

Act No. 3815, s. 1930

December 8, 1930

ACT NO. 3815

AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS

PRELIMINARY ARTICLE

This law shall be known as "The Revised Penal Code."

BOOK ONE

General Provisions Regarding the Date of Enforcement and Application of the Provisions of this Code, and Regarding the Offenses, the Persons Liable and the Penalties

PRELIMINARY TITLE

Date of Effectiveness and Application of the Provisions of This Code

ARTICLE 1. Time When Act Takes Effect. — This Code shall take effect on the first day of January, nineteen hundred and thirty-two.

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.

TITLE ONE

Felonies and Circumstances Which Affect Criminal Liability

CHAPTER ONE

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.

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.

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.

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.

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.

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.

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 abovementioned 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.

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.

CHAPTER TWO

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. Anyone 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 actually 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.

ARTICLE 12. Circumstances Which Exempt from Criminal Liability. — The following are exempt from criminal liability:

1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

When the imbecile or an insane person has committed an act which the law defines as a felony (delito), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court.

2. A person under nine years of age.

3. A person over nine years of age and under fifteen, unless he has acted with discernment, in which case, such minor shall be proceeded against in accordance with the provisions of article 80 of this Code.

When such minor is adjudged to be criminally irresponsible, the court, in conformity with the provisions of this and the preceding paragraph, shall commit him to the care and custody of his family who shall be charged with his surveillance and education; otherwise, he shall be committed to the care of some institution or person mentioned in said article 80.

4. Any person who, while performing a lawful act with due care, causes an injury by mere accident without fault or intention of causing it.

5. Any person who acts under the compulsion of an irresistible force.

6. Any person who acts under the impulse of an uncontrollable fear of an equal or greater injury.

7. Any person who fails to perform an act required by law, when prevented by some lawful or insuperable cause.

CHAPTER THREE

Circumstances Which Mitigate Criminal Liability

ARTICLE 13. Mitigating Circumstances. — The following are mitigating circumstances:

1. Those mentioned in the preceding chapter, when all the requisites necessary to justify the act or to exempt from criminal liability in the respective cases are not attendant.

2. That the offender is under eighteen years of age or over seventy years. In the case of the minor, he shall be proceeded against in accordance with the provisions of article 80.

3. That the offender had no intention to commit so grave a wrong as that committed.

4. That sufficient provocation or threat on the part of the offended party immediately preceded the act.

5. That the act was committed in the immediate vindication of a grave offense to the one committing the felony (delito), his spouse, ascendants, descendants, legitimate, natural, or adopted brothers or sisters, or relatives by affinity within the same degrees.
6. That of having acted upon an impulse so powerful as naturally to have produced passion or obfuscation.
7. That the offender had voluntarily surrendered himself to a person in authority or his agents, or that he had voluntarily confessed his guilt before the court prior to the presentation of the evidence for the prosecution.
8. That the offender is deaf and dumb, blind or otherwise suffering some physical defect which thus restricts his means of action, defense, or communication with his fellow beings.
9. Such illness of the offender as would diminish the exercise of the will-power of the offender without however depriving him of consciousness of his acts.
10. And, finally, any other circumstance of a similar nature and analogous to those above mentioned.

CHAPTER FOUR

Circumstances Which Aggravate Criminal Liability

ARTICLE 14. Aggravating Circumstances. – The following are aggravating circumstances:

1. That advantage be taken by the offender of his public position.
2. That the crime be committed in contempt of or with insult to the public authorities.
3. That the act be committed with insult or in disregard of the respect due to the offended party on account of his rank, age, or sex, or that it be committed in the dwelling of the offended party, if the latter has not given provocation.
4. That the act be committed with abuse of confidence or obvious ungratefulness.
5. That the crime be committed in the palace of the Chief Executive, or in his presence, or where public authorities are engaged in the discharge of their duties, or in a place dedicated to religious worship.
6. That the crime be committed in the nighttime, or in an uninhabited place, or by a band, whenever such circumstances may facilitate the commission of the offense.

