

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
2nd Regular Session

House Bill No. 6204



Introduced by HONORABLE REPRESENTATIVES PANTALEON D. ALVAREZ,
RODOLFO C. FARIÑAS, REYNALDO V. UMALI, MARLYN L. PRIMICIAS-AGABAS
and RAMON V. A. ROCAMORA

EXPLANATORY NOTE

The penal code is a significant part of the Philippine Criminal Justice System. As such, revisiting and revising the criminal code is very vital to address the problems and strengthen our country's Criminal Justice System.

The existing penal code of the Philippines was passed based on societal, technological, and economic conditions more than eight decades ago. With the increasing complexity of our societies and technological advances, several provisions of the current Revised Penal Code (RPC) have now become irrelevant and no longer applicable to the present time. Moreso, the present RPC addresses some crimes and criminal actions that are outdated which put constraints in the performance of duties of our law enforcers and members of the judiciary and in bringing justice where and when it is due. The members of our prosecutorial service are also having difficulty in establishing the existence of a criminal act given the gaps in the current RPC.

The proposed Code of Crimes endeavors to: (a) update and revise existing penal laws to make it relevant in accordance with current international best practices; (b) to integrate special laws in order to have one code for all criminal laws; (c) strengthen criminal justice system through relevant laws to address present societal problems; and (d) to ensure that there will be a single and unified criminal code, taking into consideration future laws to be passed.

The proposed measure covers Book 1 of the Code of Crimes of the Philippines. This is an output of rigorous deliberations and consultations with experts and various stakeholders spearheaded by the UP Law Center.

The enactment of the proposed Code of Crimes of the Philippines with an updated and relevant penal laws shall support our pursuit of a comprehensive and holistic reengineering of the Criminal Justice System.

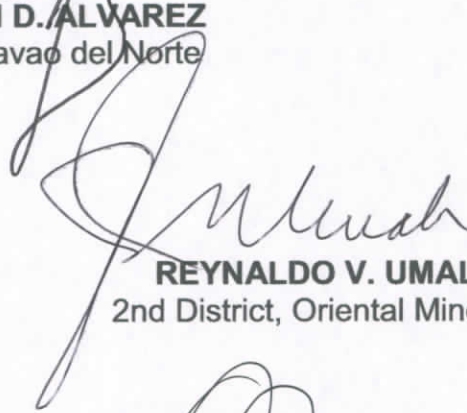
In view thereof, the passage of this measure is earnestly sought.



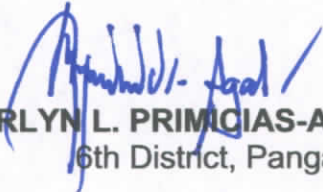
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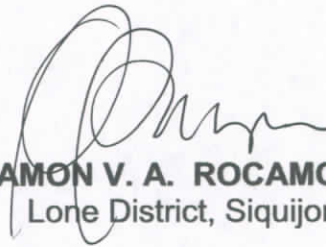
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**AN ACT INSTITUTING THE PHILIPPINE CODE OF CRIMES TO FURTHER
STRENGTHEN THE CRIMINAL JUSTICE SYSTEM, REPEALING FOR THE
PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED
PENAL CODE OF THE PHILIPPINES AND OTHER SPECIAL PENAL LAWS**

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

BOOK ONE

**GENERAL PRINCIPLES ON THE APPLICATION OF THIS CODE, THE OFFENSES,
THE PERSONS LIABLE AND THE TABLE OF PENALTIES**

ARTICLE 1. Title. - this act shall be known as "THE PHILIPPINE CODE OF
CRIMES (OR THE CODE OF CRIMES OF THE PHILIPPINES)."

