crime was not completed. The case focused on whether the accused's acts had already gone beyond mere preparation and constituted **overt acts** under Article 6. ISSUE **Whether the acts performed by the accused were sufficient overt acts to constitute an attempted felony under Article 6.** RULING — ALAC **A — ANSWER** **YES, when the acts performed directly commence the execution of the intended felony and are not merely preparatory.** **L — LEGAL BASIS** Article 6 requires an **overt act** that directly commences the commission of the felony. An overt act is more than mere planning or preparation. It must be an external act that **clearly manifests the criminal intent** and begins the execution of the particular offense. **A — APPLICATION** The acts performed by the accused had already gone beyond mere preparation and were directly connected with the intended criminal act. However, because the crime was not completed due to a cause independent of the accused's will, liability remained at the **attempted stage**. **C — CONCLUSION** The acts were sufficient to establish the **attempted stage** of execution. KEY POINT **The important distinction is between preparation and overt acts. Article 6 requires an overt act directly connected with the execution of the intended crime.** MEMORY AID **LOPEZ = OVERT ACT ≠ MERE PREPARATION** 4. PEOPLE v. LIZADA **G.R. Nos. 143468-71, January 24, 2003**

	396 SCRA 62 Topic: **Article 6 — Attempted Rape / Overt Acts / Spontaneous Desistance** FACTS Freddie Lizada was charged with four counts of qualified rape. In one incident, Lizada sexually assaulted the victim and performed several acts directed toward the consummation of rape. However, he did not complete the sexual act because the victim's sibling, **Rossel, suddenly arrived**. The prosecution argued that Lizada was guilty of rape, while the Supreme Court found that one of the incidents constituted **attempted rape**. ISSUE **Whether Lizada is guilty of consummated rape or only attempted rape when he performed acts toward the consummation of rape but stopped because the victim's sibling suddenly arrived.** RULING — ALAC **A — ANSWER** **Lizada is guilty of attempted rape.** **L — LEGAL BASIS** Under **Article 6**, an attempted felony exists when the offender commences the commission of the crime through overt acts but fails to perform all acts of execution because of a cause other than his own **spontaneous desistance**. The Court emphasized that an **overt act** is an external physical act showing the intention to commit a particular crime, going beyond mere planning or preparation. **A — APPLICATION** Lizada had already performed overt acts directly connected with the commission of rape. However, he did not complete the act because of the **sudden and unexpected arrival of the victim's sibling**. Therefore, his failure to complete the crime was caused by an **external circumstance**, not by spontaneous desistance. Thus, the crime was only **attempted rape**. **C — CONCLUSION** Lizada was convicted of **attempted rape** for that particular incident. KEY POINT **When the offender stops because of an external circumstance, there is an attempted felony; it is not spontaneous desistance.** ARTICLE 6 CONNECTION Overt acts +

No completion of all acts of execution

+

Victim's sibling suddenly arrives

ATTEMPTED RAPE

MEMORY AID

LIZADA = SIBLING ARRIVES → NOT SPONTANEOUS DESISTANCE

5. PEOPLE v. LAMAHANG

61 Phil. 703 (1935)

Topic:

Article 6 — Attempted Felony / Overt Acts / Intent

FACTS

Lamahang was caught **making an opening in the wall of a store** using an iron bar.

He was charged with **attempted robbery**.

The prosecution argued that his acts showed an intention to enter the store and commit robbery.

However, the evidence did not clearly establish that his purpose in breaking into the store was specifically to commit **robbery**.

The Supreme Court therefore examined whether the acts performed were sufficiently connected to a particular intended felony.

ISSUE

Whether Lamahang is guilty of attempted robbery merely because he was caught making an opening in the wall of the store.

RULING — ALAC

NO. Lamahang is not guilty of attempted robbery merely because he was caught making an opening in the wall of the store.

L — LEGAL BASIS

Article 6 requires overt acts that have a **direct and logical relation to a particular and concrete offense**.

An attempted felony cannot be based merely on acts that are equally susceptible to different interpretations.

The overt acts must demonstrate a **clear intent to commit the particular crime charged**.

A — APPLICATION

Lamahang's act of making an opening in the wall clearly indicated an intention to **enter the premises**

without authority.

However, the act did not necessarily prove that he intended to commit **robbery** once inside.

His conduct could have been motivated by purposes other than robbery.

Thus, the prosecution failed to establish the specific criminal intent necessary for attempted robbery.

C — CONCLUSION

The Supreme Court did **not convict Lamahang of attempted robbery**. His acts were sufficient to establish **attempted trespass to dwelling**, but not attempted robbery.

KEY POINT

For an attempted felony, the overt acts must have a direct and logical connection to the particular crime intended. Mere suspicious acts are insufficient.

MEMORY AID

LAMAHANG = BREAKING WALL ≠ AUTOMATICALLY ROBBERY

☆ OVERALL CONNECTION TO ARTICLE 6

CASE	**ARTICLE 6 CONCEPT**	**KEY POINT**
People v. Laylo	**Overt acts**	Showing shabu + quoting price = attempted sale
People v. Trinidad	**Attempted vs. frustrated**	Not all acts of execution performed = attempted
People v. Lopez	**Overt act vs. preparation**	Overt act must directly commence execution
People v. Lizada	**External cause / spontaneous desistance**	Sudden arrival of sibling prevented completion
People v. Lamahang	**Specific criminal intent**	Overt acts must logically point to the particular crime

ARTICLE 6 — ATTEMPTED FELONY STUDY MAP

ATTEMPTED FELONY

1. INTENT

The offender must have the intention to commit a particular felony.

↓

2. OVERT ACTS

The offender performs an external act **directly commencing the execution** of the crime.

↓

3. NOT ALL ACTS OF EXECUTION

The offender does not yet perform everything necessary to consummate the felony.

↓

4. FAILURE IS NOT VOLUNTARY

The crime fails because of an **external cause or accident**, not because of spontaneous desistance.

↓

ATTEMPTED FELONY

☆ ATTEMPTED vs. FRUSTRATED vs. CONSUMMATED

STAGE	WHAT HAPPENS?	CASE
Attempted	Offender begins execution but **does not perform all acts of execution**	**Laylo, Trinidad, Lizada**
Frustrated	Offender performs **all acts of execution**, but felony is not produced because of an independent cause	Contrast with **Trinidad**
Consummated	**All elements necessary for the execution and accomplishment** of the felony are present	—

Most important distinction:

ATTEMPTED = NOT ALL ACTS OF EXECUTION

FRUSTRATED = ALL ACTS OF EXECUTION, BUT RESULT DOES NOT OCCUR

"What is the connection of these cases to Article 6?"

Article 6 classifies felonies according to their stages of execution as attempted, frustrated, or consummated. An attempted felony occurs when the offender commences the commission of the felony by overt acts but does not perform all the acts of execution because of a cause or accident other than his own spontaneous desistance. People v. Laylo illustrates overt acts because the accused had already shown the shabu and quoted its price before the police intervened. People v. Trinidad distinguishes attempted from frustrated felony because the accused did not perform all the acts of execution necessary to cause the victim's death. People v. Lizada demonstrates that an external circumstance, such as the sudden arrival of the victim's sibling, prevents completion and makes the offense attempted rather than voluntarily desisted. People v. Lamahang emphasizes that overt acts must have a direct and logical relation to the particular crime intended; mere suspicious or preparatory acts are insufficient.

🔍 ONE-LINE MEMORY AID

LAYLO → overt acts
TRINIDAD → not all acts = attempted

	LOPEZ → overt act vs. preparation **LIZADA → external interruption** **LAMAHANG → clear intent toward a particular crime**
2. Frustrated	1. PEOPLE v. ORITA **G.R. No. 88724, April 3, 1990** **184 SCRA 105** Topic: **Article 6 — No Frustrated Rape** FACTS Ceilito Orita forcibly brought Cristina Abayan to a room while threatening her with a knife. He undressed and sexually assaulted her. The trial court convicted Orita of **frustrated rape**, reasoning that there was no conclusive evidence of complete penetration. On appeal, the issue became whether **frustrated rape** is legally possible under Article 6. ISSUE **Whether Orita may be convicted of frustrated rape when there was no conclusive evidence of complete penetration.** RULING — ALAC **A — ANSWER** **NO. Orita cannot be convicted of frustrated rape because there is no such stage as frustrated rape.** **L — LEGAL BASIS** Article 6 distinguishes an attempted felony from a frustrated felony. A frustrated felony requires that the offender **perform all the acts of execution which would produce the felony**, but the felony is not produced because of a cause independent of his will. The Court examined this rule together with the elements of rape. It held that once the offender has **carnal knowledge** of the victim, he has already attained his objective and all the elements of rape are present. **Perfect or complete penetration is not required.** Any penetration of the female genital organ by the male organ is sufficient. Therefore: • **No penetration → attempted rape** • **Any penetration, however slight → consummated rape** • **No frustrated rape** The Court expressly considered the provision concerning frustrated rape a **“dead provision.”** **A — APPLICATION** The victim testified that Orita inserted his penis into her vagina, although only slightly. The Court found this sufficient to establish penetration. Since penetration had occurred, the crime was already **consummated rape**. It was not frustrated rape simply because there was no complete penetration or injury to the hymen.

C — CONCLUSION

The Supreme Court **modified the conviction for frustrated rape and found Orita guilty of consummated rape**.

KEY POINT

There is no frustrated rape. Rape is either attempted when there is no penetration or consummated once there is any penetration, however slight.

ARTICLE 6 CONNECTION

This case is important because it explains an **exception in the application of the frustrated stage**.

Attempted rape
→ No penetration

Consummated rape
→ Any penetration

Frustrated rape
→ **Does not exist**

MEMORY AID

ORITA = NO FRUSTRATED RAPE

2. PEOPLE v. CAMPUHAN

G.R. No. 129433, March 30, 2000
385 Phil. 912

Topic:

Article 6 — Attempted vs. Consummated Rape; No Frustrated Rape

FACTS

Primo Campuhan was accused of raping a young girl.

The prosecution alleged that Campuhan sexually assaulted the victim. He placed himself in a position to have sexual intercourse with her and performed acts directed toward the commission of rape.

However, the prosecution failed to establish that his penis **entered the labia or lips of the victim's genital organ**.

The trial court nevertheless convicted him of **statutory rape**.

The case reached the Supreme Court.

ISSUE

Whether Campuhan is guilty of consummated rape when the prosecution failed to establish penetration of the victim's genital organ.

RULING — ALAC

A — ANSWER

NO. Campuhan is not guilty of consummated rape; he is guilty only of attempted rape.

L — LEGAL BASIS

The Supreme Court relied on **Article 6** and *People v. Orita*.

Under Article 6, an attempted felony exists when the offender commences the commission of the felony by overt acts but does not perform all the acts of execution because of a cause or accident other than his own spontaneous desistance.

For rape, *Orita* established that:

Any penetration, however slight, consummates rape.

Thus, when there is **no penetration**, the offender has not completed all the acts of execution necessary to consummate rape. The offense therefore remains **attempted rape**.

A — APPLICATION

Campuhan performed acts directly intended to accomplish rape. However, the prosecution failed to prove that his penis entered the **labia or lips of the female genital organ**.