Whenever more than three armed malefactors shall have acted together in the commission of an offense it shall be deemed to have been committed by a band.

7. That the crime be committed on the occasion of a conflagration, shipwreck, earthquake, epidemic or other calamity or misfortune.

8. That the crime be committed with the aid of armed men or persons who insure or afford impunity.

9. That the accused is a recidivist.

A 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 this Code.

10. That the offender has been previously punished for an offense to which the law attaches an equal or greater penalty or for two or more crimes to which it attaches a lighter penalty.

11. That the crime be committed in consideration of a price, reward, or promise.

12. That the crime be committed by means of inundation, fire, poison, explosion, stranding of a vessel or intentional damage thereto, derailment of a locomotive, or by the use of any other artifice involving great waste and ruin.

13. That the act be committed with evident premeditation.

14. That craft, fraud, or disguise be employed.

15. That advantage be taken of superior strength, or means be employed to weaken the defense.

16. That the act be committed with treachery (alevosia).

There is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.

17. That means be employed or circumstances brought about which add ignominy to the natural effects of the act.

18. That the crime be committed after an unlawful entry.

There is an unlawful entry when an entrance is effected by a way not intended for the purpose.

19. That as a means to the commission of a crime a wall, roof, floor, door, or window be broken.

20. That the crime be committed with the aid of persons under fifteen years of age or by means of motor vehicles, airships, or other similar means.

21. That the wrong done in the commission of the crime be deliberately augmented by causing other wrong not necessary for its commission.

CHAPTER FIVE

Alternative Circumstances

ARTICLE 15. Their Concept. – Alternative circumstances are those which must be taken into consideration as aggravating or mitigating according to the nature and effects of the crime and the other conditions attending its commission. They are the relationship, intoxication and the degree of instruction and education of the offender.

The alternative circumstance of relationship shall be taken into consideration when the offended party is the spouse, ascendant, descendant, legitimate, natural, or adopted brother or sister, or relative by affinity in the same degrees of the offender.

The intoxication of the offender shall be taken into consideration as a mitigating circumstance when the offender has committed a felony in a state of intoxication, if the same is not habitual or subsequent to the plan to commit said felony; but when the intoxication is habitual or intentional it shall be considered as an aggravating circumstance.

TITLE TWO

Persons Criminally Liable for Felonies

ARTICLE 16. Who are Criminally Liable. – The following are criminally liable for grave and less grave felonies:

1. Principals.
2. Accomplices.
3. Accessories.

The following are criminally liable for light felonies:

1. Principals.
2. Accomplices.

ARTICLE 17. Principals. – The following are considered principals:

1. Those who take a direct part in the execution of the act;
2. Those who directly force or induce others to commit it;
3. Those who cooperate in the commission of the offense by another act without which it would not have been accomplished.

ARTICLE 18. Accomplices. – Accomplices are those persons who, not being included in article 17, cooperate in the execution of the offense by previous or simultaneous acts.

ARTICLE 19. Accessories. – Accessories are those who, having knowledge of the commission of the crime, and without having participated therein, either as principals or accomplices, take part subsequent to its commission in any of the following manners:

1. By profiting themselves or assisting the offender to profit by the effects of the crime.
2. By concealing or destroying the body of the crime, or the effects or instruments thereof, in order to prevent its discovery.
3. By harboring, concealing, or assisting in the escape of the principal of the crime, provided the accessory acts with abuse of his public functions or whenever the author of the crime is guilty of treason, parricide, murder, or an attempt to take the life of the Chief Executive, or is known to be habitually guilty of some other crime.

ARTICLE 20. Accessories Who are Exempt from Criminal Liability. – The penalties prescribed for accessories shall not be imposed upon those who are such with respect to their spouses, ascendants, descendants, legitimate, natural, and adopted brothers and sisters, or relatives by affinity within the same degrees, with the single exception of accessories falling within the provisions of paragraph 1 of the next preceding article.

