

LAST-MINUTE TIPS

ni Atty. G



CRIMINAL LAW

1

MALA IN SE AND MALA PROHIBITA

<i>Mala in se</i>	<i>Mala prohibita</i>
Wrong in itself	Wrong because prohibited
Must prove intent to commit the crime	Must prove intent to perpetrate the act
Actus reus + Mens rea	Act was done freely and voluntarily
Good faith is a defense	Good faith is not a defense
Generally, crimes under RPC	Generally, crimes under SPL

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MALA IN SE AND MALA PROHIBITA

Valenzona v. People (2023), per J. Caguioa

Intent to commit the crime

Crimes *mala in se*

Knowledge of the *nature*
of the act

The accused knows the
act to be wrong, yet still
commits it

Intent to perpetrate the act

Crimes *mala prohibita*

Knowledge of the act

The act was done
voluntarily, freely,
intentionally, consciously

Failure to register the sale of a subdivision lot with the Registry of Deeds under PD 957 is a malum prohibitum crime. To hold the company President liable, it must be shown that he voluntarily and actively caused the non-registration or had the power to prevent the violation.

2

CONSTRUCTION OF PENAL LAWS

Pro Reo Principle

Sama v. People (2021), *per J. Lazaro-Javier*

- The accused, *members of the Iraya-Mangyan IPs*, were charged with illegal logging for cutting a *dita* tree, allegedly without the authority from the State;
- The act of cutting and collecting the *dita* tree was established, but the Supreme Court **acquitted**, as there is a **reasonable doubt** as to whether this act was done without authority from the State.

2

CONSTRUCTION OF PENAL LAWS

Pro Reo Principle

Sama v. People (2021), *per J. Lazaro-Javier*

- The Constitution, IPRA, and relevant regulations recognized IP rights over their ancestral lands and domains;
- They relied upon their elders, the NGO helping them, and the NCIP, that they supposedly have State authority to cut and collect the *dita* tree as IPs for their indigenous community's communal toilet.

3

CRIMES AGAINST HONOR

Libel

LIBEL (public malicious imputation)

- The crime of making defamatory remarks, publicly and in writing or similar means, against a person that discredits or damages his or her reputation;

Elements:

1. Imputation of crime, vice/defect, act/omission, condition, status, circumstance;
2. Malice;
3. Directed against juridical or natural persons, including the dead;
4. Tends to damage reputation, or cause discredit or dishonor.

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CRIMES AGAINST HONOR

Libel

LIBEL; Element of Malice

- General rule: malice is presumed in every defamatory remark (legal malice);
- Exceptions: Qualified privileged communications (actual malice must be proved using **reckless disregard standard**);
 - Private communications made in the performance of duty;
 - Fair and true report on official and non-confidential proceedings;
 - Fair comment doctrine;
 - Remarks directed against public figures/celebrities.
- Absolute privileged communications - not actionable, even if the defamatory remarks are uttered in bad faith.

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CRIMES AGAINST HONOR

Cyberlibel

CYBERLIBEL

- Libel committed using computer systems, including through social media or web posts;
- Penalty is 1 degree higher;
- Prescribes in 12 years, c.f.: libel under RPC prescribes in 1 year;
- A person cannot be liable for Libel under the RPC and Cyberlibel under the Cybercrime Prevention Act. This will violate the rule on double jeopardy.

Persons who simply reacted to or commented on, or shared the original post cannot be held liable for cyberlibel (*Disini, Jr. v. SOJ [2014]*).

For online libel, courts may impose an alternative penalty of a **fine only** instead of imprisonment (*People v. Soliman [2023]*).

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CRIMES AGAINST HONOR

Oral Defamation

Labargan v. People (2023), *per J. Leonen*

- The accused publicly shouted out and called a *Barangay Kagawad* “*bugo, walay grado, ignorante*” (stupid, has no education, and is ignorant). She was charged with **grave oral defamation**.
- The remarks were uttered in relation to a barangay conciliation proceedings involving the accused, where the *Barangay Kagawad* acted as mediator.
- The SC **acquitted**. Statements against public officers do not constitute oral defamation when made in relation to their discharge of official duties, unless the prosecution establishes that they were uttered with actual malice.

