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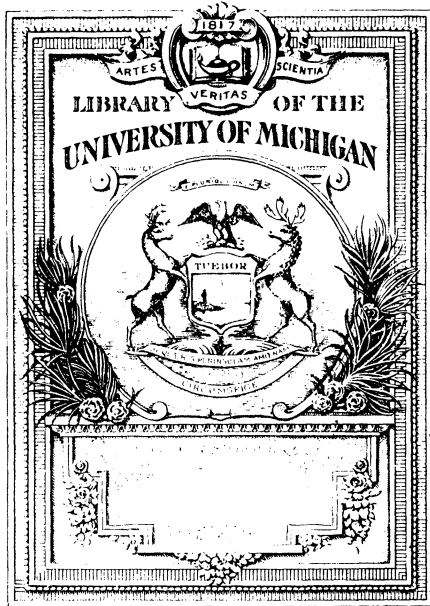
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Philippine Islands Code comm. Corrections

code



PROPOSED
CORRECTIONAL CODE

PREPARED BY THE

CODE COMMITTEE OF THE PHILIPPINE ISLANDS IN ACCORD-
ANCE WITH ACT NUMBERED NINETEEN HUNDRED AND
FORTY-ONE OF THE PHILIPPINE LEGISLATURE

MANILA
BUREAU OF PRINTING
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PROPOSED CORRECTIONAL CODE.

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FOURTH PHILIPPINE LEGISLATURE, }
First Session. }

..... BILL No.

Introduced by

AN ACT CONSTITUTING A CORRECTIONAL CODE.

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

Preliminary section.—The Correctional Code, prepared in accordance with the provisions of Act Numbered Nineteen hundred and forty-one, is enacted into law as follows:

CORRECTIONAL CODE.

BOOK I.

GENERAL PROVISIONS.

TITLE ONE.

THE TAKING EFFECT, APPLICATION, AND CONSTRUCTION OF THE PROVISIONS OF THIS CODE.

CHAPTER I.

SECTION 1. *Taking effect of this Code.*—This Code shall take effect on the first day of....., 191 .

SEC. 2. *Application of its provisions.*—Saving the provisions of treaties and laws of preferential application, the provisions of this Code shall apply not only within the Philippine Archipelago, including its atmosphere and the interior waters thereof and its international maritime zone, but also outside of same, to persons who:

First. Are on a Philippine vessel or airship;

Second. Are guilty of counterfeiting coin or paper money which is legal tender in the Philippine Archipelago, postage stamps or public revenue stamps used therein, or instruments of credit issued by the Philippine Government;

Third. Are liable for acts in relation with the introduction into the Philippine Archipelago of the counterfeit coins, paper money, stamps or instruments referred to in the last preceding subsection;

Fourth. Commit defamation of a resident of the Philippine Islands, providing the document, print, or means of publicity has been introduced into the Archipelago; and

[P. C. 466.]

Fifth. Commit acts of piracy.

SEC. 3. *Rule of construction.*—The provisions of this Code shall be construed in such manner as to accomplish the ends of social defence by means of the correction of the transgressor and the reparation of the damage caused.

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TITLE TWO.

OFFENSES AND PERSONS CORRECTIONALLY LIABLE.

CHAPTER II.

OFFENSES.

ARTICLE ONE.

OFFENSE—ITS FORMS AND DEGREES.

SEC. 4. *What is understood by offense.*—An offense is understood to be any act or omission corrected by law.

The acts and omissions corrected are presumed voluntary unless the contrary appears.

[P. C. 1.]

SEC. 5. *Malicious or culpable offenses.*—The offenses subject to correction under this Code may be the result of malice or of culpability, according to whether the agent or agents have acted with the intent to commit the same, or whether, on the other hand, they committed them only through imprudence, negligence, or inexcusable lack of skill.

SEC. 6. *Kinds of culpability.*—Imprudence shall be held to include any unpremeditated act or determination that may logically or easily give rise to an offense; negligence, the omission of the care or precautions proper to sensible persons; and inexcusable lack of skill, the failure to observe the rules and practices commonly followed in the pursuit of a profession, art, or trade.

SEC. 7. *Consummated, frustrated, or attempted offenses.*—Frustrated and attempted offenses, committed with malice, shall be subject to correction as well as those which are consummated with malice or through negligence.

An offense is consummated when all the elements of execution and realization integrating it are present; and it shall be deemed frustrated when the agent performs all the acts of execution which should produce the offense as a consequence, but which, nevertheless, do not produce it by reason of causes independent of the will of the agent.

There is an attempted offense when the agent has performed overt acts constituting a commencement of its execution, and the latter is not completed by reason of causes other than his own voluntary desistance.

[P. C. 3.]

1

ARTICLE TWO.

2

INITIATIVE IN THE OFFENSE.

3 SEC. 8. *Proposal and conspiracy to commit an offense.*—
4 The proposal to commit an offense, even though not ac-
5 cepted, and the conspiracy for the same purpose, even
6 though there is no commencement of the commission of the
7 offense, shall likewise be subject to correction.

8 There is a proposal when a person formally or expressly
9 invites another to commit an offense or to take part therein;
10 and there is conspiracy when the proposal is accepted or
11 when two or more persons agree to commit an offense.

[P. C. 4.]

12 SEC. 9. *Result of desisting from a conspiracy.*—Any per-
13 son who voluntarily desists from a conspiracy shall be
14 exempt from liability when he performs, on his part, acts
15 which seem reasonably sufficient to prevent the accomplish-
16 ment of the proposed offense.

17

ARTICLE THREE.

18

RELATED OFFENSES.

19 SEC. 10. *What is understood by related offenses.*—Of-
20 fenses are related when:

21 First. The offense consists of a repetition of acts or omis-
22 sions which constitute it, all being committed under anal-
23 ogous circumstances and the offenders as well as the victims
24 being the same;

25 Second. Any one or more of the offenses are either the
26 means of executing another offense committed by the same
27 person, or its natural consequence; or

28 Third. One single act or omission constitutes two or more
29 offenses.

[P. C. 89.]

30 SEC. 11. *Effects of related offenses.*—In cases of related
31 offenses in which this Code does not expressly assign to
32 any act or omission the condition of qualifying another con-
33 current act or omission, the provisions hereof shall be ap-
34 plied, in conformity with the following rules:

35 First. In the first case of the last preceding section the
36 law shall be complied with as if the several acts or omis-
37 sions constituted one sole offense, and the seriousness of
38 the offense shall be determined by all conjointly; and

39 Second. In the second and third cases only the maximum

1 degree of the correction imposed upon the most serious of
2 the offenses committed shall be applied to the agent.

3 The civil liability derived from each and all of them shall
4 be taken into consideration in every case.

[P. C. 89.]

5

CHAPTER III.

6

PERSONS CORRECTIONALLY LIABLE AND RECIDIVISM.

7

ARTICLE ONE.

8

PERSONS CORRECTIONALLY LIABLE.

9 SEC. 12. *Principals, accomplices, and accessories.*—Cor-
10 rectional liability shall attach to those who take part in
11 the commission of offenses whether as principals, accom-
12 plices, or accessories, irrespective of race, nationality, civil
13 status, residence, sex, age, religion, or other personal cir-
14 cumstances, unless this Code expressly designates any of
15 these as special ground for relieving from liability, or mo-
16 difying the same.

[P. C. 12.]

17 SEC. 13. *Who are considered as principals.*—As principals
18 shall be considered those who have:

[P. C. 13.]

19 First. Taken an active part in the commission of the
20 offense;

21 Second. Directly forced or induced another person to
22 commit it; or

23 Third. Coöperated in the commission thereof by an act
24 or omission without which the offense would not have been
25 accomplished.

26 SEC. 14. *Who are considered as accomplices.*—Accom-
27 plices are those who:

28 First. Have knowingly taken part in the preparation or
29 commission of the offense under circumstances not included
30 in the last preceding section;

31 Second. Have indirectly, but efficaciously forced or in-
32 duced the commission of the offense; or

33 Third. Have prior to the commission of the offense, with-
34 out being included in either of the two preceding subsec-
35 tions, instructed those who committed the offense in the
36 manner of accomplishing the same, promised to assist them
37 to escape or to conceal or destroy the instruments employed
38 in the commission, or furnished them information, means,
39 or an opportunity to accomplish the offense.

[P. C. 14.]

1 SEC. 15. *Who are considered as accessories.*—Accessories
2 shall be those who, having information of the commission
3 of an offense, and without having participated therein as
4 principals or accomplices, commit any of the following acts:

5 First. Themselves profit or assist others to profit from
6 the proceeds of the offense;

7 Second. Conceal or destroy the objects or the instruments
8 of its commission, without justifiable cause; or

9 Third. Deliberately prevent or render difficult the clear-
10 ing up of the offense, or the detection or apprehension of
11 the offender.

[P. C. 15.]

12 SEC. 16. *Special provision relative to principals, accom-*
13 *plices, and accessories.*—Liability shall not be exacted from
14 principals and accomplices who have obstructed the com-
15 mission of the offense, nor from accessories who have en-
16 tirely annulled the material consequences thereof.

17 Neither shall the liability corresponding to accessories
18 in cases two and three of section fifteen, when they are the
19 accessories of their spouse, ascendant, descendant, legiti-
20 mate, illegitimate, or adopted brother or sister, or relative
21 by affinity in the same degrees, be exacted.

[P. C. 16.]

22 SEC. 17. *Additional liability of accomplices through force*
23 *or inducement.*—Accomplices in an offense through force
24 or inducement shall also be liable for any other offenses
25 committed as a rational means of accomplishing the first-
26 mentioned offense which may have resulted as a natural
27 consequence thereof.

28 SEC. 18. *Diversification of liability.*—If, in the commis-
29 sion of an offense by several agents, any of these commits
30 another offense, distinct from the one proposed, which could
31 not rationally be foreseen or avoided by the others, the
32 liability for the latter offense shall attach to its principal
33 only.

34

ARTICLE TWO.

35

RECIDIVISM AND ITS EFFECTS.

36 SEC. 19. *In what recidivism consists.*—A recidivist is he
37 who commits an offense corrected:

38 First. By deprivation of life or *reclusión*, if he has pre-
39 viously served sentence for another offense corrected by
40 deprivation of life, *reclusión*, or *prisión*, or for three or
41 more offenses corrected by *arresto*;

42 Second. By *prisión*, if he has previously served sentenee

1 for another offense corrected by deprivation of life or *re-*
 2 *clusión*; or for two or more offenses all corrected by *pri-*
 3 *sión*; or for one corrected by *prisión* and two or more by
 4 *arresto*; or for four or more offenses corrected by *arresto*; or

5 Third. By deprivation of life, *reclusión*, or *prisión* in
 6 case of his being under sentence for any other offense what-
 7 soever.

[P. C. 10, circumstances 17, 18.]

8 SEC. 20. *Reduplication of the correctional liability of*
 9 *recidivists*.—The corrections shall be applied:

10 First. For a term double that applicable according to the
 11 act and the circumstances, although the limit of the respec-
 12 tive degree may thereby be exceeded, if the accused is
 13 guilty of recidivism for the first time before the expira-
 14 tion of five years counted from the day on which he com-
 15 pleted service of his last sentence;

16 Second. For a term three times that applicable, if the
 17 accused commits an offense corrected by deprivation of life,
 18 *reclusión*, or *prisión*, before the expiration of ten years
 19 after completion of service of a sentence as recidivist; and

20 Third. For a term four times that applicable, if he is
 21 guilty of an offense likewise corrected by deprivation of
 22 life, *reclusión*, or *prisión*, within fifteen years from and
 23 after the expiration of the last increased sentence imposed
 24 upon him in his aforesaid character as second or subse-
 25 quent recidivist.

26 The corrections by *prisión* or *reclusión* shall in no case
 27 exceed sixty years.

28 SEC. 21. *Recidivists subject to vasectomy*.—In case an
 29 offender has been sentenced to *prisión* or *reclusión* as reci-
 30 divist, twice or oftener, whether originally or by commuta-
 31 tion, and the trial court, after hearing the evidence in the
 32 premises, finds such offender to be an abnormal person or
 33 a degenerate or an habitual offender, it shall order his steri-
 34 lization by means of vasectomy.

35 TITLE THREE.

36 CAUSES OF EXEMPTION AND JUSTIFICATION, AND MITIGATING AND AGGRAVATING CIRCUMSTANCES.

37 CHAPTER IV.

38 CAUSES OF EXEMPTION AND JUSTIFICATION.

39 SEC. 22. *Causes of exemption*.—Any person who has
 40 participated in an offense shall be exempt from all liability
 41 in the presence of any of the following circumstances:

[P. C. 8.]

1 First. If he is under seven years of age;

[P. C. §—No. 2.]

2 Second. If he committed the offense under the compulsion
3 of an irresistible material force;

[P. C. §—No. 9.]

4 Third. If he committed it by mere accident;

[P. C. §—No. 8.]

5 Fourth. If he committed an act the character of which
6 as an offense depends exclusively on the special conditions
7 of the victim or of the act, in case the agent was unaware of
8 and not under obligation to know said conditions; and

9 Fifth. If he acted under the impulse of an uncontrollable
10 fear of an equal or greater injury.

[P. C. §—No. 10.]

11 SEC. 23. *Causes of justification.*—Any person commit-
12 ting an offense under any of the following circumstances
13 shall not incur correctional liability:

14 First. If he defends himself against personal, unjustified,
15 and direct aggression, without going to excess or displaying
16 ferocity in his acts of defense;

[P. C. §—No. 4.]

17 Second. If he acts upon humane impulses in the urgent
18 and necessary defense of the person or right of a third
19 person;

[P. C. §—No. 5.]

20 Third. If he commits the offense by virtue of obedience
21 lawfully due;

[P. C. §—No. 12.]

22 Fourth. If he commits it for the sole purpose of avoiding
23 another imminent evil that appears more serious, using
24 means that seem adequate for the purpose;

[P. C. §—No. 7.]

25 Fifth. If he fails to perform an act required by law, when
26 prevented by some lawful or insuperable cause;

[P. C. §—No. 13.]

27 Sixth. If he acts in the fulfillment of a duty or in the
28 lawful exercise of a right, or office.

[P. C. §—No. 11.]

29 SEC. 24. *Rule for the determination of the causes of*
30 *exemption or justification.*—In order the better to deter-
31 mine the causes of exemption or justification, the following
32 shall be taken into account:

33 First. In favor of the accused person, in view of the cir-
34 cumstances of the case, the fact that it may have been
35 impossible for him carefully and wisely to choose the means
36 or recourses for eluding or rejecting the material or moral
37 pressure that weighed on his mind upon committing the

1 offense, or to circumscribe and limit his acts to the just pro-
2 portion and measure; and

3 Second. Against said accused person, the fact that he did
4 not curb his vindictive impulses after the cessation of the
5 circumstances creating exemption or justification, thereby
6 annulling the exculpatory effect of said circumstances.

7 CHAPTER V.

8 MITIGATING AND AGGRAVATING CIRCUMSTANCES.

9 SEC. 25. *Mitigating circumstances.*—The concurrence of
10 any of the following circumstances shall have the effect
11 of mitigating the correctional liability:

[P. C. 9.]

12 First. That the offense was attended by any cause of
13 justification, without all requisites therefor being present;

[P. C. 9—No. 1.]

14 Second. That provocation or an aggressive attitude on
15 the part of the person offended immediately preceded the
16 act;

[P. C. 9—No. 4.]

17 Third. That the offender had no intention to commit so
18 great a wrong as that committed;

[P. C. 9—No. 3.]

19 Fourth. Intoxication, when it affects the stability of the
20 mental faculties and is not subsequent to the plan to commit
21 the offense;

[P. C. 9—No. 6.]

22 Fifth. That the offense was committed under the impulse
23 of a grave offense recently caused to the agent, his spouse,
24 ascendant, descendant, legitimate, illegitimate, or adopted
25 brother or sister, or relative by affinity within the same
26 degrees, or to a person particularly cherished by him;

[P. C. 9—No. 5.]

27 Sixth. That the offender acted upon an impulse so power-
28 ful as naturally to have produced passion and obfuscation;

[P. C. 9—No. 7.]

29 Seventh. That he committed the offense in order to con-
30 ceal his own dishonor or that of any of the persons men-
31 tioned in circumstance five of this section;

32 Eighth. That he furnished aid or succor to the victim;

33 Ninth. That the agent ceased in the execution of the
34 offense upon the first intimation of the authorities or their
35 representatives;

36 Tenth. The spontaneous surrender of the offender to the
37 authorities or their representatives;

38 Eleventh. The confession by the agent of his participa-

1 tion in the offense prior to the taking of the evidence for
2 the prosecution;

3 Twelfth. The elapse of more than five years since the
4 offense without the agent having committed another;

5 Thirteenth. Pressing need, in cases in which the purpose
6 of the offense was the taking of the property of another in
7 order to satisfy such need;

8 Fourteenth. Ignorance of the law, where the offense does
9 not involve manifest moral turpitude;

10 Fifteenth. Extreme age, or minority not constituting a
11 cause of exemption;

[P. C. 9—No. 2.]

12 Sixteenth. The fact of the accused being a deaf mute,
13 or blind, or in any way afflicted with a physical defect limit-
14 ing his means of action, defense, or communication with the
15 outside world;

16 Seventeenth. Good conduct prior to the offense;

17 Eighteenth. Eminent services rendered to humanity by
18 the agent;

19 Nineteenth. Unjustified desertion of the adulterous spouse
20 by the person offended, in cases of adultery; and

21 Twentieth. The scant value of the objects stolen in cases
22 of theft or robbery committed without violence against
23 persons.

24 SEC. 26. *Aggravating circumstances.*—Correctional lia-
25 bility shall be aggravated by the concurrence of any of the
26 following circumstances:

[P. C. 10.]

27 First. That the offense is committed by employing meth-
28 ods or forms which tend directly and specially to make its
29 commission safe, without the risk of defense on the part
30 of the person attacked or offended;

[P. C. 10—No. 2.]

31 Second. That its commission is attended by an abuse of
32 manifest physical or moral superiority, or that means are
33 employed to weaken the defense;

[P. C. 10—No. 9.]

34 Third. That it is committed with the aid of armed men
35 or of persons who offer or afford impunity;

[P. C. 10—No. 14.]

36 Fourth. That the accused carries or uses any concealed
37 weapon of the existence of which in his possession the vic-
38 tim was unaware;

[P. C. 10—No. 24.]

39 Fifth. That the victim of the offense is a woman, is under
40 the age of sixteen years, is aged and decrepit, or is handi-
41 capped by blindness, or by deafness and dumbness, or by

1 paralysis, or any other organic debilitating ailment, if the
2 offender was aware of such impediment to defense and
3 was not in a like condition of debility;

[P. C. 10—No. 20.]

4 Sixth. That the offense is committed in consideration of
5 a price, reward, or promise;

[P. C. 10—No. 3.]

6 Seventh. That the offense is committed with grave in-
7 jury to the family sentiments;

8 Eighth. That it is committed by means of inundation,
9 fire, poison, explosion, wrecking or stranding of a vessel,
10 derailment of a train, tramway, or locomotive, stopping of
11 an automobile, or by the employment of any other means
12 or artifice involving great waste and ruin;

[P. C. 10—No. 4.]

13 Ninth. That it is committed on occasion of any of the
14 misfortunes enumerated in the last preceding subsection,
15 or of an earthquake, volcanic eruption, destructive cyclone,
16 epidemic, or other public calamity;

[P. C. 10—No. 13.]

17 Tenth. That extreme inhumanity towards the victim is
18 displayed, or that either his person or cadaver is subjected
19 to insult or ridicule;

20 Eleventh. That craft, fraud, or disguise is employed;

[P. C. 10—No. 8.]

21 Twelfth. That the offense is committed in the nighttime,
22 or in a lonely or uninhabited place;

[P. C. 10—No. 15.]

23 Thirteenth. That it is committed, taking advantage of
24 the confidence reposed in the agent by the victim;

[P. C. 10—No. 10.]

25 Fourteenth. That advantage is taken by the agent of
26 his public character, of the public or private position held
27 by him, or of the authority appertaining to him as ascend-
28 ant, for the purpose of inducing others to participate in
29 the offense or of making them victims thereof;

[P. C. 10—No. 11.]

