

COVERAGE
CRIMINAL LAW
2013 BAR EXAMINATIONS

I. Revised Penal Code (RPC) and related Special Laws

A. Book 1 (Articles 1-99, RPC; exclude the provisions on civil liability)

1. Fundamental principles

- a) Definition of Criminal Law
 - (i) *Mala in Se* and *Mala Prohibita*
 - (ii) Construction of penal laws
- b) Scope of application and characteristics of Philippine criminal law
 - (i) Generality
 - (ii) Territoriality
 - (iii) Prospectivity
 - (a) Effects of repeal/amendment of penal law
- c) Constitutional limitations on the power of Congress to enact penal laws
 - (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. No. 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) Continuing crimes
- h) Complex crimes and special complex crimes

3. Circumstances affecting criminal liability

a) Justifying circumstances

- (i) Anti-Violence Against Women and Their Children Act of 2004 (R.A. No. 9262)

- (a) Battered woman syndrome

b) Exempting circumstances

- (i) Juvenile Justice and Welfare Act of 2006 (R.A. No. 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

- (e) Treatment of child below age of responsibility

- (f) Status offenses under Sec. 57 of R.A. No. 9344

- (g) Offenses not applicable to children under Sec. 58 of R.A. No. 9344

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. No. 8294) as an aggravating circumstance

- (b) The Comprehensive Dangerous Drugs Act of 2002 (R.A. No. 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 Art. 20, RPC (accessories exempt from criminal liability)

5. Penalties

a) General principles

- (i) Act Prohibiting the Imposition of Death Penalty in the Philippines (R.A. No. 9346)
 - b) Purposes
 - c) Classification
 - d) Duration and Effect
 - e) Application
 - (i) Indeterminate Sentence Law (R.A. No. 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. No. 9165)
 - (ii) Juvenile Justice and Welfare Act of 2006 (R.A. No. 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
- 6. Modification and extinction of criminal liability
 - a) Prescription of crime; Prescription of Violations of Special Laws (Act. No. 3326)
 - b) Prescription of penalties
 - c) Pardon by offended party
 - d) Pardon by the Chief Executive
 - e) Amnesty

B. Book II (Articles 114-365, RPC) and specifically included Special Laws

1. Crimes Against National Security (Arts. 114-123)

Include:

- 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. No. 9372)
 - (i) Punishable acts of terrorism
 - (ii) Who are liable
2. Crimes Against the Fundamental Laws of the State (Articles 124-133)

Include:

- a) Human Security Act of 2007 (R.A. No. 9372)
 - (i) Period of detention
 - b) Anti-Torture Act of 2009 (R.A. No. 9745)
 - (i) Punishable acts
 - (ii) Who are liable
3. Crimes Against Public Order (Articles 134-160)
- Include:
- 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. No. 8294) as an element of the crimes of rebellion, insurrection, sedition, or attempted *coup d'etat*.
 - b) Human Security Act of 2007 (R.A. No. 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)

Include:

- a) R.A. No. 9194 – Anti-Money Laundering Act
 - (i) Punishable Acts
 - (ii) Covered Transactions
 - (iii) Suspicious Transactions
5. Crimes Relative to Opium and Other Prohibited Drugs
- a) The Comprehensive Dangerous Drugs Act of 2002 (R.A. No. 9165)
 - (i) Punishable acts
 - (ii) Who are liable
 - (iii) Attempt or conspiracy, effect on liability
 - (iv) Immunity from prosecution and punishment

- (iv) Custody and disposition of confiscated, seized and/or surrendered dangerous drugs (Section 21, R.A. No. 9165)

- b) Implementing Rules and Regulations (IRR) of R.A. No. 9165

5. Crimes Against Public Morals (Articles 200-202)

Include:

- a) P.D. 1602 – Anti-Gambling Act as amended by R.A. 9287 – Illegal Numbers Game – which repealed Articles 195-199 of the RPC
 - (i) Punishable Acts
- b) Anti-Trafficking in Persons Act of 2003 (R.A. No. 9208)
 - (i) Punishable Acts