ARTICLE 2. Application of Its Provisions. — This code shall apply to all persons,
natural or juridical, in the Philippine territory, and shall also apply to any person outside
of its territory who:

1. Should commit a crime while on a Philippine ship or aircraft;
 2. Should counterfeit or forge any monetary note or obligation issued by the
Government of the Philippines, or possess or introduces such monetary note or
obligation into the Philippines;
 3. While being public officers or employees, commit a crime in relation to
their functions;
 4. Commit any of the crimes against national security and the law of nations;
- or
5. Should commit crimes in violation of Public International Law, laws of
preferential application, Law on Transnational Crimes and Special Laws.

TITLE ONE

Crimes and Circumstances Which Affect Criminal Liability

CHAPTER ONE
CRIMES

ARTICLE 3. Definition. — Crime is an act defined and punished under this Code
or Special Penal Laws, committed with malice or with fault.

There is malice when the act is performed with deliberate intent; and there is fault when the wrongful act results from imprudence, negligence, lack of foresight, or lack of skill.

ARTICLE 4. Criminal Liability. — Criminal liability is incurred:

1. By any person committing an intentional crime although the wrongful act done be different from that which he intended.

2. By any person performing an act which would constitute a grave or less grave crime, were it not for the inherent impossibility of its accomplishment or on account of the employment of inadequate or ineffectual means.

ARTICLE 5. Consummated, Frustrated, and Attempted Crimes. — Consummated, frustrated, and attempted crimes are punishable unless otherwise provided by law.

A crime is consummated when all the elements necessary for its execution and accomplishment are present; and it is frustrated when the offender performs all the acts of execution which would produce the crime as a consequence but which, nevertheless, do not produce it by reason of causes independent of the will of the perpetrator.

There is an attempt when the offender commences the commission of a crime directly by overt acts, and does not perform all the acts of execution which should produce the crime by reason of some cause or accident other than his own spontaneous desistance.

ARTICLE 6. When Light Crimes are Punishable. — Light Crimes are punishable only when they are consummated.

ARTICLE 7. Grave Crimes, Less Grave Crimes and Light Crimes. — Grave Crimes are those to which the law attaches the punitive punishment or penalties which in any of their periods are afflictive, in accordance with Article 21 of this Code.

Less grave crimes are those which the law punishes with penalties which in their maximum period are corrective, in accordance with the abovementioned articles.

Light crimes are those infractions of law for the commission of which the penalty of restorative 2 or a fine not exceeding 40,000 pesos or both, is provided.

ARTICLE 8. Crimes not subject to the provisions of this code. — This code shall be supplementary to special penal laws, unless the latter should specially provide the contrary.

CHAPTER TWO

Justifying Circumstances and Circumstances Which Exempt from Criminal Liability

ARTICLE 9. Justifying Circumstances. — The following do not incur any criminal liability:

1. Anyone who acts in defense of his person, honor or rights, provided that the following circumstances concur:

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

2. Anyone who acts in defense of the person, honor or rights of his spouse, ascendants, descendants, brothers or sisters, or of his relatives by affinity in the same

degrees, and those by consanguinity within the fourth civil degree, provided that the requisites of unlawful aggression and the reasonable necessity of the means employed are present, and, in case the provocation was given by the person attacked, that the one making defense had no part therein.

3. Anyone who acts in defense of the person, honor or rights of a stranger, provided that the requisites of unlawful aggression and the reasonable necessity of the means employed are present and that the person defending be not induced by revenge, resentment, or other evil motive.

4. Any person who, in order to avoid an evil or injury, does an act which causes damage to another, provided that the following requisites are present:

First. that the evil sought to be avoided actually exists;

Second. that the injury feared be greater than that done to avoid it;

Third. that there be no other practical and less harmful means of preventing it.

5. Any person who, while performing a lawful act with due care, causes an injury by mere accident without fault or intention of causing it.

6. Any person who acts in the fulfillment of a duty or in the lawful exercise of one's right or function.

7. Any person who acts in obedience to an order issued by a superior for some lawful purpose.

8. Any person who fails to perform an act required by law, when prevented by some lawful or insuperable cause.

ARTICLE 10. Circumstances Which Exempt from Criminal Liability. — The following are exempt from criminal liability:

1. Those suffering from mental disorder or defect depriving him of his intelligence or reason at the time of the commission of the crime.

