

INTRODUCTION TO CRIMINOLOGY

Criminology- It is a body of knowledge regarding crime as a social phenomenon.

- derived from the Latin root word “Crimen” which means offense and “logos” or “logia” which means to study.
- It was introduced by Raffaele Garofalo in 1885 which in Italian is *Criminologia*.
- It was introduced by Paul Topinard in 1887 which in French is *Criminologie* .

THE FOUR (4) PRINCIPAL DIVISIONS OF CRIMINOLOGY:

- 1. **SOCIOLOGY OF LAW-** which is an attempt at scientific analysis of the conditions under which criminal law influences society.
- 2. **CRIMINAL ETIOLOGY** - which is an attempt at scientific analysis of the study of causes or reasons for crime.
- 3. **PENOLOGY** - concerned with control of crime by repressing criminal activities through the fear of punishment.
- 4. **CRIMINALISTICS** – concerns with the collection, identification, and recognition of physical evidence at the crime scene.

Nature of Criminology

As an Applied Science	Anthropology, psychology, sociology and other natural sciences may be applied in the study of the causes of crime while chemistry, medicine, physics, mathematics, etc. may be utilized in crime detection.
As Social Science	In as much as crime is a creation of the society and that it exists in a society, its study must be considered a part of social science.
Dynamic	Criminology changes as social conditions change. That means the progress of criminology is concordant with the advancement of other sciences that has been applied to it.
Nationalistic	The study of crime must always conform to the existing criminal law of the land.

Aims in the Study of Criminology

- 1. To understand crimes and criminals.
- 2. To prevent the occurrence of crime.

The Scope of Criminology

- 1. The making of laws
- 2. The breaking of laws
- 3. The reaction towards the breaking of laws

Multi-disciplinary Study of Criminology

- 1. **Sociology (Sociological Criminology):** This is the study of crime focused on the group of people and society as a whole.
- 2. **Psychology (Psychological Criminology):** This is the science of behavior and mental processes of the criminal.
- 3. **Psychiatry (Psychiatric Criminology):** This is the science that deals with the study of criminal behavior in terms of motives and drives.

Salient Provisions of R.A. 6506

REPUBLIC ACT NO. 6506 - AN ACT CREATING THE BOARD OF EXAMINERS FOR CRIMINOLOGISTS IN THE PHILIPPINES AND FOR OTHER PURPOSES

Salient Provisions of Republic Act 11131

This act also known as "**The Philippine Criminology Profession Act of 2018**"

Section 4 of this act defined the following terms, to wit:

- **Criminology** as refers to the scientific study of crimes, criminals, and victims, it also deals with the prevention, and solution of crimes;
- **Registered criminologist** refers to a natural person who holds a valid certificate of registration and an updated professional identification card as a criminologist issued by the Professional Regulatory Board for Criminologists and the Professional Regulation Commission (PRC) pursuant to this Act.

Section 17. Rating in the Licensure Examination.

*To pass the licensure examination for criminologist, a candidate must obtain a weighted average rating of **seventy-five percent (75%) with no grade less than sixty percent (60%) in any given subject.**

*In case the examinee obtains a weighted average rating of seventy-five percent (75%) but, has a grade below sixty percent (60%) in any of the subjects, the result of the examinee shall be deferred, and be **required to retake that particular subject/s.**

*The deferred examinee shall only be allowed to **retake once within two (2) years** from the date of the examination, and shall be required to obtain a grade not lower than eighty percent (80%) on the subject, to be considered to have passed the licensure examination.

*If the examinee failed to retake after the lapse of two (2) years or failed to get the passing mark of eighty percent (80%), the examinee shall **retake all the board subjects.**

Section 34. Privileges of Registered Criminologists.— All registered criminologists shall be exempt from taking any other entrance or qualifying government or civil service examinations and shall be considered civil service eligible to the following government positions, among others: (1) Dactylographer; (2) Ballistician; (3) Questioned Document Examiner; (4) Forensic Photographer; (5) Polygraph Examiner; (6) Probation Officer; (7) Parole Officer; (8) Special Investigator; (9) Special Agent; (10) Investigative Agent; (11) Intelligence Agent; (12) Law Enforcement Evaluation Officer; (13) National Police Commission (NAPOLCOM) Inspector; (14) Traffic Operation Officer; (15) Associate Graft Investigation Officer; (16) Special Police Officer; (17) Safekeeping Officer; (18) Sheriff; (19) Security Officer; (20) Criminal Investigator; (21) Warden; (22) Reformation Officer; (23) Firefighter; (24) Fire Marshall; (25) Jail Officer up to the rank of Jail Superintendent; (26) Police Officer up to the rank of Police Superintendent and other law enforcement agencies, and agencies under the Criminal Justice System.

