

CRIMINAL LAW
2024 Bar Examination
Office of Associate Justice Mario V. Lopez

I. FUNDAMENTAL PRINCIPLES OF CRIMINAL LAW

- A. Schools of Thoughts
 - 1. Classical Theory
 - 2. Positivist Theory
 - 3. Eclectic or Mixed Theory
 - 4. Utilitarian Theory
- B. Construction or Interpretation of Penal Laws
 - 1. Effects of Repeal/Amendments of Penal Laws
 - 2. Retroactive Effect of Penal Laws
 - 3. *Pro reo* Principle
- C. *Nullum crimen, nulla poena sine lege* (Revised Penal Code, Art. 21)
- D. *Mala in se* and *mala prohibita*
- E. *Actus reus* and *mens rea*
- F. Cardinal Principles of Criminal Law
 - 1. Generality
 - 2. Territoriality
 - 3. Prospectivity
- G. Constitutional Limitations on the Power of Congress to Enact Penal Laws
 - 1. Equal Protection
 - 2. Due Process
 - 3. Bill of Attainder
 - 4. *Ex post facto* Law

II. REVISED PENAL CODE – BOOK ONE

- A. Felonies (Revised Penal Code, Art. 3)
 - 1. Criminal Liability (Revised Penal Code, Art. 4(1))
 - 2. Gravity of Felonies: Grave, Less Grave, and Light (Revised Penal Code, Art. 9, as amended by R.A. No. 10951)
 - 3. *Aberratio ictus*, *error in personae*, and *praeter intentionem*
 - 4. Causes Affecting Criminal Liability
 - a. Proximate Cause
 - b. Efficient Intervening Cause
 - 5. Impossible Crime (Revised Penal Code, Art. 4(2))
 - 6. Stages of Execution (Revised Penal Code, Art. 6)
 - a. Subjective Phase and Objective Phase
 - b. Spontaneous Desistance

- c. Attempted, Frustrated, and Consummated Stages
- d. Overt Acts

- 7. Duty of the Courts in case of Non-Punishable Act and Excessive Penalty (Revised Penal Code, Art. 5)
- 8. Suppletory Application of the Revised Penal Code (Revised Penal Code, Art. 10)

B. Circumstances Affecting Criminal Liability

- 1. Justifying Circumstances (Revised Penal Code, Art. 11)
- 2. Exempting Circumstances (Revised Penal Code, Art. 12)
- 3. Mitigating Circumstances (Revised Penal Code, Art. 13)
- 4. Aggravating Circumstances (Revised Penal Code, Art. 14)
- 5. Alternative Circumstances (Revised Penal Code, Art. 15)
- 6. Absolutory causes

C. Persons Criminally Liable and Degree of Participation

- 1. Principals, Accomplices, and Accessories (Revised Penal Code, Arts. 16-20)
- 2. Conspiracy and Proposal (Revised Penal Code, Art. 8)
- 3. Liability for Repetitive Commission of Crimes
 - a. Recidivism (Revised Penal Code, Art. 14(9))
 - b. Habituality (Revised Penal Code, Art. 14(10))
 - c. Quasi-recidivism (Revised Penal Code, Art. 160)
 - d. Habitual delinquency (Revised Penal Code, Art. 62(5))

D. Plurality of Crimes (Real and Ideal)

- 1. Absorption System
- 2. Single Impulse Rule
- 3. Compound Complex Crime (Revised Penal Code, Art. 48)
- 4. Complex Crime Proper (Revised Penal Code, Art. 48)
- 5. Special Complex Crime
- 6. Continuous/Continued Crime
- 7. Continuing Crime

E. Penalties

- 1. Revised Penal Code, Art. 21
- 2. Philosophical Theories
- 3. Classification of Penalties (Revised Penal Code, Arts. 25-26, as amended by R.A. No. 10951)
- 4. Duration and Effects of Penalties (Revised Penal Code, Art. 27)
- 5. Application and Graduation of Penalties (Revised Penal Code, Arts. 46, 50-57, 61-65 and 76-77)
- 6. Accessory Penalties (Revised Penal Code, Art. 25)
- 7. Preventive Imprisonment (Revised Penal Code, Art. 29, as amended by R.A. No. 10592)
- 8. Subsidiary Penalty (Revised Penal Code, Art. 39, as amended by R.A. No. 10159, Sec. 1)

9. Community Service (Revised Penal Code, Art. 88a, as inserted by R.A. No. 11362, Sec. 3; A.M. No. 20-06-14-SC)
 10. Release on Recognizance (R.A. No. 10389)
 11. Successive Service of Sentence (Revised Penal Code, Art. 70)
 12. Three-Fold Rule (Revised Penal Code, Art. 70)
 13. Indeterminate Sentence Law (Act No. 4103, as amended by R.A. No. 4203, Secs. 1-2)
 14. Anti-Death Penalty Law (R.A. No. 9346, Secs. 1-3)
 15. Pecuniary Liabilities (Revised Penal Code, Art. 38)
- (Note: The specific penalty for each crime is not included. The questions will provide the prescribed penalties in problems involving application and graduation of penalties.)*

F. Extinction of Criminal Liability

1. Total Extinction (Revised Penal Code, Art. 89)
 - a. Death of Convict
 - b. Service of Sentence
 - c. Amnesty
 - d. Absolute Pardon
 - e. Prescription of Crimes (See Periods of Prescription for Violations Penalized by Special Acts (R.A. No. 3326, Secs. 1-2)
 - f. Prescription of Penalties
 - g. Marriage between the Offender and the Offended Party (Revised Penal Code, Arts. 266-C and 344)
2. Partial Extinction (Revised Penal Code, Art. 94, as amended by R.A. No. 10592, Secs. 2-5)
 - a. Conditional Pardon (Act No. 1524)
 - b. Commutation of Sentence
 - c. Good Conduct Allowances (Revised Penal Code, Art. 97, as amended by R.A. No. 10592, Sec. 3)
 - d. Parole
 - e. Probation (P.D. No. 968, Secs. 4, 9 and 16, as amended by R.A. No. 10707)