2. A person twelve (12) years of age or below.

3. A person above twelve (12) years of age and under fifteen (15) acting without discernment.

4. Any person who acts under the compulsion of an irresistible force or under the impulse of an uncontrollable fear of an equal or greater injury.

CHAPTER THREE

Circumstances Which Mitigate Criminal Liability

ARTICLE 11. Mitigating Circumstances. — The following are mitigating circumstances:

1. Those mentioned in Articles 9 and 10, when majority of all the requisites necessary to justify the act or to exempt from criminal liability in the respective cases are present; provided, that in self-defense, defense of a relative, and defense of a stranger, the element of unlawful aggression must be present.

2. That the offender is over twelve (12) years of age and under fifteen (15) acting with discernment or over seventy (70).

3. That the offender had no intention to commit so grave a crime as that committed.

4. That sufficient provocation on the part of the offended party immediately preceded the commission of the crime.

5. That the crime was committed in vindication of a grave offense committed against the offender, his/her spouse, adopted children, descendants, ascendants, brothers or sisters, or relatives by affinity within the same degrees.

6. That of having acted upon an impulse so powerful as naturally to have produced legitimate passion or obfuscation.
7. That the offender voluntarily surrendered to a person in authority or his agents.
8. That the offender voluntarily pleaded guilty to the offense charged before the presentation of the prosecution evidence.
9. That the offender is deaf and dumb, blind or otherwise suffering from some physical defect which restricts his/her means of action, defense, or communication with his/her fellow beings.
10. Such illness that would diminish the exercise of reason or intelligence of the offender.
11. Any other circumstance of a similar nature or analogous to those above mentioned.

CHAPTER FOUR Circumstances Which Aggravate Criminal Liability

ARTICLE 12. Aggravating Circumstances. — The following are aggravating circumstances:

1. That the offender takes advantage of public position. when in the commission of the crime, advantage is taken by the offender of his public position, the penalty to be imposed shall be in its maximum period.
2. That the crime be committed with insult to persons in authority as defined in Article 152 (1).
3. That the crime be committed in disregard of the respect due to the offended party on account of rank, status, age, or gender.
4. That the crime be committed with abuse of confidence or obvious ungratefulness.
5. That the crime be committed in the residence of the president, or in his presence, or in public offices where public functions are discharged, or in a place dedicated to religious worship.
6. That the crime be committed during nighttime, or in an uninhabited place, whenever such circumstances may facilitate the commission of the crime.
7. That the offender took advantage of a conflagration, shipwreck, earthquake, typhoon, epidemic or other calamity.
8. That the offender has been previously convicted by final judgment of an intentional crime. however, when the subsequent crime is committed while the accused is serving sentence, the maximum penalty shall be imposed as a special aggravating circumstance.
9. That the crime be committed with evident premeditation.
10. That the crime be committed in consideration of a price, reward or promise.
11. That the crime be committed by means of inundation, fire, poison, explosion, stranding of a vessel or intentional damage, derailment of a locomotive, or by the use of any other artifice involving great waste and ruin.
12. That advantage be taken of superior strength.
13. That craft, fraud, or disguise be employed.
14. That the act be committed with treachery (*alevosia*).

There is treachery when the offender commits any of the crimes against person, employing means, methods, or forms to ensure the execution of the crime without risk arising from the defense of the victim.

15. That the crime be committed with cruelty.
16. That the crime be committed with ignominy.
17. That the crime be committed in the dwelling of the offended party who has not given provocation.
18. That the crime be committed after an unlawful entry.

19. That as a means to the commission of a crime a wall, roof, floor, door, or window be broken.

20. That the crime be committed by a band or an organized/syndicated crime group.

A band consists of four or more armed malefactors in the commission of an offense.