Section 35. Preference of Appointment in Government Criminal Justice and Other Government Institutions. - Registered criminologists shall enjoy priority of appointment and shall not be required to take any qualifying or entrance examinations in the PNP, the NBI, the BJMP, the BFP, the Land Transportation Office (LTO) and other government positions related to criminology, police and law enforcement work, investigations

and security, corrections and public safety of the following bureaus, departments, institutions or agencies of the government.

Introduction to Criminal Law

Law – It is the rule of conduct, just and made obligatory by the legitimate authority for the common observance and benefit. It is symbolically represented by a blindfolded woman carrying with one hand a sword and the other a balance.

Criminal Law – It is a branch or division of law which defines crimes, treats of their nature and provides for their punishment.

Act No. 3815 – The primary source of criminal law in the Philippines. It is otherwise known as the Revised Penal Code and it took effect on January 1, 1932. The Code Committee was chaired by Anacleto Diaz, with its members, namely: Quintin Paredes, Alex Reyes, Mariano de Joya and Guillermo Guevara.

Different Characteristics of Criminal Law

GENERAL- The law is binding to all persons who live or sojourn in the Philippines.

Exceptions:

- 1. Head of the state or country
- 2. Foreign diplomats
- 3. Ambassadors who are duly accredited to a country
- 4. Foreign troops permitted to in arch within a territory

TERRITORIAL- The law is binding to all crimes committed within the National Territory of the Philippines.

- Terrestrial- jurisdiction exercised over land
- Fluvial – over maritime and interior waters
- Aerial – over the atmosphere

Exception:

It can still be applied under the following conditions:

- 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 presiding 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.

PROSPECTIVE- Criminal law cannot make an act punishable in a manner in which it was not punishable when committed; it has no retroactive effect.

Exception:

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

Exemption to the Exception: if the accused is a habitual delinquent.

Different Approaches in the Explanation of Crime

Main Approaches in the Explanation of Crime:

- **Objective Approach:** Criminal behavior is explained in terms of factors extraneous to the offender which are social, sociological, cultural and economic.
- **Subjective Approach:** Criminal behavior is explained in terms of factors within criminal, i.e. physical, biological and mental traits.

Different Approaches in the Explanation of Crime

- **Biological-** it believes that criminal behavior is inherited or identified through physical characteristics of criminals.
- **Psychiatric-** it believes that crime is caused by mental diseases and mental disorders.
- **Psychological-** it believes that crime is caused by behavioral disorders.
- **Sociological-** it believes that crime is a result of social factors. Criminality results by the failure to properly socialize individuals and by unequal opportunities between groups.
- **Geographical-** it believes that location of a person triggers criminal behavior. Ex.: People living in hot areas are more aggressive than those living in colder areas because of geographic location.
- **Demographical-** it believes that population's composition has a relationship in the existence of criminality.

Different Schools of Thought in Criminology

1. Classical School

- Pioneered by Cesare Beccaria an Italian jurist and Jeremy Bentham a British philosopher
- The two primary doctrines are:
 - **Freewill** by Cesare Beccaria, which stated that man is entirely unrestricted in his ability to choose between good and evil or man has the capacity to choose what is right and what is wrong.
 - **Hedonism** that was introduced by Jeremy Bentham. A philosophy where people choose pleasure and avoid pain.

2. Neo-Classical School

- This school maintained that while classical doctrine was correct in general, some of its detail should be modified to include:
 - Children and lunatics should not be regarded as criminals; hence they are free from punishment.

3. Italian or Positivist School

- The founding of the Positivist School or Italian School is credited to Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo
- Emphasized on the scientific *treatment of the criminal*, not on the penalties.

This school promoted the *Doctrine of Determinism* which stated that man's choices, decisions and actions are decided by antecedent causes, inherited or environmental, acting upon his character.