TITLE THREE

Penalties

CHAPTER ONE

Penalties in General

ARTICLE 21. Penalties that May Be Imposed. – No felony shall be punishable by any penalty not prescribed by law prior to its commission.

ARTICLE 22. Retroactive Effect of Penal Laws. – Penal laws shall have a retroactive effect in so far as they favor the person guilty of a felony, who is not a habitual criminal, as this term is defined in rule 5 of article 62 of this Code, although at the time of the publication of such laws a final sentence has been pronounced and the convict is serving the same.

ARTICLE 23. Effect of Pardon by the Offended Party. – A pardon by the offended party does not extinguish criminal action except as provided in article 344 of this Code; but civil liability with regard to the interest of the injured party is extinguished by his express waiver.

ARTICLE 24. Measures of Prevention or Safety Which are Not Considered Penalties. – The following shall not be considered as penalties:

1. The arrest and temporary detention of accused persons, as well as their detention by reason of insanity or imbecility, or illness requiring their confinement in a hospital.
2. The commitment of a minor to any of the institutions mentioned in article 80 and for the purposes specified therein.
3. Suspension from the employment or public office during the trial or in order to institute proceedings.
4. Fines and other corrective measures which, in the exercise of their administrative or disciplinary powers, superior officials may impose upon their subordinates.
5. Deprivation of rights and the reparations which the civil laws may establish in penal form.

CHAPTER TWO

Classification of Penalties

ARTICLE 25. Penalties Which May Be Imposed. – The penalties which may be imposed, according to this Code, and their different classes, are those included in the following:

Scale

Principal Penalties

Capital punishment:

Death.

Afflictive penalties:

Reclusión perpetua,

Reclusión temporal,

Perpetual or temporary absolute disqualification,

Perpetual or temporary special disqualification,

Prisión mayor.

Correctional penalties:

Prisión correccional,

Arresto mayor,

Suspensión,

Destierro.

Light penalties:

Arresto menor,

Public censure.

Penalties common to the three preceding classes:

Fine, and

Bond to keep the peace.

Accessory Penalties

Perpetual or temporary absolute disqualification,

Perpetual or temporary special disqualification,

Suspension from public office, the right to vote and be voted for, the profession or calling.

Civil interdiction,

Indemnification,

Forfeiture or confiscation of instruments and proceeds of the offense,

Payment of costs.

ARTICLE 26. Fine — When Afflictive, Correctional or Light Penalty. — A fine, whether imposed as a single or as an alternative penalty, shall be considered an afflictive penalty, if it exceeds 6,000 pesos; a correctional penalty, if it does not exceed 6,000 pesos but is not less than 200 pesos; and a light penalty, if it be less than 200 pesos.

CHAPTER THREE

Duration and Effect of Penalties

SECTION ONE

Duration of Penalties

ARTICLE 27. Reclusión Perpetua. — Any person sentenced to any of the perpetual penalties shall be pardoned after undergoing the penalty for thirty years, unless such person by reason of his conduct or some other serious cause shall be considered by the Chief Executive as unworthy of pardon.

Reclusión temporal. — The penalty of reclusión temporal shall be from twelve years and one day to twenty years.

Prisión mayor and temporary disqualification. — The duration of the penalties of prisión mayor and temporary disqualification shall be from six years and one day to twelve years, except when the penalty of disqualification is imposed as an accessory penalty, in which case its duration shall be that of the principal penalty.

Prisión correccional, suspensión, and destierro. — The duration of the penalties of prisión correccional, suspensión and destierro shall be from six months and one day to six years, except when suspension is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.

Arresto mayor. — The duration of the penalty or arresto mayor shall be from one month and one day to six months.

Arresto menor. — The duration of the penalty of arresto menor shall be from one day to thirty days.

Bond to keep the peace. — The bond to keep the peace shall be required to cover such period of time as the court may determine.

ARTICLE 28. Computation of Penalties. — If the offender shall be in prison the term of the duration of the temporary penalties shall be computed from the day on which the judgment of conviction shall have become final.