An organized/syndicated crime group consists of three or more persons collaborating, confederating or mutually helping one another for purposes of gain in the commission of any crime.

21. That the crime be committed with the aid of a minor.

22. That the crime be committed with the aid of armed men or persons who ensure or afford impunity.

ARTICLE 13. Effects of the Attendance of Mitigating or Aggravating Circumstances and of Habitual Delinquency. — Mitigating or aggravating circumstances and habitual delinquency shall be taken into account for the purpose of diminishing or increasing the penalty in conformity with the following rules:

1. Aggravating circumstances which in themselves constitute a crime specially punishable by law or which are included by the law in defining a crime and prescribing the penalty therefor shall not be taken into account for the purpose of increasing the penalty.

2. The same rule shall apply with respect to any aggravating circumstances inherent in the crime to such a degree that it must of necessity accompany the commission thereof.

3. Aggravating or mitigating circumstances which arise from the moral attributes of the offender, or from his private relations with the offended party, or from any other personal cause, shall only serve to aggravate or mitigate the liability of the principals, accomplices and accessories as to whom such circumstances are attendant.

4. The circumstances which consist in the material execution of the act, or in the means employed to accomplish it, shall serve to aggravate or mitigate the liability of those persons only who had knowledge of them at the time of the execution of the act or their cooperation therein.

5. Habitual delinquency shall have the following effects:

(a) Upon the third conviction, the culprit shall be sentenced to the penalty provided by law for the last crime of which he be found guilty and to the additional penalty of Corrective 1 in its medium and maximum periods;

(b) Upon the fourth conviction, the culprit shall be sentenced to the penalty provided for the last crime of which he be found guilty and to the additional penalty of Afflictive 2 in its minimum and medium periods; and

(c) Upon a fifth or additional conviction, the culprit shall be sentenced to the penalty provided for the last crime of which he be found guilty and to the additional penalty of Afflictive 2 in its maximum period to Afflictive 1 in its minimum period.

Notwithstanding the provisions of this article, the total of the two penalties to be imposed upon the offender, in conformity herewith, shall in no case exceed 20 years.

For purposes of this article, a person shall be deemed to be habitual delinquent if he/she has been previously convicted of grave or less grave crimes a third time or oftener.

TITLE TWO Persons Criminally Liable for Crimes

ARTICLE 14. Who are Criminally Liable. — Criminal liability may be incurred by natural or juridical persons. Criminal liability of juridical persons shall be governed by this code and by special laws.

The following are criminally liable for grave and less grave crimes:

1. Principals.

2. Accomplices.

3. Accessories.

The following are criminally liable for light crimes:

1. Principals.
2. Accomplices.

ARTICLE 15. Principals. —Principals are those persons who:

1. Take direct part in the execution of the criminal act;
2. Directly force or induce others to commit it;
3. Cooperate in the commission of the crime by another act without which crime would not have been accomplished; or
4. Act in conspiracy with another in the execution of the crime. there is a conspiracy when two or more persons come to an agreement concerning the commission of a crime and decide to commit it.

ARTICLE 16. Accomplices. — Accomplices are those persons who, not having acted as principals, cooperate in the execution of the crime by previous or simultaneous acts.

ARTICLE 17. Accessories. — Accessories are those who, having knowledge of the commission of the crime, and without having participated therein, either as principals or accomplices, take part subsequent to its commission in any of the following manners:

1. By profiting themselves or assisting the offender to profit by the effects of the crime, or by buying, receiving, possessing, keeping, acquiring, concealing, selling or disposing of, or buying and selling, or in any other manner dealing in any article, item, object or anything of value which he knows, or should be known to him, to have been derived from the proceeds of the crime.
2. By concealing or destroying the body, effects, or instruments of the crime to prevent its discovery.
3. By harboring, concealing, or assisting in the escape of the principal of the crime.
4. By any other act that will obstruct, impede, frustrate, restrict or delay the apprehension of suspects and the investigation and prosecution of criminal cases, unless the act is separately punished under other provisions of this code or other laws.