6. Crimes Committed by Public Officers (Articles 203-245)

Include:

- a) Anti-Graft and Corrupt Practices Act (R.A. No. 3019, as amended)
 - (i) Coverage
 - (ii) Punishable acts
 - (iii) Exceptions
- b) Anti-Plunder Act (R.A. No. 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. No. 9372)
 - (i) Failure to deliver suspect to proper judicial authority
 - (ii) Infidelity in the custody of detained persons
 - (iii) False prosecution

7. Crimes Against Persons (Articles 246-266)

Include:

- a) Anti-Violence against Women and their Children Act of 2004 (R.A. No. 9262)
 - (i) Punishable acts
- b) Anti-Child Pornography Act of 2009 (R.A. No. 9775)
 - (i) Definition of terms
 - (ii) Unlawful or punishable acts

- c) Anti-Hazing Law (R.A. No. 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. No. 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. No. 9344), read in relation with the Child and Youth Welfare Code (P.D. 603, as amended)
 - (i) Punishable acts
 - f) Human Security Act of 2007 (R.A. No. 9372)
 - (i) Punishable acts of terrorism
 - (ii) Who are liable
8. Crimes Against Personal Liberty and Security (Articles 267-292)

Include:

- a) Anti-Wire Tapping Act (R.A. No. 4200)
 - (i) Punishable acts
 - (ii) Exceptions
 - b) Human Security Act of 2007 (R.A. No. 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. No. 9208)
 - (i) Punishable acts
9. Crimes Against Property (Articles 293-332)

Include:

- 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; and P.D. No. 1689 (Increasing the Penalty for Certain Forms of Swindling or *Estafa*)
 - (i) Punishable acts
 - (ii) Evidence of knowledge of insufficient funds
 - (iii) Preference of imposition of fine
- c) Anti-Carnapping Act of 1972 (R.A. No. 6539), as amended by R.A. No. 7659
 - (i) 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. No. 9372)
 - (i) Punishable acts of terrorism
- e) Anti-Arson Law (P.D. 1613)
 - (i) Punishable acts

10. Crimes Against Chastity (Articles 333-334, 336-346)

Include:

- a) Anti-Photo and Video Voyeurism Act of 2009 (R.A. No. 9995)
 - (i) Punishable acts
- b) Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (R.A. No. 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. No. 7610, as amended
 - (ii) Obscene publications and indecent shows
 - (a) Punishable acts
- c) Anti-Trafficking in Persons Act of 2003 (R.A. No. 9208)
 - (i) Punishable acts
- d) Anti-Violence Against Women and Their Children Act of 2004 (R.A. No. 9262)
 - (i) Punishable acts

12. Crimes Against Civil Status (Articles 347-352)

13. Crimes Against Honor (Articles 353-364)

Include:

- 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)

- EXCLUDE:**
- a. Penalties for specific crimes
 - b. Special criminal laws not included in the above listing

IMPORTANT NOTES:

1. This listing of covered topics is not intended and should not be used by the law schools as a course outline. This was drawn up for the limited purpose of ensuring that Bar candidates are guided on the coverage of the 2013 Bar Examinations. Listings whose subject matters run across several Bar Subjects shall be deemed to include only the subject matters specific to the given Bar Subject. For example, "Impeachment" is generally a topic under Political Law but is listed also under Legal and Judicial Ethics for the ethical components of this Bar Subject. Note that there may be specific identification of the covering Bar Subject where a topic may be common to several Bar Subjects. For example, "Independent Civil Actions" mentioned in the Civil Code shall be included as a topic in Remedial Law rather than in Civil Law. Note also that many special laws, rules or specific topics, otherwise covered by the different examinable Bar Subjects, have been omitted or are expressly excluded from the coverage of the 2013 Bar Examinations.
2. The appreciation of the fact situations in, and the answers to, some questions in *every* Bar Subject may require the consideration of underlying ethical rules and values.
3. All Supreme Court decisions - pertinent to a given Bar subject and its listed topics, and promulgated up to **January 31, 2013** - are examinable materials within the coverage of the 2013 Bar Examinations.