If the offender be not in prison, the term of the duration of the penalty consisting of deprivation of liberty shall be computed from the day that the offender is placed at the disposal of the judicial authorities for the enforcement of the penalty. The duration of the other penalties shall be computed only from the day on which the defendant commences to serve his sentence.

ARTICLE 29. One-half of the Period of the Preventive Imprisonment Deducted from Term of Imprisonment. — Offenders who have undergone preventive imprisonment shall be credited in the service of their sentence consisting of deprivation of liberty, with one-half of the time during which they have undergone preventive imprisonment, except in the following cases:

1. When they are recidivists, or have been convicted previously twice or more times of any crime;
2. When upon being summoned for the execution of their sentence they have failed to surrender voluntarily;
3. When they have been convicted of robbery, theft, estafa, malversation of public funds, falsification, vagrancy, or prostitution.

SECTION TWO

Effects of the Penalties According to Their Respective Nature

ARTICLE 30. Effects of the Penalties of Perpetual or Temporary Absolute Disqualification. — The penalties of perpetual or temporary absolute disqualification for public office shall produce the following effects:

1. The deprivation of the public offices and employments which the offender may have held, even if conferred by popular election.
2. The deprivation of the right to vote in any election for any popular elective office or to be elected to such office.
3. The disqualification for the offices or public employments and for the exercise of any of the rights mentioned.

In case of temporary disqualification, such disqualification as is comprised in paragraphs 2 and 3 of this article shall last during the term of the sentence.

4. The loss of all right to retirement pay or other pension for any office formerly held.

ARTICLE 31. Effects of the Penalties of Perpetual or Temporary Special Disqualification. – The penalties of perpetual or temporary special disqualification for public office, profession or calling shall produce the following effects:

1. The deprivation of the office, employment, profession or calling affected;
2. The disqualification for holding similar offices or employments either perpetually or during the term of the sentence, according to the extent of such disqualification.

ARTICLE 32. Effects of the Penalties of Perpetual or Temporary Special Disqualification for the Exercise of the Right of Suffrage. – The perpetual or temporary special disqualification for the exercise of the right of suffrage shall deprive the offender perpetually or during the term of the sentence, according to the nature of said penalty, of the right to vote in any popular election for any public office or to be elected to such office. Moreover, the offender shall not be permitted to hold any public office during the period of his disqualification.

ARTICLE 33. Effects of the Penalties of Suspension from Any Public Office, Profession or Calling, or the Right of Suffrage. – The suspension from public office, profession or calling, and the exercise of the right of suffrage shall disqualify the offender from holding such office or exercising such profession or calling or right of suffrage during the term of the sentence.

The person suspended from holding public office shall not hold another having similar functions during the period of his suspension.

ARTICLE 34. Civil Interdiction. – Civil interdiction shall deprive the offender during the time of his sentence of the rights of parental authority, or guardianship, either as to the person or property of any ward, of marital authority, of the right to manage his property and of the right to dispose of such property by any act or any conveyance inter vivos.

ARTICLE 35. Effects of Bond to Keep the Peace. – It shall be the duty of any person sentenced to give bond to keep the peace, to present two sufficient sureties who shall undertake that such person will not commit the offense sought to be prevented, and that in case such offense be committed they will pay the amount determined by the court in its judgment, or otherwise to deposit such amount in the office of the clerk of the court to guarantee said undertaking.

The court shall determine, according to its discretion, the period of duration of the bond.

Should the person sentenced fail to give the bond as required he shall be detained for a period which shall in no case exceed six months, if he shall have been prosecuted for a grave or less grave felony, and shall not exceed thirty days, if for a light felony.

ARTICLE 36. Pardon; Its Effects. — A pardon shall not work the restoration of the right to hold public office, or the right of suffrage, unless such rights be expressly restored by the terms of the pardon.

A pardon shall in no case exempt the culprit from the payment of the civil indemnity imposed upon him by the sentence.