If any of the acts mentioned herein is penalized by any other law with a higher penalty, the higher penalty shall be imposed.

ARTICLE 18. Accessories Who are Exempt from Criminal Liability. — The penalties prescribed for accessories shall not be imposed upon those who are such with respect to their spouses, ascendants, descendants, brothers and sisters, or relatives by affinity within the same degrees, with the exception of accessories falling within the provisions of paragraphs 1 and 4 of the next preceding article.

TITLE THREE
Penalties

CHAPTER ONE
Penalties in General

ARTICLE 19. Penalties that May Be Imposed. — No crime shall be punishable by any penalty not prescribed by law before its commission.

Likewise, when strict application of the provisions of this code would result in the imposition of an excessive penalty, taking into consideration the gravity of the crime and the injury caused thereby, the court may, without suspending the execution of the sentence, submit to the President, through the Department of Justice, its recommendation for executive clemency of the sentence.

Article 20. Construction of Criminal Laws. — Criminal laws are prospective in application but shall have a retroactive effect when it is favorable to the accused.

CHAPTER TWO
Classification of Penalties

ARTICLE 21. Principal Penalties Which May Be Imposed. — The different classes of principal penalties which may be imposed for violations of this code are the penalties of death, deprivation or restriction of liberty, community service, disqualification, public reprimand and fines.

Scale	PRINCIPAL PENALTIES
Punitive Penalties:	PUNITIVE 1
	PUNITIVE 2
Afflictive penalties:	AFFLICTIVE 1
	AFFLICTIVE 2
	Perpetual or temporary absolute disqualification, Perpetual or temporary special disqualification,
Corrective penalties	CORRECTIVE 1
	CORRECTIVE 2
Restorative penalties	RESTORATIVE 1
	RESTORATIVE 2
Community Service Restrictive Public Reprimand	
Penalty common to the four (4) preceding classes: Fine	

ARTICLE 22. Accessory Penalties. The accessory penalties, which are deemed included in the principal penalties imposed, are as follows:

Perpetual or temporary absolute disqualification,
Perpetual or temporary special disqualification,
Suspension from public office, the right to vote and be voted for, the profession or calling.
Civil interdiction,
Indemnification,
Forfeiture or confiscation of instruments and proceeds of the offense,
Payment of costs.

ARTICLE 23. Fine — When Grave, Less Grave or Light Penalty. — A fine, whether imposed as a single or as an alternative penalty, shall be considered grave penalty, if it exceeds 1,200,000 pesos; a less grave penalty, if it does not exceed

1,200,000 pesos but is not less than 40,000 pesos; and a light penalty, if it be less than 40,000 pesos.

CHAPTER THREE Duration and Effect of Penalties

SECTION ONE Duration of Penalties Involving Deprivation Or Restriction Of Liberty

ARTICLE 24.

PUNITIVE 1. - Death Penalty

PUNITIVE 2. — Punitive 2 penalty shall be from twenty years and one day to forty years.

Maximum level: 30 years and 1 day to 40 years

Medium level: 30 years

Minimum: 20 years and 1 day to less than 30 years

AFFLICTIVE 1. —Afflictive 1 penalty shall be from twelve years and one day to twenty years.

Maximum level: 16 years and 1 day to 20 years

Medium level: 16 years

Minimum level: 12 years and 1 day to less than 16 years

afflictive 2 and temporary disqualification. — Afflictive 2 Penalty and temporary disqualification shall be from six years and one day to twelve years, except when the penalty of disqualification is imposed as an accessory penalty, in which case its duration shall be that of the principal penalty.

Maximum level: 9 years and 1 day to 12 years

Medium level: 9 years

Minimum level: 6 years and 1 day to less than 9 years

Corrective 1 and suspension. —Corrective 1 Penalty and suspension shall be from THREE YEARS and one day to six years, except when suspension is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.

