

AN ACT AMENDING ARTICLES EIGHTY-ONE, FOUR HUNDRED AND FORTY-THREE, AND FOUR HUNDRED AND FORTY-SIX OF THE PENAL CODE.

Act No. 2298, November 24, 1913

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Article eighty-one of the Penal Code of the Philippine Islands is hereby amended to read as follows:

"ART. 81. In cases in which the penalties prescribed by law contain three degrees, whether it be a single divisible penalty or composed of three different penalties, each one of which forms a degree in accordance with the provisions of articles ninety-six and ninety-seven, the courts shall observe for the application of the penalty the following rules, according to whether there are or are not mitigating or aggravating circumstances:

"1. When there are neither aggravating nor mitigating circumstances, they shall impose in its medium degree the penalty prescribed by law.

"2. When only a mitigating circumstance is present in the commission of the act, they shall impose the penalty in its minimum degree.

"3. When only an aggravating circumstance is present in the commission of the act, they shall impose the penalty in its maximum degree.

"4. When both mitigating and aggravating circumstances are present, the court shall offset those of one class against the other according to their relative weight.

"5. When there are two or more mitigating circumstances and no aggravating circumstances, the court shall impose the penalty next lower to that prescribed by law, in the degree that it may deem applicable, according to the number and weight of such circumstances.

"6. Whatever may be the number and weight of the aggravating circumstances, the courts shall not impose a greater penalty than that prescribed by law, in its maximum degree.

"7. Within the limits of each degree, the courts shall determine the extent of the penalty according to the number and weight of the aggravating and mitigating circumstances and the greater or lesser extent of the evil produced by the crime."

SEC. 2. Article four hundred and forty-three of said Code is hereby amended to read as follows:

"Art. 443. The seduction of a virgin over twelve and under eighteen years of age, committed by any person in public authority, priest, servant, domestic, guardian, teacher, her under his care, shall be punished by prison correctional in its minimum and medium degrees.

"The same penalty shall be imposed upon any person who shall have carnal knowledge of his sister or descendant, even though she be over eighteen years of age.

"Any other person who by means of deceit shall accomplish the seduction of a woman over twelve and under eighteen years of age shall suffer the penalty of arresto mayor.

"The same penalty shall be imposed for any other act of lewdness committed by the same persons and under the same circumstances."

SEC. 3. Article four hundred and forty-six of said Code is hereby amended to read as follows:

"Art. 446. The abduction of a virgin over twelve and under eighteen years of age, committed with her consent, shall be punished by prison correctional in its minimum and medium degrees."

SEC. 4. The public good requiring the speedy enactment of this bill, the same shall take effect on its passage, in accordance with section one of Act Numbered Nineteen hundred and forty-five of the Philippine Legislature.

Enacted, November 24, 1913.

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