

DUE DATE: September 17, 2022, 11:59 pm

Name:

I. ANSWER COMPLETELY. STATE YOUR LEGAL BASIS IF NEEDED. (50 pts)

1. What are the prerogatives of the Legislature in enacting penal laws? (5pts)

The prerogatives of the Legislature in enacting penal laws are the following:

- Only the legislative branch of the government can enact penal laws.
- It is a legislative prerogative to determine what acts or omissions should be deemed criminal offenses and what sanctions should attach to them,
- It is the legislature which determines which act or combinations of acts are criminal in nature. It is Congress, not the courts, which is to define a crime, and ordain its punishment.
- The power of Congress to enact penal laws is not absolute- it is limited by the Constitution.

2. Why are penal or criminal laws strictly construed against the State and liberally in favor of the accused? (5pts)

It is a well-entrenched rule that penal laws are to be construed strictly against the State and liberally in favor of the accused. They are not to be extended or enlarged by implications, intendments, analogies or equitable considerations. They are not to be strained by construction to spell out a new offense, enlarge the field of crime or multiply felonies.

The purpose of Penal or criminal laws, strictly construed against the State and liberally in favor of the accused, is not to enable a guilty person to escape punishment through a technicality but to provide a precise definition of forbidden acts. Where the law is clear and unambiguous, there is no room for the application of the rule.

3. What are felonies? Define and enumerate the manners for its commission. (5pts)

Under article 3 of the Revised Penal Code, Felonies are the acts and omissions punishable by law. The manners for its commission are the following:

- a. Committed by means of deceit (dolo), when the act is performed with deliberate intent (planned or decided to do it beforehand, and so it happens on purpose rather than by chance)
- b. Committed also by means of fault (culpa), when the wrongful act results from imprudence, negligence, lack of foresight, or lack of skill

4. What are the requisites of felony? Enumerate. (2.5 pts)

Under the Revised Penal Code the requisites of felony are the following

- > There must be an act or omission;
- > It must be punishable by law;
- > The act or omission must have been committed either with deliberate intent or through negligence or imprudence.

5. Is the internal act/ criminal mind alone punishable? Why or why not? (5pts)

An internal act/ criminal mind alone is not punishable by the law. The act must be external because internal acts are beyond the sphere of penal law. A criminal though or a mere intention, no matter how immoral or improper it may be, will never constitute a felony. The criminal act must be voluntary and cannot be based solely on the status of the thoughts, so that it would be punishable.

6. What are the requirements for a crime to exist? Enumerate. (2.5 pts)

# California Criminal Law Concepts Quiz Answers

**RM Cervero**



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## **Table of Contents California Criminal Law Concepts Quiz Answers**

1. Understanding the eBook California Criminal Law Concepts Quiz Answers
  - The Rise of Digital Reading California Criminal Law Concepts Quiz Answers
  - Advantages of eBooks Over Traditional Books
2. Identifying California Criminal Law Concepts Quiz Answers
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an California Criminal Law Concepts Quiz Answers
  - User-Friendly Interface
4. Exploring eBook Recommendations from California Criminal Law Concepts Quiz Answers
  - Personalized Recommendations
  - California Criminal Law Concepts Quiz Answers User Reviews and Ratings
  - California Criminal Law Concepts Quiz Answers and Bestseller Lists
5. Accessing California Criminal Law Concepts Quiz Answers Free and Paid eBooks

- California Criminal Law Concepts Quiz Answers Public Domain eBooks
  - California Criminal Law Concepts Quiz Answers eBook Subscription Services
  - California Criminal Law Concepts Quiz Answers Budget-Friendly Options
6. Navigating California Criminal Law Concepts Quiz Answers eBook Formats
    - ePub, PDF, MOBI, and More
    - California Criminal Law Concepts Quiz Answers Compatibility with Devices
    - California Criminal Law Concepts Quiz Answers Enhanced eBook Features
  7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of California Criminal Law Concepts Quiz Answers
    - Highlighting and Note-Taking California Criminal Law Concepts Quiz Answers
    - Interactive Elements California Criminal Law Concepts Quiz Answers
  8. Staying Engaged with California Criminal Law Concepts Quiz Answers
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers California Criminal Law Concepts Quiz Answers
  9. Balancing eBooks and Physical Books California Criminal Law Concepts Quiz Answers
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection California Criminal Law Concepts Quiz Answers
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine California Criminal Law Concepts Quiz Answers
    - Setting Reading Goals California Criminal Law Concepts Quiz Answers
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of California Criminal Law Concepts Quiz Answers
    - Fact-Checking eBook Content of California Criminal Law Concepts Quiz Answers
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development

- Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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