

SYLLABUS FOR THE 2012 BAR EXAMINATIONS

CRIMINAL LAW

I. Revised Penal Code/special laws, presidential decrees, and executive orders

A. Book 1 (Articles 1-99, RPC, excluding provisions on civil liability), including related special laws)

1. Fundamental principles
 - a) Definition of Criminal Law
 - (i) Difference between Mala in Se and Mala Prohibita
 - b) Scope of application and characteristics of Philippine criminal law
 - (i) Generality
 - (ii) Territoriality
 - (iii) Prospectivity
 - c) Constitutional limitations on the power of Congress to enact penal laws in the Bill of Rights
 - (i) Equal protection
 - (ii) Due process
 - (iii) Non-imposition of cruel and unusual punishment or excessive fines
 - (a) Act Prohibiting the Imposition of Death Penalty in the Philippines (R.A. 9346)
 - (iv) Bill of attainder
 - (v) Ex post facto law
2. Felonies
 - a) Classifications of felonies
 - b) Elements of criminal liability
 - c) Impossible crime
 - d) Stages of execution
 - e) Conspiracy and proposal
 - f) Multiple offenders (differences, rules, effects)
 - (i) Recidivism
 - (ii) Habituality (Reiteracion)
 - (iii) Quasi-Recidivism
 - (iv) Habitual Delinquency
 - g) Complex crimes vis special complex crimes
3. Circumstances which affect criminal liability
 - a) Justifying circumstances
 - (i) Anti-Violence Against Women and Their Children Act of 2004 (R.A. 9262)
 - (a) Battered woman syndrome
 - b) Exempting circumstances

(i) Juvenile Justice and Welfare Act of 2006 (R.A.9344); also refer to Child and Youth Welfare Code (P.D. 603, as amended)

(a) Definition of child in conflict with the law

(b) Minimum age of criminal responsibility

(c) Determination of age

(d) Exemption from criminal liability

c) Mitigating circumstances

d) Aggravating circumstances

(i) Generic

(ii) Qualifying

(a) Decree Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition, of Firearms, Ammunition or Explosives (P.D. 1866, as amended by R.A. 8294) as an aggravating circumstance

(b) The Comprehensive Dangerous Drugs Act of 2002 (R.A.9165)

(i) As a qualifying aggravating circumstance

(ii) Immunity from prosecution and punishment, coverage

(iii) Minor offenders

(iv) Application/Non application of RPC provisions (Sec. 98, R.A. No. 9165) provisions (sec. 98) cf. Art. 10, RPC

e) Alternative circumstances

f) Absolutory cause

4. Persons criminally liable/Degree of participation

a) Decree Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders (P.D. 1829)

(i) Punishable acts

(ii) Compare with Article 20 (accessories exempt from criminal liability)

5. Penalties

a) General principles

(i) Act Prohibiting the Imposition of Death Penalty in the Philippines (R.A. 9346)

b) Purposes

c) Classification

d) Duration and Effect

e) Application

(i) Indeterminate Sentence Law (R.A. 4103, as amended)

(a) Application on the imposed sentence

(b) Coverage

(c) Conditions of parole

(ii) Three-fold rule

(iii) Subsidiary imprisonment

f) Execution and service

(i) Probation Law (P.D. 968, as amended)

(a) Definition of terms

(b) Purpose

- (c) Grant of probation, manner and conditions
 - (d) Criteria of placing an offender on probation
 - (e) Disqualified offenders
 - (f) Period of probation
 - (g) Arrest of probationer
 - (h) Termination of probation; exception
 - (i) The Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165)
 - (ii) Juvenile Justice and Welfare Act of 2006 (R.A. 9344); also refer to Child and Youth Welfare Code (P.D. 603, as amended)
 - (a) Definition of child in conflict with the law
 - (b) Exemption from criminal liability
 - (c) Juvenile justice and welfare system
 - g) Distinguished from preventive imprisonment
6. Modification and extinction of criminal liability
- a) Prescription of crimes
 - b) Prescription of penalties
 - c) Pardon by offended party
 - d) Pardon by the Chief Executive
 - e) Amnesty

B. Book II (Articles 114-365), including related special laws

1. Crimes Against National Security (Articles 114-123); in addition:
- a) Anti-Piracy and Anti- Highway Robbery (P.D.532)
 - (i) Definition of terms
 - (ii) Punishable acts
 - b) Anti-Hijacking Law (P.D. 6235)
 - (i) Punishable acts
 - c) Human Security Act of 2007(R.A. 9372)
 - (i) Punishable acts of terrorism
 - (ii) Who are liable
2. Crimes Against the Fundamental Laws of the State (Articles 124-133); in addition:
- a) Human Security Act of 2007 (R.A. 9372)
 - (i) Period of detention
 - b) Anti-Torture Act of 2009 (R.A. 9745)
 - (i) Punishable acts
 - (ii) Who are liable
3. Crimes Against Public Order (Articles 134-160); in addition:
- a) Decree Codifying the Laws on Illegal / Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives (P.D. 1866, as amended by R.A. 8294) as an element of the crimes of rebellion, insurrection, sedition, or attempted coup d'etat
 - b) Human Security Act of 2007 (R.A. 9372)
 - (i) Punishable acts of terrorism

