

AN ACT TO AMEND ARTICLES SIXTY-ONE, SEVENTY AND SEVENTY-ONE OF THE REVISED PENAL CODE.

Commonwealth Act No. 217, November 24, 1936

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Article sixty-one of Act Numbered Thirty-eight hundred and fifteen of the Philippine Legislature, known as the Revised Penal Code, is hereby amended so as to read as follows:

"ART. 61. Rules for graduating penalties.—For the purpose of graduating the penalties which, according to the provisions of articles fifty to fifty-seven, inclusive, of this Code, are to be imposed upon persons guilty as principals of any frustrated or attempted felony, or as accomplices or accessories, the following rules shall be observed:

"1. When the penalty prescribed for the felony is single and indivisible, the penalty next lower in degree shall be that immediately following that indivisible penalty in the respective graduated scale prescribed in article seventy-one of this Code.

"2. When the penalty prescribed for the crime is composed of two indivisible penalties, or of one or more divisible penalties to be imposed to their full extent, the penalty next lower in degree shall be that immediately following the lesser of the penalties prescribed in the respective graduated scale.

"3. When the penalty prescribed for the crime is composed of one or two indivisible penalties and the maximum period of another divisible penalty, the penalty next lower in degree shall be composed of the medium and minimum periods of the proper, divisible penalty and the maximum period of that immediately following in said respective graduated scale.

"4. When the penalty prescribed for the crime is composed of several periods, corresponding to different divisible penalties, the penalty next lower in degree shall be composed of the period immediately following the minimum prescribed and of the two next following, which shall be taken from the penalty prescribed, if possible; otherwise from the penalty immediately following in the above mentioned respective graduated scale.

"5. When the law prescribes a penalty for a crime in some manner not specially provided for in the four preceding rules, the courts, proceeding by analogy, shall impose corresponding penalties upon those guilty as principals of the frustrated felony, or of attempt to commit the same, and upon accomplices and accessories."

SEC. 2, Article seventy of Act Numbered- Thirty-eight hundred and fifteen of the Philippine Legislature, known as the Revised Penal Code, is hereby amended so as to read as follows:

"ART. 70. Successive service of sentences.—When the culprit has to serve two or more penalties, he shall serve them simultaneously if the nature of the penalties will so permit; otherwise, the following rules shall be observed:

"In the imposition of the penalties, the order of their respective severity shall be followed so that they may be executed successively or as nearly as may be possible, should a pardon have been granted as to the penalty or penalties first imposed, or should they have been served out.

"For the purpose of applying the provisions of the next preceding paragraph the respective severity of the penalties shall be determined in accordance with the following scale:

"Death,
"Reclusion perpetua,
"Reclusion temporal,
"Prision mayor,
"Prision correccional,
"Arresto mayor,
"Arresto menor,
"Destierro,
"Perpetual absolute disqualification,
"Temporary absolute disqualification,
"Suspension from public office, the right to vote and be voted for, the right to follow profession or calling, and
"Public censure.

"Notwithstanding the provisions of the rule next preceding, the maximum duration of the convict's sentence shall not be more than threefold the length of time corresponding to the most severe of the penalties imposed upon him. No other penalty to which he may be liable shall be inflicted after the sum total of those imposed equals the said maximum period.

"Such maximum period shall in no case exceed forty years.

"In applying the provisions of this rule the duration of perpetual penalties (pena perpetua) shall be computed at thirty years."

SEC. 3. Article seventy-one of Act Numbered Thirty-eight hundred and fifteen, known as the Revised Penal Code, is likewise hereby amended so as to read as follows:

"ART. 71. Graduated scales.—In the cases in which the law prescribes a penalty lower or higher by one or more degrees than another given penalty, the rules prescribed in article 61 shall be observed in graduating such penalty.

"The lower or higher penalty shall be taken from the graduated scale in which is comprised the given penalty.

"The courts, in applying such lower or higher penalty, shall observe the following graduated scales:

"SCALE NO. 1

"1. Death,
"2. Reclusion perpetua,
"3. Reclusion temporal,
"4. Prision mayor,
"5. Prision correccional,
"6. Arresto mayor,
"7. Destierro,
"8. Arresto menor,
"9. Public censure,
"10. Fine.

"SCALE NO. 2

"1. Perpetual absolute disqualification,
"2. Temporary absolute disqualification,
"3. Suspension from public office, the right to vote and be voted for, and the right to follow a profession or

calling,
"4. Public censure,
"5. Fine."

SEC. 4. This Act shall take effect upon its approval.

Approved, November 24, 1936.

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