6

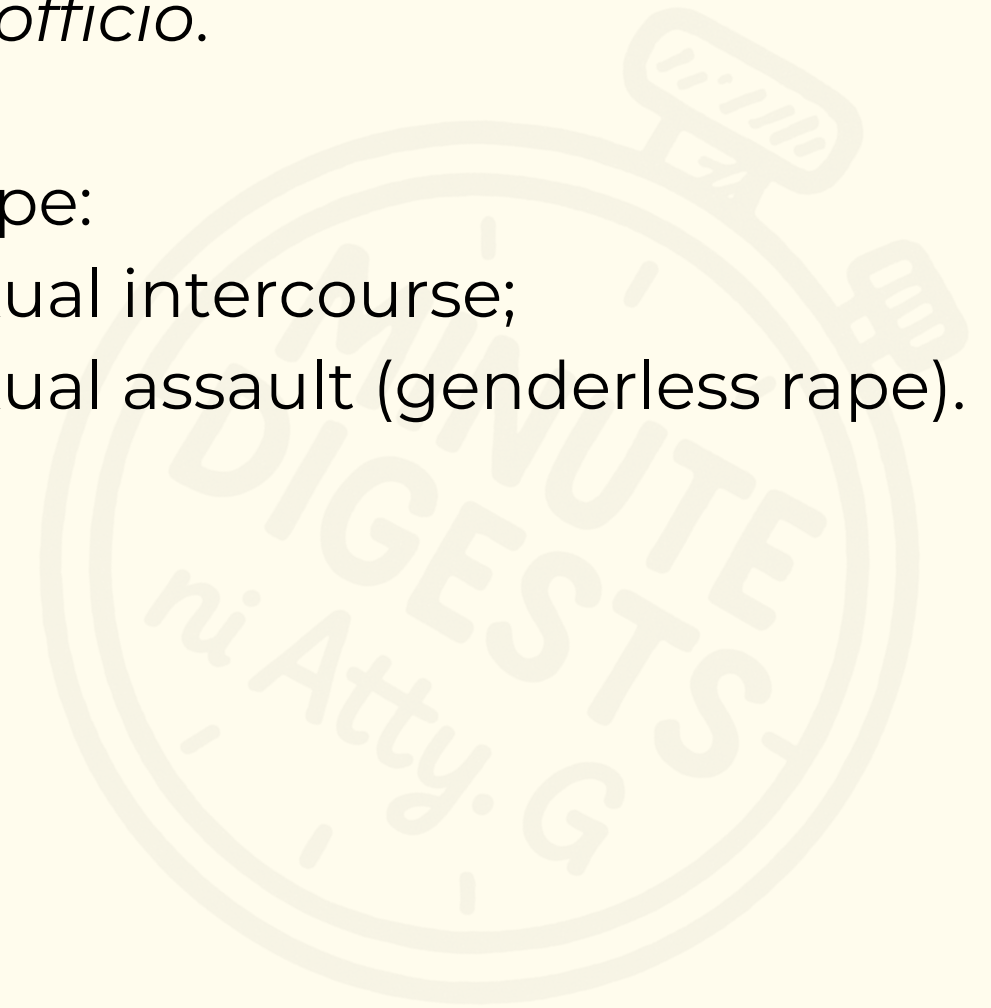
CRIMES AGAINST PERSONS

Rape

Rape is a crime against persons. It can be prosecuted *de officio*.

Two kinds of rape:

- Rape by sexual intercourse;
- Rape by sexual assault (genderless rape).



6

CRIMES AGAINST PERSONS

Rape

Rape by Sexual Intercourse (RSI)

Man had carnal knowledge of woman:

- By FIT: force, intimidation, threat - there is no requirement to prove that the victim resisted (*People v. ZZZ*, G.R. No. 266706, [2024]).
- Woman deprived of reason or unconscious;
- By means of fraudulent machinations or grave abuse of authority;
- Statutory rape (<16 y.o.). Exception: (i) woman ≥ 13 years; (ii) age difference of not more than 3 years; (iii) proved consensual, non-abusive, non-exploitative.

