

- ✓ It was prepared by the Code Committee headed by Justice Anacleto Diaz;

## FELONY

As discussed in Chapter 2, one way of classifying crimes is according to the law violated, and one such classification is felony.

**Felony, or delito**, is an act or omission punishable by law which is committed by means of **dolo** or **deceit** or **culpa** or **fault** and punishable under the Revised Penal Code.

Felonies committed by means of dolo or deceit are called **intentional felonies**, while those committed by means of culpa or fault are called **culpable felonies**.

**Intentional felonies** are performed with deliberate intent or malice. The elements are **freedom** or **voluntariness**, **intelligence** and **intent**.

- There is **freedom or voluntariness** when the person acted on his own accord, without irresistible force and/or uncontrollable fear.
- There is **intelligence** when the person who committed the crime has the ability to determine what is right from what is wrong and the ability to appreciate the consequences of his act.
- There is **intent** when the person knowingly and purposefully committed the crime to obtain the desired result.

**Culpable felonies** are acts that were done not maliciously and the injury caused by the offender is unintentional, it being simply the incident of another act performed without malice. The elements of culpable felonies are **imprudence, negligence, lack of foresight** or **lack of skill**.

- **Imprudence** is defined as deficiency in action, or failure to take the necessary precaution to prevent the danger due to carelessness.
- **Negligence** is defined as deficiency in perception, or failure to foresee the danger.
- There is **lack of foresight** when the crime resulted due to the person's inability to predict the obvious possible outcome of his actions.
- Finally, **there is lack of skill** when the crime resulted because the person does not have necessary skill to perform the action safely.

## CIRCUMSTANCES AFFECTING CRIMINAL LIABILITY

There are circumstances provided by the RPC that affect criminal liability or the offender. These circumstances can increase, decrease or extinguish the penalty imposed. They are called justifying, exempting, mitigating, aggravating and alternative circumstances (JEMAA)

1. **Justifying circumstances** are those where the act of a person is said to be in accordance with law, so that such person is deemed not to have transgressed the law and is free from both criminal and civil liability.