ARTICLE 37. Costs — What are Included. — Costs shall include fees and indemnities in the course of the judicial proceedings, whether they be fixed or unalterable amounts previously determined by law or regulations in force, or amounts not subject to schedule.

ARTICLE 38. Pecuniary Liabilities — Order of Payment. — In case the property of the offender should not be sufficient for the payment of all his pecuniary liabilities, the same shall be met in the following order:

1. The reparation of the damage caused.
2. Indemnification of consequential damages.
3. The fine.
4. The costs of the proceedings.

ARTICLE 39. Subsidiary Penalty. — If the convict has no property with which to meet the pecuniary liabilities mentioned in paragraphs 1st, 2nd and 3rd of the next preceding article, he shall be subject to a subsidiary personal liability at the rate of one day for each 2 pesos and 50 centavos, subject to the following rules:

1. If the principal penalty imposed be prisión correccional or arresto and fine, he shall remain under confinement until his fine and pecuniary liabilities referred in the preceding paragraph are satisfied, but his subsidiary imprisonment shall not exceed one-third of the term of the sentence, and in no case shall it continue for more than one year, and no fraction or part of a day shall be counted against the prisoner.
2. When the principal penalty imposed be only a fine, the subsidiary imprisonment shall not exceed six months, if the culprit shall have been prosecuted for a grave or less grave felony, and shall not exceed fifteen days, if for a light felony.
3. When the principal penalty imposed is higher than prisión correccional no subsidiary imprisonment shall be imposed upon the culprit.

4. If the principal penalty imposed is not to be executed by confinement in a penal institution, but such penalty is of fixed duration, the convict, during the period of time established in the preceding rules, shall continue to suffer the same deprivations as those of which the principal penalty consists.

5. The subsidiary personal liability which the convict may have suffered by reason of his insolvency shall not relieve him from reparation of the damaged caused, nor from indemnification for the consequential damages in case his financial circumstances should improve; but he shall be relieved from pecuniary liability as to the fine.

SECTION THREE

Penalties in Which Other Accessory Penalties are Inherent

ARTICLE 40. Death – Its Accessory Penalties. – The death penalty, when it is not executed by reason of commutation or pardon shall carry with it that of perpetual absolute disqualification and that of civil interdiction during thirty years following the date of sentence, unless such accessory penalties have been expressly remitted in the pardon.

ARTICLE 41. Reclusión Perpetua and Reclusión Temporal – Their accessory penalties. – The penalties of reclusión perpetua and reclusión temporal shall carry with them that of civil interdiction for life or during the period of the sentence as the case may be, and that of perpetual absolute disqualification which the offender shall suffer even though pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

ARTICLE 42. Prisión Mayor – Its Accessory Penalties. – The penalty of prisión mayor shall carry with it that of temporary absolute disqualification and that of perpetual special disqualification from the right of suffrage which the offender shall suffer although pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

ARTICLE 43. Prisión Correccional – Its Accessory Penalties. – The penalty of prisión correccional shall carry with it that of suspension from public office, from the right to follow a profession or calling, and that of perpetual special disqualification from the right of suffrage, if the duration of said imprisonment shall exceed eighteen months. The offender shall suffer the disqualification provided in this article although pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

ARTICLE 44. Arresto – Its Accessory Penalties. – The penalty of arresto shall carry with it that of suspension of the right to hold office and the right of suffrage during the term of the sentence.

ARTICLE 45. Confiscation and Forfeiture of the Proceeds or Instruments of the Crime. – Every penalty imposed for the commission of a felony shall carry with it the forfeiture of the proceeds of the crime and the

instruments or tools with which it was committed.

Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the Government, unless they be the property of a third person not liable for the offense, but those articles which are not subject of lawful commerce shall be destroyed.

CHAPTER FOUR

Application of Penalties

SECTION ONE

Rules for the Application of Penalties to the Persons Criminally Liable and for the Graduation of the Same

ARTICLE 46. Penalty to be Imposed Upon Principals in General. – The penalty prescribed by law for the commission of a felony shall be imposed upon the principals in the commission of such felony.