6

CRIMES AGAINST PERSONS

Rape

Rape by Sexual Intercourse (RSI)

- Qualified rape. - If the child is a minor, and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim, the rape is qualified
 - **Unavailable child doctrine** (*People v. XXX258054 [2024]*)
 - **Child Sexual Abuse Accommodation Syndrome** (*People v. XXX, G.R. No. 263227 [2023]*)
- No frustrated rape.

6

CRIMES AGAINST PERSONS

Rape

Rape by Sexual Assault (RSA)

- The genders of the victim and offender are irrelevant.
- How committed:
 - By inserting one's penis into the mouth or anal orifice of another;
 - By inserting any object in the genitals or anal orifice of another.
- Committed under the same circumstances as rape by sexual intercourse.

CrimPro note: RSA is not necessarily included in RSI. If the Information alleges RSI, the accused cannot be convicted of RSA.

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CRIMES AGAINST PROPERTY

Robbery

Elements - **SUVIC**

- Subject matter is personal property belonging to another;
- Unlawful taking;
- (i) Violence against or intimidation of persons, or (ii) force upon things.
- Intent to gain;
- Consent is absent.

Demanding money from his ex-girlfriend in exchange for deleting her nude photos posted on Facebook constitutes robbery (*Tria v. People [2023]*, per J. Lazaro-Javier).

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CRIMES AGAINST PROPERTY

Robbery with Homicide

When a homicide occurs **by reason or on the occasion of a robbery**, the crime is robbery with homicide, regardless of who was killed, even a co-conspirator, and who caused the death, even a police officer (*People v. Casabuena [2020]*, per J. Lazaro-Javier).

Main intent is to gain, killing is incidental.

General rule: all are liable for the killing, even those who did not participate.

Exception: the conspirator who agreed only to the robbery, did not participate in the killing, and tried to prevent it if he had the opportunity to do so is liable for the robbery only.

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ANTI-TRAFFICKING IN PERSONS ACT

People v. Adrales (2024)

Trafficking occurs when individuals are recruited, transported, or transferred, regardless of consent or knowledge, under threats, coercion, deception, or abuse of power for exploitative purposes such as prostitution.

Sexual Abuse Shield Rule

- Evidence offered to prove that victims engaged in other sexual behavior or their sexual disposition is not admissible in any criminal proceeding involving child sexual abuse.

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ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT

Sec. 5(i). **Causing mental or emotional anguish**, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children of access to the woman's child/children.

- This requires **specific criminal intent** to cause mental or emotional anguish;
- In case of **marital infidelity**, specific criminal intent to cause mental or emotional anguish is satisfied once the offender commits the act of infidelity (*XXX v. People*, G.R. No. 252739 [2023]).

10

COMPREHENSIVE DANGEROUS DRUGS ACT

Chain of Custody Rule

The duly recorded authorized movement and custody of seized drugs in each stage of the link:

- from the accused to the seizing officer;
- from seizing officer to forensic laboratory;
- from the forensic laboratory to presentation in court.

Marking, inventory, and photographing

- Must be done immediately after seizure;
- At the place of seizure;
- In the presence of 4 witnesses: (i) the person from whom the items were seized or his representative; (ii) media representative; (iii) DOJ representative; and (iv) elected public official.

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COMPREHENSIVE DANGEROUS DRUGS ACT

Chain of Custody Rule

Any deviation breaks the chain of custody,
except if:

- there are justifiable grounds for the deviation;
- the integrity and evidentiary value of seized items were preserved;
- the justifications and steps taken to preserve the integrity and evidentiary value are stated in a sworn statement by the seizing officer.

Even a minimal change in the receipts recording the movement of seized drugs is fatal to the integrity of the chain of custody in drug cases (*People v. Valencia [2023]*).

Good!
Luck!