

General Principles in Criminal Law

General Principles

Crime is the commission or omission by a person having capacity, of any act, which is either prohibited or compelled by law and the commission or omission of which is punishable by a proceeding brought in the name of the government whose law has been violated. (Wharton's Criminal Law, Vol. 1, p.11)

If the crime is punished by the **Revised Penal Code (RPC)**, it is called a **felony**;

If by a special law, it is called an **offense**; and

If by an ordinance, it is called an **infraction** of an ordinance.

Distinction:

Felonies (RPC)	Offense (Special Law)
1. Criminal liability is based on <i>mens rea</i> or <i>in dolo</i> (deceit) or <i>culpa</i> (fault).	1. It is enough that the prohibited act was voluntary perpetrated.
2. Good faith or lack of criminal intent is a valid defense.	2. Good faith or lack of criminal intent is not a defense.
3. Degree of accomplishment are considered, i.e., frustrated, etc.	3. Acts give rise to crime only when consummated.
4. Mitigating and aggravating circumstances are taken into account in imposing the penalty.	4. Mitigating and aggravating circumstances are not considered.

Felonies (RPC)	Offense (Special Law)
5. Degree of participation is considered, i.e., accomplice, etc.	5. All who perpetrated prohibited act are penalized to the same extent.

LIMITATIONS ON THE POWER OF CONGRESS TO ENACT PENAL LAWS

The law must not (CODE-VEBI)

1. Violate the equal protection clause of the Constitution.
2. Partake the nature of an "ex post facto law".
3. Partake of the nature of a "bill of attainder".
4. Impose cruel and unusual punishment nor excessive fines.

CHARACTERISTICS OF CRIMINAL LAW:

1. Generality

The statutes must apply to all persons within the country, whether they reside or sojourn or are merely transients, regardless of nationality, color, sex, age, social position, and other personal circumstances.

EXCEPTIONS:

- a. **public international law** (i.e., sovereigns and other chiefs of state, ambassadors, ministers plenipotentiary, ministers resident, and their charges d'affaires. But consuls, vice-consuls and other commercial representatives of foreign nations cannot claim the same privileges and immunities.
- b. **Treaty Stipulations**
- c. **Laws of Preferential Application.**

2. Territoriality - criminal laws of the Philippines are enforceable only within its territory.

It applies only to offenses committed within the territorial jurisdiction of the country, except those against who:

Principles Of Criminal Law

Jonathan M. Burchell



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