Because penetration was not established, one essential element necessary for consummated rape was absent.

Therefore, the crime did not reach consummation.

C — CONCLUSION

The Supreme Court **modified the conviction and found Campuhan guilty of attempted rape**.

KEY POINT

Absence of penetration means attempted rape, not frustrated rape.

ARTICLE 6 CONNECTION

Overt acts toward rape
↓
No penetration
↓
Not all acts of execution completed
↓
Attempted rape

MEMORY AID

CAMPUHAN = NO PENETRATION → ATTEMPTED RAPE

3. MEDINA v. PEOPLE

G.R. No. 182648, June 17, 2015

⚠ IMPORTANT NOTE

This case is **not a direct frustrated-felony case**. It involves **simple theft under Article 308 of the Revised Penal Code**. Its relevance to Article 6 is mainly in understanding **when a felony is already consummated**, which helps distinguish consummated crimes from frustrated crimes.

Topic:

Article 6 — Consummation vs. Frustration

	FACTS Henry Lim entrusted his Sangyong Korando jeep to Herman Medina, a mechanic, for repair. The jeep was initially in running condition. When Lim's representative later attempted to retrieve the vehicle, several parts were missing, including the **alternator, starter, battery, and two tires with rims**. Medina admitted that he had taken these parts and installed them in another vehicle belonging to Lim that was also being repaired at his shop. Medina was charged with **simple theft** and was convicted by the trial court. The Court of Appeals affirmed the conviction. ISSUE **Whether Medina is guilty of theft even though the stolen parts were not carried away from the premises.** RULING — ALAC **A — ANSWER** **YES. Medina is guilty of theft even though he did not physically carry the stolen parts away from the premises.** **L — LEGAL BASIS** The Court explained that **asportation or carrying away is not an indispensable element of theft**. For theft, the taking is complete once the offender obtains **possession of the property belonging to another without consent**, with the intent to gain. Thus, the physical carrying away of the property is not necessary for the crime to be consummated. **A — APPLICATION** Medina admitted taking the parts from Lim's jeep and installing them in another vehicle. His taking of the parts was already complete. The fact that the parts remained within the premises or were installed in another vehicle did not prevent the theft from being consummated. Therefore, there was no basis to treat the crime as frustrated merely because the property was not physically carried outside the premises. **C — CONCLUSION** Medina was held **guilty of simple theft**. KEY POINT **In theft, asportation or carrying away is not required. The crime may already be consummated once the offender takes possession of the property with intent to gain.** ARTICLE 6 CONNECTION This case helps demonstrate the **opposite of a frustrated felony**: **Taking property with intent to gain** ↓ **Taking is completed**

↓
Theft is consummated

There is no requirement that the offender successfully carry the property away from the premises.

MEMORY AID

MEDINA = TAKING COMPLETE → CONSUMMATED THEFT

☆ IMPORTANT CONNECTION OF THE THREE CASES TO ARTICLE 6

CASE	**STAGE/CONCEPT**	**KEY RULE**
People v. Orita	**No frustrated rape**	Rape is attempted or consummated; any penetration consummates rape
People v. Campuhan	**Attempted rape**	No penetration → not all acts of execution → attempted rape
Medina v. People	**Consummated theft**	Taking is complete even without physical carrying away

ARTICLE 6 — FRUSTRATED vs. ATTEMPTED vs. CONSUMMATED

GENERAL RULE

ATTEMPTED

The offender **begins the execution** but does **not perform all acts of execution**.

↓

FRUSTRATED

The offender **performs all acts of execution**, but the felony is **not produced** because of a cause independent of his will.

↓

CONSUMMATED

All elements necessary for execution and accomplishment are present.

BUT REMEMBER: RAPE

Under *Orita* and *Campuhan*:

NO PENETRATION
→ ATTEMPTED RAPE

ANY PENETRATION

	→ **CONSUMMATED RAPE** **FRUSTRATED RAPE** **→ ✕ NO SUCH CRIME** The Court in *Campuhan* expressly reiterated *Orita*: rape is consummated once there is penetration, however slight; where penetration is not established, the offense is merely attempted. “How are People v. Orita, People v. Campuhan, and Medina v. People connected to Article 6?” **Article 6 classifies felonies as attempted, frustrated, or consummated. A frustrated felony generally exists when the offender has performed all the acts of execution which would produce the felony, but the felony is not produced because of causes independent of his will. However, People v. Orita established that frustrated rape is not a legally recognized stage because rape is consummated once there is any penetration, however slight. If there is no penetration, the crime is only attempted rape. People v. Campuhan reaffirmed this doctrine and held that where penetration was not established, the accused was guilty only of attempted rape. Medina v. People, although not a frustrated-felony case, is useful in understanding consummation because the Court held that theft is complete upon the taking of the property with intent to gain, and physical carrying away is not required. Thus, these cases illustrate the importance of identifying exactly when all the acts and elements necessary for a particular felony have been completed.** 🔍 ONE-LINE MEMORY AID **ORITA → NO FRUSTRATED RAPE** **CAMPUHAN → NO PENETRATION = ATTEMPTED RAPE** **MEDINA → TAKING COMPLETE = CONSUMMATED THEFT**
3. Consummated	1. PEOPLE v. AGAO **G.R. No. 248049, October 4, 2022** Topic: **Article 6 — Consummated Rape / Attempted vs. Consummated Rape** FACTS Efren Agao was charged with two counts of rape involving AAA, his stepdaughter. In one incident, when AAA was 10 years old, she testified that Agao touched her private parts and attempted to insert his penis into her vagina. She testified that his penis was able to enter the **outer fold or labia majora**, although he was unable to penetrate farther because she resisted. A similar incident occurred when AAA was 13 years old. The issue before the Supreme Court included whether the acts constituted **attempted or consummated rape**, particularly because of the degree of penetration. ISSUE **Whether Agao's acts constituted consummated rape when his penis penetrated the vulval cleft or labia majora, although there was no complete penetration.** RULING — ALAC **A — ANSWER** **YES. Agao committed consummated rape because the prosecution established the minimum**

degree of penile penetration required for consummation.

L — LEGAL BASIS

Article 6 provides that a felony is **consummated when all the elements necessary for its execution and accomplishment are present**.

For rape through sexual intercourse, the Supreme Court clarified in *People v. Agao* that rape reaches the **consummated stage once the penis penetrates the cleft of the labia majora, or the fleshy outer lip of the vulva, even to the slightest degree**.

Thus:

- **No penetration** → attempted rape;
- **Penetration of the vulval cleft/labia majora, however slight** → consummated rape.

The Court clarified the meaning of the traditional phrase **"slightest penetration"** to provide a clearer distinction between attempted and consummated rape.

A — APPLICATION

AAA testified that Agao's erect penis penetrated her **outer fold or labia majora**.

The Court held that this satisfied the minimum physical contact required for consummated rape. It was therefore unnecessary for there to be complete penetration or penetration up to the vaginal canal.

The Court consequently found Agao guilty of **one count of statutory rape and one count of simple rape**, both consummated.

C — CONCLUSION

Agao was guilty of consummated rape because the required minimum penetration had been established.

KEY POINT

For rape through sexual intercourse, penetration of the vulval cleft or labia majora, however slight, is sufficient to reach the consummated stage.

ARTICLE 6 CONNECTION

Attempted rape

→ No penetration

⬇

Consummated rape

→ Minimum penetration established

⬇

Agao

→ Penetration of labia majora
→ **CONSUMMATED**

MEMORY AID

AGAO = SLIGHT PENETRATION → CONSUMMATED RAPE

2. U.S. v. ADIAO

	38 Phil. 754 (1918) Topic: **Article 6 — Consummated Theft** FACTS Tomas Adiao was a **customs inspector**. He took a **leather belt worth ₱0.80** from the baggage of a Japanese passenger and concealed the belt inside his desk at the Custom House. Adiao was under observation, and he was unable to take the belt outside the Custom House. The lower court found him guilty of **frustrated theft** because he was not able to remove the belt from the premises. The case was appealed to the Supreme Court. ISSUE **Whether Adiao committed consummated theft even though he was unable to take the stolen belt outside the Custom House.** RULING — ALAC **A — ANSWER** **YES. Adiao committed consummated theft even though he was unable to take the belt outside the Custom House.** **L — LEGAL BASIS** The Court held that the crime of theft is consummated once the offender has performed **all the acts necessary for the accomplishment of the felony**. The actual use of or ability to freely dispose of the stolen property is **not an element of theft**. The important act is the **taking of personal property belonging to another without consent and with intent to gain**. **A — APPLICATION** Adiao had already taken the belt from the passenger's baggage and concealed it in his desk. At that point, he had obtained possession of the property with intent to appropriate it. The fact that he was observed and could not bring the belt outside the Custom House did not prevent the theft from being consummated. His inability to subsequently use or remove the belt was irrelevant because those acts were **not elements of theft**. **C — CONCLUSION** Adiao was guilty of **consummated theft**, not frustrated theft. KEY POINT **Theft is consummated upon the unlawful taking of the property with intent to gain; the offender need not successfully carry the property outside the premises.**

	ARTICLE 6 CONNECTION **Taking property belonging to another** • **Without consent** • **With intent to gain** = CONSUMMATED THEFT The fact that the thief is immediately caught **does not automatically make the crime frustrated**. MEMORY AID **ADIAO = TAKING COMPLETE → CONSUMMATED THEFT** 3. PEOPLE v. HERNANDEZ **49 Phil. 980 (1925)** Topic: **Article 6 — Consummated Rape / Slight Penetration** FACTS The accused, a **70-year-old man**, was charged with rape of a **9-year-old girl** who lived in the same house. He admitted having sexual intercourse with the child but claimed that he was intoxicated and did not know what he was doing. The trial court convicted him of **frustrated rape**, apparently believing that rape could only be consummated upon complete penetration and rupture of the hymen. The evidence showed that the physician who examined the child found her **labia and vaginal opening inflamed**, with an abundance of semen. Her hymen, however, remained intact. The victim testified that the accused succeeded in **partial penetration** and that she experienced intense pain. ISSUE **Whether Hernandez is guilty of consummated rape despite the absence of complete penetration and rupture of the hymen.** RULING — ALAC **YES. Hernandez is guilty of consummated rape despite the absence of complete penetration and rupture of the hymen.** **L — LEGAL BASIS** For rape, **complete penetration is not necessary for consummation**. The Court held that **partial penetration is sufficient** to consummate rape. The integrity or rupture of the hymen is not the controlling factor. What is important is whether the

accused succeeded in penetrating the female sexual organ.

This connects directly to Article 6 because once the elements necessary for the accomplishment of rape are present, the felony is **consummated**, rather than frustrated.

A — APPLICATION

The evidence showed that:

- the victim's vaginal opening was inflamed;
- there was an abundance of semen; and
- the victim testified that the accused achieved **partial penetration**.

Therefore, the Court found that the acts necessary to accomplish rape had been performed.

The fact that the hymen remained intact did not prevent consummation.

C — CONCLUSION

The Supreme Court **modified the judgment and convicted Hernandez of consummated rape**, rather than frustrated rape.