Maximum level: 4 years, 6 months and 1 day to 6 years

Medium level: 4 years and 6 months

Minimum level: 3 years and 1 day to less than 4 years and 6 months

Corrective 2. — The duration of corrective 2 penalty shall be from six months and one day to three years.

Maximum level: 1 year, 3 months and 1 day to 3 years

Medium level: 1 year and 3 months

Minimum level: 6 months and 1 day to less than 1 year and 3 months

Restorative 1. — The duration of Restorative 1 penalty shall be from one month and one day to six months.

Maximum level: 2 months and 16 days to 6 months

Medium level: 2 months and 15 days

Minimum level: 1 month and 1 day to less than 2 months and 15 days

Restorative 2. — The duration of Restorative 2 penalty shall be from one day to thirty days.

Maximum level: 16 days to thirty days

Medium level: 15 days

Minimum level: 1 day to less than 15 days

Community Service. – The duration of community service shall be from one day to six months.

Restrictive. - The duration of restrictive penalty shall be from 6 months to 2 years.
public reprimand

ARTICLE 25. Computation of Penalties. — If the offender shall be in prison, the term of the duration of the temporary penalties shall be computed from the day on which the judgment of conviction shall have become final.

If the offender be not in prison, the term of the duration of the penalty consisting of deprivation of liberty shall be computed from the day that the offender is placed at the disposal of the judicial authorities for the enforcement of the penalty. The duration of the other penalties shall be computed only from the day on which the defendant commences to serve his sentence.

ARTICLE 26. Period of Preventive Detention. – the period of preventive detention shall be deducted from the sentence consisting of deprivation of liberty except when he/she escapes during the period of his preventive detention.

When the preventive detention shall have exceeded the maximum period of the imposable penalty, the offender shall immediately be released without prejudice to the case proceeding to judgment.

SECTION TWO

Effects of the Penalties According to Their Respective Nature

ARTICLE 27. Effects of the Penalties of Perpetual or Temporary Absolute Disqualification. — The penalties of perpetual or temporary absolute disqualification for public office shall produce the following effects:

1. The deprivation of the public offices and employments which the offender may have held, even if conferred by popular election.

2. The deprivation of the right to vote in any election for any popular elective office or to be elected to such office.

3. The disqualification for the offices or public employments and for the exercise of any of the rights mentioned.

In case of temporary disqualification, such disqualification as is comprised in paragraphs 2 and 3 of this article shall last during the term of the sentence.

4. The loss of all rights to retirement pay or other pension for any office formerly held.

ARTICLE 28. Effects of the Penalties of Perpetual or Temporary Special Disqualification. — The penalties of perpetual or temporary special disqualification for public office, profession or calling shall produce the following effects:

1. The deprivation of the office, employment, profession or calling affected;

2. The disqualification for holding similar offices or employments either perpetually or during the term of the sentence, according to the extent of such disqualification.

ARTICLE 29. Effects of the Penalties of Perpetual or Temporary Special Disqualification for the Exercise of the Right of Suffrage. — The perpetual or temporary special disqualification for the exercise of the right of suffrage shall deprive the offender perpetually or during the term of the sentence, according to the nature of said penalty, of the right to vote in any popular election for any public office or to be elected to such office. Moreover, the offender shall not be permitted to hold any public office during the period of his disqualification.

ARTICLE 30. Effects of the Penalties of Suspension from Any Public Office, Profession or Calling, or the Right of Suffrage. — The suspension from public office, profession or calling, and the exercise of the right of suffrage shall disqualify the

offender from holding such office or exercising such profession or calling or right of suffrage during the term of the sentence.

The person suspended from holding public office shall not hold another having similar functions during the period of his suspension.