Classifications of Criminals by Lombroso

1. **Born Criminals** – there are born criminals according to Lombroso, the belief that criminal behavior is inherited.
2. **Criminal by Passion** – are individuals who are easily influenced by great emotions like fit of anger.
3. **Insane Criminals** – are those who commit crime due to abnormalities or psychological disorders.

- 4. **Criminaloid** – a person who commits crime due to less physical stamina/self-control.
- 5. **Occasional Criminal** – are those who commit crime due to insignificant reasons that pushed them to do at a given occasion.
- 6. **Pseudo-criminals** – are those who kill in self-defense.

Cesare Lombroso	“ Father of Criminology ” or the “ Father of Modern Criminology ”, also the “ Founder of Criminal Anthropology ”
Raffaele Garofalo	-An Italian nobleman, magistrate, senator, and professor of law who rejected the classical principle that <u>punishment should fit the crime</u> , arguing instead that it should fit the criminal. -He traced the roots of criminal behavior which is not in physical features but to their psychological equivalents, which he called “ moral anomalies .”
Enrico Ferri	-Lombroso’s best associate; attacked the classical doctrine on freewill, and argued that criminals should not be held morally responsible for their crimes, because they did not choose to commit crimes rather, were driven to commit crimes due to <u>economic, social and political factors</u> (moral responsibility).

- Crime-** it refers to an act or omission in violation of public law forbidding or commanding it. Crime may be:
- **Offense-** when it is punishable by Special Laws. Violations of special laws are generally referred to as **malum prohibitum**.
 - **Felony** – when it is punishable by the Revised Penal Code. Violations of the Revised Penal Code are referred to as **malum in se**, which literally means, that the act is inherently evil or bad or per se wrongful.
 - **Misdemeanor** – when it violated an ordinance.
 - **Delinquency-** acts committed by minor offenders

Crimes may be mainly classified into 2:

1. Legal

- Title One of the RPC: CRIMES AGAINST NATIONAL SECURITY AND THE LAW OF NATIONS
- Title Two of the RPC: CRIMES AGAINST THE FUNDAMENTAL LAWS OF THE STATE
- Title Three of the RPC: CRIMES AGAINST PUBLIC ORDER
- Title Four of the RPC: CRIMES AGAINST PUBLIC INTEREST
- Title Five of the RPC: CRIMES RELATIVE TO OPIUM AND OTHER PROHIBITED DRUGS
- Title Six of the RPC: CRIMES AGAINST PUBLIC MORALS
- Title Seven of the RPC: CRIMES COMMITTED BY PUBLIC OFFICERS
- Title Eight of the RPC: CRIMES AGAINST PERSONS
- Title Nine of the RPC: CRIMES AGAINST PERSONAL LIBERTY AND SECURITY
- Title Ten of the RPC: CRIMES AGAINST PROPERTY
- Title Eleven of the RPC: CRIMES AGAINST CHASTITY
- Title Twelve of the RPC: CRIMES AGAINST THE CIVIL STATUS OF PERSONS
- Title Thirteen of the RPC: CRIMES AGAINST HONOR
- Title Fourteen of the RPC: QUASI-OFFENSES

2. Criminological

Criminological Classification of Crime		
Category A	Acquisitive	When the offender acquires something.
	Extinctive	When the end result of a criminal act is destructive.

Category B	Seasonal	Committed only during a certain period of the year.
	Situational	Those committed only when given the situation is conducive to its commission.
Category C	Instant	Those committed in the shortest possible time.
	Episodic	Those committed by a series of acts undertaken in a lengthy space of time.
Category D	Static	Those committed in only one place.
	Transitory	Those are committed in several places.
Category E	Rational	Those committed with intention and offender are sane.
	Irrational	Those committed by persons who do not know the nature and quality of their acts on account of the disease of the mind.
Category F	White collar	Those committed by persons of respectability
	Blue collar	Those committed by ordinary professional criminals to maintain their livelihood.
Category G	Crimes of the upper world	Crimes committed by large scale syndicates.
	Crimes of the lower world	Crimes committed by amateur criminals like snatching.

Criminal- the person who committed a crime and has been convicted by a court of the violation of a criminal law.