KEY POINT

Complete penetration and rupture of the hymen are not required for consummated rape; partial penetration is sufficient.

ARTICLE 6 CONNECTION

Partial penetration

↓

All acts necessary for rape accomplished

↓

CONSUMMATED RAPE

MEMORY AID

HERNANDEZ = PARTIAL PENETRATION → CONSUMMATED RAPE

☆ IMPORTANT COMPARISON

CASE	CRIME	WHEN CONSUMMATED?	ARTICLE 6 CONNECTION
People v. Agao	Rape	Penetration of the vulval cleft/labia majora, however slight	**All necessary acts present**
U.S. v. Adiao	Theft	Taking of property with intent to gain	**Taking completes the crime**
People v. Hernandez	Rape	Partial penetration	**Complete penetration not required**

VERY IMPORTANT: AGAO vs. HERNANDEZ

These two cases should be remembered **together**.

HERNANDEZ — 1925

The Court held that:

Partial penetration is sufficient for consummated rape.

The hymen does **not** have to be ruptured.

AGAO — 2022

The Court clarified the exact physical threshold:

Penetration of the vulval cleft or labia majora, however slight, is sufficient for consummated rape.

So the doctrine developed from:

HERNANDEZ

Partial penetration = consummated

↓

to the more anatomically precise clarification in:

AGAO

Penetration of the vulval cleft/labia majora, however slight = consummated

ADIAO — SPECIAL IMPORTANCE TO ARTICLE 6

U.S. v. Adiao is especially important because it demonstrates that **consummation depends on the elements of the particular crime**.

For theft, the law does **not** require:

❌ carrying the property outside the premises
❌ successfully using the property
❌ successfully disposing of the property

What matters is:

✅ **taking**
✅ property belongs to another
✅ without consent
✅ with intent to gain

Thus, once the taking is completed, **theft is consummated**. This doctrine was later reaffirmed and extensively discussed in *Valenzuela v. People*.

☆ ARTICLE 6 STUDY MAP

CONSUMMATED FELONY

Article 6

All the elements necessary for its execution and accomplishment are present.

RAPE

No penetration

→ Attempted

Penetration of vulval cleft/labia majora, however slight

→ Consummated

Cases:

- *People v. Hernandez*
- *People v. Agao*

THEFT

Taking + intent to gain

→ Consummated

Case:

- *U.S. v. Adiao*

“How are People v. Agao, U.S. v. Adiao, and People v. Hernandez connected to Article 6?”

Article 6 provides that a felony is consummated when all the elements necessary for its execution and accomplishment are present. In People v. Hernandez, the Supreme Court held that complete penetration and rupture of the hymen are not necessary for consummated rape because partial penetration is sufficient. People v. Agao further clarified this doctrine by holding that rape through sexual intercourse reaches the consummated stage once the penis penetrates the vulval cleft or labia majora, however slight. On the other hand, U.S. v. Adiao demonstrates consummated theft because the offender had already taken the property belonging to another with intent to gain. The fact that he was unable to remove the property from the premises did not prevent consummation because carrying the property away or using it is not an element of theft. Therefore, these cases illustrate the fundamental rule under Article 6 that the stage of consummation is determined by whether all the elements required by the particular crime have already been accomplished.

🔍 ONE-LINE MEMORY AID

AGAO → slight penetration = consummated rape

HERNANDEZ → partial penetration = consummated rape

ADIAO → taking + intent to gain = consummated theft

Art. 7. When light felonies are punishable

Article 7. *When light felonies are punishable.* - Light felonies are punishable only when they have been consummated, with the exception of those committed against person or property.

Art. 8. Conspiracy and proposal to commit felony

Article 8. *Conspiracy and proposal to commit felony.* - Conspiracy and proposal to commit felony are punishable only in the cases in which the law specially provides a penalty therefor.

A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.

There is proposal when the person who has decided to commit a felony proposes its execution to some other person or persons.

1. PEOPLE v. LABABO

G.R. No. 234651, June 6, 2018

Topic:

Article 8 — Conspiracy; Overt Acts; Unity of Criminal Design

FACTS

Benito, Wenefredo, Junior, and FFF Lababo were charged with murder and frustrated murder arising from a shooting incident.

Benito was identified as the person who actually shot the victims. Wenefredo and FFF were also present at the scene and were armed with bolos while Benito was shooting the victims.

The defense argued that mere presence at the scene was insufficient to establish conspiracy.

The Supreme Court examined whether their conduct established a common criminal design.

ISSUE

Whether Wenefredo and FFF were conspirators merely because they were present at the scene while armed with bolos.

RULING — ALAC

A — ANSWER

YES. The Court held that conspiracy was established because their presence, coupled with their conduct and possession of weapons, constituted overt acts of moral assistance to Benito.

L — LEGAL BASIS

Article 8 provides that conspiracy exists when two or more persons agree concerning the commission of a felony and decide to commit it.

Conspiracy need not be proved by direct evidence. It may be inferred from the conduct of the accused before, during, and after the commission of the crime, provided the circumstances establish a common criminal design beyond reasonable doubt.

An overt act may consist of:

- active participation in the actual commission of the crime; or
- moral assistance to co-conspirators in carrying out the criminal plan.

A — APPLICATION

Wenefredo and FFF were not simply innocent bystanders.

They stood close to the victims and Benito while wielding bolos. Their position and conduct served to provide moral support and discourage anyone from interfering with the attack.

Therefore, their acts demonstrated that they were participating in a common criminal design.

C — CONCLUSION

The Supreme Court held that conspiracy existed and that the conspirators were criminally responsible for the crimes committed in furtherance of their common design.

KEY POINT

Conspiracy may be inferred from coordinated acts. Mere presence is ordinarily insufficient, but presence coupled with overt acts that provide moral assistance may establish conspiracy.

ARTICLE 8 CONNECTION

Agreement + Decision to commit felony

↓

Overt acts showing common design

↓

Conspiracy established

↓

Act of one = act of all

MEMORY AID

LABABO = ARMED PRESENCE + MORAL ASSISTANCE = CONSPIRACY

2. MACAPAGAL-ARROYO v. PEOPLE

G.R. Nos. 220598 and 220953, July 19, 2016

Topic:

Article 8 — Conspiracy; Plunder; Requirement of Proof

FACTS

Former President Gloria Macapagal-Arroyo and PCSO Budget and Accounts Officer Benigno Aguas were charged with plunder in connection with alleged misuse of PCSO intelligence funds.

The prosecution alleged that Arroyo and Aguas, together with others, participated in the unlawful accumulation and misuse of government funds.

The petitioners challenged the sufficiency of the prosecution's evidence.

The Supreme Court reviewed whether the evidence established the elements of plunder and the alleged participation or conspiracy of the accused.

ISSUE

Whether the prosecution presented sufficient evidence to establish the criminal participation and conspiracy of Arroyo and Aguas in the alleged plunder.

RULING — ALAC

A — ANSWER

NO. The Supreme Court held that the prosecution failed to establish sufficient evidence to support the charge of plunder against Arroyo and Aguas.

L — LEGAL BASIS

Under Article 8, conspiracy requires more than an allegation that persons acted together. There must be an agreement and decision to commit the felony.

In criminal cases, conspiracy must be established by proof beyond reasonable doubt. It cannot be based merely on suspicion, association, or the fact that persons were involved in related transactions.

The Court also emphasized that plunder requires proof of the statutory elements, including the amassing, accumulating, or acquiring of ill-gotten wealth in the amount required by law.

A — APPLICATION

The Court found that the prosecution had not sufficiently established that Arroyo and Aguas amassed, accumulated, or acquired the alleged ill-gotten wealth required for plunder.

Thus, the evidence was insufficient to sustain the criminal charge against them.

C — CONCLUSION

The Supreme Court granted the petitions, annulled the Sandiganbayan resolutions, granted the demurrers to evidence, and dismissed the plunder case against Arroyo and Aguas for insufficiency of evidence.

KEY POINT

Conspiracy cannot be presumed. Criminal liability requires sufficient evidence establishing the accused's participation in the crime.

ARTICLE 8 CONNECTION

Conspiracy alleged

≠

Conspiracy proven

The prosecution must establish the criminal agreement and participation with the required degree of proof.

MEMORY AID

MACAPAGAL-ARROYO = CONSPIRACY/CRIMINAL PARTICIPATION MUST BE PROVEN

3. PEOPLE v. CALLAO

G.R. No. 228945, March 14, 2018

Topic:

Article 8 — Conspiracy; Unity of Criminal Design

FACTS

Fernando Adlawan was killed in Tayasan, Negros Oriental.

The prosecution presented evidence showing the participation of Hesson Callao and Junello Amad, among others, in the killing.

The prosecution's evidence included testimony concerning the acts of the accused before and during the killing.

The accused argued that conspiracy had not been established because there was no direct evidence of an express agreement among them.

ISSUE

Whether conspiracy may be established despite the absence of direct evidence of an express agreement among the accused.

RULING — ALAC

A — ANSWER

YES. Conspiracy may be inferred from the acts and conduct of the accused when these demonstrate a common criminal purpose.

L — LEGAL BASIS

Article 8 does not require that the prosecution produce direct evidence of a written or spoken agreement.

Conspiracy may be inferred from circumstantial evidence showing:

- unity of action;
- unity of purpose;

- coordinated conduct; and
- a common criminal design.

However, the circumstances must establish conspiracy beyond reasonable doubt.

A — APPLICATION

The acts of the accused, viewed collectively, demonstrated coordination and a common purpose in carrying out the killing.

Their individual acts were not viewed in isolation. The Court considered the circumstances before, during, and in relation to the commission of the crime.

These circumstances established the existence of a common criminal design.

C — CONCLUSION

The Supreme Court found that conspiracy was sufficiently established, making the conspirators liable for the crime committed pursuant to their common design.

KEY POINT

Conspiracy may be proved by circumstantial evidence when the collective acts of the accused demonstrate unity of purpose and criminal design.

ARTICLE 8 CONNECTION

No direct agreement

↓

Look at conduct before, during, and after

↓

Conduct shows common design

↓

Conspiracy may be inferred

MEMORY AID

CALLAO = CONDUCT CAN PROVE CONSPIRACY

4. CHUA v. PEOPLE

G.R. No. 172193, September 13, 2017

Topic:

Article 8 — Conspiracy; Mastermind; Act of One is Act of All

FACTS

Celerino Chua was charged with carnapping and robbery.

Although Chua was not physically present when the robbery and carnapping were committed, the evidence showed that he planned and masterminded the crimes.

He induced Lato and Reyes to commit the robbery and carnapping and exercised controlling influence over their actions.

Chua argued that because he was not physically present at the scene, he should not be held liable as a principal.

ISSUE

Whether Chua may be held criminally liable as a principal despite his absence from the actual scene of the robbery and carnapping.

RULING — ALAC

A — ANSWER

YES. Chua was liable as a principal by inducement because his role as mastermind directly and decisively caused the commission of the crimes.

L — LEGAL BASIS

Article 8 recognizes conspiracy when two or more persons agree and decide to commit a felony.

Once conspiracy is established, the act of one is considered the act of all.