30 Fifteenth. Manifest ingratitude of the agent towards the
31 person offended;

32 Sixteenth. That the wrong caused by the offense is de-
33 liberately augmented by causing other wrongs not neces-
34 sary for its commission;

[P. C. 10—No. 6.]

35 Seventeenth. That the agent intended to commit a more
36 serious offense than the one he committed;

37 Eighteenth. That he communicated an infectious or vir-
38 ulent disease to the victim;

39 Nineteenth. That the offender, though having been re-

1 requested to do so, fails to perform an act, within his power,
2 which might attenuate or offset the affects of the offense;

3 Twentieth. That means are employed which add igno-
4 miny to the natural effects of the offense;

[P. C. 10—No. 12.]

5 Twenty-first. That the offense is committed after the
6 agent has previously been sentenced for any other offense,
7 in case the recidivism corrected in section twenty does not
8 exist;

[P. C. 10—No. 17.]

9 Twenty-second. That it is committed with a show of con-
10 tempt for the public authorities;

[P. C. 10—No. 16.]

11 Twenty-third. That the offense is committed in an in-
12 habited house other than that of the agent;

13 Twenty-fourth. That it is committed with the intent to
14 dishonor, ridicule, or disfigure the victim;

15 Twenty-fifth. That it is committed by association with
16 another person or persons;

[P. C. 10—No. 15.]

17 Twenty-sixth. That the offense consists of a repetition
18 of acts;

19 Twenty-seventh. That the offender directs the commis-
20 sion of the offense where several persons are liable for it;

21 Twenty-eighth. That the offender fails to assume the
22 liability contracted by him for the offense in the event of
23 an innocent person being accused or persecuted in conse-
24 quence of the same; and

25 Twenty-ninth. That the offense is committed after an
26 unlawful entry, or that as a means to the commission of
27 the same a wall, roof, floor, door, or window are broken.
28 There is an unlawful entry when an entrance is effected
29 by a way not intended for the purpose.

[P. C. 10—Nos. 21, 22.]

30

TITLE FOUR.

31

CORRECTIONS AND THEIR ACCESSORY EFFECTS.

32

CHAPTER VI.

33

ARTICLE ONE.

34

CORRECTIONS—THEIR CLASSES AND THEIR TERMS.

35

36 SEC. 27. *Corrections that may be imposed.*—The correc-
37 tions to be imposed for liability contracted for an offense
38 shall be: deprivation of life, *reclusión*, *prisión*, and *arresto*.

38 That of deprivation of life shall be imposed only upon a

1 person of legal age guilty of recidivism or who previously
2 committed another offense correctible likewise by depriva-
3 tion of life.

[P. C. 25.]

4 SEC. 28. *Graduated scale of corrections*—The courts, in
5 determining the correction lower or higher than that des-
6 ignated in any of the sections of this Code, shall observe
7 the following graduated scale:

8 First. Deprivation of life. Second. *Reclusión* or *prisión*
9 *mayor*. Third. *Reclusión* or *prisión media*. Fourth. *Re-*
10 *clusión* or *prisión menor*. Fifth. *Arresto mayor*. Sixth.
11 *Arresto medio*. Seventh. *Arresto menor*.

[P. C. 91.]

12 SEC. 29. *Duration of the corrections*.—The terms of the
13 corrections shall be as follows:

14 *Reclusión* or *prisión mayor*, from over fifteen years to
15 thirty. *Reclusión* or *prisión media*, from over six years to
16 fifteen. *Reclusión* or *prisión menor*, from over eighteen
17 months to six years. *Arresto mayor*, from over twelve to
18 eighteen months. *Arresto medio*, from over six to twelve
19 months. *Arresto menor*, from one hour to six months.

[P. C. 96.]

20 SEC. 30. *Rules for determining the correction when it*
21 *is not specified*.—When the correction consists in *reclusión*
22 or *prisión media* or *mayor* to deprivation of life, the penalty
23 next lower shall be *reclusión* or *prisión menor* or *media*,
24 respectively.

[P. C. 75—1.]

25 When a higher correction than *arresto mayor* is to be im-
26 posed, the court shall correct the accused by *reclusión* or
27 *prisión*, taking into account the corrections assigned to more
28 serious offenses of the same kind.

29 When a lower correction than *arresto menor* is to be im-
30 posed, *arresto menor* in its minimum to medium degrees
31 shall be imposed.

[P. C. 91, par. 3.]

32 SEC. 31. *Exception in favor of the agent acting in a state*
33 *of mental disturbance or deficiency*.—When the offense has
34 been committed while the agent was under the influence of
35 a mental disturbance or deficiency in any of their manifesta-
36 tions, the sentence, instead of imposing the correction de-
37 signated, shall provide that said agent be detained in an
38 insane asylum or suitable establishment for his treatment
39 and custody during such time as may be necessary for his
40 treatment, or until he shall have ceased to be dangerous;

1 but the detention shall in no case be for less than ten years
 2 if the correction prescribed for the offense is deprivation
 3 of life or *reclusión* or *prisión mayor*, nor, in any other case,
 4 for less than one-third of the longest term of *reclusión*,
 5 *prisión*, or *arresto* prescribed by the corresponding provi-
 6 sion of law.

[P. C. 8—1.]

7 SEC. 32. *Exception in favor of minors.*—Any minor not
 8 included in the last preceding section, regardless of sex,
 9 may, in the discretion of the trial court, instead of under-
 10 going the corrections of *reclusión*, *prisión* or *arresto*, cor-
 11 responding to the offenses for which he is liable, be sent
 12 to a reformatory for such time as may be necessary to
 13 secure his reformation, but this term of detention shall not
 14 be less than ten years if the correction prescribed for the
 15 offense is *prisión* or *reclusión mayor*, nor, in any other case,
 16 less than one third of the longest term of *reclusión*, *prisión*,
 17 or *arresto* prescribed by the corresponding provision of law.

18 In case the offender attains his majority during the trial
 19 of the case or will attain it while serving sentence, the
 20 trial court shall take this circumstance into account in de-
 21 ciding whether the sentence is to be served entirely or
 22 partially in some reformatory, according to the more or
 23 less dangerous character of the agent.

[P. C. 8, No. 3; P. C. 85; Act 1438, 1—4.]

24

ARTICLE TWO.

25 IMPOSITION OF THE CORRECTION ACCORDING TO THE DEGREE OF EXECUTION
 OF THE OFFENSES AND PARTICIPATION OF THE OFFENDERS.

26 SEC. 33. *Correction of principals in a consummated or*
 27 *frustrated offense.*—Every correction prescribed in this
 28 Code shall be generally understood to be imposed upon the
 29 principal in the consummated or frustrated offense.

[P. C. 63, par. 2; 65.]

30 SEC. 34. *Correction of accomplices in consummated or*
 31 *frustrated, of accessories to consummated, and of principals*
 32 *in attempted, offenses.*—A correction not to exceed two-
 33 thirds of the maximum of the correction prescribed, but
 34 higher than two-thirds of its minimum, shall be imposed
 35 upon the accomplice in a consummated or frustrated, the
 36 accessory to a consummated, or the principal in an at-
 37 tempted, offense.

[P. C. 66—69.]

1 SEC. 35. *Correction of accessories to frustrated, and ac-*
 2 *complices and accessories to attempted, offenses, and of*
 3 *principals in proposals or conspiracy.*—A correction not to
 4 exceed one-third of the maximum of the correction pre-
 5 scribed, but higher than one-third of its minimum, shall be
 6 imposed upon the accessory to a frustrated, or accomplice
 7 or accessory to an attempted, offense, or the principal in a
 8 proposal or conspiracy.

[P. C. 70—72.]

9 SEC. 36. *Correction of persons liable for offenses through*
 10 *culpability.*—A correction not to exceed one-half of the min-
 11 imum of the correction prescribed shall be imposed upon any
 12 person liable for an offense through culpability.

[P. C. 568.]

13 SEC. 37. *Application of the last three preceding sections*
 14 *in cases of deprivation of life.*—When deprivation of life
 15 is imposed jointly with deprivation of liberty, the correction
 16 first mentioned shall be absolutely disregarded in the deter-
 17 mination of the maximum or minimum for the purposes of
 18 the provisions of the last three preceding sections.

19 SEC. 38. *Degrees of the corrections.*—Every correction
 20 imposed in this Code shall be understood to be divided into
 21 three degrees, the maximum, the medium, and the minimum,
 22 in the following manner:

[P. C. 96.]

	Maximum degree.	Medium degree.	Minimum degree.
<i>Reclusión or prisión mayor.</i>	From over twenty-five years to thirty.	From over twenty years to twenty-five.	From over fifteen years to twenty.
<i>Reclusión or prisión media.</i>	From over twelve years to fifteen.	From over nine years to twelve.	From over six years to nine.
<i>Reclusión or prisión menor.</i>	From over four and a half years to six.	From over three years to four and a half.	From over one year and a half to three.
<i>Arresto mayor</i>	From over sixteen months to eighteen.	From over fourteen months to sixteen.	From over twelve months to fourteen.
<i>Arresto medio</i>	From over ten months to twelve.	From over eight months to ten.	From over six months to eight.
<i>Arresto menor</i>	From over four months to six.	From over two months to four.	From one hour to two months.
<i>Reclusión or prisión mayor</i> to deprivation of life.	Deprivation of life.	<i>Reclusión or prisión</i> for from over twenty-two and a half years to thirty.	<i>Reclusión or prisión</i> for from over fifteen years to twenty-two and a half.
<i>Reclusión or prisión media</i> to deprivation of life.	Deprivation of life.	<i>Reclusión or prisión mayor.</i>	<i>Reclusión or prisión media.</i>

23 Any other correction not appearing as divided in the
 24 foregoing table shall be understood to be divided in an anal-
 25 ogous manner.

[P. C. 97, par. 2.]

ARTICLE THREE.

1

2 IMPOSITION OF CORRECTIONS WITH REGARD TO MODIFYING CIRCUMSTANCES.

3 SEC. 39. *Effect of the attendance of aggravating or miti-*
4 *gating circumstances.*—When the offense is attended only by
5 one or more aggravating circumstances, the correction shall
6 be applied discretionally for a term between the maximum
7 and the medium degrees; and between the medium and
8 minimum degrees when it is attended only by one or more
9 mitigating circumstances.

[P. C. 80, R. 1, 3.]

10 When the offense is attended by two or more mitigating
11 and no aggravating circumstances, the courts may, in their
12 discretion, impose the next lower correction, in accordance
13 with the scale contained in section twenty-eight, in such
14 degree as they may deem proper, or may apply the provision
15 at the end of the last preceding paragraph.

[P. C. 81, R. 5; Act 2298—1.]

16 When there are neither mitigating nor aggravating cir-
17 cumstances, or when there are both, the correction shall
18 be applied in the extent or amount which the court, in the
19 prudent exercise of its discretion, may deem right, of the
20 maximum, medium, and minimum degrees.

21 When an offense corrected by *prisión* is attended by two
22 or more aggravating and by no mitigating circumstances,
23 or when an act corrected by *reclusión* is attended by two
24 or more mitigating and by no aggravating circumstances,
25 the courts of justice may, without prejudice to the preced-
26 ing rule relative to the term of the correction, change the
27 character of the latter in their discretion, imposing *reclusión*
28 instead of *prisión* in the former case and *prisión* instead of
29 *reclusión* in the latter.

[P. C. 80, R. 2.]

30 SEC. 40. *Essential or qualificative circumstances.*—Cir-
31 cumstances essential to the offense or qualificative thereof
32 shall, however, not produce the effect of augmenting or ag-
33 gravating correctional liability.

[P. C. 78.]

34 Aggravating or mitigating circumstances which arise
35 from the moral attributes of the offender, or from his pri-
36 vate relations with the offended party, or from any other
37 personal cause, shall only serve to aggravate or mitigate
38 the liability of the principals, accomplices, and accessories as
39 to whom such circumstances are attendant.

[P. C. 79, par. 1.]

1 The circumstances which consist in the material execu-
 2 tion of the act, or in the means employed to accomplish it,
 3 shall serve to aggravate or mitigate the liability of those
 4 persons only who had knowledge of them at the time of
 5 the act or their coöperation therein.

[P. C. 79, par. 2.]

6

ARTICLE FOUR.

7

ACCESSORY EFFECTS OF THE CORRECTIONS.

8 SEC. 41. *Accessories of deprivation of life when not exe-*
 9 *cuted.*—Deprivation of life, when it is not executed by
 10 reason of commutation or pardon, shall carry with it the
 11 loss of the right of suffrage and of marital and paternal
 12 authority for thirty years, counting from the date on which
 13 it was imposed.

[P. C. 53.]

14 SEC. 42. *Accessories of the sentence of reclusión.*—*Reclu-*
 15 *sión* shall carry with it the loss of the right of suffrage
 16 and of marital and paternal authority for the entire dura-
 17 tion of the effects thereof in any of its three periods.

[P. C. 54, 56.]

18 SEC. 43. *Accessories of the sentence of prisión.*—*Prisión*
 19 shall carry with it the loss of the right of suffrage for the
 20 entire duration of the effects thereof and the loss of marital
 21 and paternal authority while the person under sentence is
 22 not in the enjoyment of his revocable or absolute liberty.

[P. C. 61.]

23 SEC. 44. *Accessories of the sentence of arresto.*—*Arresto*
 24 shall carry with it the loss of the right of suffrage for the
 25 time of its duration.

[P. C. 61.]

26 SEC. 45. *Effect of the sentence pronounced for offenses,*
 27 *the victims of which, or associates in which, are dependent*
 28 *upon the agent.*—In every case of a sentence for an offense
 29 the victim of which is under the paternal or marital author-
 30 ity of the agent, or in which the latter has associated him-
 31 self with any of said persons in order to commit the offense,
 32 said agent shall lose such authority for the term of the sen-
 33 tence and for an additional period to be fixed by the trial
 34 court.

[P. C. 451.]

35 SEC. 46. *Continuance of the duties attached to paternal*
 36 *and marital authority.*—The loss of paternal and marital
 37 authority does not in any manner imply the release of the
 38 sentenced person from his duty to provide food in accord-
 39 ance with law.

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TITLE FIVE.

CIVIL LIABILITY.

CHAPTER VII.

ARTICLE ONE.

CIVIL LIABILITY, AND PERSONS TO WHOM IT ATTACHES.

SEC. 47. *Extent of civil liability.*—Civil liability consists in:

First. The return of the property belonging to another which has been the object of the offense, or of its value in the event of such return being impossible;

Second. Indemnification for the direct and consequential damages caused by the offense;

Third. Reparation for the moral injury inflicted upon the victims of the act; and

Fourth. Payment of the costs of the proceedings.

[P. C. 49, 119.]

SEC. 48. *Who are civilly liable.*—Every person correctionally liable for an offense shall also be liable civilly.

The following shall also be civilly and subsidiarily liable for the material losses comprised in subsections one and two of the last preceding section.

[P. C. 17.]

First. The owners and heads of public or industrial establishments, for offenses committed within said establishments, when there has been inexcusable negligence or incompetency on their part;

[P. C. 19, par. 1.]

Second. Those who have under their guardianship or custody minors or persons of legal age mentally unbalanced, for offenses committed by such minors or insane persons when there has been negligence on the part of such guardians or custodians; and

[C. C. 1903, pars. 2, 3, 7; P. C. 18—1.]

Third. Employers, for offenses committed by their servants or clerks in the performance of the duties entrusted to them, when there is also negligence on the part of such employers.

[C. C. 1903, pars. 4, 7.]

SEC. 49. *Liability of the owners of conveyance or transportation concerns.*—Any entity or person owning a conveyance or transportation concern shall also be liable, in the extent established in the last preceding section, for any offense committed by an assistant, clerk, or employee there-

1 of, in all cases in which the offense is committed in the per-
 2 formance of an act executed by the person correctionally
 3 liable, by direction of such concern.

4 SEC. 50. *Subsidiary civil liability in cases of terror or*
 5 *drunkenness.*—When the offense has been committed under
 6 the influence of terror, fear, or drunkenness, the following
 7 shall be civilly and subsidiarily liable for the same:

8 First. In case of terror or fear, the person who caused
 9 it; and

10 Second. In case of drunkenness, the person who furnished
 11 drink to the agent when the latter already showed signs
 12 of being in an intoxicated or semi-intoxicated condition, or
 13 when he was known to be addicted to drink.

[P. C. 18, par. 3.]

14 ARTICLE TWO.

15 MEASURE OF THE CIVIL LIABILITY AND MANNER OF MAKING IT EFFECTIVE.

16 SEC. 51. *How the civil liability shall be made effective.*—
 17 Each and all of those civilly liable for an offense shall be
 18 *in solidum* under obligation to satisfy the civil liability; but
 19 when the same shall have been satisfied, in its entirety or
 20 in part, by one of those subsidiarily obligated, the latter
 21 may bring action against any of those directly liable, for
 22 the total amount paid and legal interest thereon.

[P. C. 124, 125.]

23 SEC. 52. *Measure of moral injury.*—In order to determine
 24 the measure of the moral injury, consideration shall be
 25 had of the intensity and length of time with and during
 26 which the offense affected the reputation, credit, tranquillity,
 27 or other moral possessions of the offended party, as well as
 28 the social and financial position of the accused, with the
 29 following limitations:

30 First. In cases of the consummation of the rape of a pure
 31 girl or woman, of the killing of a person, or of bodily in-
 32 juries permanently disfiguring or crippling the offended
 33 party, from five hundred to ten thousand pesos;

34 Second. In other cases of rape, and in cases of abduction,
 35 seduction, acts of lasciviousness, corruption of minors, se-
 36 rious physical injuries, aggravated or scurrilous defama-
 37 tion, robbery with violence against persons or after an
 38 unlawful entry, malicious intrigues, and any offenses com-
 39 mitted by means, or on occasion of, the burning of an
 40 inhabited building, the derailment of trains or tramways,
 41 shipwreck or stranding of vessels, ignition of explosives, or

1 kidnaping or illegal detention, from two hundred to four
2 thousand pesos;

3 Third. In other consummated offenses, as well as in those
4 previously mentioned when frustrated or attempted, from
5 fifty to one thousand pesos; and

6 Fourth. In cases of offenses not mentioned in subsections
7 one and two, when frustrated or attempted, from ten to
8 two hundred pesos.

9 SEC. 53. *Civil action for material losses and moral in-*
10 *jury.*—The offended party may petition that he be reserved
11 the right to bring civil action for the material losses and the
12 moral injury.

13

TITLE SIX.

14

EXECUTION OF THE CORRECTIONS AND REVOCABLE LIBERTY.

15

CHAPTER VIII.

16

EXECUTION OF THE CORRECTIONS.

17

ARTICLE ONE.

18

DEPRIVATION OF LIFE.

19 SEC. 54. *Application of the sentence of deprivation of*
20 *life.*—The sentence of deprivation of life shall be executed
21 with preference to any other and shall consist in putting
22 the person under sentence to death by electrocution, under
23 the authority of the Director of Prisons, endeavoring to
24 mitigate the sufferings of the person under sentence as
25 well during electrocution as during the proceedings prior
26 to the execution.

27 If the person under sentence so desire, he shall be anaes-
28 thetized at the moment of the electrocution.

[P. C. 101, par. 1.]

29 SEC. 55. *Notification and execution of the sentence, and*
30 *assistance to the offender.*—The court shall designate a
31 working day for the execution, but not the hour thereof;
32 and such designation shall not be communicated to the
33 offender before sunrise on said day, and the execution shall
34 not take place until after the **expiration of at least six hours**
35 **following the notification, but before sunset.** During the
36 interval between the notification and the execution, the
37 offender shall, in so far as possible, be furnished such assist-
38 ance as he may request in order to be attended in his last
39 moments by priests or ministers of the religion he pro-

1 fesses and to consult lawyers, as well as in order to make
 2 a will and confer with members of his family or persons
 3 in charge of the management of his business, of the ad-
 4 ministration of his property, or of the care of his de-
 5 scendants.

[P. C. 101, par. 2.]

6 SEC. 56. *Suspension of the execution of the sentence of*
 7 *deprivation of life.*—The sentence of deprivation of life
 8 shall not be inflicted upon a woman while she is pregnant,
 9 nor upon any person in a condition of mental deficiency or
 10 disturbance.

[P. C. 104; 100, par. 1.]