Criminological Classification of Criminals

- **Acute Criminal-** is one who violates a criminal law because of the impulse or fit of passion.
- **Chronic Criminal-** is one who commits crime in consonance of deliberated thinking.
- **Ordinary Criminal-** offender commits crime due to great opportunity.
- **Organized Criminal** is one who associates himself with other criminals.
- **Professional Criminals** are those who practice crime as a profession for a living.
- **Accidental Criminals** are those who commit crimes when the situation is conducive to its commission.
- **Habitual Criminals** are those who commit crime because of deficiency of intelligence and lack of self – control.
- **Habitual Delinquent** is a person who, with in a period of ten years from the date of his release or last conviction of the crimes of serious or less serious physical injuries, robbery, estafa, or falsification, is found guilty of any of the said crimes or a third time oftener.
- **Recidivist** is one who, at the time of his trial for one crime, shall have been previously convicted by final judgment of another crime embraced in the same title of the Revised Penal Code.

Concept of the Existence of Criminal Behavior and Crime

THE CRIMINAL FORMULA

In explaining the birth of crime, we must consider three factors: criminal tendency (T), the total situation (S), and the person’s mental and emotional resistance to temptation (R).

$$C = \frac{T + S}{R}$$

This formula was devised by David Abrahamsen (Forensic Psychologist)

Where:

C-Crime/Criminal Behavior (THE ACT)

T-Criminal Tendency (DESIRE/INTENT)

S-Total Situation (OPPORTUNITY)

R-Resistance to Temptation (CONTROL)

3 Basic Elements of Crime (Legal Aspect):

1. **INTENT** – the actor must have had a guilty mind.

2. **KNOWLEDGE** – refers to whether the behavior in question was done knowingly.

3. **FREEDOM** – it refers to whether the actor exercises freewill.

Note: In order for a crime to happen all these (3) elements must present.

Different Approaches in the Study of Criminal Behavior

a. **Criminal Anthropology**- also called Anthropological criminology. It is based on perceived links between the nature of a crime and the personality or physical appearance of the offender.

b. **Criminal Psychiatry**- It involves the assessment and treatment of mentally abnormal offenders, as well as the legal aspects of psychiatry which require knowledge of the law relating to ordinary psychiatric practice, civil law and issues of criminal responsibility.

c. **Criminal Psychology**- is a branch of the field of psychology which focuses on criminals.

d. **Physiognomy**-it is based upon the ideas that the assessment of the person's outer appearance, primarily the face, may give insights into one's character or personality.

e. **Phrenology**- theory which determines character, personality, traits and criminality on the basis of the shape of the head.

f. **Criminal Geography**- criminal behavior is correlated to climate, humidity, wind velocity, atmosphere pressure, rainfall, nature of soil and other geographical factors.

g. **Sociological factors**-causes of criminal behavior are the things, place and people with whom the person comes in contact with and contributes to the development of criminal behavior.

Different Views on the Causes and Control of Criminal Behavior

1. Consensus View

- Criminal behavior is behavior in violation of the criminal law.
- It is not a crime unless it is prohibited by the criminal law.
- The term consensus implies general agreement among a majority of citizens on what behaviors should be prohibited by criminal law and henceforth be viewed as crimes.
- The law defines crime, agreement exists on outlawed behavior, and law applied to all citizens equally.

2. Conflict View

- The definition of crime is controlled by wealth, power, and position and not by moral consensus or the fear of social disruption.
- It is a political concept designed to protect the power and position of the upper classes at the expense of the poor.
- The law is a tool of the ruling class, the law is used to control the lower class, and crime is politically defined.

3. Interactionist View of Crime

- Crimes are outlawed behaviors because society defines them that way and not because they are inherently evil or immoral acts.

- Moral entrepreneurs define crime and criminal labels are life-transforming events.

Definition and Concept of Penology

PENOLOGY – refers to the study of punishment of crime or of criminal offenders. It includes the study of control and prevention of crime through punishment of criminal offenders. The term derived from the Latin word “**poena**” which means pain or suffering. Penology is otherwise known as **Penal Science**. **Francis Lieber** was the sociologist who coined the term penology which means punishment for criminals.

Two (2) Approaches of Correction

- **Institutional Correction (Institution-based Correction)** – rehabilitation or correctional programs take place inside correctional facilities or institutions such as national penitentiaries and jails.
- **Non-Institutional Correction (Community-based Correction)** – rehabilitation or correctional programs take place within the community.