The Court also applied Article 17, which recognizes as principals those who directly force or induce others to commit the crime.

A — APPLICATION

Chua's participation was not merely casual.

He planned the crime and directly induced Lato and Reyes to execute it. The evidence showed that his influence was controlling and indispensable to the commission of the robbery and carnapping.

Therefore, his physical absence from the scene did not absolve him.

C — CONCLUSION

Chua was held criminally liable as a principal by inducement.

KEY POINT

A conspirator or mastermind does not have to be physically present at the scene. A person who directly induces and controls the execution of the criminal plan may be liable as a principal.

ARTICLE 8 CONNECTION

Mastermind

↓

Agreement/common criminal plan

↓

Induces others to execute plan

↓

Crime committed

↓

Liability as principal

MEMORY AID

CHUA = MASTERMIND ≠ NEED TO BE PRESENT

5. DUNGO v. PEOPLE

G.R. No. 209464, July 1, 2015
761 SCRA 375

Topic:

Article 8 — Conspiracy in Hazing

FACTS

Marlon Villanueva was a neophyte of the Alpha Phi Omega fraternity.

During an initiation rite, Villanueva was subjected to physical violence that resulted in his death.

Dandy Dungo and Gregorio Sibal were among those charged under R.A. No. 8049, the Anti-Hazing Law.

The accused argued, among other things, that the prosecution failed to prove conspiracy and that their participation was not sufficiently established.

ISSUE

Whether conspiracy was established among the persons who participated in the hazing that resulted in Villanueva's death.

RULING — ALAC

A — ANSWER

YES. The Court found sufficient evidence of conspiracy based on the accused's participation in the common hazing activity and their acts in furtherance of the common design.

L — LEGAL BASIS

Article 8 defines conspiracy as an agreement between two or more persons concerning the commission of a felony and a decision to commit it.

The Court emphasized that conspiracy must be established by positive and conclusive evidence, not conjecture.

It may nevertheless be inferred from circumstances demonstrating a common design.

The Court also explained that an overt act may consist of active participation or moral assistance to co-conspirators.

A — APPLICATION

The evidence showed that the hazing was a planned initiation activity involving several fraternity members.

The participation of the accused was examined in relation to the common activity and their respective acts.

The Court rejected the idea that mere companionship or mere presence automatically establishes conspiracy. What matters is whether the accused performed acts contributing to the execution of the common criminal design.

C — CONCLUSION

The Court sustained the finding of criminal liability under the Anti-Hazing Law and recognized the relevance of conspiracy in determining the responsibility of the participants.

KEY POINT

Dungo emphasizes that conspiracy is not presumed from mere presence or association; there must be acts showing participation in or assistance to the common criminal design.

ARTICLE 8 CONNECTION

Mere presence
❌ Not enough

Active participation / moral assistance
☑ May establish conspiracy

MEMORY AID

DUNGO = PRESENCE ALONE ≠ CONSPIRACY

6. PALAOAG v. PEOPLE

G.R. No. 256798, July 10, 2023

Topic:

Article 8 — Conspiracy to Commit Estafa

FACTS

Jerry Dean Palaoag was charged with estafa through conspiracy.

The prosecution alleged that Palaoag introduced a woman who used a false identity and presented spurious documents concerning a vehicle.

The supposed owner of the vehicle was represented as April Rose Hautakorpi, but the vehicle actually belonged to a rent-a-car business.

The transaction resulted in Alberto Balauag giving ₱160,000 in connection with the fraudulent car mortgage.

Palaoag was convicted by the RTC and CA based largely on his alleged participation in introducing the woman involved in the fraudulent transaction.

ISSUE

Whether Palaoag may be convicted of estafa on the basis of conspiracy when the prosecution failed to prove beyond reasonable doubt that he knowingly participated in the fraudulent scheme.

RULING — ALAC

NO. Palaoag could not be held criminally liable merely because he was connected to or introduced the person who committed the fraudulent acts; conspiracy must be established by proof beyond reasonable doubt.

L — LEGAL BASIS

Article 8 requires an actual agreement and decision to commit the felony.

Conspiracy cannot be inferred merely from:

- acquaintance;
- association;
- presence;
- relationship; or
- participation in an act that does not itself establish knowledge of the criminal plan.

The prosecution must establish a conscious and intentional participation in the common criminal design.

A — APPLICATION

The evidence against Palaoag did not sufficiently establish that he knowingly agreed to and participated in the fraudulent scheme.

His connection to the principal offender and his act of introducing her were insufficient, without more, to prove the required criminal agreement.

The prosecution therefore failed to establish conspiracy beyond reasonable doubt.

C — CONCLUSION

Palaoag was acquitted of estafa because the prosecution failed to prove the alleged conspiracy beyond reasonable doubt.

KEY POINT

Conspiracy requires knowing and intentional participation in the common criminal design. Association or introduction of another person is not, by itself, enough.

ARTICLE 8 CONNECTION

Association with offender

✕ Not automatically conspiracy

↓

Knowing agreement + decision to commit felony

☑ Conspiracy

↓

Must be proven beyond reasonable doubt

MEMORY AID

PALAOAG = ASSOCIATION ≠ CONSPIRACY

☆ COMPARISON OF THE CASES

CASE	MAIN ARTICLE 8 POINT	RESULT
People v. Lababo	Overt acts + moral assistance may establish conspiracy	Conspiracy established
Macapagal-Arroyo v. People	Criminal participation must be sufficiently established	Insufficient evidence
People v. Callao	Conspiracy may be inferred from circumstantial evidence	Conspiracy established
Chua v. People	Mastermind may be liable despite absence from scene	Principal by inducement
Dungo v. People	Mere presence/association is insufficient; active participation matters	Conspiracy principles applied
Palaoag v. People	Association alone does not establish conspiracy	Conspiracy not proven

ARTICLE 8 — MOST IMPORTANT RULES TO MEMORIZE

1. CONSPIRACY IS NOT PRESUMED

Conspiracy must be proven beyond reasonable doubt.

2. DIRECT AGREEMENT IS NOT ALWAYS NECESSARY

There does not have to be an express meeting where the accused literally say:

“Let's commit this crime.”

The agreement may be inferred from their acts and conduct.

CALLAO → circumstantial evidence may prove conspiracy.

3. MERE PRESENCE IS NOT ENOUGH

Being at the scene of the crime does not automatically make someone a conspirator.

DUNGO → mere presence/association ≠ conspiracy.

But if presence is accompanied by acts providing moral assistance, conspiracy may be established.

LABABO → armed presence + moral assistance = conspiracy.

4. MASTERMIND CAN BE LIABLE

The conspirator does not necessarily have to personally commit the physical act.

CHUA → mastermind who induces others may be a principal by inducement.

5. ASSOCIATION IS NOT CONSPIRACY

Knowing or introducing a person who commits a crime does not automatically make the introducer a conspirator.

PALAOAG → association without proof of knowing participation = no conspiracy.

"What is the connection of these cases to Article 8 of the Revised Penal Code?"

Article 8 deals with conspiracy and proposal to commit a felony. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. The cases demonstrate that conspiracy must be established beyond reasonable doubt and cannot be presumed from mere presence, association, or relationship. In People v. Lababo, conspiracy was inferred from the accused's coordinated acts and moral assistance during the shooting. People v. Callao demonstrates that conspiracy may be proven through circumstantial evidence showing unity of criminal design. Chua v. People shows that a mastermind who directly induces others may be held liable as a principal even if he is not physically present at the scene. Dungo v. People emphasizes that mere presence is insufficient and that there must be active participation or moral assistance in the common criminal design. On the other hand, Palaoag v. People illustrates that association or introducing another person is not enough to establish conspiracy without proof of knowing and intentional participation. Macapagal-Arroyo v. People likewise emphasizes the necessity of sufficient evidence to establish criminal participation and the elements of the offense.

🔑 ONE-LINE MEMORY AID

LABABO → moral assistance

CALLAO → circumstantial evidence

CHUA → mastermind

DUNGO → presence alone is insufficient

PALAOAG → association alone is insufficient

MACAPAGAL-ARROYO → conspiracy/criminal participation must be proven

Art. 9. Grave felonies, less grave felonies and light felonies

Article 9. *Grave felonies, less grave felonies and light felonies.* - Grave felonies are those to which the law attaches the capital punishment or penalties which in any of their periods are afflictive, in accordance with article 25 of this Code.

Less grave felonies are those which the law punishes with penalties which in their maximum period are correctional, in accordance with the above-mentioned article.

Light felonies are those infractions of law for the commission of which the penalty of arresto menor or a fine not exceeding 200 pesos or both, is provided.

Art. 10. Offenses not subject to the provisions of this Code

Article 10. *Offenses not subject to the provisions of this Code.* - Offenses which are or in the future may be punishable under special laws are not subject to the provisions of this Code. This Code shall be supplementary to such laws, unless the latter should specially provide the contrary.

Art. 11. Justifying circumstances

Justifying Circumstances and Circumstances which Exempt from Criminal Liability

Article 11. *Justifying circumstances.* - The following do not incur any criminal liability:

1. Anyone who acts in defense of his person or rights, provided that the following circumstances concur;

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

2. Any one who acts in defense of the person or rights of his spouse, ascendants, descendants, or legitimate, natural or adopted brothers or sisters, or of his relatives by affinity in the same degrees, and those by consanguinity within the fourth civil degree, provided that the first and second requisites prescribed in the next preceding circumstance are present, and the further requisite, in case the provocation was given by the person attacked, that the one making defense had no part therein.

3. Anyone who acts in defense of the person or rights of a stranger, provided that the first and second requisites mentioned in the first circumstance of this article are present and that the person defending be not induced by revenge, resentment, or other evil motive.

4. Any person who, in order to avoid an evil or injury, does an act which causes damage to another, provided that the following requisites are present;

First. That the evil sought to be avoided actual exists;

Second. That the injury feared be greater than that done to avoid it;

Third. That there be no other practical and less harmful means of preventing it.

5. Any person who acts in the fulfillment of a duty or in the lawful exercise of a right or office.

6. Any person who acts in obedience to an order issued by a superior for some lawful purpose.

The People of the Philippines vs. Cunigunda Boholst-Caballero, G.R. No. L-23249, November 25, 1974

FACTS: The case was initiated by the People of the Philippines against the accused-appellant, Cunigunda Boholst-Caballero, for the killing of her husband, Francisco Caballero. After their marriage in 1956 became unhappy due to the husband's frequent drinking and gambling, the couple separated in 1957. Late in the evening of January 2, 1958, the two met on a road in barrio Ipil, Ormoc City. According to the appellant, Francisco confronted her with accusations of prostitution, slapped her until her nose bled, pulled her hair, and pushed her to the ground. While he was kneeling over her and choking her, she managed to grab a knife tucked into his belt line and stabbed him once in the left lumbar region to free herself. Francisco later died from the wound. The Court of First Instance of Ormoc City found her guilty of parricide, prompting her to appeal the conviction to the Supreme Court on the ground of self-defense.

ISSUES: WHETHER the accused-appellant, Cunigunda Boholst-Caballero, acted in legitimate self-defense
when she mortally wounded her husband.