Whenever the law prescribes a penalty for a felony in general terms, it shall be understood as applicable to the consummated felony.

ARTICLE 47. In What Cases the Death Penalty Shall Not Be Imposed. – The death penalty shall be imposed in all cases in which it must be imposed under existing laws, except in the following cases:

1. When the guilty person be more than seventy years of age.
2. When upon appeal or revision of the case by the Supreme Court, all the members thereof are not unanimous in their voting as to the propriety of the imposition of the death penalty. For the imposition of said penalty or for the confirmation of a judgment of the inferior court imposing the death sentence, the Supreme Court shall render its decision per curiam, which shall be signed by all justices of said court, unless some member or members thereof shall have become disqualified from taking part in the consideration of the case, in which event the unanimous vote and signature of only the remaining justices shall be required.

ARTICLE 48. Penalty for Complex Crimes. – When a single act constitutes two or more crimes, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

ARTICLE 49. Penalty to Be Imposed Upon the Principals When the Crime Committed is Different from that Intended. – In cases in which the felony committed is different from that which the offender intended to

commit, the following rules shall be observed:

1. If the penalty prescribed for the felony committed be higher than that corresponding to the offense which the accused intended to commit, the penalty corresponding to the latter shall be imposed in its maximum period.
2. If the penalty prescribed for the felony committed be lower than that corresponding to the one which the accused intended to commit, the penalty for the former shall be imposed in its maximum period.
3. The rule established by the next preceding paragraph shall not be applicable if the acts committed by the guilty person shall also constitute an attempt or frustration of another crime, if the law prescribes a higher penalty for either of the latter offenses, in which case the penalty provided for the attempt or the frustrated crime shall be imposed in its maximum period.

ARTICLE 50. Penalty to Be Imposed Upon Principals of a Frustrated Crime. — The penalty next lower in degree than that prescribed by law for the consummated felony shall be imposed upon the principal in a frustrated felony.

ARTICLE 51. Penalty to Be Imposed Upon Principals of Attempted Crimes. — The penalty lower by two degrees than that prescribed by law for the consummated felony shall be imposed upon the principals in an attempt to commit a felony.

ARTICLE 52. Penalty to Be Imposed Upon Accomplices in a Consummated Crime. — The penalty next lower in degree than that prescribed by law for the consummated felony shall be imposed upon the accomplices in the commission of a consummated felony.

ARTICLE 53. Penalty to Be Imposed Upon Accessories to the Commission of a Consummated Felony. — The penalty lower by two degrees than that prescribed by law for the consummated felony shall be imposed upon the accessories to the commission of a consummated felony.

ARTICLE 54. Penalty to Be Imposed Upon Accomplices in a Frustrated Crime. — The penalty next lower in degree than that prescribed by law for the frustrated felony shall be imposed upon the accomplices in the commission of a frustrated felony.

ARTICLE 55. Penalty to Be Imposed Upon Accessories of a Frustrated Crime. — The penalty lower by two degrees than that prescribed by law for the frustrated felony shall be imposed upon the accessories to the commission of a frustrated felony.

ARTICLE 56. Penalty to Be Imposed Upon Accomplices in an Attempted Crime. — The penalty next lower in degree than that prescribed by law for an attempt to commit a felony shall be imposed upon the accomplices

in an attempt to commit the felony.

ARTICLE 57. Penalty to Be Imposed Upon Accessories of an Attempted Crime. — The penalty lower by two degrees than that prescribed by law for the attempt shall be imposed upon the accessories to the attempt to commit a felony.

ARTICLE 58. Additional Penalty to Be Imposed Upon Certain Accessories. — Those accessories falling within the terms of paragraph 3 of article 19 of this Code who should act with abuse of their public functions, shall suffer the additional penalty or absolute perpetual disqualification if the principal offender shall be guilty of a grave felony, and that of absolute temporary disqualification if he shall be guilty of a less grave felony.