11 SEC. 57. *Place of the execution and persons present*
 12 *thereat.*—The execution shall take place in a space closed
 13 to the public view and shall be witnessed only by the priests
 14 assisting the offender and by his lawyers and relatives, if
 15 they so request, by a physician and the necessary personnel,
 16 and by such persons as the administration may authorize.

[P. C. 102.]

17 SEC. 58. *Provision relative to the body of the person exe-*
 18 *cuted and its burial.*—The body of the offender shall, upon
 19 the completion of the legal proceedings subsequent to the
 20 execution, be turned over to some institute of learning or
 21 scientific research, for such studies with the use thereof
 22 as the same may see fit, if said body be requested for such
 23 purpose, and such institute shall take charge of the decent
 24 burial of the remains. In other cases, the administration
 25 shall give the body decent burial, granting permission to
 26 be present thereat to the members of the family of the
 27 offender and to the friends designated by the latter, not to
 28 exceed the total number of twelve.

[P. C. 103.]

29

ARTICLE TWO.

30

RECLUSIÓN, PRISIÓN, AND ARRESTO.

31 SEC. 59. *Application of the corrections of reclusión, pri-*
 32 *sión, and arresto.*—The corrections of *reclusión, prisión,*
 33 and *arresto* shall be served in three equal periods of time,
 34 in the following manner:

35 First. During the first period, the person sentenced to
 36 *reclusión* as well as the one sentenced to *prisión* shall be
 37 employed at such work best suited to their aptitudes as the
 38 Director of Prisons or his delegates may assign to them,
 39 whatever such work and the place where it is performed
 40 may be, or they shall be confined in a correctional estab-

1 lishment or colony and employed at the work assigned to
 2 them, but neither work shall be unproductive, oppressive,
 3 or degrading.

[P. C. 112.]

4 The person sentenced to *arresto* shall be employed at
 5 analogous work within the correctional establishment.

6 Pregnant women and women nursing their children shall
 7 be employed only at work that cannot injure their health
 8 or prevent them from attending to their maternal duties.

[P. C. 116.]

9 Second. During the second period, the person sentenced
 10 to *reclusión* shall enjoy revocable liberty if he has totally
 11 satisfied the civil liability contracted for the offense, or
 12 if he furnishes bond sufficient, in the discretion of the Di-
 13 rector of Prisons, to guarantee the payment of said liability
 14 in reasonable installments proportionately to the income
 15 he may derive from his profession or trade so long as he
 16 complies with the following conditions:

17 (a) To conduct himself well, abstain from gambling and
 18 drunkenness and from frequenting assemblages where there
 19 is gambling, places where alcoholic beverages are sold for
 20 immediate consumption, and known resorts of vice, and
 21 from associating or dealing with persons of ill fame and
 22 bad habits;

23 (b) To devote himself assiduously to any profession or
 24 trade in which he may engage, in order to attend to the
 25 support of his family;

26 (c) To report once a month to the Director of Prisons
 27 or the person whom the latter may delegate, giving an ac-
 28 count of his situation, his occupations, and the income
 29 derived from the practice of his profession or trade; and

30 (d) Not to change residence without previous notice to,
 31 and authorization by, the Director of Prisons or his delegate.

32 Third. During the third period, the person sentenced to
 33 *reclusión* shall enjoy revocable liberty, subject to the fol-
 34 lowing obligations:

35 (1) Those of the last preceding subsection designated
 36 with the letters (a) and (b);

37 (2) To report quarterly to the Director of Prisons or
 38 the person to whom the latter may delegate his powers, and
 39 give him an account of the profession or trade in which he
 40 is engaged, and of the income which he derives therefrom,
 41 and of the place or places where he will reside during the
 42 ensuing quarter; and

43 (3) To pay to said Director of Prisons or his delegate a

1 reasonable part, in their discretion, of his earnings, for the
2 reparation of the civil liability still unsatisfied by him for
3 the offense;

4 Fourth. When the person sentenced to *prisión* or *arresto*
5 is serving the second period, he shall enjoy revocable liberty,
6 subject only to the conditions established by the last pre-
7 ceding subsection for the third period for persons sentenced
8 to *reclusión*.

9 Fifth. During the third period, the person sentenced to
10 *prisión* or *arresto* shall enjoy revocable liberty, subject only
11 to the second and third obligations of subsection three; but
12 he shall receive his final liberty at any moment during the
13 third period upon payment of the total amount of the civil
14 liability.

[P. C. 43.]

15 SEC. 60. *Effects of the omission of the prerequisite, or*
16 *of the violation of the conditions for the enjoyment of re-*
17 *vocable liberty.*—When the person sentenced to *reclusión*
18 begins to serve the second period of his sentence, but is
19 unable to comply with the prerequisite of subsection two of
20 the last preceding section, the Director of Prisons shall
21 order him retained in the correctional establishment until
22 he has complied with such requisite; and when the person
23 sentenced to *reclusión*, *prisión*, or *arresto* fails to comply
24 with any of the conditions imposed in said section while
25 enjoying revocable liberty, the aforesaid Director of Prisons
26 shall order his return to the correctional establishment,
27 where such person shall remain during a term equivalent
28 to the time from the day of such failure to the end of the
29 period being served by said person; but the Director of
30 Prisons may again grant said revocable liberty during the
31 same period if the person under sentence presents sufficient
32 excuses or motives, in the judgment of the Director.

33 When, owing to failure to comply with the prerequisite,
34 or to revocation of his liberty, the person under sentence
35 remains in the correctional establishment, he shall be as-
36 signed to such work done in the same as may be best suited
37 to his aptitudes, and for such work he shall be allowed a
38 moderate compensation, of which, after deduction of the
39 cost of his subsistence, one-third shall be set aside for the
40 payment of the civil liability contracted, one-third for the
41 support of his family, and the remaining one-third to con-
42 stitute a fund which shall be paid over to him on the day

1 when he begins to serve the third period. If he has no
 2 family or if his family needs no assistance, the one-third
 3 set aside for the family shall be assigned to the same pur-
 4 pose as the first.

[P. C. 112, 113; Act 2489.]

5 SEC. 61. *Effect of the second or subsequent violation of*
 6 *the conditions for the enjoyment of revocable liberty.*—
 7 Without prejudice to the provisions of the last preceding
 8 section, a second or subsequent failure to comply with the
 9 conditions for the enjoyment of revocable liberty shall be
 10 judged in accordance with the provisions of this Code
 11 relative to the evasion of the service of the sentence.

12 SEC. 62. *Residence of the persons under sentence while*
 13 *enjoying revocable liberty, and assistance and advice fur-*
 14 *nished them.*—Persons under sentence enjoying revocable
 15 liberty shall freely choose the place where they are to serve
 16 the two periods referred to in the preceding sections, pro-
 17 vided the place chosen is one at which the Director of
 18 Prisons is able to designate a delegate there to act in his
 19 stead.

20 The Director of Prisons, or person exercising his func-
 21 tions, shall assist the person under sentence subject to his
 22 surveillance to look for employment or work and shall en-
 23 deavor to make such surveillance as little ostentatious as
 24 the circumstances may permit.

[P. C. 43, 114.]

25 SEC. 63. *Effect of the payment of the civil liability.*—
 26 From the moment when the person under sentence pays
 27 the entire amount of the civil liability resulting from the
 28 offense, he shall be exempt from serving one-third of each
 29 of the three periods, without prejudice to the provisions
 30 of subsection five of section fifty-nine.

31 SEC. 64. *System of administration of the correctional*
 32 *establishments and reformatories.*—The system of adminis-
 33 tration of the correctional establishments in which any of
 34 the deprivations of liberty designated in this Code are to be
 35 applied, shall be one tending to give the persons under sen-
 36 tence habits of regular and methodical work, good manners
 37 in social intercourse, primary instruction so far as persons
 38 not possessing it are concerned, a knowledge of some art
 39 or trade practised in such establishments and most closely
 40 related to the profession of the offenders before their deten-
 41 tion, or most in accordance with their likes and disposition,

1 and such other practices and customs as are best suited to
2 insure their return to society as useful citizens.

3 Corporal punishment and the establishment of rules or
4 usages tending to lower the character or dignity of the
5 person under sentence, such as obliging him to address his
6 superiors with downcast eyes, to wear a degrading costume
7 or uniform, to drag chains or shackles, and other analogous
8 practices shall not be permitted.

9 So far as the conditions of the place and the rules of the
10 establishment permit, the persons undergoing correction
11 shall be separated into groups between which there shall
12 be no communication unless absolutely necessary, the reci-
13 divists being separated from the others, and the persons
14 sentenced to *reclusión*, *prisión*, or *arresto* being separated
15 from each other, the males from the females, and those over
16 sixteen years from those under that age.

17 In the reformatories all possible means shall be employed
18 to keep the idea of the offense committed from the minds
19 of the persons under sentence, who shall never be reminded
20 thereof or have it mentioned to them in a manner to imbue
21 them with the idea that they are undergoing correction.

22 When the person under sentence is refractory to the dis-
23 cipline of the correctional establishment, he shall, in the
24 discretion of the Director of Prisons or the head of said
25 establishment, be subjected to the following additional cor-
26 rections:

27 First. Private reprimand;

28 Second. Isolation from the other persons under sentence
29 during the hours of recreation;

30 Third. Deprivation of the good conduct allowance for the
31 ensuing month;

32 Fourth. Loss of the good conduct badge previously
33 earned, during the month next following the violation;

34 Fifth. Assignment to the most disagreeable work or task
35 in connection with the cleaning and care of the establish-
36 ment; and

37 Sixth. Confinement in a cell for a period not to exceed
38 forty-eight hours.

39 The provisions of the subdivision three of paragraph five
40 to the contrary notwithstanding, the offender may recover
41 the time lost, by especially meritorious conduct.

[Act 1533—2.]

42 The secretary of the proper Department may issue the
43 necessary regulations for the proper compliance of the pro-

1 visions of this Code relative to correctional establishments
2 and reformatories.

[Act 2489—3.]

3 SEC. 65. *Suspension of the correction when the agent is*
4 *suffering from mental disturbance.*—If a person under sen-
5 tence suffers from mental disturbance while undergoing
6 correction, he shall be transferred to a suitable establish-
7 ment for the treatment of his malady and the effects of the
8 correction shall in the meantime be suspended, but shall be
9 renewed when said person recovers his judgment, and the
10 time of his confinement in said establishment shall be com-
11 puted in his favor.

[P. C. 100.]

12

CHAPTER IX.

13

SERVICE OF SEVERAL SENTENCES.

14 SEC. 66. *Successive service of sentences.*—When a person
15 under sentence has to serve two or more sentences of depri-
16 vation of liberty, he shall serve the first period of each of
17 them successively, in the order in which they were imposed,
18 then the second, and thereafter the third, but he shall not
19 begin to serve the second or third period of any of them,
20 or continue to serve them, without having served the pre-
21 ceding periods of all the others, in their chronological order,
22 sentences of *reclusión* preceding in all cases those of
23 *prisión*, and sentences of *prisión* those of *arresto*; but the
24 maximum duration of the sentences shall in no case exceed
25 seventy-five years.

26 In case of diversity of the sentences, some being pro-
27 nounced in accordance with this Code and others in con-
28 formity with special laws, the Director of Prisons shall, in
29 his discretion, direct in what order the several sentences
30 shall be served, but in no case shall revocable liberty be
31 enjoyed before all periods of complete deprivation of liberty
32 have been served.

[P. C. 88.]

33 SEC. 67. *Preference in the payment of the civil lia-*
34 *bility.*—The moneys paid by the person under sentence for
35 the satisfaction of his civil liability shall be applied to the
36 satisfaction thereof in the order established in section forty-
37 seven. In case there is civil liability for two or more
38 offenses, the same shall be satisfied in the chronological
39 order of the final sentences, beginning with the oldest.

[P. C. 49.]

1

TITLE SEVEN.

2

EXTINCTION OF CORRECTIONAL LIABILITY, MANNER IN WHICH IT
ORIGINATES, AND SUBSISTENCE OF CIVIL LIABILITY.
PREVENTIVE IMPRISONMENT.

3

CHAPTER X.

4

TOTAL AND PARTIAL EXTINCTION OF CORRECTIONAL LIABILITY.

5

ARTICLE ONE.

6

TOTAL EXTINCTION OF CORRECTIONAL LIABILITY.

7

SEC. 68. *How correctional liability is totally extin-*
8 *guished.*—Correctional liability is totally and finally extin-
9 *guished:*

10 First. By the death of the accused or person under sen-
11 tence;

12 Second. By the service of the sentence;

13 Third. By amnesty;

14 Fourth. By unconditional pardon;

15 Fifth. By the prescription of the offense;

16 Sixth. By the prescription of the sentence;

17 Seventh. By the marriage of the offender with the of-
18 fended person, freely contracted, in cases of rape, abduc-
19 tion, or seduction; or

20 Eighth. By the pardon of the husband, granted to both
21 guilty parties in case of adultery, saving the provisions of
22 paragraph two of section two hundred and seventy-three.

23 In cases of defamation of persons other than public offi-
24 cers or employees, and in those of abduction, seduction,
25 concubinage, and adultery not covered by paragraph two
26 of section two hundred and seventy-three, proceedings shall
27 not be instituted except at the instance of the offended
28 person or the parent, grandparent or guardian of said
29 person.

[P. C. 130.]

30 SEC. 69. *When offenses prescribe.*—Offenses corrected by
31 deprivation of life or *reclusión mayor* prescribe in twenty
32 years; by *prisión mayor*, in fifteen; by *reclusión media* or
33 *menor*, in ten; by *prisión media* or *menor*, in six; and by
34 *arresto*, in two years.

35 Defamation, however, shall prescribe in one year.

[P. C. 131.]

36 SEC. 70. *Computation of the prescription of the of-*
37 *fenses*—Prescription shall commence to run from the day
38 on which the offense is discovered by the offended person,

1 the authorities or their agents; and shall be interrupted by
 2 the filing of the information or complaint, and commence
 3 to run again when the proceedings terminate without judg-
 4 ment of acquittal or conviction.

5 Prescription shall not run when the person liable is
 6 absent from the Philippine Islands.

[P. C. 131.]

7 SEC. 71. *When and how sentences prescribe.*—Sentences
 8 prescribe as follows:

9 First. Deprivation of life or *reclusión mayor*, in twenty
 10 years;

11 Second. *Prisión mayor*, in fifteen;

12 Third. *Reclusión media* or *menor*, in ten;

13 Fourth. *Prisión media* or *menor*, in six; and

14 Fifth. *Arresto*, in two.

15 Prescription shall commence to run from the day in
 16 which the person under sentence succeeds in evading the
 17 execution of the sentence and shall be interrupted when he
 18 surrenders, is apprehended, departs for any foreign country,
 19 or commits a new offense.

[P. C. 132.]

20

ARTICLE TWO.

21

PARTIAL EXTINCTION OF CORRECTIONAL LIABILITY.

22 SEC. 72. *How correctional liability is partially extin-*
 23 *guished.*—Correctional liability is partially extinguished:

24 First. By conditional pardon or release on parole;

25 Second. By commutation of the sentence;

26 Third. By suspension of the effects of the sentence; and

27 Fourth. By good conduct allowances earned by the of-
 28 fender while serving sentence.

[Act 1524.]

29 SEC. 73. *Obligation imposed by the conditional pardon or*
 30 *release on parole.*—The conditional pardon or release on
 31 parole shall, upon the commencement of the enjoyment
 32 thereof, obligate the person under sentence to strict com-
 33 pliance with the conditions imposed, and in case of the
 34 violation of any of them, it shall remain without effect.

[Act 1524.]

35 SEC. 74. *Effect of the commutation of the sentence.*—The
 36 commutation of the original sentence to another of different
 37 length or character shall have the legal effect of substituting
 38 the former by the latter.

39 SEC. 75. *Suspension of the effects of the sentence.*—Prior
 40 to the commencement of the execution of the sentence, if
 41 no appeal is pending, the trial court may suspend said exe-

1 cution so far as the correctional liability is concerned, if
 2 the accused is a minor and the maximum term of the correc-
 3 tion does not exceed fifteen years of *reclusión* or *prisión*, or
 4 if, in case of his being of legal age, he has not previously
 5 committed another offense provided for in this Code and
 6 corrected by *reclusión* or *prisión* the maximum term of
 7 which does not exceed six years, and provided, in either
 8 case, that there are sufficient grounds to expect that he will
 9 amend without necessity of the correction; and in such
 10 case said trial court may appoint the person or persons
 11 who shall keep watch over the conduct of the offender, giv-
 12 ing them such instructions as it may see fit.

13 The proceedings for the execution of the sentence may be
 14 renewed within five years after the order of suspension, in
 15 case the conduct of the accused or his voluntary violation
 16 of the orders relative to the civil liability counsel this
 17 course; but the time of the suspension that has lapsed shall
 18 not be computed for the prescription of the offense or of
 19 the sentence.

20 If five years have elapsed since the issuance of the order
 21 suspending the sentence, without its execution being again
 22 ordered, the sentence shall be deemed prescribed so far as
 23 the correction imposed is concerned.

24 SEC. 76. *Good conduct allowance.*—Good conduct on the
 25 part of any person serving sentence in any correctional
 26 establishment shall entitle him to the following reductions
 27 of time:

28 First. Five days for each month of good conduct during
 29 the first two years of deprivation of liberty;

30 Second. Eight days per month during the years from the
 31 third to the fifth, inclusive;

32 Third. Ten days per month during the subsequent years
 33 to the tenth, inclusive; and

34 Fourth. Fifteen days per month beginning with the elev-
 35 enth year.

[Acts 1533, 2489.]

36 SEC. 77. *Concession of time allowance.*—Good conduct
 37 allowances shall be granted by the Director of Prisons when
 38 proper and shall not be revocable after having once been
 39 granted.

40

ARTICLE THREE.

41

SUBSISTENCE OF CIVIL LIABILITY.

42 SEC. 78. *Obligation to pay the civil liability.*—A person
 43 under sentence shall continue to be obligated to satisfy the

1 civil liability, although he may have served his sentence
2 so far as deprivation of liberty is concerned, or may not
3 be required to serve it owing to amnesty, pardon, commuta-
4 tion of sentence, or any other cause.

5 CHAPTER XI.

6 PREVENTIVE IMPRISONMENT.

7 SEC. 79. *How preventive imprisonment shall be under-*
8 *gone.*—Persons undergoing preventive imprisonment shall
9 not be compeled to do any work except for the care of the
10 place occupied by them, and shall be permitted to engage
11 in work proper to their profession or trade so far as com-
12 patible with deprivation of liberty and the rules of the
13 establishment, and shall, so far as possible, be kept sepa-
14 rate from those serving sentence.

15 The detention of minors, of persons suffering from mental
16 trouble, and of women, shall be effected with the care and
17 attention required by their age, condition, or sex.

18 SEC. 80. *Allowance of time for preventive imprison-*
19 *ment.*—In cases in which the person under sentence has
20 undergone preventive imprisonment, the days, months, and
21 years of such imprisonment shall be deducted from the first
22 period of the correction in the following manner:

23 First. If the sentence is one of *reclusión*, one-fourth of
24 the preventive imprisonment shall be deducted;

25 Second. If it is one of *prisión*, one-third; and

26 Third. If it is one of *arresto*, one-half.

[Rule 93 of Provisional Law; Act 2557.]

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BOOK II.

OFFENSES AND CORRECTIONS.

TITLE EIGHT.

OFFENSES AGAINST NATIONAL SECURITY AND THE RIGHTS OF MAN.

CHAPTER XII.

OFFENSES AGAINST NATIONAL SECURITY.

ARTICLE ONE.

TREASON AND ESPIONAGE.

SEC. 81. *Treason*.—Any person owing allegiance to the Government who makes war against it or adheres to its enemies, giving them aid and comfort within the Philippine Islands or elsewhere, shall be corrected by *reclusión mayor* to deprivation of life.

[Act 292—1.]

SEC. 82. *Misprison of treason*.—Any person owing allegiance to the Government and having knowledge of any treason against it, who conceals and does not, as soon as may be, disclose and make known the same to the provincial governor in the province in which he resides or to some judge of a court of record, shall be corrected as accessory to treason.

[Act 292—2.]