RULINGS: YES. The Supreme Court reversed the lower court's judgment and acquitted the appellant, finding that all the essential elements of self-defense—unlawful aggression, reasonable necessity of the means employed, and lack of sufficient provocation—were present. The Court specifically highlighted the location of the wound, which was consistent with her testimony of stabbing him while lying prostrate and being choked, as strong evidence of her claim.

DOCTRINE: The law on self-defense is based on the natural instinct for self-preservation. When a person is placed in a situation of imminent peril to their life, human nature does not act upon processes of formal reason but in obedience to this instinct; therefore, the courts should hold the actor irresponsible in law for consequences arising from such a reasonable response. Furthermore, the reasonable necessity of the means employed does not depend on the actual harm done but rests upon the imminent danger of the injury.

RATIO DECIDENDI:
1.Unlawful Aggression: The victim's acts of slapping the appellant until she bled, hair-pulling, throwing her to the ground, and strangling her constituted a clear and present threat to her life.
2.Reasonable Necessity of Means: Being a woman strangled by a furious husband and rendered almost unconscious, she had "no other recourse" but to use the weapon she could reach—his own knife—to save herself from death.
3.Lack of Sufficient Provocation: While her presence on the road at night angered her husband, it was not a sufficient legal provocation to justify his violent attack or her loss of the right to defend her life.

Why it was included under Self-defense: This case was included in the syllabus for self-defense because it serves as a landmark illustration of the application of Article 11, paragraph 1 of the Revised Penal Code. It emphasizes that the court must evaluate the "physical and objective circumstances," such as the location of wounds and the physical disparity between the parties, to determine the veracity of a self-defense plea when testimonial versions conflict. It also reinforces the principle that the law does not require "unerring judgment" from a person facing an emergency, but rather considers what a reasonable person would do under the same terrifying circumstances.

People of the Philippines vs. Dioscoro Alconga and Adolfo Bracamonte (Dioscoro Alconga, appellant), G.R. No. L-162, April 30, 1947

FACTS: The case was initiated by the People of the Philippines against Dioscoro Alconga and Adolfo Bracamonte for the killing of Silverio Barion. Two nights before the incident, Barion and Alconga had a gambling dispute where Barion threatened Alconga with bodily harm. On the morning of May 29, 1943, while Alconga was on guard duty, Barion attacked him with a "pingahan" (carrying lever). Alconga fired a revolver, wounding Barion, and then the two engaged in a hand-to-hand bolo and dagger fight. Sustaining several wounds, Barion fled, but Alconga pursued him for 200 meters. Upon overtaking him, a second fight occurred where Alconga delivered a fatal mortal blow to Barion's cranium. Alconga was convicted of homicide and appealed, claiming he acted in legitimate self-defense throughout the entire encounter.

ISSUES: WHETHER the accused-appellant, Dioscoro Alconga, can successfully plead legitimate self-defense for a killing that occurred after he pursued a retreating adversary.

RULINGS: NO. While the Court recognized that Alconga acted in legitimate self-defense during the "first stage" of the fight when Barion was the unlawful aggressor, it ruled that this justification ceased the moment Barion fled. By pursuing the victim for 200 meters and delivering the fatal blow while the victim was in retreat, Alconga became the aggressor in a "second stage" of the fight.

DOCTRINE: The right to kill in self-defense ceases the moment the unlawful aggression ceases. A fleeing man is not dangerous to the person from whom he flees; therefore, when the danger to the life of the accused ends, the right to injure or kill the adversary also "ceases absolutely".

RATIO DECIDENDI:

1.Cessation of Aggression: In the first encounter, Alconga successfully repelled the attack and had the upper hand, causing Barion to flee. From that moment, there was no longer any imminent danger to Alconga's life.
2.Lack of Requisites in Second Stage: For self-defense to be a justifying circumstance, unlawful aggression must be present at the time the fatal blow is struck. Because Alconga struck the mortal blow after the necessity for defense had passed, the essential ingredient of unlawful aggression was missing.

Why it was included under Self-defense: This case is a classic illustration of the principle that self-defense requires a continuous and present attack. It establishes the "two-stage" fight rule, clarifying that an initial victim who becomes a pursuer loses the protective shield of Article 11 once the original threat has ended.

People of the Philippines vs. Melanio Nugas y Mapait, G.R. No. 172606, November 23, 2011

FACTS: The People of the Philippines charged Melanio Nugas and Jonie Araneta with murder for the death of Glen Remigio. According to the victim's wife, Nila, they had given the two men a ride in their Tamaraw FX when the men suddenly brandished knives and pointed them at Glen and Nila. Nugas, who was seated directly behind the driver's seat, stabbed Glen in the neck before fleeing. Glen later died from the hemorrhage. Nugas admitted to the stabbing but interposed a plea of self-defense, claiming that Glen had punched him over a fare dispute and leaned forward to grab something from a clutch bag, which Nugas "imagined" was a gun. The Regional Trial Court convicted him of murder, a decision affirmed by the Court of Appeals.

ISSUES: WHETHER the accused-appellant, Melanio Nugas, established the element of unlawful aggression necessary for a valid claim of self-defense.

RULINGS: NO. The Supreme Court affirmed the conviction, ruling that Nugas failed to prove any actual or imminent threat to his life. The Court found his testimony about the victim punching him and reaching for a gun to be improbable, uncorroborated, and insufficient to constitute the "unlawful aggression" required by law.

DOCTRINE: Unlawful aggression is the primordial element of self-defense; without it, there is no justified killing. The peril to the person defending himself must be real and not imagined. A "mere threatening attitude" is not enough to constitute imminent unlawful aggression.

RATIO DECIDENDI:

1.Burden of Proof: By pleading self-defense, Nugas admitted to the killing and assumed the burden of proving the justification by clear and convincing evidence.
2.Improbability of Version: The Court found it highly unlikely that a driver (Glen) would launch an attack against a passenger (Nugas) while Glen's wife and two children were in the vehicle and Nugas was positioned directly behind him.
3.Failure to Prove Threat: Nugas admitted he did not actually see a gun. An "imagined" threat does not justify the use of deadly force.
Why it was included under Self-defense: This case emphasizes the "unlawful aggression" requirement, distinguishing between a real threat and a merely imagined one. It reinforces that the court will strictly scrutinize the credibility of the accused's version of the "attack" when they are the only ones claiming it happened.

People of the Philippines vs. Rodolfo Olarbe y Balihango, G.R. No. 227421, July 23, 2018

FACTS: The People initiated a murder case against Rodolfo Olarbe for the death of Romeo Arca. Olarbe and his common-law wife were asleep at midnight when they were rised by Arca, who was drunk, firing a gun and shouting death threats outside their house. Arca forcibly entered and aimed his gun at them. Olarbe wrestled the gun away and shot Arca, causing him to totter. Arca then immediately drew a bolo from his waist and charged at Olarbe's wife. Olarbe wrestled the bolo away and hacked Arca to death. Olarbe surrendered to the police immediately. The lower courts convicted him, reasoning that once Arca was shot in the head, his aggression had ceased and the subsequent hacking was no longer necessary.

ISSUES: WHETHER the accused-appellant, Rodolfo Olarbe, used reasonably necessary means to repel the unlawful aggression of the victim.

RULINGS: YES. The Supreme Court reversed the conviction and acquitted Olarbe. The Court found that Arca committed a "continuous and persistent" unlawful aggression that did not end until the final hacking. The Court ruled that Olarbe acted under the reasonable belief that his and his wife's lives were in extreme peril.

DOCTRINE: The law of nature does not require a person facing an imminent threat to use "unerring judgment" or to act with the poise of someone not in danger. The test of reasonable necessity is not material commensurability but rational equivalence, viewed from the standpoint of the accused at the time of the incident.

RATIO DECIDENDI:

1.Standing Aggression: Arca was an unprovoked midnight intruder armed with both a gun and a bolo. Even after being dispossessed of his gun, he immediately used his bolo to attack Olarbe's wife.
2.Instinct of Self-Preservation: Olarbe had no time to reflect or reason; he acted on the instinct of survival. In such emergencies, human nature acts upon instinct, and courts should hold the actor irresponsible for consequences arising from a reasonable response.
3.Conduct as Evidence: Olarbe's voluntary surrender and immediate reporting of the incident manifested his innocence and supported his plea.
Why it was included under Self-defense: This case is a landmark for the "stand your ground" and "rational equivalence" principles. It teaches that the "reasonableness" of the defense is judged by the totality of the circumstances as perceived by the accused in the heat of a life-or-death struggle, not by a mathematical comparison of wounds or weapons.

PO2 Randolph Cambe vs. People of the Philippines, G.R. No. 254269, October 13, 2021

FACTS: The People charged PO2 Randolph Cambe and PO2 Anthony Cacho with two counts of frustrated and attempted murder for shooting brothers Lynyrd and Paul Cueva. The incident began with a verbal altercation where Cambe pushed and cursed at the victims' mother. In retaliation, the victims' companion, Roberto, hit Cambe with a beer bottle, causing him to fall. As Lynyrd and Paul poised to follow up the attack on the dazed officer, Cambe shot them both once. Lynyrd sustained a fatal abdomen wound but survived due to surgery; Paul sustained a non-fatal leg wound. Cambe claimed self-defense. The Court of Appeals affirmed their conviction for frustrated and attempted murder.

ISSUES: WHETHER petitioner PO2 Cambe established the third element of self-defense: the lack of sufficient provocation on his part.

RULINGS: NO. The Supreme Court affirmed the conviction but modified the crime to frustrated and attempted homicide. While the Court agreed there was unlawful aggression (the poised attack by the brothers) and that the shooting was a reasonable means to repel it, it found that Cambe provoked the attack by pushing and cursing the victims' mother. Therefore, he could only claim incomplete self-defense.

DOCTRINE: To successfully invoke complete self-defense, the accused must prove the lack of sufficient provocation on their part. Provocation is sufficient when it is proportionate to the aggression and adequate to impel the other party to attack.

RATIO DECIDENDI:

1.Unlawful Aggression Present: When Cambe was dazed on the ground and the brothers poised to assault him, he faced a real threat to his life and limb.

2.Reasonable Means: Shooting them was a reasonable response for an officer who had already been hit with a bottle and was being ganged up on.
3.Presence of Provocation: However, Cambe was not blameless; his "unjust and improper conduct" of pushing and cursing at the victims' mother triggered the entire sequence of violence. Since he provided the provocation, the third requisite was missing.

Why it was included under Self-defense: This case serves as a critical example of the third element of self-defense. It demonstrates how an accused who is otherwise justified in repelling an attack can still be held criminally liable if they were the one who initially incited the confrontation.

People of the Philippine Islands vs. Natividad Luague and Wenceslao Alcansare, G.R. No. 43588, November 7, 1935

FACTS: The People of the Philippine Islands filed homicide charges against the spouses Natividad Luag ue and Wenceslao Alcansare for the death of Paulino Disuasido. On the morning of February 18, 1935, while Natividad was home alone with her three young children, Paulino arrived and began making unchaste advances. Despite her refusals, Paulino followed her into the kitchen, drew a knife, and threatened her with death while embracing her and touching her breasts with the intent to rape her. When Paulino momentarily placed his knife on the floor to prepare to lie with her, Natividad seized the weapon and stabbed him in the abdomen. Paulino fled and died shortly thereafter, while Natividad immediately surrendered to the authorities. The trial court convicted both spouses of homicide, prompting them to appeal.

