

****Title:****

People of the Philippines v. Paz M. del Rosario, 97 Phil. 67 (1955)

****Facts:****

On May 28, 1953, Paz M. del Rosario was alleged to have committed slight physical injuries. An information to this effect was filed by the prosecution on July 27, 1953, in the Municipal Court of Pasay City, charging Del Rosario with the said offense. The accused then filed a motion to quash the information on the grounds of prescription under Articles 90 and 91 of the Revised Penal Code.

1. ****May 28, 1953:**** The date the offense was allegedly committed.
2. ****July 27, 1953:**** The information was filed, which was the 61st day since the alleged commission of the crime.
3. ****Motion to Quash:**** The accused filed a motion to quash the information, arguing the offense had prescribed, citing that two months had elapsed since the commission of the crime.
4. ****Municipal Court:**** The court sustained the motion, agreeing with the defense that the offense had prescribed, as more than two months (61 days) had passed.
5. ****Appeal:**** The prosecution appealed the dismissal directly to the Supreme Court on purely legal questions under Section 17, subparagraph 6 of the Judiciary Act of 1948.

****Issues:****

1. Whether the prescriptive period should commence from the day of the commission of the crime or the following day as per the third paragraph of Article 13 of the Civil Code of the Philippines.
2. Whether the term “month” in Article 90 of the Revised Penal Code signifies a calendar month or a 30-day month.

****Court’s Decision:****

1. ****Commencement of the Prescriptive Period:**** The Supreme Court held that the prescriptive period should start the day following the commission of the crime. It supported this with jurisprudence and Article 13 of the Civil Code, which specifies that in computing a period of time, the first day is excluded, and the last day is included. Thus, May 28, the day of the offense, should be excluded.
2. ****Definition of “Month”:**** The Court concluded that the term “month” in the context of Article 90 of the Revised Penal Code should be counted as a regular 30-day month, referring

to Article 13 of the new Civil Code. Accordingly, the correct prescription period for the offense is 60 days.

Given these points, the Court determined that the offense had not yet prescribed when the information was filed on the 60th day, calculated from May 29, 1953. Accordingly, the dismissal order by the Municipal Court was reversed, and the case was ordered to be reinstated.

****Doctrine:****

- The computation of prescription periods adheres to the principle that the first day is excluded and the last day included, aligned with Article 13 of the Civil Code.
- A “month” in legal terms for the Revised Penal Code should be interpreted as a 30-day period, per Article 13 of the Civil Code, unless specified otherwise.

****Class Notes:****

1. ****Prescription Period (Revised Penal Code, Articles 90 & 91):****

- Slight offenses prescribe in 2 months.
- Prescription starts the day after the offense.

2. ****Civil Code Article 13:****

- For periods, exclude the first day and include the last.
- A “month” comprises 30 days.

****Historical Background:****

This case reflects early post-war Philippine jurisprudence where light offenses were a pertinent aspect of criminal law. During the 1950s, the revision and integration of the Civil Code were still relatively fresh, prompting the Supreme Court to delineate and interpret statutory provisions in line with these new legal frameworks. The ruling exemplifies the transition from Spanish legal traditions to more codified interpretations specific to Philippine jurisprudence.