SEC. 83. *Espionage*.—The following shall be corrected by *prisión menor*:

First. Any person who, without being authorized, enters any warship, fort, or naval or military establishment and obtains or attempts to obtain information, plans, photographs, or other data of a secret character relative to the defense of the Philippine Archipelago; and

Second. Any person having in his possession, by reason of his official position, the articles, data, or information mentioned in the next preceding paragraph, who communicates the same, without good reason, to an agent of any foreign power.

ARTICLE TWO.

1

2

PROVOCATION AND DISLOYALTY IN CASE OF WAR.

3

SEC. 84. *Provocation to war or motives for reprisals.*—

4

Any person who, by unlawful or unauthorized acts, provokes

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or gives occasion for a war affecting or liable to affect the

6

Philippine Islands, or exposes Philippine citizens to repris-

7

als in their person or property, shall be corrected by *prisión*

8

media.

[P. C. 145.]

9

SEC. 85. *Violation of neutrality.*—Any person who, on

10

occasion of a war in which the Government is not involved,

11

violates any order issued by competent authority for the

12

purpose of insuring neutrality, shall be corrected by *prisión*

13

menor.

14

SEC. 86. *Correspondence with the enemy's country.*—Any

15

person who, in time of war, has correspondence with the

16

citizens or representatives of the enemy's country or of

17

territory occupied by the enemy's troops, shall be corrected:

18

First. By *prisión menor*, if the correspondence has been

19

prohibited by the Government;

20

Second. By *prisión media*, if cipher or conventional signs

21

are employed in the correspondence; and

22

Third. By *prisión mayor*, if notice or information is given

23

which might be useful to the enemy. If the accused in-

24

tended to aid the enemy by giving such notice or informa-

25

tion, he shall be corrected by *reclusión mayor* or deprivation

26

of life.

[P. C. 149.]

27

SEC. 87. *Flight or journey to the enemy's country.*—Any

28

person owing allegiance to the Government who attempts

29

to flee or go to the enemy's country, in violation of the

30

orders of the said Government, shall be corrected by *arresto*

31

mayor.

[P. C. 150.]

32

CHAPTER XIII.

33

OFFENSES AGAINST THE RIGHTS OF MAN.

34

ARTICLE ONE.

35

SLAVERY AND SERVITUDE.

36

SEC. 88. *Slavery.*—Any person who buys, sells, kidnaps,

37

or detains a human being with the intent to enslave the

38

same, shall be corrected by *reclusión media*.

39

If the same act is committed with the intent to use the

1 offended person for any immoral traffic, the same correc-
2 tion shall be imposed in its minimum degree.

[Act 2071; 2300—3, 2.]

3 SEC. 89. *Exploitation of the labor of a minor.*—Any per-
4 son who, under the pretext of recovering a debt contracted
5 by the ascendant, guardian, or person in charge of a minor,
6 makes use of the services of the latter, shall be corrected
7 by *arresto medio*.

8 SEC. 90. *Enforced service in payment of debt.*—Any per-
9 son who, for the purpose of collecting or requiring payment
10 of a debt, obliges the debtor to work against his will as
11 domestic or laborer, or, there having been an agreement,
12 exploits the labor of the debtor, paying him a notoriously
13 insufficient compensation or imposing unjust charges, shall
14 be corrected by *arresto menor*.

[Act 2071—2.]

15

ARTICLE TWO.

16

PIRACY.

17

18 SEC. 91. *Piracy in general.*—Any person attacking a ves-
19 sel, or seizing the same or all or part of the cargo it carries,
20 of the objects which make up its equipment, or of the chat-
21 tels belonging to its crew or passengers, shall be corrected
22 by *reclusión mayor*.

22

23 The same correction shall be imposed for mutiny on board
24 of any vessel.

24

25 SEC. 92. *Qualified piracy.*—Any person who commits any
26 of the acts mentioned in the next preceding section shall
27 be punished by *reclusión mayor* to deprivation of life if
28 such acts are executed under any of the following circum-
29 stances:

29

30 First. Whenever the vessel is seized by boarding or fir-
31 ing upon the same; or

31

32 Second. Whenever the victims are abandoned without
33 means of saving themselves.

33

[P. C. 154, Nos. 1, 4.]

34

TITLE NINE.

35

OFFENSES AGAINST THE FUNDAMENTAL LAWS.

36

CHAPTER XIV.

37

ARTICLE ONE.

38

ARBITRARY ARREST AND EXPULSION.

39

40 SEC. 93. *Arbitrary arrest.*—Any public officer or em-
41 ployee who arrests a person without lawful reason shall
be corrected:

1 First. By *arresto medio*, if the detention did not exceed
 2 three days;
 3 Second. By *prisión menor*, if it exceeded three days, but
 4 not fifteen;
 5 Third. By *prisión media*, if it exceeded fifteen days, but
 6 not six months; and
 7 Fourth. By *prisión mayor*, if it exceeded six months.
 8 The commission of any offense, violent insanity, or disease
 9 requiring forcible hospitalization shall be lawful reasons
 10 for arrest.

[P. C. 200.]

11 SEC. 94. *Delay in the delivery of the person arrested to*
 12 *the judicial authorities.*—Any public officer or employee
 13 who arrests a person for any offense and fails to deliver
 14 such person to the judicial authorities as soon as possible,
 15 shall be corrected by *arresto* or *prisión* in the proportion
 16 established in the next preceding section.

[P. C. 202.]

17 SEC. 95. *Delay in release from confinement.*—Any public
 18 officer or employee who delays the performance of a judicial
 19 or executive order for the release of a prisoner or person
 20 under arrest, or who unduly delays the notification of such
 21 order of release or the action on an application therefor,
 22 shall be corrected in the manner set forth in the next pre-
 23 ceding section.

[P. C. 201; 203, No. 7; 204, Nos. 6, 7.]

24 SEC. 96. *Expulsion.*—Any public officer or employee who,
 25 without being authorized, expels any person from the Phil-
 26 ippine Islands or compels the same to change residence,
 27 shall be corrected by *prisión media*.

[P. C. 211.]

28

ARTICLE TWO.

29

VIOLATION OF PRIVATE DWELLING, AND OF CORRESPONDENCE.

30 SEC. 97. *Violation of dwelling.*—Any public officer or em-
 31 ployee who, without being authorized by judicial warrant,
 32 enters any dwelling against the will of its owner, refuses
 33 to leave the same when requested to do so, or searches the
 34 said dwelling, or papers or other property therein, without
 35 the previous consent of the owner thereof, shall be cor-
 36 rected by *arresto mayor*.

37 If the offense is committed in the nighttime, or if papers
 38 or property searched which do not constitute the object of
 39 an offense are not returned immediately after the search,
 40 the correction shall be *prisión menor*.

[P. C. 205.]

1 SEC. 98. *Search without witnesses.*—Any public officer or
2 employee who, in cases in which a search is proper, searches
3 the dwelling, papers, or other property otherwise than in
4 the presence of the person interested or a member of his
5 family, or, failing such, in the presence of two residents
6 of the locality, shall be corrected by *arresto medio*.

[P. C. 207.]

7 SEC. 99. *Violation of correspondence.*—Any public officer
8 or employee who, without being lawfully authorized, detains
9 or opens private correspondence, shall be corrected by *pri-*
10 *sión menor*.

11 In the event of the offender being a private individual,
12 the correction shall be *arresto mayor*.

[P. C. 208, 209—1.]

13

ARTICLE THREE.

14 PROHIBITION, INTERRUPTION, OR DISSOLUTION OF PEACEFUL ASSEMBLIES.

15 SEC. 100. *Prohibition, interruption, or dissolution.*—Any
16 public officer or employee who, without good reason, pro-
17 hibits or interrupts the holding of peaceful assemblies, or
18 dissolves the same, shall be corrected by *arresto mayor*.

19 The same correction shall be applied to the public officer
20 or employee who prevents any person from entering a law-
21 ful association or from attending any meeting thereof.

[P. C. 218, Nos. 1, 2.]

22 SEC. 101. *Tumultuous interruption.*—When a peaceful
23 assembly is interrupted tumultuously, the promoter of the
24 tumult shall be corrected by *prisión menor*.

25 The interruption shall be deemed tumultuous when made
26 by two or more private individuals who are either armed or
27 provided with means of violence.

28

ARTICLE FOUR.

29

OFFENSES AGAINST RELIGIOUS PRACTICES.

30 SEC. 102. *Interruption of religious practices.*—Any per-
31 son who prevents or disturbs the ceremonies or manifesta-
32 tions of any religion shall be corrected by *arresto mayor*.

33 If the offense is committed with violence or threats, the
34 correction shall be *prisión menor*.

[P. C. 219, 224, 225.]

35 SEC. 103. *Offense to religious sentiments.*—Any person
36 who, in a religious place or during the celebration of a re-
37 ligious ceremony, performs acts notoriously offensive to

1 the sentiments of the believers, shall be corrected by *arresto*
2 *medio*.

[P. C. 220-222.]

3 SEC. 104. *Profanation of sepultures and corpses*.—Any
4 person who violates a grave or sepulture or profanes a
5 corpse or human remains, by doing any act which directly
6 tends to constitute a lack of the respect due the memory
7 of the dead, shall be corrected by *prisión menor*.

[P. C. 335.]

8

TITLE TEN.

9

OFFENSES AGAINST PUBLIC ORDER.

10

CHAPTER XV.

11

DISTURBANCE OF THE PUBLIC ORDER.

12 SEC. 105. *Insurrection—In what it consists*.—Insurrec-
13 tion consists in rising publicly in order to obtain, by means
14 of force, a change of government, or in order to deprive
15 the chief executive or the Legislature of all or part of their
16 prerogatives or powers.

[P. C. 171, Nos. 1, 2.]

17 SEC. 106. *Correction of insurrection*.—The following shall
18 suffer *prisión mayor* to deprivation of life:

19 First. Any person who has promoted, sustained, or di-
20 rected the insurrection or appears as one of the principal
21 promoters thereof; and

22 Second. Any person who has participated in the insur-
23 rection being a public officer or employee; or if there has
24 been a combat between the insurgents and the loyal forces;
25 or if the insurrection has resulted in great damage to prop-
26 erty or in the interruption of public means of communica-
27 tion; or if violence has been committed against persons,
28 contributions have been exacted, or public funds have been
29 diverted from their lawful application.

30 In other cases, *prisión media* shall be imposed.

[P. C. 174.]

31 SEC. 107. *Incitement to insurrection*.—Any person who,
32 without rising in arms or being in open hostility to the Gov-
33 ernment, incites to the execution of any of the acts provided
34 for in the next preceding section, shall be corrected by
35 *prisión menor*.

[P. C. 175.]

36 The same correction shall be applied to any person who,
37 at public meetings, provokes the commission of any of the

1 acts hereinbefore provided for by means of speeches, procla-
 2 mations, writings, mottoes, banners, and other manifesta-
 3 tions tending towards said purpose.

[P. C. 172.]

4 SEC. 108. *Rebellion*—*In what it consists*.—Rebellion con-
 5 sists in rising publicly against the Government for the
 6 purpose of withdrawing from its obedience the Philippine
 7 territory, or any part thereof, or any body of land or naval
 8 forces or any other kind of armed forces.

[P. C. 229, No. 4.]

9 SEC. 109. *Correction of rebellion*.—The promoter, sus-
 10 tainer, or leader of the rebellion, and any person who parti-
 11 cipates therein being a public officer or employee, combating
 12 the loyal forces, causing great damage to property, commit-
 13 ting serious violence, exacting contributions, or diverting
 14 public funds from their lawful application, shall be cor-
 15 rected by *prisión mayor* to deprivation of life.

16 Persons merely affiliated with or participating in the
 17 rebellion shall be corrected by *prisión media*.

18 When the leaders of a rebellion are unknown, any persons
 19 who in fact directed the others or spoke for them or signed
 20 receipts and other documents issued in their name, or per-
 21 formed similar acts, on behalf of the rebels, shall be deemed
 22 the leaders of such rebellion.

[P. C. 230-233.]

23 SEC. 110. *Disloyalty of agents of the Government*.—Any
 24 public officer or employee who fails to resist the rebellion,
 25 being able to do so, and who continues to perform the duties
 26 of his office under the orders of the rebels or accepts an
 27 appointment from the latter, shall be corrected by *arresto*
 28 *mayor*.

[P. C. 245.]

29 SEC. 111. *Sedition*—*In what it consists*.—Sedition consists
 30 in publicly and tumultuously rising in order to accomplish,
 31 by means of force, any of the following purposes:

32 First. To prevent the promulgation or execution of the
 33 laws or the holding of a popular election;

34 Second. To prevent the Insular Government or any pro-
 35 vincial or municipal government, or their officers, from
 36 freely exercising their powers or executing any adminis-
 37 trative order;

38 Third. To perpetrate any act of hatred or revenge upon
 39 the person or property of any public officer or employee;

40 Fourth. To perpetrate, with a political or social object,
 41 any act of hatred or revenge upon private persons or any
 42 social class; and

1 Fifth. To despoil, with a political or social purpose, any
 2 person, municipality, province, the Insular Government, or
 3 the Government of the United States, of all or part of their
 4 property.

[P. C. 236; Act 292—5.]

5 SEC. 112. *Correction of sedition.*—The promoter or leader
 6 of the sedition shall be corrected by *prisión media*, a person
 7 merely participating in it by *prisión menor*.

[P. C. 237, 238.]

8 CHAPTER XVI.

9 OFFENSES AGAINST POPULAR REPRESENTATION.

10 ARTICLE ONE.

11 OFFENSES AGAINST THE LEGISLATURE AND ITS SIMILARS.

12 SEC. 113. *Acts for the purpose of preventing the meeting*
 13 *of the Legislature and other similar bodies.*—Any person
 14 who by force or threat prevents or attempts to prevent the
 15 meeting of either House of the Legislature or of any pro-
 16 vincial board or municipal council, shall be corrected by *pri-*
 17 *sión media*.

[Act 1755—1.]

18 SEC. 114. *Petitions by members of armed forces.*—Any
 19 persons forming part of any armed force who collectively
 20 address petitions to either House of the Legislature, shall
 21 be corrected by *prisión media*.

[P. C. 166.]

22 SEC. 115. *Disturbance of sessions.*—Any person who dis-
 23 turbs the sessions of either House of the Legislature, or of
 24 any provincial board or municipal council, or who, in the
 25 presence of any of such bodies, conducts himself in such
 26 manner as to interrupt the proceedings or to imply lack of
 27 respect, shall be corrected by *arresto mayor*.

[Act 1755—1.]

28 ARTICLE TWO.

29 VIOLATION OF PARLIAMENTARY IMMUNITY.

30 SEC. 116. *Violation of parliamentary immunity.*—Any
 31 person who uses force, intimidation, threats, or deceit to
 32 prevent any of the members of the Legislature from attend-
 33 ing the sessions, express his opinions, or cast his vote, shall
 34 be corrected by *prisión media*, and any public officer or em-
 35 ployee who, while the Legislature is in session, arrests any
 36 of the members thereof, unless such member is taken *in fla-*

1 *grante* or has committed an offense corrected in this Code
 2 by *prisión* or *reclusión mayor* or deprivation of life, or, in
 3 other laws, by imprisonment the maximum term of which
 4 exceeds ten years, shall be corrected by *prisión menor*.

[P. C. 167, No. 2; 170.]

5 CHAPTER XVII.

6 ILLEGAL MEETINGS AND ASSOCIATIONS.

7 SEC. 117. *Illegal meetings*.—The promoters or directors
 8 of meetings attended by armed persons for the purpose of
 9 committing any of the offenses provided for in this Code,
 10 or at which the people are incited to insurrection, rebellion,
 11 sedition, or assault upon the authorities or their agents,
 12 shall be corrected by *prisión menor*, and persons merely
 13 attending or present at the same by *arresto mayor*.

[P. C. 179, Nos. 2, 3; 184.]

14 SEC. 118. *Illegal associations*.—The founders, directors,
 15 and presidents of associations the purpose of which is, en-
 16 tirely or partially, the commission of any of the offenses
 17 provided for in this Code or contrary to public morality,
 18 shall be corrected by *prisión menor*, and persons merely
 19 affiliated by *arresto mayor*.

[P. C. 188; 189, No. 1; 190, No. 1.]

20 CHAPTER XVIII.

21 ASSAULTS UPON AND RESISTANCE AND DISOBEDIENCE TO THE
 AUTHORITIES AND THEIR AGENTS.

22 SEC. 119. *Direct assaults*.—Persons who, without a public
 23 uprising, employ force or intimidation for the attainment
 24 of any of the purposes enumerated in defining the offenses
 25 of rebellion and sedition; attack, employ force against,
 26 seriously intimidate, or seriously resist any person in au-
 27 thority, or the agent of such person, shall be corrected by
 28 *prisión media*, if the assault is made with display of weap-
 29 ons, or the offenders are public officers or employees, or
 30 hands are laid upon the person in authority, and in all other
 31 cases by *prisión menor*.

[P. C. 249; 250, Nos. 1-3.]

32 SEC. 120. *Indirect assaults*.—Persons who use force or
 33 intimidation against any persons coming to the assistance
 34 of the person in authority or his agents on occasion of the
 35 commission of any of the offenses defined in the next preced-
 36 ing section shall be corrected by *prisión menor*.

[P. C. 251.]

37 SEC. 121. *Resistance and disobedience to the authorities*.—

1 Persons who, not falling within the provisions of the pre-
 2 ceding sections, resist or seriously disobey any person in
 3 authority or the agents of such person, shall be corrected
 4 by *arresto medio*.

[P. C. 252.]

5

CHAPTER XIX.

6

PERILS TO PUBLIC ORDER.

7 SEC. 122. *Riots and tumults*—Persons who seriously dis-
 8 turb order in public offices or establishments or at public
 9 spectacles, celebrations, or acts, shall be corrected by *arresto*
 10 *mayor*.

[P. C. 258.]

11 The same correction shall be imposed upon persons mak-
 12 ing outcries tending to incite rebellion or sedition in any
 13 meeting, association, or public place, or who, at such places,
 14 display mottoes or symbols causing disturbance of the public
 15 order.

[P. C. 260.]

16 SEC. 123. *Improper use of the means of publication*.—
 17 The following shall be corrected by *arresto medio*:

18 First. Those who by means of printing, lithography, or
 19 any other means of publication, maliciously spread false
 20 news which may endanger the public order or the interests
 21 or credit of the State;

22 Second. Those who, by the same means, encourage dis-
 23 obedience to the law or the authorities or eulogize, defend,
 24 or justify any act corrected by law;

25 Third. Those who maliciously publish any official resolu-
 26 tions or documents without proper authority or before their
 27 official publication; and

28 Fourth. Those who print or publish books, pamphlets,
 29 newspapers, or handbills without putting the real imprint
 30 thereon.

[P. C. 569, Nos. 1-3; 193, No. 1.]

31 SEC. 124. *Alarms and disorderly conduct*.—The follow-
 32 ing shall be corrected by *arresto menor*:

33 First. Any person who discharges within any town or
 34 public place any firearm, firecracker, or other explosive cal-
 35 culated to produce alarm or danger, except persons author-
 36 ized to do so;

37 Second. Any person who instigates or takes an active
 38 part in any charivari or other disorderly meeting offensive
 39 to another or prejudicial to public tranquillity;

[P. C. 572.]

40 Third. Any person who disturbs public order while wan-

1 dering about at night or while engaged in any other noc-
2 turnal amusement; and

3 Fourth. Any person who, while intoxicated, causes any
4 disturbance or scandal in public places.

[P. C. 574, Nos. 1-3.]

5 SEC. 125. *Damage and obstructions to means of commu-*
6 *nication.*—Any person who damages railroads or telegraph
7 or telephone lines or intercepts messages, shall be corrected
8 by *prisión menor*.

9 If the damage produces as consequence a derailment, col-
10 lision or other accident, the correction shall be *prisión*
11 *media*.

12 The electric light wires, traction cables, signaling de-
13 vices, and other accessories of the railroads shall for the
14 purpose of this section be considered as integral parts of
15 the railroads.

[P. C. 262.]

16

CHAPTER XX.

17

EVASION OF SERVICE OF SENTENCE.

18 SEC. 126. *Evasion during any period of deprivation of*
19 *liberty.*—Any person under sentence who escapes while
20 undergoing deprivation of liberty shall be corrected by *re-*
21 *clusión menor*; but if the evasion or escape has been accom-
22 plished with the breaking of doors, windows, ceilings, or
23 floors, or by the use of picklocks, false keys, disguise, deceit,
24 violence, or intimidation, *reclusión media* shall be imposed.