ISSUES: WHETHER the accused-appellant, Natividad Luague, acted in legitimate defense of honor when she mortally wounded her assailant.

RULINGS: YES. The Supreme Court reversed the conviction and acquitted both accused. The Court ruled that an attempt to rape a woman constitutes an unlawful aggression sufficient to put her in a state of legitimate defense. Under the circumstances, where the victim was armed and threatening her

The People of the Philippine Islands vs. Remedios de la Cruz, G.R. No. 41674, March 30, 1935

FACTS: The case was initiated by the People of the Philippine Islands against Remedios de la Cruz, an illiterate eighteen-year-old girl, for the homicide of Francisco Rivera,. On the evening of February 18, 1934, Remedios was walking home with a group of friends in single file after attending a wake. Rivera, who had been following them, caught up to the group in a dark and narrow part of the path. According to Remedios, Rivera suddenly grabbed her from behind, touched her breasts and private parts, and attempted to throw her to the ground. When she felt weakened by his strength and unable to free herself, she pulled a penknife from her pocket and stabbed him once,. Rivera died the following day. The trial court convicted her of homicide, believing the prosecution's theory that she attacked him out of jealousy,. She appealed, pleading legitimate defense of honor.

ISSUES: WHETHER the accused-appellant, Remedios de la Cruz, acted in legitimate defense of her honor when she mortally wounded her assailant.

RULINGS: YES. The Supreme Court reversed the conviction and acquitted the appellant. The Court found her testimony credible and ruled that because she was grabbed from behind without warning in the darkness, had her private parts touched, and was unable to free herself by strength alone, she was justified in using her pocketknife to repel the attack.

DOCTRINE: A woman’s honor is esteemed as a right as precious as her very existence,. An attempt to rape a woman constitutes unlawful aggression sufficient to put her in a state of legitimate defense,. A woman who, thus imperiled, wounds or kills the offender is exempt from criminal liability if such killing becomes the only means left to protect her honor from so great an outrage,.

RATIO DECIDENDI:

1.Unlawful Aggression: The act of the deceased in grabbing the appellant from behind in the dark and touching her private parts constituted a real and immediate threat to her honor.
2.Reasonable Necessity of Means: Given the disparity in strength and the isolation of the dark trail, the appellant had "no other means of defending herself" than the pocketknife she carried.
3.Lack of Sufficient Provocation: The appellant was merely walking home and did nothing to provoke the deceased's sudden and offensive assault,.

Why it was included under Defense of honor: This case is included as an illustration of legitimate defense of honor under Article 11, paragraph 1. It establishes that an attack on sexual integrity is an unlawful aggression that permits the use of deadly force if it is the only reasonable way to prevent the outrage,,.

The People of the Philippines vs. Avelina Jaurigue, C.A. No. 384, February 21, 1946

FACTS: The People prosecuted Avelina Jaurigue for the murder of Amando Capina. Amando had been courting Avelina for some time but was repeatedly refused; he had previously kissed and touched her against her will and once surreptitiously entered her bedroom at night-. On the evening of September 20, 1942, Avelina was attending religious services in a brightly lit chapel when Amando sat beside her and placed his hand on her upper right thigh-. Offended, Avelina immediately pulled out a fan knife and stabbed him in the neck, causing a wound that proved fatal. There were approximately ten other people in the chapel at the time, including her father and the barrio lieutenant. The trial court convicted her of homicide, and she appealed on the ground that she acted in defense of her honor-.

ISSUES: WHETHER the accused-appellant, Avelina Jaurigue, was completely exempt from liability on the ground of legitimate defense of honor,.

RULINGS: NO. The Supreme Court affirmed her guilt for homicide but significantly reduced her penalty-. The Court ruled that while Amando's conduct was offensive, complete defense of honor was not justified because the incident took place in a crowded, well-lit chapel where there was no possibility of her being raped. Consequently, the mortal blow was considered an excessive means of defense under those specific circumstances.

DOCTRINE: While women are permitted to use all reasonable means to defend their honor when brutally attacked, the means employed must be proportionate to the actual danger,. Legitimate defense of honor is an excuse for killing only when such an act is the "only means left" to protect the woman from a "great outrage" like rape.

RATIO DECIDENDI:

1.Unlawful Aggression: The deceased's act of touching her thigh was an unlawful aggression against her honor, but it was not a "brutal attack" or an attempt to rape.

Excessive Means: Because the chapel was bright and full of people, she was not in imminent peril of a greater sexual outrage; therefore, stabbing him in the neck was "evidently excessive".
3.Mitigating Circumstances: The Court credited her with the privileged mitigating circumstance of incomplete self-defense (since aggression was present but not the other requisites), immediate vindication of a grave offense, passion and obfuscation, and voluntary surrender,.

Why it was included under Defense of honor: This case serves to define the limitations of defense of honor. It clarifies that for a killing to be fully justified, there must be a real and imminent threat of a serious sexual crime (like rape) that cannot be repelled by any other means,. In Jaurigue, the public setting negated the necessity of a fatal response, turning a justifying circumstance into a mere mitigating one,.

People of the Philippines vs. Anastacio Apolinar, 38 OG 2870, July 19, 1938

FACTS: The case was initiated by the People of the Philippines against Anastacio Apolinar for the killing of Domingo Petras. At midnight on December 22, 1936, Apolinar was guarding a parcel of land when he noticed a man, later identified as Petras, carrying a sack of palay on his shoulder. Believing the man was a thief, Apolinar called out to him, but Petras ignored him and began to flee. Apolinar fired his shotgun, first in the air and then at Petras, hitting him in the back. Petras managed to reach his house and report the incident to the barrio chief before dying from the wounds. The Court of First Instance of Pangasinan convicted Apolinar of homicide, a judgment he appealed by claiming he acted in defense of property.

ISSUES: WHETHER the accused-appellant, Anastacio Apolinar, acted in legitimate defense of property
when he shot the fleeing victim.

RULINGS: NO. The Court modified the judgment, affirming the conviction for homicide but lowering the penalty due to mitigating circumstances. The Court ruled that while the victim was indeed taking property (palay), shooting him was not a justified defense under the law.

DOCTRINE: The right to property is not of such importance as the right to life. Defense of property can be invoked as a justifying circumstance only when it is coupled with an attack on the person of one entrusted with said property.

RATIO DECIDENDI:

1.Lack of Attack on Person: There was no evidence that the deceased committed or attempted any aggression against Apolinar; the victim was simply fleeing with the property.
2.Improper Means: Shooting a person who is merely running away with inanimate objects is an excessive response that the law does not sanction as a justifying circumstance.

Why it was included under Defense of property: This case is included to establish the hierarchy of rights in criminal law, prioritizing human life over property. It serves as the primary authority for the principle that killing a thief is not justified unless the defender’s own life or safety is also put in peril.

The United States vs. Rafael Bumanglag, et al. (Gregorio Bundoc, appellant), G.R. No. L-5318, December 23, 1909

FACTS: The United States filed a complaint against Rafael Bumanglag, Gregorio Bundoc, and Antonio Ribao for the homicide of Guillermo Ribis. After Bumanglag discovered that forty bundles of his palay had been moved to a nearby field, he and his companions waited nearby to catch the thief. When Ribis appeared and attempted to carry the palay away, the three men assaulted him with sticks and stabbing weapons, causing his instantaneous death. The accused claimed they acted in defense of property and personal safety, alleging Ribis tried to draw a bolo. The trial court convicted them of homicide, and Bundoc appealed the decision.

ISSUES: WHETHER the accused-appellant, Gregorio Bundoc, acted in legitimate defense of property when he and his companions killed a thief caught in the act.

RULINGS: NO. The Supreme Court reversed the judgment only to reduce the penalty, but maintained the conviction for homicide. The Court found that there was no prior illegal aggression against the accused to justify the killing.

DOCTRINE: A justifying circumstance requires the presence of an unlawful aggression. Without an actual or imminent attack against the persons defending the property, the use of lethal force is not justified.

RATIO DECIDENDI:

1.No Imminent Threat: Physical evidence showed the deceased's bolo was still in its sheath when his body was found, proving he had not attempted to attack the accused.
2.Illegal Retaliation: The act of the accused was a violent response to the theft of property rather than a necessary act of self-preservation.

Why it was included under Defense of property: This case highlights that catching a thief "red-handed" does not grant a property owner the right to kill. It reinforces the requirement for an attack on the person to be present before the defense of property can escalate to the use of deadly force.

People of the Philippines vs. Mamerto Narvaez, G.R. Nos. L-33466-67, April 20, 1983

FACTS: The People of the Philippines charged Mamerto Narvaez with murder for shooting Davis Fleischer and Flaviano Rubia. Narvaez was resting in his house when he heard the walls being chiseled; he discovered the victims and their laborers fencing off his house and rice mill, which would destroy his home and shut off his only access to the highway. When Narvaez pleaded with them to stop and talk it over, Fleischer cursed at him and ordered the work to proceed. Narvaez then shot both men from his window. The lower court convicted him of murder. He appealed, arguing that he acted in defense of his person and his property rights.

ISSUES: WHETHER the accused-appellant, Mamerto Narvaez, acted in legitimate defense of property and rights.

RULINGS: YES, but only partially. The Supreme Court modified the conviction to homicide and credited Narvaez with the privileged mitigating circumstance of incomplete defense. The Court ruled that while he had the right to defend his property, the means he used (killing) was disproportionate to the aggression against his property.

DOCTRINE: Under Article 429 of the Civil Code, an owner or lawful possessor has the right to use force that is reasonably necessary to repel an actual or threatened unlawful physical invasion or usurpation of property. This right is recognized as a justifying circumstance under Article 11, paragraph 1 of the Revised Penal Code.

RATIO DECIDENDI:

1.Unlawful Aggression Present: The victims' act of destroying Narvaez's house and closing his access to the highway while he was pleading for them to stop constituted an unlawful aggression against his property rights.
2.Lack of Sufficient Provocation: Narvaez did nothing to provoke the victims' sudden destruction of his property.
3.Disproportionate Means: Although the first and third requisites were present, the second requisite (reasonable necessity of means) was absent because shooting the victims was an excessive response to a threat that was directed only at property.

Why it was included under Defense of property: This is the landmark case regarding the defense of rights, specifically property rights. It expands the application of Article 11 to include the protection of one's home and livelihood from physical invasion, while simultaneously illustrating that such a defense becomes "incomplete" if the response results in the unnecessary loss of life.