ARTICLE 59. Penalty to Be Imposed in Case of Failure to Commit the Crime Because the Means Employed or the Aims Sought are Impossible. — When the person intending to commit an offense has already performed the acts for the execution of the same but nevertheless the crime was not produced by reason of the fact that the act intended was by its nature one of impossible accomplishment or because the means employed by such person are essentially inadequate to produce the result desired by him, the court, having in mind the social danger and the degree of criminality shown by the offender, shall impose upon him the penalty of *arresto mayor* or a fine ranging from 200 to 500 pesos.

ARTICLE 60. Exceptions to the Rules Established in Articles 50 to 57. — The provisions contained in articles 50 to 57, inclusive, of this Code shall not be applicable to cases in which the law expressly prescribes the penalty provided for a frustrated or attempted felony, or to be imposed upon accomplices or accessories.

ARTICLE 61. Rules for Graduating Penalties. — For the purpose of graduating the penalties which, according to the provisions of articles 50 to 57, inclusive, of this Code, are to be imposed upon persons guilty as principals of any frustrated or attempted felony, or as accomplices or accessories, the following rules shall be observed:

1. When the penalty prescribed for the felony is single and indivisible, the penalty next lower in degree shall be that immediately following that indivisible penalty in the scale prescribed in article 70 of this Code.
2. When the penalty prescribed for the crime is composed of two indivisible penalties, or of one or more divisible penalties to be imposed to their full extent, the penalty next lower in degree shall be that immediately following the lesser of the penalties prescribed in the above mentioned scale.
3. When the penalty prescribed for the crime is composed of one or two indivisible penalties and the maximum period of another divisible penalty, the penalty next lower in degree shall be composed of the medium and minimum periods of the proper divisible penalty and the maximum period of that immediately following in said scale.

4. When the penalty prescribed for the crime is composed of several periods, corresponding to different divisible penalties, the penalty next lower in degree shall be composed of the period immediately following the minimum prescribed and of the two next following, which shall be taken from the penalty prescribed, if possible; otherwise, from the penalty immediately following in the above mentioned scale.

5. When the law prescribes a penalty for a crime in some manner not specially provided for in the four preceding rules, the courts, proceeding by analogy, shall impose corresponding penalties upon those guilty as principals of the frustrated felony, or of attempt to commit the same, and upon accomplices and accessories.

TABULATION OF THE PROVISIONS OF THE CHAPTER

	Penalty Prescribe for the crime	Penalty to be imposed upon the principal in a frustrated crime, and accomplice in a consummated crime	Penalty to be imposed upon the principal in an attempted crime, the accessory in the consummated crime and the accomplices in a frustrated crime.	Penalty to be imposed upon the accessory in a frustrated crime, and the accomplices in an attempted crime	Penalty to be imposed upon the accessory in an attempted crime
First Case	Death	<i>Reclusion Perpetua</i>	<i>Reclusion Temporal</i>	<i>Prision Mayor</i>	<i>Prision Correccional</i>
Second Case	<i>Reclusion Perpetua</i> to Death	<i>Reclusion Temporal</i>	<i>Prision Mayor</i>	<i>Prision Correccional</i>	<i>Arresto Mayor</i>
Third Case	<i>Reclusion Temporal</i> in its maximum period to death	<i>Prision Mayor</i> in its maximum period to <i>reclusion temporal</i> in its medium period	<i>Prision correccional</i> in its maximum period to <i>prision mayor</i> in its medium period	<i>Arresto Mayor</i> in its maximum period to <i>prision correccional</i> in its medium period	Fine and <i>Arresto Mayor</i> in its minimum and medium periods
Fourth Case	<i>Prision Mayor</i> in its maximum period to <i>reclusion temporal</i> in its medium period.	<i>Prision correccional</i> in its maximum period to <i>prision mayor</i> in its medium period.	<i>Arresto mayor</i> in its maximum period to <i>prision correccional</i> in its medium period.	Fine and <i>Arresto Mayor</i> in its minimum and medium periods	