[P. C. 127, 128.]

25 SEC. 127. *Evasion in other cases.*—Any person under
26 sentence enjoying revocable liberty who is guilty of a
27 second or subsequent violation of any of the conditions at-
28 tached to said liberty shall be corrected by *reclusión menor*.

29

TITLE ELEVEN.

30

OFFENSES AGAINST THE PUBLIC INTEREST.

31

CHAPTER XXI.

32

FORGERY AND COUNTERFEITING.

33

ARTICLE ONE.

34

FORGERY OF SEALS, SIGNATURES, STAMPS, LEGISLATIVE DOCUMENTS, AND TRADE-MARKS.

35

36 SEC. 128. *Forgery of the Great Seal, signature or stamp*
of the Chief Executive.—Any person who forges the Great

1 Seal of the Government of the Philippine Islands or the
2 signature or stamp of the Chief Executive, shall be cor-
3 rected by *reclusión mayor*.

[P. C. 266; 269, par. 1.]

4 SEC. 129. *Use of forged seals, signatures, stamps, or*
5 *documents.*—Any person who knowingly makes use of any
6 of the forged seals, signatures, or stamps mentioned in the
7 next preceding section shall be corrected by *reclusión menor*.

[P. C. 268; 269, par. 2.]

8 SEC. 130. *Falsification of legislative documents.*—Any
9 person who, without being authorized to do so, alters the
10 draft of any bill or resolution pending discussion or passage
11 or enacted by either or both Houses of the Philippine Legis-
12 lature, or of any ordinance passed by a provincial board or
13 municipal council, shall be corrected by *reclusión menor*.

[Act 1755—2.]

14 SEC. 131. *Forgery of inspector's marks and seals.*—Any
15 person who forges the marks or seals of government in-
16 spectors and any person knowingly exposing for sale arti-
17 cles of gold or silver, bearing false inspection marks, shall
18 be corrected by *reclusión media*.

[P. C. 272, 273.]

19 SEC. 132. *Forgery of other seals, marks, and counter-*
20 *signs.*—The following shall be corrected by *reclusión*
21 *mayor*:

22 First. Any person liable for the forgery of seals used by
23 any person in authority, court, public corporation, or public
24 office;

[P. C. 274.]

25 Second. Any person liable for the forgery of the marks
26 and countersigns used by the offices of the Government of
27 the Philippine Islands for the purpose of identifying any
28 payment or to insure the payment of a tax; or

[P. C. 275.]

29 Third. Any person liable for the forgery of the seals,
30 marks, tickets, or countersigns used by industrial concerns
31 or commercial establishments.

32 A like correction shall be imposed upon any person who
33 knowingly uses any of the seals, marks, or countersigns
34 referred to in the first two subsections.

[P. C. 277.]

35 SEC. 133. *Substitution of trade-marks.*—Any person who
36 substitutes the mark or name of another for the mark or
37 name of the real manufacturer upon any article of com-
38 merce and sells the same, and any person who obliterates
39 any mark or sign placed upon any stamp, ticket, or counter-

1 sign to indicate that it has been used or canceled, shall be
2 corrected by *arresto mayor*.

[P. C. 278, 279.]

3 ARTICLE TWO.

4 COUNTERFEITING OF COINS.

5 SEC. 134. *Making, importation, and utterance of counter-*
6 *feit coin.*—Any person who makes or imports counterfeit
7 coin, and he who utters the same in connivance with the
8 counterfeiters or importers, shall be corrected by *reclusión*
9 *mayor* if the counterfeit coin is United States currency or
10 currency of these Islands, and by *reclusión media* in any
11 other case.

[P. C. 280, 282, 283, 285.]

12 SEC. 135. *Sweating of coin; importation and utterance of*
13 *sweated coin.*—Any person who sweats coin, or imports
14 sweated coin, and he who utters the same in connivance
15 with the persons who sweated or imported it, shall be cor-
16 rected by *reclusión media* if the coin is United States cur-
17 rency or currency of these Islands, and by *reclusión menor*
18 in any other case.

[P. C. 281, 284, 286.]

19 SEC. 136. *Utterance of counterfeit or sweated coin, with-*
20 *out connivance.*—Any person who knowingly, but without
21 the connivance mentioned in the preceding sections, has in
22 his possession with the intent to utter the same, or utters,
23 counterfeit or sweated coin, shall be corrected by *reclusión*
24 or *arresto* in the degree immediately below the one pre-
25 scribed by said sections.

[P. C. 287, 288.]

26 ARTICLE THREE.

27 FORGERY OF BANK NOTES, DOCUMENTS OF CREDIT, AND STAMPED PAPER.
IMPORTATION THEREOF.

28 SEC. 137. *Forgery of instruments payable to bearer.*—Any
29 person who shall counterfeit paper money or any other
30 instrument payable to bearer, or imports any of such forged
31 instruments, shall be corrected by *reclusión mayor*.

[P. C. 289, par. 1.]

32 SEC. 138. *Forgery of instruments not payable to bearer.*—
33 Any person who forges any document of credit not pay-
34 able to bearer, or imports any of each forged documents,
35 shall be corrected by *reclusión menor*.

[P. C. 293.]

36 SEC. 139. *Negotiation or use of forged instruments.*—Any

1 person who knowingly puts into circulation or negotiates
 2 any of the forged instruments mentioned in the two next
 3 preceding sections, shall be corrected by *reclusión menor*.

[P. C. 290, 295.]

4 The same correction shall be imposed upon any person
 5 who offers in evidence in any judicial proceeding any in-
 6 strument, whether payable to bearer or otherwise, knowing
 7 the same to be forged.

[P. C. 296.]

8 SEC. 140. *Forgery of stamps and stamped paper*.—Any
 9 person forging postage or internal-revenue stamps or any
 10 other kind of stamped paper the sale of which is reserved
 11 to the Government, shall be corrected by *reclusión media*.

[P. C. 297, par. 1.]

12 A like correction shall be imposed upon any person know-
 13 ingly importing or selling the same.

[P. C. 297, par. 2.]

14 Any person merely using said articles, knowing them to
 15 be forged, shall be corrected by *arresto mayor*.

[P. C. 299, par. 2.]

16 SEC. 141. *Possession of forged stamped paper*.—Any per-
 17 son having in his possession knowingly and with the intent
 18 to negotiate or use the same, any forged stamped paper of
 19 the kind mentioned in this article, shall be corrected by
 20 *reclusión* or *arresto*, in the degree immediately below the
 21 one prescribed in the preceding sections.

[Act 1754—19.]

22

ARTICLE FOUR.

23

FORGERY OF PUBLIC, COMMERCIAL, AND PRIVATE DOCUMENTS AND TELEGRAPH AND TELEPHONE MESSAGES.

24 SEC. 142. *Forgery by a public officer, notary public or*
 25 *ecclesiastical minister*.—The correction of *reclusión media*
 26 shall be imposed upon any public officer or employee or no-
 27 tary public who, taking undue advantage of his official posi-
 28 tion, commits forgery of a document by any of the following
 29 acts:

30 First. By counterfeiting or imitating any handwriting
 31 or signature;

32 Second. By causing it to appear that persons have par-
 33 ticipated in any act or proceeding when they did not in fact
 34 so participate;

35 Third. By attributing to persons who have participated
 36 in an act or proceeding statements other than those in fact
 37 made by them;

1 Fourth. By making untruthful statements in a narration
2 of facts;

3 Fifth. By altering true dates;

4 Sixth. By making in a genuine document any alteration
5 or intercalation which changes its meaning;

6 Seventh. By issuing in authenticated form a document
7 purporting to be a copy of an original document when no
8 such original exists, or by including in an authenticated copy
9 a statement contrary to, or different from, that of the
10 genuine original; and

11 Eighth. By intercalating any instrument or note relative
12 to the execution thereof in any protocol, registry or official
13 book.

14 The same correction shall be imposed upon any ecclesias-
15 tical minister committing any of the offenses enumerated
16 in the preceding paragraphs of this section, with respect
17 to any act or document that may affect the civil status or
18 condition of persons.

[P. C. 300.]

19 SEC. 143. *Forgery by private individuals.*—The following
20 shall be corrected by *reclusión menor*:

21 First. Any private individual who commits any of the
22 forgeries enumerated in the next preceding section in any
23 public or official document, letter of exchange, or other com-
24 mercial document;

[P. C. 301.]

25 Second. Any person who, to the damage of another, or
26 with the intent to cause such damage, commits in any pri-
27 vate document any of the forgeries enumerated in the next
28 preceding section; and

[P. C. 304.]

29 Third. Any person who knowingly introduces in evidence
30 in any judicial proceeding any of the forged documents men-
31 tioned in the next preceding section or in any of the pre-
32 ceding paragraph of this section, or uses such document to
33 the damage of another, or with the intent to cause such
34 damage.

[P. C. 302.]

35 SEC. 144. *Forgery of messages.*—Any person fabricating
36 or falsifying a message by telegraph or telephone of any
37 system shall be corrected by *reclusión menor*.

38 Any person using such false message to the damage of
39 another, or with the intent to cause such damage, shall be
40 corrected by *arresto mayor*.

[P. C. 303.]

ARTICLE FIVE.

1

2

FORGERY OF PASSPORTS, CERTIFICATES OF REGISTRATION, AND OTHER
CERTIFICATES.

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SEC. 145. *Illegal issuance of passports and certificates of registration.*—Any public officer or employee issuing a passport or certificate of registration in a fictitious name, or with the name in blank, shall be corrected by *reclusión menor*.

[P. C. 306.]

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SEC. 146. *Forgery and alteration of a passport or certificate of registration.*—The correction of *arresto mayor* shall be imposed upon any person who:

First. Forges any passport or certificate of registration or, in case the same are genuine, makes any essential alteration in them;

[P. C. 307.]

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Second. Makes use of any passport or certificate of registration forged or altered in any of the manners indicated in the next preceding section or the next preceding paragraph; and

[P. C. 308, par. 1.]

18

19

Third. Makes use of a passport or certificate of registration issued in favor of another person.

[P. C. 308, par. 2.]

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SEC. 147. *False certificates.*—Any physician or surgeon who, in the practice of his profession, issues a false certificate, shall be corrected by *arresto medio*.

[P. C. 309.]

23

ARTICLE SIX.

24

POSSESSION AND USE OF INSTRUMENTS FOR COUNTERFEITING
AND FORGERY.

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SEC. 148. *Manufacture and possession of utensils for counterfeiting and forgery.*—The correction of *reclusión menor* shall be imposed upon any person who:

First. Makes or imports into the Philippine Islands dies, stamps, marks or any other kind of utensils intended to be used in the counterfeiting and forgeries referred to in the preceding articles of this chapter;

[P. C. 312.]

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Second. Has in his possession any of the utensils mentioned in the next preceding paragraph and fails to give a satisfactory excuse for having acquired and kept the same; and

[P. C. 313.]

1 Third. Obtains possession of lawful utensils for the pur-
2 pose of utilizing them for counterfeiting or forgery.

[P. C. 314, 315.]

3 CHAPTER XXII.

4 FRAUDS.

5 ARTICLE ONE.

6 MACHINATIONS TO ALTER THE PRICE OF THINGS.

7 SEC. 149. *Machinations at public auctions.*—Any person
8 who solicits any gift or promise as a consideration for
9 agreeing to refrain from taking part in any public auction,
10 or who attempts to cause bidders to stay away from any
11 auction by means of any threats, gifts, promises or any
12 other artifice, with intent to reduce the price of the thing
13 auctioned, shall be corrected by *arresto mayor*.

14 The same correction shall be imposed upon bidders who
15 at an auction combine for the purpose of reducing the price
16 of the thing auctioned.

[P. C. 542.]

17 SEC. 150. *Machinations to enhance the price of goods*—
18 Persons who by spreading false rumors, combining in
19 large organizations of capitalists or industrials, or making
20 use of any other artifice, succeed in altering the prices which
21 would naturally be obtained in free competition for mer-
22 chandise, stocks, public and private securities, or any other
23 thing which may be the object of trade and commerce,
24 shall be corrected by *arresto mayor*.

[P. C. 544.]

25 If the offense affects foodstuffs or other articles of prime
26 necessity, the correction shall be *prisión menor*. For the
27 purpose of imposing this correction, it shall be sufficient
28 that a commencement has been made toward carrying out
29 the purposes of the combination.

[P. C. 545.]

30 ARTICLE TWO.

31 DEFRAUDATIONS.

32 SEC. 151. *Defraudations of the public treasury or the*
33 *public service.*—Any public officer or employee who, by
34 reason of his official position, in dealing with any person
35 with regard to furnishing supplies, or making contracts,
36 or the adjustment or settlement of accounts relating to
37 public property or funds, enters into any agreement with

1 any interested party or speculator to defraud the public
 2 treasury or the public service, or makes use of any other
 3 artifice for such purposes, shall be corrected by *reclusión*
 4 *media*.

[P. C. 396.]

5 SEC. 152. *Fraud by becoming interested*.—Any public
 6 officer or employee who becomes interested, directly or in-
 7 directly, in any contract or transaction in which it is his
 8 duty to participate by reason of his office, shall be corrected
 9 by *prisión menor*.

10 The same correction shall be imposed upon any private
 11 individual acting as an expert, arbitrator, or accountant,
 12 who becomes so interested in any contract or transaction
 13 in connection with the property or things which he has been
 14 called upon to appraise, partition, or adjust, and to guard-
 15 ians and executors with respect to the property of their
 16 wards, or of the testamentary estate.

[P. C. 397.]

17

ARTICLE THREE.

18

SIMULATION OF QUALIFICATIONS AND TITLES, AND IMPROPER USE OF NAMES, UNIFORMS, AND INSIGNIA.

19 SEC. 153. *Simulation of qualifications*.—Any person who
 20 publicly performs acts properly pertaining to a profession
 21 or calling for which he lacks the academic or official degree
 22 or license or proper authorization necessary for its prac-
 23 tice, shall be corrected by *arresto mayor*.

[P. C. 329.]

24 SEC. 154. *Use of a fictitious name*.—Any person publicly
 25 using a fictitious name for the purpose of concealing an of-
 26 fense, evading a sentence, or causing damage, shall be cor-
 27 rected by *arresto mayor*.

[P. C. 331, par. 2.]

28 SEC. 155. *Illegal use of insignia*.—Any person who pub-
 29 licly and wrongfully makes use of the insignia, uniform,
 30 or dress pertaining to an office not held by such person, or
 31 to a class of persons of which he is not a member, shall
 32 be corrected by *arresto menor*.

[P. C. 333.]

33

ARTICLE FOUR.

34

FALSE TESTIMONY.

35 SEC. 156. *False testimony against a defendant*.—Any per-
 36 son who gives false testimony against the defendant in
 37 any criminal case shall be corrected:

1 First. By *reclusión mayor*, if said defendant has been
2 corrected by deprivation of life;

3 Second. By *reclusión media*, if the defendant has been
4 corrected by *prisión* or *reclusión*;

5 Third. By *reclusión menor*, if the defendant has been
6 corrected by *arresto*; and

7 Fourth. By *arresto mayor*, if the defendant has been sen-
8 tenced to pay a fine or has been acquitted.

[P. C. 318.]

9 SEC. 157. *False testimony in favor of a defendant or not*
10 *harmful to him.*—Any person who, in a criminal case, gives
11 false testimony favorable to the defendant or not harmful
12 to him, shall be corrected by *arresto mayor* if the case be
13 for an offense corrected by *prisión*, *reclusión*, or depriva-
14 tion of life, and by *arresto medio* in any other case.

[P. C. 320.]

15 SEC. 158. *False testimony in a civil case.*—Any person
16 liable for false testimony in a civil case shall be corrected
17 by *arresto mayor* if the amount in controversy exceeds five
18 thousand pesos, and by *arresto medio* if it does not exceed
19 said sum.

[P. C. 321.]

20 SEC. 159. *False testimony in other cases.*—Any person
21 who, not falling under the provisions of any of the preced-
22 ing sections, gives false testimony under oath or signs a
23 false affidavit, shall be corrected by *arresto medio*.

24 SEC. 160. *Use of false testimony in judicial proceed-*
25 *ings.*—Any person who in any proceeding knowingly offers
26 false witnesses or testimony shall be corrected as guilty
27 of false testimony.

[P. C. 325.]

28 TITLE TWELVE.

29 OFFENSES AGAINST PUBLIC FUNCTIONS.

30 CHAPTER XXIII.

31 CORRUPTION OF PUBLIC FUNCTIONS.

32 ARTICLE ONE.

33 PREVARICATION.

34 SEC. 161. *Malicious retarding of the administration of*
35 *justice.*—Any judge who maliciously retards the admin-
36 istration of justice shall be corrected by *arresto medio*.

[P. C. 353, par. 2.]

1 SEC. 162. *Prevarication of the attorney or solicitor.*—
 2 Any attorney or solicitor who, by any malicious breach of
 3 professional duty, causes damage to his client or reveals
 4 the secrets entrusted to him by the latter, shall be cor-
 5 rected by *arresto mayor*.

[P. C. 356.]

6 The same correction shall be imposed upon the attorney
 7 or solicitor who, having been retained by a party and re-
 8 ceived from the same confidential information with respect
 9 to a case, subsequently accepts employment from the ad-
 10 verse party or acts as counsel of said adverse party in the
 11 same case, without the consent of the first client.

[P. C. 357.]

12 SEC. 163. *Negligence in the prosecution of offenses.*—Any
 13 public officer or employee who, in dereliction of his duties,
 14 fails to institute proceedings against a person liable for
 15 an offense shall be corrected by *arresto medio*.

[P. C. 355.]

16

ARTICLE TWO.

17

BRIBERY.

18 SEC. 164. *Direct bribery of an officer.*—Any public officer
 19 or employee who, personally or through the mediation of
 20 another, solicits or accepts any gift, present, or promise as
 21 consideration for the commission of any offense, shall be
 22 corrected by *reclusión media*, without prejudice to the lia-
 23 bility contracted for said offense.

[P. C. 381.]

24 When the object of the gift or promise is an act or omis-
 25 sion which does not constitute an offense, the correction
 26 shall be *reclusión menor*.

[P. C. 382.]

27 SEC. 165. *Bribery by reason of analogy of office.*—The
 28 provisions of the next preceding section shall be applied to
 29 jurors, experts, or any other persons performing public
 30 duties.

[P. C. 384.]

31 SEC. 166. *Indirect bribery.*—Any public officer or em-
 32 ployee who accepts any present given him in consideration
 33 of his office shall be corrected by *arresto mayor*.

[P. C. 386.]

34 SEC. 167. *Corruption of officers.*—Any person who by
 35 gifts, presents or promises corrupts or attempts to cor-
 36 rupt any public officer or employee shall be corrected by
 37 *arresto mayor*.

[P. C. 387.]

1

ARTICLE THREE.

2

USURPATION.

3 SEC. 168. *Usurpation of authority.*—Any person who, un-
4 der pretense of official position, performs any act properly
5 pertaining to any person in authority or public officer, with-
6 out being lawfully entitled thereto, shall be corrected by
7 *prisión menor*.

[P. C. 328.]

8 SEC. 169. *Usurpation of legislative authority.*—Any public
9 officer or employee who encroaches upon the power of the
10 legislative branch of the Government, either by making
11 general rules and regulations beyond the scope of his au-
12 thority or by pretending to repeal or suspend the execution
13 of a law, shall be corrected by *arresto mayor*.

[P. C. 373.]

14

CHAPTER XXIV.

15

ILLEGAL EXACTIONS AND TRANSACTIONS.

16 SEC. 170. *Illegal exactions.*—Any public officer or em-
17 ployee who, directly or indirectly, exacts fees greater than
18 those which he is entitled by law to receive, shall be cor-
19 rected by *arresto mayor*.

[P. C. 398, par. 1.]

20 SEC. 171. *Prohibited transactions.*—Any appointive public
21 officer or employee who, during his term of office, becomes
22 interested, directly or indirectly, in any operation of ex-
23 change, trade, or profit with respect to things not the prod-
24 uct of his own property, within the territory in which he
25 exercises jurisdiction, shall be corrected by *arresto mayor*.