Defense of relative
Leo Abuyo y Sagrit vs. People of the Philippines, G.R. No. 250495, July 6, 2022

FACTS: The case was initiated by the People of the Philippines against the petitioner, Leo Abuyo, for the homicide of Cesar Tapel. On the evening of August 16, 2011, Leo and his wife were chased by Cesar and his son Charles, who were armed with a knife and a gun, respectively. Leo sought refuge at the house of his father, Leonardo. When Leonardo tried to pacify the duo, Cesar stabbed Leonardo in the chest and continued to pursue him. Leo intervened to protect his father, and during the confrontation, Cesar attempted to stab Leo as well. Leo grabbed a bolo and hacked Cesar's hand, causing him to drop his knife; however, Cesar immediately regained possession of the weapon. Fearing for their lives, Leo stabbed Cesar in the stomach, which resulted in Cesar's death. Leo voluntarily surrendered to the authorities thereafter. The Regional Trial Court (RTC) convicted him of homicide, ruling that the means employed were not reasonably necessary, a decision affirmed by the Court of Appeals (CA).

ISSUES: WHETHER the petitioner, Leo Abuyo, acted in legitimate defense of a relative and self-defense when he mortally wounded the aggressor.

RULINGS: YES. The Supreme Court reversed the lower courts' decisions and acquitted the petitioner, ruling that all elements of defense of a relative were present. The Court emphasized that when a person is confronted with an immediate threat to their life and the life of a parent, they cannot be expected to act with the "poise" of someone in a calm environment or to calculate the precise force needed to neutralize the threat.

DOCTRINE: The law of nature—the foundation of the privilege to use all reasonable means to repel an aggression that endangers one's own life and the lives of others—does not require the accused to use unerring judgment when they have reasonable grounds to believe they are in apparent danger. In defense of a relative, the reasonableness of the belief must be viewed from the standpoint of the accused at the time they acted.

RATIO DECIDENDI:

1.Unlawful Aggression: There was clear and continuous unlawful aggression when Cesar stabbed Leo's father and immediately turned his knife toward Leo.
2.Reasonable Necessity of Means: Although the lower courts suggested Leo could have run away, the SC held that Leo was fighting desperately for his life and his father's life against a wounded but more angered assailant. The fatal stomach wound was a reasonable response given the imminent danger of the situation.
3.Lack of Sufficient Provocation: The attack originated entirely from the victims, who had blocked and chased Leo while he was peacefully heading home.

Why it was included under Defense of relative: This case is included to clarify that the "reasonableness" of the defense is not a mathematical comparison of weapons but a rational equivalence based on the totality of circumstances. It highlights that the courts must not use "tranquil minds basking in the comfort of judicial chambers" to judge the split-second decisions of a person fighting for the survival of their kin.

Floro Galorio y Gapas vs. People of the Philippines, G.R. No. 254531, February 19, 2024

FACTS: The People of the Philippines charged Floro Galorio with homicide for the killing of Andres Muring. Floro, a member of the civilian volunteers' organization (CVO), had previously scolded the victim's son for improper parking. Later that evening, Andres arrived armed with a long bolo, challenged Floro, and attacked him, cutting off Floro's finger and stabbing him in the abdomen. Andres then turned his aggression toward Floro's nephew, Eric, pinning him down and attempting to stab him. Despite his own severe wounds and holding in his protruding intestines, Floro managed to retrieve a bayonet from his motorcycle and stabbed Andres once in the armpit to save his nephew. Andres died from the lone wound. The RTC convicted Floro, disbelieving his account and calling it "incredible," and the CA affirmed the conviction, characterizing the act as retaliation rather than defense.

ISSUES: WHETHER the petitioner, Floro Galorio, established the justifying circumstance of defense of a relative when he killed the person attacking his nephew.

RULINGS: YES. The Supreme Court reversed the conviction and acquitted Floro. The Court found that the trial court's conclusions were based on "slapdash evaluation" and unsupported speculations. The SC ruled that the victim was running amuck and posed a lethal, unabated threat to Floro's relatives until the moment he was neutralized.

DOCTRINE: Defense of relatives under Article 11, paragraph 2 is founded not only on humanitarian sentiment but also on the impulse of blood which impels men to rescue those close to them in times of great peril. For this defense to be complete, there must be (1) unlawful aggression, (2) reasonable necessity of the means employed, and (3) if provocation was given by the person attacked, the one making the defense had no part therein.

RATIO DECIDENDI:

1.Unlawful Aggression: Andres was wielding a long bolo and had already caused multiple injuries to Floro and his two nephews; his aggression was actual, sudden, and unprovoked.
2.Reasonable Necessity of Means: A single stab wound to stop an aggressor who was pinning down a relative and wielding a deadly weapon is the definition of a rational and proportionate response.
3.Lack of Participation in Provocation: There was no evidence Floro induced his nephew to provoke the victim; rather, the victim arrived at the scene specifically looking for Floro to carry out a violent challenge.
Why it was included under Defense of relative: This case serves as a critical example of the standard of proof required for justifying circumstances, emphasizing that the "clear and convincing evidence" must be evaluated based on the state of mind of the defender. It specifically addresses the "retaliation vs. defense" distinction, ruling that a temporary retreat to procure a weapon while a relative remains in imminent peril does not turn a defensive act into an illegal retaliation.

Avoidance of greater evil (State of Necessity)

The People of the Philippines vs. Maria Norma Hernandez, et al., CA-G.R. No. 22553-R, April 14, 1959

FACTS: The case was initiated by the People of the Philippines against Maria Norma Hernandez and her parents for the crime of serious slander by deed. In 1954, the complainant, Vivencio Lascano, courted Hernandez, who eventually agreed to marry him due to persistent pressure from her parents and her uncle. As the wedding date of March 19, 1955, approached, Hernandez felt a "sense of torture" because she realized she was not in love with Vivencio. To avoid the marriage, she fled her home and stayed in Mindoro until April 1955. Meanwhile, Vivencio and his parents, having already made extensive preparations (including slaughtering animals and inviting 90 guests), were left waiting until midnight, causing them great shame and humiliation. The trial court convicted her, leading to this appeal.

ISSUES: WHETHER the accused-appellant, Maria Norma Hernandez, acted in legitimate avoidance of a greater evil when she absconded to avoid a loveless marriage.

RULINGS: YES. The Court of Appeals reversed the conviction and acquitted Hernandez, ruling that she was exercising her right to withhold consent to a marriage after mature consideration. The court stated that since marriage requires the free consent of both parties, the law cannot penalize a party for backing out of an agreement to marry, as doing so would indirectly compel them into a union against their will.

DOCTRINE: Under Article 11, paragraph 4 of the Revised Penal Code, a person may avoid the "evil" of a loveless marriage. The state should not be instrumental in compelling an unwilling party to enter into an institution that, in its purity, requires the absolute free consent of the contracting parties.

RATIO DECIDENDI:

1.Lack of Malice: The court found no evidence of malice or ill-will; Hernandez was simply avoiding a union she could not conscientiously enter.
2.Right to Consent: A party to a marriage agreement has the privilege to change their mind before the ceremony. To hold someone liable for slander by deed for refusing to marry would contravene the principle that what cannot be done directly (forcing a marriage) should not be done indirectly.

Why it was included under Avoidance of greater evil: This case is included to show the application of the "state of necessity" justifying circumstance in a non-physical context. it establishes that a loveless marriage is considered a legal "evil" that a person has the right to avoid, even if the method of avoidance (absconding on the wedding day) causes social embarrassment or humiliation to others.

Vicky C. Ty vs. People of the Philippines, G.R. No. 149275, September 27, 2004

FACTS: The People of the Philippines prosecuted Vicky C. Ty for seven counts of violating Batas Pambansa Blg. 22 (the Bouncing Checks Law). Ty's mother and sister were confined at Manila Doctors' Hospital, where Ty signed a contract acknowledging responsibility for the bills, which eventually totaled over P1 million. To secure her mother's discharge and prevent her health from deteriorating further due to alleged "humane treatment" by the hospital (such as cutting off telephone lines and late food delivery), Ty issued seven postdated checks. The checks were later dishonored for "Account Closed". Ty argued that she issued the checks under an "uncontrollable fear of a greater injury" or in "avoidance of a greater evil," claiming the hospital would not release her mother unless the bills were settled or secured. Both the trial court and the Court of Appeals convicted her.

ISSUES: WHETHER the petitioner, Vicky C. Ty, acted in legitimate avoidance of a greater evil when she issued worthless checks to secure her mother's release from the hospital.

RULINGS: NO. The Supreme Court denied the petition and affirmed the conviction. The Court ruled that Ty failed to prove the existence of an actual, non-speculative evil and that she had other legal, less harmful options available to her.

DOCTRINE: To exempt an actor from liability under Article 11, paragraph 4, three requisites must concur: (1) the evil sought to be avoided actually exists; (2) the injury feared is greater than the one done to avoid it; and (3) there is no other practical and less harmful means of preventing it. Additionally, the state of necessity cannot be invoked if the situation was brought about by the negligence or willful inaction of the actor.

RATIO DECIDENDI:

1.Speculative Evil: The threat to her mother's life or the possibility of suicide was merely speculative and anticipated, not the "actual" and "imminent" evil required by law.
2.Available Alternatives: Ty admitted she could have provided jewelry or other collateral instead of postdated checks; thus, committing a crime was not her only option.
3.Self-Created Necessity: The "necessity" arose from Ty's own failure to pay the hospital bills. One cannot claim state of necessity to justify a crime that addresses a situation caused by their own default.
Why it was included under Avoidance of greater evil: This case serves as the standard for the strict interpretation of Article 11, paragraph 4. It clarifies that "avoidance of a greater evil" is not a "magic invocation" for any stressful situation; it requires an actual, non-speculative danger and the total absence of legal alternatives to the criminal act performed.

People of the Philippines vs. SPO1 Ernesto Ulep, G.R. No. 132547, September 20, 2000

FACTS: The case was initiated by the Office of the Ombudsman for the Military against the respondent, SPO1 Ernesto Ulep, for the crime of murder. The incident occurred when a certain Buenaventura Wapili went berserk, running naked and armed with a weapon (disputed between a bolo and a stool) in a subdivision. SPO1 Ulep, along with two other officers, arrived at the scene and ordered Wapili to surrender, but the latter ignored a warning shot and continued to advance. Ulep shot Wapili multiple times, and even after the victim slumped to the ground, Ulep fired a final shot into the back of the victim's head, which blew his brains out. The trial court convicted Ulep of murder and sentenced him to death.

ISSUES: WHETHER the accused-appellant, SPO1 Ernesto Ulep, acted in legitimate fulfillment of duty when he killed the victim who was running amuck.

RULINGS: NO. The Supreme Court ruled that while Ulep originally set out to perform a legal duty, he was not exonerated for overdoing it during the second stage of the incident. The Court held that shooting the victim in the head while he was already prostrate on the ground was unnecessary. Consequently, the Court modified the judgment to homicide, finding only an incomplete justifying circumstance of fulfillment of duty because the second requisite—that the injury be the necessary consequence of the duty—was missing.

DOCTRINE: Under Article 11, paragraph 5 of the Revised Penal Code, the justifying circumstance of fulfillment of duty requires two requisites: (1) the accused acted in the performance of a duty or in the lawful exercise of a right or office; and (2) that the injury caused or the offense committed be the necessary consequence of the due performance of such duty. The right to kill is not absolute and may only be used as a last resort when the offender cannot otherwise be taken without bloodshed.