- (ii) Who are liable
 - (iii) Absorption principle in relation to complex crimes
- 4. Crimes Against Public Interest (Articles 161-187); in addition:
 - a) The New Public Bidding Law (R.A. 9184)
 - (i) Prohibited acts
 - b) Anti-Alias Law (C.A. 142)
 - (i) Punishable acts
 - (ii) Exception
- 5. Crimes Relative to Opium and Other Prohibited Drugs
 - a) The Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165)
 - (i) Punishable acts
 - (ii) Who are liable
 - (iii) Attempt or conspiracy, effect on liability
 - (iv) Immunity from prosecution and punishment
- 6. Crimes Against Public Morals (Articles 200-202)
- 7. Crimes Committed by Public Officers (Articles 203-245); in addition:
 - a) Anti-Graft and Corrupt Practices Act (R.A. 3019, as amended)
 - (i) Coverage
 - (ii) Punishable acts
 - (iii) Exceptions
 - b) Anti-Plunder Act (R.A. 7080, as amended)
 - (i) Definition of terms
 - (ii) Ill-gotten wealth
 - (iii) Plunder
 - (iv) Series/Combination
 - (v) Pattern
 - c) Human Security Act of 2007 (R.A. 9372)
 - (i) Failure to deliver suspect to proper judicial authority
 - (ii) Infidelity in the custody of detained persons
 - (iii) False prosecution
- 8. Crimes Against Persons (Articles 246-266); in addition:
 - a) Anti-Violence against Women and their Children Act of 2004 (R.A. 9262)
 - (i) Punishable acts
 - b) Anti-Child Pornography Act of 2009 (R.A. 9775)
 - (i) Definition of terms
 - (ii) Unlawful or punishable acts
 - c) Anti-Hazing Law (R.A. 8049)
 - (i) Hazing
 - (a) Definition
 - (b) Allowed initiation rites
 - (ii) Who are liable
 - (iii) Punishable acts

- d) Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (R.A. 7610, as amended)
 - (i) Coverage
 - (ii) Child prostitution, punishable acts
 - (iii) Child trafficking, punishable acts
 - e) Juvenile Justice and Welfare Act of 2006 (R.A. 9344); also refer to Child and Youth Welfare Code (P.D. 603, as amended)
 - (i) Punishable acts
 - f) Human Security Act of 2007 (R.A. 9372)
 - (i) Punishable acts of terrorism
 - (ii) Who are liable
9. Crimes Against Personal Liberty and Security (Articles 267-292); in addition:
- a) Anti-Wire Tapping Act (R.A. 4200)
 - (i) Punishable acts
 - (ii) Exceptions
 - b) Human Security Act of 2007 (R.A. 9372)
 - (i) Surveillance of suspects and interception and recording of communications
 - (ii) Restriction on travel
 - (iii) Examination of bank deposits and documents
 - (a) Judicial Authorization
 - (b) Application
 - (iv) Unauthorized revelation of classified materials
 - c) Anti-Trafficking in Persons Act of 2003 (R.A. 9208)
 - (i) Punishable acts
10. Crimes Against Property (Articles 293-332); in addition:
- a) Anti-Fencing Law (P.D. 1612) and its implementing rules and regulations
 - (i) Fencing
 - (a) Definition
 - (b) Presumption of fencing
 - (ii) Exception
 - (a) With clearance or permit to sell
 - b) Bouncing Checks Law (B.P. Blg. 22) plus Administrative Circular No. 12-2000 Re: Penalty for Violation of B.P. 22 and Administrative Circular No. 13-2001 Re: Clarification of Admin Circular No. 12-2000
 - (i) Punishable acts
 - (ii) Evidence of knowledge of insufficient funds
 - (iii) Preference of imposition of fine
 - c) Anti-Carnapping Act of 1972 (R.A. 6539)
 - (i) Definition of terms
 - (ii) Registration
 - (iii) Who are liable
 - (a) Duty of collector of customs
 - (b) Duty of importers, distributors and sellers
 - (c) Clearance and permit
 - (iv) Punishable acts

- d) Human Security Act of 2007 (R.A. 9372)
 - (i) Punishable acts of terrorism
 - e) Anti-Arson Law (P.D.1613)
 - (i) Punishable acts
11. Crimes Against Chastity (Articles 333-334, 336-346); in addition:
- a) Anti-Photo and Video Voyeurism Act of 2009 (R.A. 9995)
 - (i) Punishable acts
 - b) Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (R.A. 7610, as amended)
 - (i) Child prostitution and other acts of abuse
 - (a) Punishable acts
 - (b) Compare prosecution for Acts of Lasciviousness under Art. 366, RPC and R.A. 7610, as amended
 - (ii) Obscene publications and indecent shows
 - (a) Punishable acts
 - c) Anti-Trafficking in Persons Act of 2003 (R.A. 9208)
 - (i) Punishable acts
 - d) Anti-Violence Against Women and Their Children Act of 2004 (R.A. 9262)
 - (i) Punishable acts
 - e) Anti-Sexual Harassment Act of 1995 (R.A. 7877)
 - (i) Punishable acts
12. Crimes Against Civil Status (Articles 347-352)
13. Crimes Against Honor (Articles 353-364); in addition:
- a) Administrative Circular 08-2008 Re: Guidelines in the Observance of a Rule of Preference in the Imposition of Penalties in Libel Cases
 - (i) Preference of imposition of fine
14. Criminal Negligence (Article 365)

II. Jurisprudence— Pertinent Supreme Court decisions promulgated up to January 31, 2012.

III. Excluded Topics

- A. All special penal laws and Supreme Court Decisions not pertinent to the above outlined topics are excluded.
- B. Penalties of specific crimes.

IMPORTANT NOTE: This bar coverage description is not intended and should not be used by law schools as a syllabus or course outline in the covered subjects. It has been drawn up for

the limited purpose of ensuring that candidates reviewing for the bar examinations are guided on what basic and minimum amounts of laws, doctrines, and principles they need to know and be able to use correctly before they can be licensed to practice law. More is required for excellent and distinguished work as members of the Bar.

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