[P. C. 400, par. 1.]

26 SEC. 172. *Transactions concerning articles of uniform.*—
27 Any persons who sells, buys, or receives in pledge any
28 article of uniform of a soldier or noncommissioned officer of
29 the Army or Navy of the United States or the Philippine
30 Constabulary, shall be corrected by *arresto menor*.

[Act 2567—2.]

31

CHAPTER XXV.

32

MALVERSATION OF PUBLIC FUNDS OR PROPERTY.

33 SEC. 173. *In what it consists.*—Any public officer or em-
34 ployee in charge of public funds or property who converts
35 the same to his own use, consents to another doing so, or
36 disposes of them for his own benefit or that of another,
37 shall be corrected as follows:

- 1 First. By *prisión mayor*, if the amount misappropriated
 2 is more than five thousand pesos;
 3 Second. By *prisión media*, if it is more than one thousand
 4 pesos, but not more than five thousand;
 5 Third. By *prisión menor*, if it is more than two hundred
 6 pesos, but not more than one thousand; and
 7 Fourth. By *arresto mayor* in any other case.
 [P. C. 390.]

8

CHAPTER XXVI.

9

INFIDELITY OF PUBLIC OFFICERS.

10

ARTICLE ONE.

11

INFIDELITY IN THE CUSTODY OF PRISONERS.

12 SEC. 174. *Connivance in or consent to escape*.—Any public
 13 officer or employee who connives in or consents to the
 14 escape of a prisoner in his custody, shall be corrected as
 15 follows:

16 First. By *prisión media*, if the fugitive was sentenced to
 17 deprivation of life or deprivation of liberty for life or for
 18 a term of more than twenty years;

19 Second. By *prisión menor*, if the fugitive was sentenced
 20 to deprivation of liberty for a period of more than five
 21 years, but not more than twenty;

22 Third. By *prisión menor*, if the fugitive was accused of
 23 or under arrest for an offense to which any of the correc-
 24 tions mentioned in the first paragraph is attached;

25 Fourth. By *arresto mayor*, if the fugitive was sentenced
 26 to deprivation of liberty for a term of not more than five
 27 years, or to pay a fine;

28 Fifth. By *arresto mayor*, if the fugitive was accused of
 29 or under arrest for an offense to which any of the correc-
 30 tions mentioned in the second paragraph is attached; and

31 Sixth. By *arresto medio*, if the fugitive was accused of
 32 or under arrest for an offense to which any correction
 33 mentioned in the fourth paragraph is attached.

[P. C. 358.]

34 SEC. 175. *Escape due to negligence*.—When the escape
 35 was due to negligence on the part of the officer or employee
 36 having the fugitive in his custody, such officer or employee
 37 shall be corrected by *prisión* or *arresto*, as the case may
 38 be, in the degree immediately below that to be imposed had
 39 there been connivance or consent.

40 SEC. 176. *Escape when the person in charge is not a*
 41 *public officer*.—Any private individual having a prisoner in

1 his custody, who commits any of the offenses mentioned
 2 in the preceding sections, shall be corrected by *prisión* or
 3 *arresto* in the degree immediately below that imposed upon
 4 public officers.

[P. C. 359.]

5

ARTICLE TWO.

6

INFIDELITY IN THE CUSTODY OF DOCUMENTS.

7 SEC. 177. *Removal, destruction, or concealment of docu-*
 8 *ments.*—Any public officer or employee who removes, de-
 9 stroys, or conceals documents or papers confined to him in
 10 his official capacity, shall be corrected by *prisión menor* if
 11 the act results in damage to another or to the public inter-
 12 ests, and by *arresto mayor* in any other case.

[P. C. 360.]

13 SEC. 178. *Breaking of seals or fastenings by an officer.*—
 14 Any public officer or employee charged with the custody of
 15 sealed or closed documents, papers, or effects, who breaks
 16 the seals or fastenings or permits them to be broken by
 17 another, shall be corrected by *arresto mayor*.

[P. C. 361.]

18 SEC. 179. *Breaking by a private individual.*—Any private
 19 individual committing any of the offenses defined in the two
 20 preceding sections shall be corrected by *prisión* or *arresto*
 21 in the degree next below that to be imposed upon a public
 22 officer.

[P. C. 362, par. 2.]

23

ARTICLE THREE.

24

REVELATION OF SECRETS.

25 SEC. 180. *Revelation of secrets by an officer.*—Any public
 26 officer or employee who reveals any secrets known to him
 27 by reason of his official capacity, or who wrongfully de-
 28 livers documents or papers, or copies thereof, of which he
 29 may have charge, and which should not be published, shall
 30 be corrected by *prisión menor* if such revelation or delivery
 31 results in damage to the public interests or any entity or
 32 person, and by *arresto mayor* in all other cases.

[P. C. 363.]

33 SEC. 181. *Revelation of secrets by a private individual.*—
 34 Any private individual who, without previous authoriza-
 35 tion by the person or persons concerned, reveals any secrets
 36 known to him by reason of his employment or profession,
 37 shall be corrected by *prisión* or *arresto* in the degree next
 38 below that designated in the next preceding section.

ARTICLE FOUR.

DISOBEDIENCE AND OTHER IRREGULARITIES OF PUBLIC OFFICERS.

SEC. 182. *Open disobedience*.—Any public officer or employee who refuses to carry out orders of any competent superior authority shall be corrected by *arresto mayor*.

[P. C. 365.]

SEC. 183. *Refusal of assistance*.—Any public officer or employee who, upon demand, fails to lend due coöperation toward the administration of justice or other public service, shall be corrected by *prisión menor* if such failure results in damage to the public interests or to a third person, and by *arresto mayor* in all other cases.

[P. C. 367.]

SEC. 184. *Maltreatment of prisoners*.—Any public officer or employee who commits excesses in the correction or treatment of a person under arrest, charges, correction, or sentence of whom he has the custody, by applying to him punishments or inquisitorial methods not authorized by regulations, or applying regulations in a cruel or debasing manner, shall be corrected by *arresto mayor*, without prejudice to the liability contracted for the injuries or damage that may have been caused.

SEC. 185. *Abandonment of office*.—Any public officer who abandons his office without having had his resignation accepted, shall be corrected by *prisión menor* if he abandoned such office in order to evade the duty of preventing, prosecuting, or correcting any offense, and by *arresto medio* in all other cases.

[P. C. 372.]

TITLE THIRTEEN.

OFFENSES AGAINST PUBLIC MORALITY.

CHAPTER XXVII.

PROHIBITED GAMES AND BETTING.

SEC. 186. *Gambling*.—Any person participating in any game for money, valuable things or representatives of value, the result of which game depends wholly or chiefly upon chance, shall be corrected by *prisión menor*.

[Act 1757—1.]

SEC. 187. *Indirect participation in gambling*.—The same correction shall be imposed upon any person who, without having participated in the game, has permitted it, being the occupant of the building or premises, the president or a member of the board of directors of the club or society

1 occupying it, or the master or patron of the ship or vessel
2 on which the gambling took place.

[Act 1757—4.]

3 SEC. 188. *Liability of the bankers and others.*—The
4 banker and any person who, without taking a direct part
5 in the game, has a share in the percentage, discount, or
6 profits thereof, shall be corrected by *prisión menor* in its
7 maximum degree.

[Act 1757—5, 6.]

8 SEC. 189. *Horse races and cockfights.*—The preceding sec-
9 tions shall be applicable to horse races and cockfights held
10 on days or at places not authorized by law.

[Act 1537; 480—1, 2.]

11 SEC. 190. *Betting on sports.*—Any person who at a box-
12 ing or wrestling bout or at athletic sports bets money,
13 things of value, or things representative thereof, shall be
14 corrected by *arresto menor*.

[Act 557.]

15 SEC. 191. *Lotteries and raffles.*—Any person importing
16 lottery tickets or announcements of the result of any draw-
17 ing effected abroad, shall be corrected with *arresto mayor*;
18 and any person having in his possession any of said tickets
19 or advertisements shall be corrected by *arresto medio*, un-
20 less he gives a satisfactory explanation of their possession.

21 Any person organizing a lottery or raffle of any kind,
22 for the purpose of gain, shall be corrected by *arresto mayor*.

[Act 1523.]

23 SEC. 192. *Gambling with a minor and with advantage.*—
24 Any person playing with a minor any lawful or permitted
25 game for money, things of value, or representatives thereof,
26 shall be corrected by *arresto medio*.

27 The same correction shall be imposed upon any person
28 who, in a game of the same kind, makes use of advantages,
29 without committing fraud, or enters into an agreement
30 with other players in order to insure a winning.

31 CHAPTER XXVIII.

32 PUBLIC SCANDAL AND IMMORAL PROPAGANDA.

33 SEC. 193. *Serious scandal.*—Any person who offends
34 against modesty or good customs by highly scandalous con-
35 duct not expressly falling within any other section of this
36 Code shall be corrected by *arresto medio*.

[P. C. 441.]

37 SEC. 194. *Immoral doctrines and obscene publications.*—
38 The same correction shall be imposed upon any person who
39 publicly proclaims doctrines in open opposition to good
40 morals, and upon the authors of obscene articles published

1 in any form, and upon the publishers of the publications in
2 which such articles appear.

[P. C. 442; Act 277—12.]

3 SEC. 195. *Unlawful exhibtions in theaters and cinemato-*
4 *graphs.*—Any person who exhibits indecent or immoral
5 scenes in a theater or cinematograph shall be corrected by
6 *arresto medio.*

[P. C. 571, No. 2.]

7 SEC. 196. *Other unlawful exhibitions and sales.*—Any
8 person who at fairs or expositions or in theaters, cinemato-
9 graphs, or any other places open to the public exhibits nude
10 or semi-nude persons, shall be corrected by *arresto mayor.*

[Act 2339—2.]

11 Any person who sells or exhibits prints, engravings, or
12 sculptures offensive to good morals, or wears repulsive or
13 scandalous dress, or dress disclosing sexual perversion, or
14 makes any other demonstration or exhibiton offensive to
15 good customs, shall be corrected by *arresto medio.*

[P. C. 571, No. 2; Act 277—12.]

16 CHAPTER XXIX.

17 VAGRANCY.

18 SEC. 197. *Its correction and cases in which the latter*
19 *may be suspended.*—Any person having no apparent means
20 of subsistence, who is able to work and has no lawful call-
21 ing, shall be corrected by *arresto menor.*

[Act 519—1.]

22 The court may in any of these cases suspend sentence if
23 the person under sentence is a foreigner or a citizen of the
24 United States, on condition that he leave the Philippine
25 Islands and refrain from returning to them for a period of
26 ten years, the fulfillment of which condition shall relieve
27 the person under sentence from all further liability.

[Act 899—1.]

28 TITLE FOURTEEN.

29 OFFENSES AGAINST PRIVATE ORDER.

30 CHAPTER XXX.

31 OFFENSES AGAINST LIFE.

32 ARTICLE ONE.

33 VIOLENT DEATH.

34 SEC. 198. *Parricide and murder.*—Any person killing his
35 father, mother, legitimate or illegitimate child, or any other

1 ascendant or descendant, or his spouse, shall be corrected
2 by *reclusión mayor* to deprivation of life.

[P. C. 402.]

3 The same correction shall be imposed upon any person
4 who kills another under any of the first ten circumstances
5 of section twenty-six.

[P. C. 403.]

6 SEC. 199. *Homicide*.—Any person who, not falling under
7 the provisions of the next preceding section, kills another,
8 shall be corrected by *prisión mayor*.

[P. C. 404.]

9 SEC. 200. *Killing in a tumultuous affray*.—When a quar-
10 rel occurs between several persons and they engage in a
11 confused and tumultuous affray, in the course of which some
12 person is killed, if it can not be ascertained who actually
13 killed the deceased, but there is proof of the infliction of
14 serious physical injuries upon him, the person or persons
15 by whom such injuries were inflicted, shall be corrected by
16 *prisión media*.

17 If it can not be determined from the evidence which of
18 the participants in the affray inflicted the serious physical
19 injuries upon the deceased, the correction designated in the
20 preceding paragraph in its minimum degree shall be im-
21 posed upon all those who have used violence upon the
22 deceased.

[P. C. 405.]

23 SEC. 201. *Suicide*.—Any person who assists another to
24 commit suicide shall be corrected by *prisión media*; if such
25 person lends his assistance to the extent of doing the killing
26 himself, he shall be corrected by *prisión mayor*.

27 Frustrated or attempted suicide shall be corrected by
28 *prisión menor*.

[P. C. 406.]

29 SEC. 202. *Discharge of firearm*.—Any person who dis-
30 charges a firearm against another shall be corrected by
31 *prisión menor*, if the circumstances of the case are such
32 that the act cannot be held to constitute the frustrated
33 offense of parricide, murder, homicide, or an attempt to
34 commit any of these offenses, or any other offense for which
35 a more severe correction is prescribed.

[P. C. 408.]

36 SEC. 203. *Exceptional parricide*.—Any mother who, to
37 conceal her dishonor, kills her child within less than three
38 days after its birth, shall be corrected by *prisión media*.

39 The correction for the commission of this offense by the
40 maternal grandparents for the purpose of concealing the

1 mother's dishonor shall be the maximum degree of the cor-
 2 rection prescribed in the next preceding paragraph.

[P. C. 409.]

3 ARTICLE TWO.

4 ABORTION.

5 SEC. 204. *Voluntary abortion*.—Any person who inten-
 6 tionally brings about an abortion shall be corrected as
 7 follows:

8 First. By *prisión mayor*, if he uses violence upon the
 9 person of the pregnant woman;

10 Second. By *prisión media* if, without using violence, he
 11 acts without the consent of the woman; and

12 Third. By *prisión menor*, if the woman has consented.

[P. C. 410.]

13 SEC. 205. *Abortion caused by the parents of the woman*.—
 14 If the abortion is caused by the parents of the pregnant
 15 woman in order to conceal her dishonor, the correction one
 16 degree below that to be imposed under the next preceding
 17 section shall be applied.

18 SEC. 206. *Involuntary abortion*.—Any person who causes
 19 a woman to miscarry by inflicting violence upon her, but
 20 without intending to cause a miscarriage, shall be corrected
 21 by *prisión menor*.

[P. C. 411.]

22 SEC. 207. *Abortion caused by the woman*.—Any woman
 23 who practices an abortion upon herself, or consents to any
 24 other person doing so, shall be corrected by *prisión media*.

25 Any woman who shall commit this offense to conceal her
 26 dishonor shall be corrected by *prisión menor*.

[P. C. 412.]

27 SEC. 208. *Abortion caused by a physician or surgeon and*
 28 *dispensation of abortives*.—The corrections prescribed in
 29 section two hundred and four in their maximum degree
 30 shall be imposed upon any physician or surgeon who, by the
 31 misuse of his scientific knowledge, causes an abortion or
 32 assists in causing the same.

33 Any pharmacist who, without a proper physician's pre-
 34 scription, dispenses an abortive, shall be corrected by
 35 *arresto medio*.

[P. C. 413.]

36 ARTICLE THREE.

37 PHYSICAL INJURIES AND ASSAULT.

38 SEC. 209. *Serious physical injuries*.—Any person who
 39 wounds, assaults, or otherwise inflicts injuries upon another
 40 shall be corrected:

1 First. By *prisión mayor*, if in consequence of the phy-
2 sical injuries inflicted the injured person becomes an im-
3 becile, impotent, or blind;

4 Second. By *prisión media*, if in consequence of said in-
5 juries the injured person loses an eye or any member, or
6 loses the use of such member, or becomes incapacitated for
7 the work in which he has been habitually engaged before
8 receiving the injury, or is ill for ninety days or more; and

9 Third. By *prisión menor*, if the injured party, by reason
10 of the injuries received, has been ill or incapacitated for
11 labor for more than thirty days, but less than ninety.

[P. C. 416, Nos. 1-4.]

12 SEC. 210. *Light injuries*.—Any person causing injuries
13 not falling under the provisions of the next preceding sec-
14 tion which result in the illness or incapacitation for work of
15 the injured party for ten days or more, but not more than
16 thirty, shall be corrected by *prisión menor* if he acted with
17 the manifest intent to insult, or under circumstances adding
18 ignominy to the offense; and in other cases by *arresto*
19 *mayor*.

[P. C. 418.]

20 SEC. 211. *Very light physical injuries*.—Any person in-
21 flicting injuries not falling under the provisions of the pre-
22 ceding sections shall be corrected by *arresto medio* if such
23 injuries result in the illness or incapacitation for work of
24 the injured person for less than ten days; and by *arresto*
25 *menor* in other cases.

[P. C. 587.]

26 SEC. 212. *Physical injuries inflicted in a tumultuous*
27 *affray*.—Whenever any physical injuries have been inflicted
28 in a tumultuous affray or joint assault and there is no evi-
29 dence to show by whom the same were inflicted, all persons
30 shown to have done any violence to the person injured shall
31 be corrected by *prisión* or *arresto* in the degree next below
32 that which would be imposed upon persons shown to have
33 inflicted said injuries.

[P. C. 420.]

34 SEC. 213. *Assault*.—An assault not resulting in any in-
35 jury shall be corrected by *arresto menor*.

[P. C. 589, No. 1.]

36

ARTICLE FOUR.

37

DUELING.

38 SEC. 214. *Liability for dueling*.—Any person fighting a
39 duel shall be corrected by *prisión menor*, without prejudice

1 to the liability contracted by him by reason of the homicide
2 or physical injuries that may originate from the duel.

3 The seconds shall in every case be corrected as accom-
4 plices.

[P. C. 430, par. 2.]

5 SEC. 215. *Challenge to duel.*—Any person challenging
6 another or inciting him to give or accept a challenge to
7 fight a duel or publicly scoffing at or deriding another for
8 having refused to accept a challenge to fight a duel, shall be
9 corrected by *arresto mayor*.

[P. C. 428, 429.]

10 ARTICLE FIVE.

11 SPECIAL CIRCUMSTANCES IN CASES OF THE INFLICTION OF VIOLENT DEATH
AND PHYSICAL INJURIES.

12 SEC. 216. *Death or physical injuries inflicted under ex-*
13 *ceptional circumstances.*—Any husband who, having sur-
14 prised his wife in the act of adultery, kills her or her
15 paramour, or inflicts any serious physical injuries upon
16 either, shall be exempt from all liability.

17 This rule shall be applicable under similar circumstances
18 to parents with respect to the seducer of any minor daugh-
19 ter while the latter is living with the parents.

20 Any person who permits or facilitates the corruption or
21 prostitution of his wife or daughter shall not be entitled
22 to the benefits of this section.

[P. C. 423.]

23 CHAPTER XXXI.

24 OFFENSES AGAINST LIBERTY AND PERSONAL SECURITY.

25 ARTICLE ONE.

26 ILLEGAL DETENTIONS.

27 SEC. 217. *Aggravated illegal detention.*—Any private in-
28 dividual who locks up or kidnaps another or in any other
29 manner deprives him of his liberty, shall be corrected by
30 *prisión mayor* in the presence of any of the following cir-
31 cumstances:

32 First. If the time during which the injured party was
33 locked up or detained is more than twenty days;

34 Second. If the offense was committed under the pretense
35 of the exercise of public authority; and

36 Third. If any physical injury was inflicted upon the per-
37 son locked up or detained, or threats to kill him were made.

[P. C. 482.]

1 SEC. 218. *Ordinary illegal detention.*—Any private indi-
 2 vidual committing the same offense without the attendance
 3 of any of the circumstances mentioned in the next preced-
 4 ing section shall be corrected by *prisión media*; but if the
 5 person liable spontaneously releases the person locked up
 6 or kidnapped within twenty-four hours after the commence-
 7 ment of the detention, without having attained the purpose
 8 intended, the correction shall be *prisión menor*.

[P. C. 481, pars. 1, 3.]

9 SEC. 219. *Complicity in illegal detention.*—Any person
 10 who knowingly provides a place for the commission of the
 11 offense of illegal detention shall be corrected as accomplice.

[P. C. 481, par. 2.]

12 SEC. 220. *Illegal arrest.*—Any person who in any case
 13 other than those permitted by law, or without reasonable
 14 ground therefor, arrests a person for the purpose of taking
 15 the latter before the authorities, shall be corrected by *arres-*
 16 *to medio*.

[P. C. 483, par. 1.]