RATIO DECIDENDI:

1.First Requisite Present: Ulep was performing his official duty as a police officer responding to a call for assistance to restore peace and order.
2.Second Requisite Absent: The fatal wound to the head was not a necessary consequence of his
duty. As a veteran policeman, he should have ceased firing the moment the victim fell and no longer posed a threat.

3.Human Rights of Offenders: The law does not clothe police with the authority to arbitrarily judge the necessity to kill; they must always bear in mind that even criminals are human beings with human rights.

Why it was included from Fulfillment of duty: This case was included to illustrate the limitations of the privilege granted to law enforcers under Article 11, paragraph 5. It serves as a benchmark for determining when the use of force becomes excessive and how the absence of the "necessary consequence" requisite prevents the full application of the justifying circumstance, resulting instead in a mere privileged mitigating circumstance.

SPO2 Ruperto Cabanlig vs. Sandiganbayan and Office of the Special Prosecutor, G.R. No. 148431, July 28, 2005

FACTS: The Office of the Special Prosecutor filed an amended information for murder against SPO2 Ruperto Cabanlig and four other police officers. The officers were escorting a robbery suspect, Jimmy Valino, to retrieve stolen items when Valino suddenly grabbed an M16 Armalite from one of the guards and jumped out of the police vehicle to escape. Cabanlig, seeing the snatching and the escape, immediately fired several shots at Valino, resulting in the latter's death. The suspect sustained wounds in his head, chest, and back. The Sandiganbayan convicted Cabanlig of homicide, ruling that he exceeded his duty by shooting Valino without first issuing a warning. Cabanlig appealed the conviction to the Supreme Court.

ISSUES: WHETHER the petitioner, SPO2 Ruperto Cabanlig, established the justifying circumstance of fulfillment of duty to justify the killing of the escaping suspect.

RULINGS: YES. The Supreme Court reversed the Sandiganbayan's decision and acquitted Cabanlig. The Court ruled that the petitioner acted in the legitimate performance of his duty and that his response was a necessary and spontaneous reaction to the imminent danger posed by a suspect who had just acquired a high-powered firearm.

DOCTRINE: A law enforcer is justified in using such force as is reasonably necessary to secure a prisoner and protect himself from bodily harm. While the issuance of a warning is generally required to prevent unnecessary bloodshed, it is dispensable in exceptional circumstances where the threat to the officer's life is imminent and no other options are available.

RATIO DECIDENDI:

1.Performance of Duty: It was undisputed that Cabanlig was in the legitimate performance of his duty as a policeman escorting a detainee.
2.Reasonable Necessity: Shooting was the necessary consequence of the duty to recapture an escaping felon who had snatched an M16 Armalite—a powerful lethal weapon.
3.Imminent Danger: The presence of a chest wound indicated the victim was at one point facing the officers; had Cabanlig failed to shoot immediately, the officers would have been "sitting ducks" in the direct line of fire.
4.Dispensation of Warning: Under the circumstances, a warning would have been pointless and potentially fatal for the officers.

Why it was included from Fulfillment of duty: This case was included to provide a standard for the "necessary consequence" requisite in extreme situations. It establishes that the reasonableness of force must be judged based on the totality of the circumstances as they appeared to the officer at the time, particularly emphasizing that the duty to issue a warning is not absolute if it compromises the life of the law enforcer.

Lawful order of superior

People of the Philippines vs. Manuel Beronilla, et al., G.R. No. L-4445, February 28, 1955

FACTS: The case was initiated by the People of the Philippines against Manuel Beronilla (Military Mayor of La Paz, Abra), along with a clerk, an executioner, and a priest, for the murder of Arsenio Borjal. During the Japanese occupation, Borjal served as the puppet mayor of La Paz. Upon his return to the town in 1945, Beronilla—acting on express orders from the 15th Infantry Headquarters to investigate and try puppet officials—placed Borjal under custody. A 12-man jury found Borjal guilty of treason and espionage, sentencing him to death. Beronilla forwarded the records to his superior, Lt. Col. Arnold, who returned them with the instruction: "whatever disposition you make of the case is hereby approved". Borjal was executed that night. After the war, the accused were indicted for murder. The trial court convicted them, ruling that the execution was illegal as it occurred after the area was liberated.

ISSUES: WHETHER the accused-appellants acted in obedience to a lawful order of a superior when they carried out the trial and execution of Arsenio Borjal.

RULINGS: YES. The Supreme Court reversed the judgment and acquitted the appellants. The Court found that Beronilla and his subordinates acted in good faith, following the express instructions of their military superiors which they, as subordinates, were not in a position to question.

DOCTRINE: The maxim actus non facit reum nisi mens sit rea establishes that a crime is not committed if the mind of the person performing the act is innocent. Military subordinates who carry out an order from a superior that is not patently illegal, and do so without malice or negligence, are exempt from criminal liability.

RATIO DECIDENDI:

1.Direct Orders: The arrest and prosecution were mandated by superior military authorities who authorized the jury system to handle treason cases.

2.Apparent Legality: The return of the records with an approval of "whatever disposition" was made served as an assent to the death sentence from the perspective of the subordinate.
3.Lack of Malice: The trial lasted 19 days, the accused was provided counsel, and Beronilla even suspended proceedings when doubts arose until headquarters authorized their resumption; this manifest good faith negated criminal intent.
Why it was included under Lawful order of superior: This case serves as a benchmark for Article 11, paragraph 6, specifically in the context of military obedience during wartime. It illustrates that a subordinate is justified in obeying an order that appears lawful and emanates from a legitimate superior, even if the order is later found to be legally infirm.

Luis A. Tabuena vs. Honorable Sandiganbayan and People of the Philippines, G.R. No. 103501-03, February 17, 1997

FACTS: The People of the Philippines filed three cases of malversation against Luis Tabuena (General Manager of MIAA) and Adolfo Peralta (Acting Finance Services Manager). In January 1986, President Marcos verbally and through a written "Presidential Memorandum" directed Tabuena to pay P55 Million in cash to the Office of the President as partial payment for MIAA’s outstanding debts to the Philippine National Construction Corporation (PNCC). Following these instructions, Tabuena and Peralta withdrew the funds and delivered the cash to the President’s private secretary, who issued a receipt. The disbursement was "out of the ordinary," lacking vouchers and supporting documentation. The Sandiganbayan convicted them, asserting they should have questioned the unusual nature of the cash payment to a third party.

ISSUES: WHETHER the accused, Luis Tabuena and Adolfo Peralta, were justified under the principle of obedience to a lawful order of a superior when they released MIAA funds upon the directive of the President.

RULINGS: YES. The Supreme Court reversed the conviction and acquitted both petitioners. The Court ruled that they acted in good faith in obedience to a directive from the highest official of the land, which carried a presumption of regularity and appeared lawful on its face.

DOCTRINE: Under Article 11, paragraph 6, a person is justified if they act in obedience to an order issued by a superior for some lawful purpose. Even if an order is technically illegal, a subordinate is not liable if the order is patently legal and the subordinate is unaware of its illegality, as this constitutes a mistake of fact committed in good faith.

RATIO DECIDENDI:

1.Superior-Subordinate Relationship: A clear relationship existed between the President (superior) and the MIAA managers (subordinates).
2.Patently Lawful Purpose: On its face, the memorandum directed the payment of a legitimate government liability (MIAA’s debt to PNCC), which is a lawful act.
3.Good Faith: Compliance with an urgent presidential directive—especially given the political realities of the time—was a spontaneous reaction to a superior's command. Failure to follow standard auditing procedures may result in civil or administrative liability, but not criminal liability for malversation.

Why it was included under Lawful order of superior: This is the leading case for the application of Article 11, paragraph 6 in civilian government service. It establishes that subordinates are not expected to be "magicians" or "inquisitors" of their superiors' motives; if an order is issued by a competent authority for a seemingly lawful goal, the subordinate is protected by the law when they obey.

People of the Philippines vs. Marivic Genosa, G.R. No. 135981, January 15, 2004

FACTS: The case was initiated by the People of the Philippines against the accused-appellant, Marivic Genosa, for the crime of parricide. Marivic admitted to killing her husband, Ben Genosa, but anchored her defense on the "battered woman syndrome" (BWS). Throughout their eleven-year marriage, Ben was a habitual drinker and gambler who subjected Marivic to severe, recurring physical abuse, including multiple incidents where she required medical treatment for contusions and hematomas. On the night of the killing, a drunk Ben attacked Marivic, whirled her around, and later threatened to kill her with a blade cutter. While Ben was lying in bed, Marivic—who was eight months pregnant at the time—pried open a drawer, took a gun, and shot him in the head. The Regional Trial Court convicted her of parricide and sentenced her to death, finding that treachery attended the killing and rejecting her claim of self-defense. On appeal, the Supreme Court remanded the case for expert testimony on BWS to determine its effect on her state of mind.

ISSUES: WHETHER the accused-appellant, Marivic Genosa, acted in legitimate self-defense under the battered woman syndrome, a concept now defined and recognized under Republic Act No. 9262, sections 3 and 26.

RULINGS: NO. The Supreme Court ruled that while BWS is a valid concept, Marivic failed to establish all the legal requirements for complete self-defense. Specifically, the element of unlawful aggression was missing at the time of the shooting, as Ben was already lying in bed and no longer posed an immediate, actual threat when Marivic attacked him. However, the Court recognized that the cumulative abuse she suffered resulted in "psychological paralysis" and "passion and obfuscation," which were appreciated as mitigating circumstances. Consequently, the Court reduced her penalty and ordered her release on parole, as she had already served the minimum period of her modified sentence while in detention.

DOCTRINE: Battered Woman Syndrome (BWS) refers to a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse. Under Section 26 of RA 9262, victim-survivors found by the courts to be suffering from BWS do not incur criminal and civil liability notwithstanding the absence of any of the elements for justifying circumstances of self -defense under the Revised Penal Code. The syndrome is characterized by a "cycle of violence" consisting of three phases: (1) the tension-building phase; (2) the acute battering incident; and (3) the tranquil, loving, or remorseful phase.

RATIO DECIDENDI:

1.Cessation of Aggression: For traditional self-defense, there must be a real and imminent threat. In this case, because there was a sufficient time interval between Ben's attack and Marivic's response—during which Ben had gone to bed—the imminence of the danger had ceased.
2.Mitigating Circumstances: The Court held that the repeated beatings Marivic endured broke down her psychological resistance and self-control, constituting an illness that diminished her will power (mitigating under Art. 13, pars. 9 and 10 of the RPC). Furthermore, the acute battery she suffered while pregnant produced a powerful impulse of passion and obfuscation.
3.Proof of BWS: To successfully invoke BWS, the defense must prove that the couple went through the "cycle of violence" at least twice and that the accused had an honest belief that she needed to use force to save her life.

Why it was included from Battered woman syndrome – Republic Act No. 9262, sec. 3 & 26: This case is the landmark authority that introduced BWS into Philippine law. It is included because it served as the judicial basis for the later enactment of Republic Act No. 9262, where Section 3(c) explicitly defines the syndrome and Section 26 establishes it as a complete defense that exempts a victim-survivor from both criminal and civil liability. The case illustrates the difficulty of applying traditional "imminent danger" standards to victims of chronic domestic abuse and pioneered the use of expert psychological testimony in such proceedings.