G. Civil Liability *Ex-Delicto*

1. Primary and Subsidiary
2. Restitution, Reparation, and Indemnification (Revised Penal Code, Arts. 104-108)
3. Civil Liability of an Offender Exempted from Criminal Liability (Revised Penal Code, Art. 101)
4. Share of Each Person Civilly Liable for a Felony (Revised Penal Code, Art. 109)
5. Preference in Payment (Revised Penal Code, Art. 110)
6. Persons who Participated Gratuitously (Revised Penal Code, Art. 111)
7. Extinction and Survival of Civil Liability *Ex-Delicto* (Revised Penal Code, Arts. 112-113)

III. REVISED PENAL CODE – BOOK TWO

- A. Title One - Crimes Against National Security and the Laws of Nations
- B. Title Two - Crimes Against the Fundamental Laws of the State
- C. Title Three - Crimes Against Public Order
- D. Title Four - Crimes Against Public Interest
- E. Title Six - Crimes Against Public Morals
- F. Title Seven - Crimes Committed by Public Officers
- G. Title Eight - Crimes Against Persons
- H. Title Nine - Crimes Against Personal Liberty and Security
- I. Title Ten - Crimes Against Property
- J. Title Eleven - Crimes Against Chastity
- K. Title Twelve - Crimes Against the Civil Status of Persons
- L. Title Thirteen - Crimes Against Honor
- M. Title Fourteen - Quasi-offenses

IV. SPECIAL PENAL LAWS

- A. Comprehensive Firearms and Ammunition Regulation Act (R.A. No. 10591, Secs. 3 and 28-41)
- B. Anti-Child Pornography Act of 2009 (R.A. No. 9775, Secs. 3-6, 10 and 15-16)
- C. Anti-Fencing Law of 1979 (P.D. No. 1612, Secs. 2 and 5-6)
- D. Anti-Graft and Corrupt Practices Act (R.A. No. 3019, Secs. 2-6, 9 and 11, as amended by R.A. No. 3047; P.D. No. 677; P.D. No. 1288; B.P. Blg. 195; R.A. No. 10910)
- E. Anti-Hazing Act of 2018 (R.A. No. 8049, Secs. 2-3, 12 and 14, as amended by R.A. No. 11053)
- F. Anti-Photo and Video Voyeurism Act of 2009 (R.A. No. 9995, Secs. 3-7)
- G. Anti-Plunder Act (R.A. No. 7080, as amended by R.A. No. 7659)
 - 1. Definition of Terms (Sec. 1)
 - 2. Definition of the Crime of Plunder (Sec. 2)

3. Series and Combination
4. Pattern
5. Wheel and Chain Conspiracy

H. Anti-Torture Act of 2009 (R.A. No. 9745, Secs. 3-8 and 13-15)

I. Anti-Trafficking in Persons Act of 2003 (R.A. No. 9208, Secs. 4-6, as amended by R.A. No. 10364; R.A. No. 11862)

J. Anti-Violence Against Women and their Children Act of 2004 (R.A. No. 9262, Secs. 3, 5, 8-16 and 24-27)

K. Bouncing Checks Law (B.P. Blg. 22, Secs. 1-3 and 5; A.C. No. 12-2000; A.C. No. 13-2001)

L. Comprehensive Dangerous Drugs Act of 2002 (R.A. No. 9165, as amended by R.A. No. 10640, Secs. 4, 5, 6, 11-15, 21, 23-27, 29, 66, 68 and 98; A.M. 18-03-16-SC; IRR of R.A. No. 9165, Sec. 21)

M. Cybercrime Prevention Act of 2012 (R.A. No. 10175, Secs. 4-7)

N. New Anti-Carnapping Act of 2016 (R.A. No. 10883, Secs. 2(e), 3 and 4; R.A. No. 11235, Secs. 4, 7, 9 and 11-13)

O. Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (R.A. No. 7610, Secs. 3, 5, 6, 10, 12, and 16, as amended by R.A. No. 9231 and R.A. No. 11648)

P. Swindling by Syndicate (P.D. No. 1689, Sec. 1)

Q. Law on Arson (P.D. No. 1613, Secs. 1-7)

R. Anti-Terrorism Act (R.A. No. 11479, Secs. 3-12, 25, 26, 29 and 36)

S. Terrorism Financing Prevention and Suppression Act (R.A. No. 10168, Secs. 4-9, 17 and 19)

T. Anti-Piracy and Anti-Highway Robbery Law (P.D. No. 532, Secs. 2-4)

U. An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape (R.A. No. 11648, Secs. 1-3)

V. Juvenile Justice and Welfare Act (R.A. No. 9344, Secs. 4, 6, 7, 20 and 38, as amended by R.A. No. 10630)

W. Obstruction of Justice (P.D. No. 1829, Secs. 1-2)

X. Penalizing the Refusal of Hospitals and Clinics to Administer Initial Treatment in Emergency Cases (B.P. Blg. 702, Secs. 1-4, as amended by R.A. No. 8344)

Y. Guidelines for the Imposition of Penalties in Libel Cases (A.C. No. 08-2008)

Z. Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity (R.A. No. 9851, Secs. 3-6, 10-12, and 17)

V. PRACTICAL EXERCISES

Preparation of criminal complaint and/or information

NOTE: All Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2023** are within the coverage of the 2024 Bar Examinations.

-NOTHING FOLLOWS-