17 SEC. 221. *Kidnapping of minors.*—Any person who kid-
 18 naps a minor or induces him to abandon the house of his
 19 parents or guardian or person having charge of him, shall
 20 be corrected by *prisión media*; but if the offender is the
 21 father or the mother, the correction shall be *arresto mayor*.

22 If the kidnapping of the minor was attended by any of the
 23 circumstances of section two hundred and seventeen and
 24 the offender was not the father or mother, the correction
 25 shall be *prisión mayor*.

[P. C. 484; 486, par. 1.]

26

ARTICLE TWO.

27

ABANDONMENT OF HELPLESS PERSONS.

28 SEC. 222. *Abandonment of persons in danger.*—Any per-
 29 son failing to render assistance to another who is in danger
 30 of perishing or in circumstances of extreme need or afflic-
 31 tion, when such rendering of assistance does not involve
 32 risk or sacrifice, shall be corrected by *arresto medio*.

33 The same correction shall be imposed upon any person
 34 who, finding an abandoned child under seven years of age
 35 under circumstances which imperil his life, fails to take
 36 it in or deliver it to the authorities or to its family.

[P. C. 588, Nos. 9-11.]

37 SEC. 223. *Abandonment of his own victim.*—Any person
 38 who under any circumstances fails to assist or succor in

1 accordance with his means and resources a person upon
 2 whom he has accidentally inflicted an injury or damage,
 3 shall be corrected by *arresto medio*.

4 SEC. 224. *Abandonment of a minor*.—Any person who
 5 abandons a minor for whose custody he is responsible shall
 6 be corrected by *arresto mayor*.

7 If the abandonment has taken place under such circum-
 8 stances as to have occasioned the death of the minor, the
 9 offender shall be corrected by *prisión media*, and if the life
 10 of the minor abandoned has been imperiled only, the cor-
 11 rection shall be *prisión menor*.

[P. C. 487, pars. 1, 2.]

12 SEC. 225. *Infidelity in the custody of a minor*.—Any per-
 13 son having charge of the rearing or education of a minor
 14 who delivers the same to a public institution or to another
 15 person without the consent of the person who confined such
 16 minor to his care, or, in the absence of such person, without
 17 the consent of the authorities, shall be corrected by *arresto*
 18 *menor*.

19 A like correction shall be imposed upon parents who
 20 abandon their children, failing to give them the education
 21 proper to their station in life and within their means.

[P. C. 488, par. 1; 588, No. 5.]

22 SEC. 226. *Exploitation of minors*.—The following shall be
 23 corrected by *prisión menor*:

24 First. Any person who causes any child under sixteen
 25 years of age to perform any dangerous feat of balancing,
 26 strength, or contortion;

27 Second. Any person who, being by profession an acrobat,
 28 gymnast, ropewalker, diver, animal tamer, circus manager,
 29 or being engaged in other similar callings, employs in any
 30 exhibitions of this kind children under sixteen years of
 31 age;

32 Third. Any ascendant, guardian, teacher, or person in-
 33 vested in any capacity with the care of a child under sixteen
 34 years of age, who delivers such child to any person following
 35 any of the callings enumerated in the next preceding para-
 36 graph, or makes an habitual vagrant or beggar of it; and

37 Fourth. Any person who induces a child under sixteen
 38 years of age to abandon the home of its ascendants, guard-
 39 ians, curators, or teachers to follow any person engaged
 40 in any of the callings mentioned, or any habitual vagrant
 41 or beggar.

[P. C. 489.]

1

ARTICLE THREE.

2

TRESPASS OF THE DWELLING, THREATS, AND COERCION.

3

SEC. 227. *Qualified trespass of dwelling.*—Any private
4 individual entering the dwelling of another against the
5 latter's will shall be corrected by *arresto mayor*.

6

If the offense is committed by means of violence or inti-
7 midation, the correction shall be *prisión menor*.

8

The provisions of this section shall not apply to any
9 person who enters another's dwelling for the purpose of
10 preventing or evading some serious harm to himself, the
11 occupants of the dwelling, or a third person, or for the
12 purpose of rendering some service to humanity or justice,
13 nor shall they apply to any person frequenting a café, inn,
14 or other public house while open.

[P. C. 491-493.]

15

SEC. 228. *Other forms of trespass of dwelling.*—Any per-
16 son entering any closed building or walled or fenced estate,
17 if either be uninhabited, without the permission of the
18 owner or person in charge, shall be corrected by *arresto*
19 *menor*.

[P. C. 594.]

20

SEC. 229. *Serious threats.*—Any person who threatens
21 another with the infliction upon the person, honor, or prop-
22 erty of the latter or his family, of any wrong amounting
23 to an offense, shall be corrected as follows:

24

First. By a correction two degrees below the one pre-
25 scribed for the threatened offense, if the threat has been
26 made for the purpose of extorting money or imposing any
27 other condition, even though not unlawful, and if the of-
28 fender has attained his purpose; and three degrees below
29 if he has not attained it; and

30

Second. By *arresto medio* if the threat was not condi-
31 tional.

[P. C. 494.]

32

SEC. 230. *Simple threats.*—Any person threatening a
33 wrong not amounting to an offense, in the manner stated in
34 the first subsection of the next preceding section, shall be
35 corrected by *arresto mayor*.

[P. C. 495.]

36

Any person who in an unconditional manner threatens
37 another with a wrong not amounting to an offense or who,
38 in a quarrel, draws a weapon with a mien or attitude of
39 using the same shall be corrected by *arresto menor*.

[P. C. 589, Nos. 2-4.]

40

SEC. 231. *Aggravated coercion.*—Any person who, with-

1 out authority of law, prevents another by means of violence
 2 from doing something not prohibited by law, or compels
 3 him to do something against his will, shall be corrected by
 4 *arresto mayor*.

[P. C. 497.]

5 SEC. 232. *Simple coercion*.—Any person who by violence
 6 takes possession of anything belonging to his debtor for
 7 the purpose of applying the same to the payment of the
 8 debt shall be corrected by *arresto medio*.

[P. C. 498.]

9 Any other coercion or unjust annoyance shall be corrected
 10 by *arresto menor*.

[P. C. 589, No. 5.]

11 SEC. 233. *Coercion by analogy*.—Any person compelling
 12 or obliging any laborer or employee of his to purchase goods
 13 of any kind in a certain store or from a certain person shall
 14 be corrected by *arresto menor*.

15 The same correction shall be imposed upon any person
 16 paying a laborer's wages in checks or other similar tokens.

[Act 2549—1.]

17 ARTICLE FOUR.

18 DISCOVERY AND REVELATION OF SECRETS.

19 SEC. 234. *Secrets discovered by taking possession of let-*
 20 *ters*.—Any person discovering the secrets of another by
 21 taking possession of his papers or letters and revealing the
 22 same shall be corrected by *arresto mayor*.

23 If he does not reveal them, the correction shall be *arresto*
 24 *medio*.

25 This provision shall not apply to husbands with respect
 26 to the papers or letters of their wives, to parents with
 27 respect to the papers or letters of their children, or to guard-
 28 ians or persons exercising similar authority with respect
 29 to the papers or letters of any minor under their care or
 30 custody.

[P. C. 499.]

31 SEC. 235. *Secrets divulged with abuse of office*.—Any
 32 manager, clerk, or servant to whom, in his capacity as such,
 33 the secrets of his principal or master become known, who
 34 divulges such secrets, shall be corrected by *arresto mayor*.

[P. C. 500.]

35 SEC. 236. *Revelation of industrial secrets*.—Any agent,
 36 employee or workman of any manufacturing or other in-
 37 dustrial establishment who, to the damage of the owner,
 38 reveals the secrets of his industry, shall be corrected by
 39 *prisión menor*.

[P. C. 501.]

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CHAPTER XXXII.

OFFENSES AGAINST PROPERTY.

ARTICLE ONE.

ROBBERY.

SEC. 237. *In what it consists.*—Robbery is committed by any person who, with intent to gain, takes the personal property of another by the use of violence or intimidation against any person, or force upon any thing.

[P. C. 502.]

SEC. 238. *Robbery with violence or intimidation against persons.*—Robbery with violence or intimidation against persons shall be corrected:

First. By *reclusión mayor* to deprivation of life, when in consequence or on the occasion of the robbery a homicide has been committed;

Second. By *reclusión mayor*, when the robbery has been accompanied by intentional violence or mutilation, or when in consequence or on the occasion thereof any serious physical injury has been inflicted, or the person robbed has been held for ransom or deprived of his liberty for more than one day;

Third. By *reclusión media*, when in consequence or on occasion of the robbery any light physical injury has been inflicted, or when the violence or intimidation have been carried to a degree clearly unnecessary to the execution of the offense; and

Fourth. By *reclusión menor* in all other cases.

[P. C. 503.]

If the offenses mentioned in subsections two, three, and four have been committed in an uninhabited place, or if more than three armed or six unarmed men have taken part in its commission, or if said offenses have been committed by attacking a moving train, street car, or automobile, or by entering the compartments intended for passengers, or in any manner taking such passengers by surprise in the car, the correction shall be imposed in its maximum degree.

The leader of the band shall, in cases three and four, be corrected by *reclusión* in the degree next above that to be imposed upon the members thereof.

[P. C. 504.]

SEC. 239. *Robbery with violence to things.*—Any person who, except in the cases provided for in the next preceding section, but armed, commits robbery in an inhabited house

1 or public building, or any dependency thereof, shall be
 2 corrected by *reclusión media* if the value of the property
 3 taken exceeds two hundred pesos and if any of the follow-
 4 ing circumstances concurs:

5 First. Use of any opening not intended for entrance or
 6 egress;

7 Second. Breaking of any wall, roof, floor, door, or
 8 window;

9 Third. Use of false keys, picklocks or other similar in-
 10 struments;

11 Fourth. Breaking of doors, wardrobes, chests or any
 12 other kind of furniture or locked or sealed receptacles; and

13 Fifth. Use of a fictitious name or simulation of authority.

14 If the offender does not carry arms or the value of the
 15 property taken does not exceed two hundred pesos, he shall
 16 be corrected by *reclusión menor*.

[P. C. 508.]

17 SEC. 240. *Other cases of robbery*.—Robbery committed
 18 in any manner not provided for in the preceding sections
 19 shall be corrected by *reclusión menor*, if the value of the
 20 property taken exceeds two hundred pesos, and by *arresto*
 21 *mayor* if otherwise.

22 SEC. 241. *Robbery by analogy*.—Any person who, with
 23 intent to defraud another, compels him by force or intima-
 24 tion to sign, execute, or deliver any public instrument or
 25 other document, shall be corrected as guilty of robbery, in
 26 accordance with section two hundred and thirty-seven.

27 The same correction shall be imposed upon any person
 28 obtaining gain by threatening another with the publication
 29 or revelation to a third person of real or alleged facts liable
 30 to result in disgrace or injury to the person so threatened.

[P. C. 507.]

31 SEC. 242. *Possession of picklocks and similar instru-*
 32 *ments*.—Any person who is found in possession of picklocks
 33 or other instruments intended for the commission of rob-
 34 beries and fails to give a satisfactory explanation of the
 35 acquisition or possession of the same, shall be corrected
 36 by *arresto medio*.

[P. C. 515, par. 1.]

37

ARTICLE TWO.

38

THEFT AND USURPATION.

39 SEC. 243. *Simple theft*.—Any person who, not falling un-
 40 der the provisions of the next preceding section, but with
 41 intent to gain, takes any personal property belonging to

1 another, without the latter's consent, or, finding it lost and
 2 knowing who is the owner, appropriates it, shall be cor-
 3 rected:

4 First. By *prisión media*, if the value of the thing stolen
 5 exceeds five hundred pesos;

6 Second. By *prisión menor*, if it does not exceed five hun-
 7 dred pesos, but exceeds fifty;

8 Third. By *arresto mayor*, if it does not exceed fifty pesos,
 9 but exceeds five; and

10 Fourth. By *arresto medio*, if it does not exceed five pesos.

[P. C. 517, Nos. 1, 2; 518.]

11 SEC. 244. *Aggravated theft*.—Theft shall be corrected by
 12 the maximum degree of the correction prescribed in the
 13 next preceding article, if committed by a domestic servant
 14 or with serious breach of trust, or if the property stolen
 15 is work cattle.

[P. C. 520, No. 2; Act 2030.]

16 SEC. 245. *Theft by analogy*.—Any person who hunts, fish-
 17 es, or gathers fruits or other products to eat or use them
 18 on the spot, on a fenced or closed estate or prohibited field,
 19 without permission of the owner, shall be corrected by
 20 *arresto menor*.

[P. C. 519, par. 2; 592, Nos. 1, 2.]

21 SEC. 246. *Usurpations and their correction*.—Any person
 22 who by the use of violence upon or intimidation of another
 23 person, takes possession of any real property or usurps any
 24 real right in property belonging to another, shall be cor-
 25 rected by *arresto medio*, without prejudice to the liability
 26 contracted by him for the violence or intimidation.

[P. C. 521.]

27 Any person converting to private use any part of any
 28 public highway, bridge, wharf, trail, canal, or other prop-
 29 erty, shall be corrected by *arresto menor*.

[Act 1511—16.]

30 SEC. 247. *Alteration of limits or boundaries*.—Any per-
 31 son who alters the boundary marks or monuments of any
 32 town or estate, or any other marks intended to designate
 33 the boundaries of adjacent estates, shall be corrected by
 34 *arresto menor*.

[P. C. 522.]

35 ARTICLE THREE.

36 FRAUDULENT INSOLVENCY.

37 SEC. 248. *Abscinding*.—Any person absconding with his
 38 property to the prejudice of his creditors shall be corrected
 39 by *reclusión media*.

[P. C. 523.]

1 SEC. 249. *Acts preceding insolvency.*—The correction of
 2 *reclusión menor* shall be imposed upon any debtor who,
 3 within three months before the commencement of insolvency
 4 proceedings, commits any of the following acts:

5 First. Obtains on credit any goods or chattels, with in-
 6 tent to defraud;

7 Second. With intent to defraud his creditors, pawns,
 8 pledges, or disposes of, otherwise than by bona fide transac-
 9 tions in the ordinary way of his business, any of his goods
 10 or chattels which have been obtained on credit and remain
 11 unpaid for;

12 Third. Suffers loss in any kind of gaming when such loss
 13 is one of the causes determining the commencement of pro-
 14 ceedings of insolvency;

15 Fourth. Sells at a loss or for less than the current price
 16 any goods bought on credit and still unpaid for; and

17 Fifth. Advances payments to the prejudice of his credit-
 18 ors.

[Act 1956-71, par. 2.]

19 SEC. 250. *Less important acts prior to insolvency.*—Any
 20 debtor whose insolvency is in whole or in part due to dom-
 21 estic or personal expenditures which are excessive and dis-
 22 proportionate when considered in relation to his fortune,
 23 and the circumstances of his rank and family; or to losses
 24 arising from operations of exchange the success of which
 25 depends wholly upon chance, shall be corrected by *arresto*
 26 *medio*.

[P. C. 529, Nos. 1, 3.]

27 SEC. 251. *Acts committed during the proceedings for the*
 28 *suspension of payments or insolvency.*—The correction of
 29 *reclusión menor* shall be imposed upon any debtor who, dur-
 30 ing the proceedings for the suspension of payments or insol-
 31 vency, commits any of the following acts:

32 First. Conceals or destroys any property belonging to
 33 his estate;

34 Second. Parts with, conceals, destroys, alters, mutilates,
 35 or falsifies any book or document relating to said property;

36 Third. Transfers or removes any part of his property,
 37 with the intent to prevent it from coming into the posses-
 38 sion of the assignee in insolvency, or to hinder, impede, or
 39 delay his assignee in recovering or receiving the same;

40 Fourth. Makes any payment, gift, sale or conveyance of
 41 any property belonging to his estate, for any of the pur-
 42 poses enumerated in the next preceding paragraph or with
 43 intent to defraud his creditors;

44 Fifth. Loses part of his estate in gaming;

- 1 Sixth. Conceals from his assignee, or omits from any
 2 schedule or inventory required by law, with intent to de-
 3 fraud, any property or effects whatsoever;
 4 Seventh. Swears falsely, with intent to defraud, to any
 5 schedule or inventory required by law;
 6 Eighth. Fails to disclose to his assignee his knowledge or
 7 suspicion that a false or fictitious debt has been proved
 8 against his estate;
 9 Ninth. Attempts to account for any of his property by
 10 fictitious losses or expenses; and
 11 Tenth. Violates or disobeys any injunction issued by the
 12 court.

[Act 1956-71, pars. 1, 3.]

13

ARTICLE FOUR.

14

SWINDLING AND BREACH OF TRUST.

15 SEC. 252. *Swindling*.—The corrections of *reclusión media*,
 16 when the fraud exceeds two hundred pesos, of *reclusión me-*
 17 *nor*, when it is not more than said sum, but exceeds ten
 18 pesos, and of *arresto mayor* in all other cases, shall be
 19 imposed upon any person who defrauds another:

20 First. By the use of any fictitious name, or by falsely
 21 pretending to possess any power, influence, qualification,
 22 property, credit, agency, or business, or by means of any
 23 similar deceit;

24 Second. By altering the quality, fineness, or weight of
 25 anything pertaining to his art or business;

26 Third. By pretending to have bribed any government em-
 27 ployee;

28 Fourth. By inducing another, by means of deceit, to sign
 29 any document;

30 Fifth. By insuring success in any gambling game;

31 Sixth. By removing, concealing or destroying in whole
 32 or in part any court record, office files, document, or any
 33 other paper;

34 Seventh. By pretending to be the owner of a thing upon
 35 alienating, leasing, encumbering, or pledging the same;

36 Eighth. By concealing an encumbrance attached to a
 37 thing upon disposing of the same;

38 Ninth. By executing any fictitious contract to the prej-
 39 udice of the other;

40 Tenth. In connection with copyrights or trade-marks;
 41 or

42 Eleventh. By taking advantage of the inexperience or

1 passions of a minor by inducing him to assume any obliga-
 2 tion prejudicial to such minor, or to give any acquittance
 3 or execute a transfer of any property right in considera-
 4 tion of the loan of money, credit, or any other personal
 5 property, whether the loan clearly appears or is covered
 6 under any other form.

[P. C. 535; 537-540.]

7 SEC. 253. *Swindling by analogy*.—The following shall be
 8 corrected by *arresto medio*:

9 First. The owner of any personal property taking it
 10 wrongfully from any person lawfully in possession thereof
 11 or failing to return it to the latter after having taken it
 12 with promise to return, to the prejudice of said latter person
 13 or a third party, in both cases;

[P. C. 538, No. 1.]

14 Second. Any person accepting a remuneration handed to
 15 him in the belief that such person rendered service or did
 16 work entrusted to him, while in reality such was not the
 17 case; and

18 Third. Any person defrauding or damaging another by
 19 the use of any deceit not hereinbefore mentioned.

[P. C. 541.]

20 SEC. 254. *Breach of trust*.—Any person who, to the prej-
 21 udice of another, converts to his own use, misappropriates,
 22 or denies having received any money, goods, or other per-
 23 sonal property received by such person for safe-keeping,
 24 or on commission, or for administration, or under any other
 25 circumstances giving rise to the obligation to make delivery
 26 of or to return the same, shall be corrected:

27 First. By *prisión media*, if the fraud exceeds one thou-
 28 sand pesos;

29 Second. By *prisión menor*, if it exceeds two hundred
 30 pesos, but does not exceed one thousand;

31 Third. By *arresto mayor*, if it exceeds ten pesos, but does
 32 not exceed two hundred; and

33 Fourth. By *arresto medio*, if it does not exceed ten pesos.

[P. C. 535, No. 5.]

34 If the offense has been committed by an administrator
 35 or receiver of funds or property attached, sequestered or
 36 deposited by competent authority, the next higher correc-
 37 tion shall be applied.

[P. C. 395.]

38 SEC. 255. *Other forms of breach of trust*.—Any person
 39 who commits fraud by writing any document above the
 40 signature in blank of another, to the prejudice of the latter,
 41 or of any third person, or who defrauds another in the sub-
 42 stance, quantity, or quality of anything delivered to the

1 latter by virtue of an obligation to do so, shall be corrected
 2 in accordance with the provisions of the four subsections
 3 of the next preceding section.

[P. C. 534; 535, No. 6.]