7 CORRECTIONAL FACILITIES NATIONWIDE

1. The **New Bilibid Prison (NBP)** is one of seven major facilities handled by the Bureau of Corrections (BuCor), an agency under the Department of Justice located in Muntinlupa City.
2. The **Iwahig Prison and Penal Farm** is located at Barangay Iwahig, Palawan
3. The **Sablayan Prison and Penal Farm** is situated in Occidental Mindoro, Philippines.
4. The **San Ramon Prison and Penal Farm** is situated in Zamboanga City, Philippines.
5. The **Davao Prison and Penal Farm** located in Santo Tomas, Davao del Norte.
6. The **Correctional Institution for Women (CIW)** main branch is located in Mandaluyong City and its satellite camp (CIW Mindanao), located at Juan Acenas Sub-Colony, in Sto. Tomas, Davao del Norte.
7. The **Leyte Regional Prison** located in Abuyog, Leyte.

Note: There were 8 national penitentiaries built in the Philippines. However, the Old Bilibid Prison now became the Manila City Jail and we were left with 7 as enumerated above.

Victimology is simply the study of victims of crimes and contributory role, if any, in crime causation. It is also the scientific process of gaining substantial amounts of knowledge on offender characteristics by studying the nature of victims.

-The term victimology first appeared in 1949, in a book about murderers written by forensic psychiatrist Fredric Wertham. It was used to describe the study of individuals harmed by criminals

General Types of Victims

(Based on the classification of Hans Von Hentig, a European lawyer)

1. The Young – the weak by virtue of age and immaturity
2. The Female – often less physically powerful and easily dominated by males.
3. The Old – the incapable of physical defense and the common object of confidence scheme.
4. The Mentally Defective – those that are unable to think clearly.
5. The Immigrant – those that are unsure of the rules of conduct in the surrounding society.
6. The Minorities – racial prejudice may lead to victimization or unequal treatment by the agency of justice.

Other Types of Victims

(Benjamin Mendelsohn, a European defense attorney, created his own classification of victim types.)

This includes the following six categories:

- 1. The completely innocent victim – such a person is an ideal victim in popular perception. In this category placed persons victimized while they were unconscious, and the child victims.
- 2. Victims with only minor guilt and those victimized due to ignorance.
- 3. The victim who is just as guilty as the offender, and the voluntary victim. Suicide cases are common to this category.
- 4. The victim is more guilty than the offender – this category was described as containing persons who provoked the criminal or actively induced their own victimization.
- 5. The most guilty victim “who is guilty alone” – an attacker killed by a would be victim in the act of defending themselves were placed into this category.
- 6. The imaginary victim – those suffering from mental disorders, or those victims due to extreme mental abnormalities.

Theories of Victimology:	
Victim precipitation theory	People may actually initiate the confrontation that eventually leads to their injury or death. Two types: 1. Active precipitation - occurs when victims act provocatively, use threats or fighting words, or even attack first. 2. Passive precipitation - occurs when the victim exhibits some personal characteristic that unknowingly either threatens or encourages the attacker.
Lifestyle theory	Crime is not a random occurrence but rather a function of the victim's lifestyle. For example, due to their lifestyle and demographic makeup, college campuses contain large concentrations of young women who may be at greater risk for rape and other forms of sexual assault than women in the general population.
Deviant place theory	The greater their exposure to dangerous places, the more likely people will become victims of crime and violence.

Definition of Criminal Justice System

Criminal Justice System – The machinery which the society uses in the prevention and control of crimes. It may also refer to the totality of the activities of the law enforcers, prosecutors, judges, and corrections personnel, as well as those of the mobilized community in crime prevention and control.

Components of Criminal Justice System

The criminal justice system of the Philippines is composed of the following components: (1) law enforcement; (2) prosecution; (3) court; (4) corrections; (5) mobilized community.

The system how the components work is this: If a person committed a crime or violated any law, a complaint will be filed against the person at the nearest police station which has jurisdiction over the area. An investigation will then be conducted by the police, gather facts and evidence about the case. If there is probable cause, the case will then be forwarded to the prosecution. The prosecutor will determine whether the person arrested or

suspected be in the sit of the criminal justice process. The prosecutor determines whether the evidence gathered by the police meets the standard of proof for successful prosecution and conviction. Once determined, information will be filed by the prosecutor to the court. In court, trial will then be held to determine the guilt or innocence of the accused beyond reasonable doubt. If found guilty, the person will be transported to the prison institution to serve the sentence of imprisonment. If found not guilty, it means that the person is acquitted with the crime charged against him/her and has no criminal liability.