4

ARTICLE FIVE.

5

ARSON AND OTHER OFFENSES INVOLVING DESTRUCTION.

6 SEC. 256. *Destructive arson.*—The correction of *reclusión*
 7 *mayor* shall be imposed upon any person who sets fire to:

8 First. Any arsenal, shipyard, storehouse, factory, park
 9 of artillery, archive, museum, or any other building of the
 10 Government;

11 Second. Any storehouse or factory of inflammable mate-
 12 rials or explosives situate in a populated place;

13 Third. Any theater, church, or other building where
 14 meetings are held, while occupied by an assemblage; and

15 Fourth. Any passenger train in motion or vessel out of
 16 port.

[P. C. 548.]

17 SEC. 257. *Certain other forms of arson.*—Any person who
 18 sets fire to a vessel, train, or building not comprised in the
 19 next preceding section, or to a plantation, pasture, or forest,
 20 shall be corrected by *reclusión media* if the amount of the
 21 damage caused exceeds one thousand pesos; by *reclusión*
 22 *menor*, if it does not exceed one thousand pesos, but ex-
 23 ceeds two hundred; and by *arresto mayor*, if it does not
 24 exceed two hundred pesos.

[P. C. 549; 550, No. 2; 551, No. 3.]

25 SEC. 258. *Arson of the offender's own property.*—If the
 26 things burnt are the exclusive property of the offender,
 27 the latter shall be corrected by *arresto mayor* if the arson
 28 has been committed with intent to defraud or cause damage
 29 to another, or if, though this intent be lacking, such damage
 30 or prejudice has actually been caused, or if the thing burnt
 31 has been a building standing in a populated place.

[P. C. 561.]

32 SEC. 259. *Lesser arson.*—Any person who sets fire to
 33 anything under circumstances not falling under the pre-
 34 ceding sections, shall be corrected:

35 First. By *reclusión menor*, if the damage caused exceeds
 36 two hundred pesos;

37 Second. By *arresto mayor*, if it exceeds ten pesos, but
 38 does not exceed two hundred; and

39 Third. By *arresto medio*, if it does not exceed ten pesos.

[P. C. 557.]

40 SEC. 260. *Great damage.*—Any person who causes great

1 damage by explosion, inundation, sinking or stranding of
 2 a ship, damage to a ship's engine, taking up rails, mali-
 3 ciously changing the signals used for the security of the
 4 trains in motion, destruction of the wires or poles of tele-
 5 graph or telephone lines of any system, or by making use
 6 of any other agency or means of destruction or damage
 7 as powerful as those above enumerated, shall be corrected
 8 by *reclusión mayor*, if there has been danger of accidents
 9 to persons, and by *reclusión media* if otherwise.

[P. C. 559.]

10

ARTICLE SIX.

11

MALICIOUS MISCHIEF.

12 SEC. 261. *What constitutes it.*—Any person who causes
 13 the property of another any damage not falling within the
 14 terms of the next preceding article, shall be liable for mali-
 15 cious mischief in accordance with this article.

[P. C. 562.]

16 SEC. 262. *Special malicious mischief.*—Any person who
 17 causes any damage with the intent to embarrass the exercise
 18 of public authority, or by the use of any poisonous or cor-
 19 rosive substance; or by spreading any infection or con-
 20 tagion among cattle; or by causing such damage to a public
 21 or communal archive or registry, bridge, road, or other ob-
 22 ject, shall be corrected:

23 First. By *prisión menor*, if the damage exceeds one thou-
 24 sand pesos;

25 Second. By *arresto mayor*, if it does not exceed that sum,
 26 but exceeds two hundred pesos; and

27 Third. By *arresto medio*, if it does not exceed two hun-
 28 dred pesos.

[P. C. 563, Nos. 1-3, 5-6.]

29 SEC. 263. *Ordinary malicious mischief.*—Any damage not
 30 falling under the provisions of the next preceding section
 31 shall be corrected:

32 First. By *arresto mayor*, if it exceeds one thousand pesos;

33 Second. By *arresto medio*, if it does not exceed one thou-
 34 sand pesos, but exceeds two hundred; and

35 Third. By *arresto menor*, if it does not exceed two hun-
 36 dred pesos or is incapable of estimation.

[P. C. 566.]

37 SEC. 264. *Illegal fishing.*—Any person using explosives or
 38 poisonous substances in fishing shall be corrected by *arresto*
 39 *menor*, unless he has done so with the authorization of the
 40 Secretary of the Interior.

[Act 1499; 1685.]

1

CHAPTER XXXIII.

2

OFFENSES AGAINST HONOR.

3

ARTICLE ONE.

4

DEFAMATION.

5 SEC. 265. *What constitutes it.*—Any person commits def-
6 amation who publicly and maliciously charges another with
7 an offense corrected by law, or a vice, defect, act, omis-
8 sion, condition, state, or circumstance redounding to the
9 dishonor, disgrace, or contempt of a person who is alive,
10 or tending to blacken the memory of one who is dead.

[P. C. 452, 456; Act 277—1.]

11 SEC. 266. *Requirement for publicity.*—In order to estab-
12 lish the publicity of the charge, it shall be sufficient that
13 a third person has read, seen, or heard the same.

[Act 277—5; A. B. 451, 3d Leg.]

14 SEC. 267. *Presumption of malice and exceptions.*—Every
15 defamatory charge is presumed to have been malicious, even
16 though it be true, if no justifiable motive for making it is
17 shown, with the exception of:

18 First. A private communication made by one person to
19 another in the performance of a legal, moral, or social duty;
20 and

21 Second. The true report, without gloss or comment, of
22 any judicial, legislative, or other official proceedings, or of
23 any statement, report, or speech made in the course of the
24 same; or of acts performed by public officers in the dis-
25 charge of their duties.

[Act 277—3, 9; A. B. 451, 3d Leg.]

26 SEC. 268. *Defamation expressed in writing or by similar*
27 *means.*—Defamation expressed in writing, printing, litho-
28 graphy, phonograph records, painting, theatrical perform-
29 ances, cinematograph projections, or by any other similar
30 means shall be corrected by *prisión menor* if it is serious
31 or scurrilous, considering the standing, dignity, and cir-
32 cumstances of the person injured and the offender; and by
33 *arresto mayor* in other cases.

[Act 277—1; P. C. 453, 457, 459.]

34 SEC. 269. *Liability of the author, editor, or publisher.*—
35 The publisher or editor of a book, newspaper, or serial pub-
36 lication shall be liable for any defamation contained therein,
37 as fully as if he were the author of the same.

[Act 277—6.]

38 SEC. 270. *Oral defamation.*—Oral defamation shall be
39 corrected by *arresto medio* to *arresto mayor* if it is serious

1 or scurrilous, considering the standing, dignity, and cir-
 2 cumstances of the person injured and of the offender, and
 3 by *arresto menor* in other cases.

[P. C. 454; 458, par. 2.]

4 ARTICLE TWO.

5 MALICIOUS INTRIGUES.

6 SEC. 271. *Incrimination of an innocent person.*—Any per-
 7 son who in any manner not constituting false testimony
 8 commits an act directly tending to incriminate an innocent
 9 person in the commission of an offense, shall be corrected
 10 in the same manner and to the same extent as if he had
 11 given false testimony against the accused.

12 SEC. 272. *Intrigues against honor.*—Any intrigue the
 13 principal purpose of which is to injure the honor or good
 14 name of any person shall be corrected by *arresto mayor*.

15 CHAPTER XXXIV.

16 OFFENSES AGAINST CHASTITY.

17 ARTICLE ONE.

18 ADULTERY, CONCUBINAGE, AND RAPE.

19 SEC. 273. *Adultery.*—Any married woman who lies with
 20 a man who is not her husband and any man who has carnal
 21 knowledge of her, knowing her to be married, even if the
 22 marriage be subsequently declared void, shall be corrected
 23 by *prisión menor*.

24 The same correction shall be imposed upon any husband
 25 who permitted the adultery for any remuneration or com-
 26 pensation.

[P. C. 433.]

27 SEC. 274. *Concubinage.*—Any married man who keeps a
 28 mistress in the conjugal dwelling, or under scandalous cir-
 29 cumstances elsewhere, shall be corrected by *arresto mayor*.

30 The mistress shall be corrected by *arresto medio*.

[P. C. 437.]

31 SEC. 275. *Rape.*—The correction of *reclusión mayor* shall
 32 be imposed upon any man who lies with a woman under
 33 any of the following circumstances:

34 First. If force or intimidation are used;

35 Second. While the woman is deprived of reason or is
 36 unconscious, whatever may be the cause of such condition,
 37 or is under hypnotic influence; or

38 Third. When the woman is under twelve years of age.

[P. C. 438.]

1

ARTICLE TWO.

2

ABDUCTION AND SEDUCTION.

3

SEC. 276. *Abduction with violence.*—The abduction of
4 a woman against her will and with lewd designs shall be
5 corrected by *prisión media*.

6

The same correction shall be imposed in every case, if
7 the female abducted is under twelve years of age.

[P. C. 445.]

8

SEC. 277. *Simple abduction.*—The abduction of a chaste
9 unmarried female over twelve and under twenty-one years
10 of age, committed with her consent and with lewd designs,
11 shall be corrected by *prisión menor*.

[P. C. 446.]

12

SEC. 278. *Seduction.*—The seduction of a woman over
13 twelve and under twenty-one years of age, accomplished
14 by means of deceit, shall be corrected by *prisión menor*.

15

If the seduction was committed by any ascendant, broth-
16 er, guardian, teacher, or person in charge, or servant or
17 domestic of the offended person, it shall be corrected by
18 *prisión media*, even though no deceit was used to accom-
19 plish the act.

[P. C. 443, pars. 3, 1.]

20

SEC. 279. *Incest.*—Incestuous relations between ascend-
21 ants and descendants or between consanguineous or uterine
22 brother and sister, when not constituting seduction or rape,
23 shall be corrected by *prisión menor*, which shall be imposed
24 upon both offenders.

[P. C. 443, par. 2.]

25

ARTICLE THREE.

26

ACTS OF LASCIVIOUSNESS.

27

SEC. 280. *Serious acts of lasciviousness.*—Any person
28 committing acts of lasciviousness upon another person of
29 either sex under any of the circumstances mentioned in
30 section two hundred and seventy-five, shall be corrected by
31 *reclusión menor*.

[P. C. 439.]

32

SEC. 281. *Less serious acts of lasciviousness.*—Any act
33 of lasciviousness not falling under the provisions of the
34 next preceding section, committed with any person of either
35 sex over twelve and under twenty-one years of age shall be
36 corrected by *arresto mayor*.

37

SEC. 282. *Acts of lasciviousness of a special character.*—
38 If the person guilty of acts of lasciviousness is the ascend-

1 ant, brother or sister, guardian, teacher, or person in
 2 charge, or the servant or domestic of the offended person,
 3 the correction shall be imposed in its maximum degree.

4 ARTICLE FOUR.

5 CORRUPTION OF MINORS AND IMMORAL COMMERCE.

6 SEC. 283. *Corruption of minors.*—Any person promoting
 7 or facilitating the corruption of a minor to satisfy the lust
 8 of another shall be corrected by *reclusión media*.

[P. C. 444.]

9 SEC. 284. *Immoral commerce.*—Any person who in any
 10 manner and under any pretense exploits prostitution as a
 11 business or derives profit therefrom, or engages in the re-
 12 cruiting of women for prostitution, shall be corrected by
 13 *reclusión menor*.

14 CHAPTER XXXV.

15 OFFENSES AGAINST THE CIVIL STATUS OF PERSONS.

16 ARTICLE ONE.

17 SIMULATIONS OF BIRTHS AND USURPATION OF CIVIL STATUS.

18 SEC. 285. *Simulation of births and substitution of one*
 19 *child for another.*—The simulation of births or the substi-
 20 tution of one child for another shall be corrected by *prisión*
 21 *media*.

22 The same correction shall be imposed upon any person
 23 who conceals or exposes any legitimate child with intent to
 24 cause such child to lose his civil status.

[P. C. 468.]

25 SEC. 286. *Usurpation of civil status.*—Any person who
 26 usurps the civil status of another shall be corrected by *pri-*
 27 *sión media* if he does so for the purpose of defrauding the
 28 person substituted or his heirs; and by *prisión menor* if such
 29 be not his purpose.

[P. C. 470.]

30 ARTICLE TWO.

31 ILLEGAL MARRIAGES.

32 SEC. 287. *Bigamy.*—Any person contracting a second or
 33 subsequent marriage before the former marriage has been
 34 legally dissolved, or without there being a lawful reason for
 35 believing his spouse to be dead, shall be corrected by *prisión*
 36 *media*.

[P. C. 471; G. O. 68, Sec. 3.]

1 SEC. 288. *Marriage in violation of the law.*—Any person
 2 who, without falling under the provisions of the next pre-
 3 ceding section, contracts marriage knowing that the require-
 4 ments of the law have not been complied with, or that there
 5 is a legal impediment other than the absence of the consent
 6 of the father, mother, guardian, or person in charge of
 7 either of the contracting parties, shall be corrected by *pri-*
 8 *sión menor*.

[P. C. 472, 473.]

9 If either of the contracting parties secured the consent
 10 of the other by violence, intimidation, or fraud, the same
 11 shall be corrected by the maximum degree of *prisión menor*.

[G. O. 68, Sec. 10.]

12 SEC. 289. *Premature marriages.*—Any widow who mar-
 13 ries within three hundred and one days after the death of
 14 her husband, or before being delivered, if she was left preg-
 15 nant, shall be corrected by *arresto mayor*.

16 The same correction shall be imposed upon any woman
 17 whose marriage has been annulled or dissolved, if she mar-
 18 ries before her delivery or before the expiration of the
 19 period of three hundred and one days after the legal sepa-
 20 ration.

[P. C. 476.]

21 SEC. 290. *Solemnization of illegal marriage.*—Any eccle-
 22 siastical minister or civil authority who authorizes the cere-
 23 mony in any marriage prohibited by law, or fails to observe
 24 the requirements of the law, shall be corrected by *arresto*
 25 *mayor*.

[P. C. 479.]

26

CHAPTER XXXVI.

27

FINAL PROVISIONS.

28 SEC. 291. *Application of former or special laws and of*
 29 *ordinances.*—Offenses committed before this Code takes
 30 effect shall be corrected in accordance with the law in effect
 31 at the time of their commission; and the corrections im-
 32 posed for the same, as well as any others imposed in accord-
 33 ance with acts of the Congress of the United States, special
 34 acts, or ordinances, shall be served in accordance with the
 35 former law, unless otherwise provided for in the present
 36 Code.

37 SEC. 292. *Application of sections thirty-one and thirty-*
 38 *two.*—If the offender against any other law or ordinance
 39 comes under the provision of section thirty-one, he shall

1 be detained in accordance with the provisions of said sec-
 2 tion; but he shall not be detained for less than ten years
 3 if the correction attached to the offense is deprivation of
 4 life, nor, in any other case, for less than one-third of the
 5 period of deprivation of liberty that should be imposed
 6 upon him, though the same be subsidiary imprisonment.

7 If the offender against any other law or ordinance comes
 8 under the provisions of section thirty-two, he may, instead
 9 of serving the regular correction, be sent to a reformatory
 10 in accordance with the provisions of said section; but he
 11 shall not be detained for less than ten years if the correction
 12 attached to the offense is deprivation of life, nor, in any
 13 other case, for less than one-third of the period of depriva-
 14 tion of liberty that should be imposed upon him, though
 15 the same be subsidiary imprisonment.

[P. C. 8, No. 3; 85; Act 1438, 1-4.]

16 SEC. 293. *Prescription of offenses against other laws and*
 17 *ordinances.*—Offenses against any other law or ordinance
 18 corrected by deprivation of life or by imprisonment the
 19 maximum term of which is over fifteen years, shall pre-
 20 scribe in twenty years; those corrected by imprisonment
 21 the maximum term of which is over ten, but not over fifteen
 22 years, in fifteen; those corrected by imprisonment the
 23 maximum term of which is over five, but not over ten years,
 24 in ten; those corrected by imprisonment the maximum term
 25 of which is not over five years, in five, and those corrected
 26 by fine, in two years.

[P. C. 131.]

27 SEC. 294. *Allowance for preventive imprisonment to per-*
 28 *sons sentenced under other laws or ordinances.*—Any person
 29 sentenced under any other law or ordinance shall be en-
 30 titled to be credited with one-half of the preventive im-
 31 prisonment served by him, even if he has to serve only
 32 subsidiary imprisonment for failure to pay a fine.

[Act 2557—1; rule 93, Provisional Law.]

33 SEC. 295. *Prescription of sentences imposed under any*
 34 *other law or ordinance.*—Sentences imposed for offenses
 35 against any other law or ordinance shall prescribe:

36 First. In case of a sentence of deprivation of life or im-
 37 prisonment for twenty years or more, in twenty years;

38 Second. A sentence of imprisonment for fifteen years or
 39 more, but less than twenty, in fifteen;

40 Third. One of imprisonment for ten years or more, but
 41 less than fifteen, in ten;

1 Fourth. One of imprisonment for five years or more, but
2 less than ten, in five;

3 Fifth. One of imprisonment for less than five years, or
4 of fine, in two years.

[P. C. 132.]

5 SEC. 296. *Work and compensation of persons sentenced*
6 *under any other law or ordinance.*—Persons sentenced to
7 deprivation of liberty under any law or ordinance shall be
8 obliged to work in the manner and with the rights pre-
9 scribed by paragraph two of section sixty; but if they are
10 not subject to civil liability, the one-third of the compensa-
11 tion set aside for the payment of said liability shall likewise
12 be retained for payment to the person under sentence on
13 the day on which he completes service of his sentence.

[Act 2489.]

14 SEC. 297. *Application of other provisions of this Code.*—
15 Sections four, eighteen, twenty-two to twenty-four, forty-
16 one, forty-three to forty-six, fifty-four to fifty-eight, sixty-
17 four, sixty-five, sixty-eight, seventy, paragraph two of
18 seventy-one, seventy-two to seventy-seven, and seventy-nine
19 of this Code shall be applicable to offenses corrected by other
20 laws or ordinances and to the service of the corrections
21 thereof.

22 SEC. 298. *Repealing clause.*—Except as otherwise pro-
23 vided for in the next preceding section, the following laws
24 are hereby repealed: The existing Penal Code and its
25 amendments, the Provisional Law for its application, and
26 Acts Numbered Two hundred and seventy-seven, Two hun-
27 dred and ninety-two, Four hundred and fifty-one, Four
28 hundred and eighty, Five hundred and eighteen, Five hun-
29 dred and nineteen, Five hundred and fifty-seven, Eight
30 hundred and ninety-nine, Eleven hundred and twenty-one,
31 Fourteen hundred and ninety-nine, Fifteen hundred and
32 twenty-three, Fifteen hundred and thirty-three, Fifteen
33 hundred and fifty-nine, Fifteen hundred and seventy-seven,
34 Sixteen hundred and eighty-five, Sixteen hundred and
35 ninety-two, Seventeen hundred and fifty-four, Seventeen
36 hundred and fifty-five, Seventeen hundred and seventy-
37 three, Two thousand and thirty, Two thousand and thirty-
38 six, Two thousand and seventy-one, Two thousand and
39 ninety-eight, Twenty-one hundred and forty-two, Twenty-
40 two hundred and ninety-three, Twenty-two hundred and
41 ninety-eight, Twenty-three hundred, Twenty-three hundred
42 and thirty-three, Twenty-three hundred and sixty-four,

1 Twenty-three hundred and ninety-nine. Twenty-four hun-
2 dred and eighty-nine, Twenty-five hundred and forty-nine,
3 Twenty-five hundred and fifty-seven, Twenty-five hundred
4 and sixty-seven, Twenty-five hundred and ninety-five,
5 Twenty-six hundred and nine, section sixteen of Act Num-
6 bered Fifteen hundred and eleven, sections one to four of
7 Act Numbered Fourteen hundred and thirty-eight, two to
8 four of Act Numbered Fifteen hundred and thirty-seven, one
9 to twelve and fourteen and fifteen of Act Numbered Seven-
10 teen hundred and fifty-seven as amended by Act Numbered
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12 bered Seventeen hundred and eighty, and seventy-one of
13 Act Numbered Nineteen hundred and fifty-six.

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