ARTICLE 31. Civil Interdiction. — Civil interdiction shall deprive the offender during the time of his sentence of the rights of parental authority, or guardianship, either as to the person or property of any ward, of marital authority, of the right to manage his property and of the right to dispose of such property by any act or any conveyance *inter vivos*.

ARTICLE 32. Pecuniary Liabilities — Order of Payment. — In case the property of the offender should not be sufficient for the payment of all his pecuniary liabilities, the same shall be met in the following order:

1. The reparation of the damage caused.
2. Indemnification of consequential damages.
3. The fine.

ARTICLE 33. Subsidiary Penalty. — If the convict has no property with which to pay the penalty of fine classified as grave crime, he shall render community service of not less than 4 months and 1 day but not more than 6 months; for fine classified as less grave, he shall render community service of not less than 1 month but not more than 4 months; and for fine classified as light crime, he shall render community service of not more than 30 days.

SECTION THREE

Penalties in Which Other Accessory Penalties are Inherent

ARTICLE 34. Punitive 1— Its Accessory Penalties. —Punitive 1 penalty, when it is not executed by reason of commutation or pardon shall carry with it that of perpetual absolute disqualification and that of civil interdiction during thirty years following the date of sentence, unless such accessory penalties have been expressly remitted in the pardon.

ARTICLE 35. Punitive 2 And Afflictive 1— Their Accessory Penalties. — Punitive 2 And Afflictive 1 penalties shall carry with them that of civil interdiction for life or during the period of the sentence as the case may be, and that of perpetual absolute disqualification which the offender shall suffer even though pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

ARTICLE 36. Afflictive 2— Its Accessory Penalties. —Afflictive 2 penalty shall carry with it that of temporary absolute disqualification and that of perpetual special disqualification from the right of suffrage which the offender shall suffer although pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

ARTICLE 37. Corrective 1 And Corrective 2 — Its Accessory Penalties. — Corrective 1 And Corrective 2 Penalties shall carry with them that of suspension from public office, from the right to follow a profession or calling, and that of perpetual special disqualification from the right of suffrage, if the duration of said imprisonment shall exceed eighteen months. The offender shall suffer the disqualification provided in this article although pardoned as to the principal penalty, unless the same shall have been expressly remitted in the pardon.

ARTICLE 38. Restorative 1 and Restorative 2 Penalties — Its Accessory Penalties. — Restorative 1 and Restorative 2 penalties shall carry with them that of

suspension of the right to hold office and the right of suffrage during the term of the sentence.

ARTICLE 39. Disposition of the Proceeds or Instruments of the Crime. — Every judgment in a criminal case shall determine the confiscation and disposition of the proceeds and instruments used in the commission of the crime.

CHAPTER FOUR Application of Penalties

SECTION ONE

Rules for the Application of Penalties to the Persons Criminally Liable and for the Graduation of the Same

ARTICLE 4. Penalty to be Imposed in General. — For principals, the penalty prescribed by law for the commission of a crime in its consummated stage shall be that provided by law in its consummated stage. the penalty next lower in degree shall be imposed upon the principal in a frustrated crime, and the penalty two degrees lower upon the same principal in an attempted crime.

For accomplices, the penalty next lower in degree than that prescribed by law for the consummated crime shall be imposed. the penalty two degrees lower shall be imposed upon the accomplices in a frustrated crime, and the penalty shall be three degrees lower in an attempted crime.

For accessories, the penalty lower by two degrees than that prescribed by law for the consummated crime shall be imposed. the penalty lower by three degrees shall be imposed upon the accessories in a frustrated crime, and shall be lower by four degrees in an attempted crime.

ARTICLE 41. When Punitive 1 Penalty Shall Not Be Imposed.— The Punitive 1 penalty shall be imposed in all cases PROVIDED BY existing laws, except:

1. When the offender is below eighteen (18) years of age at the time of the commission of the crime; or
2. When the offender is more than seventy years of age at the time of promulgation.

ARTICLE 42. Penalty for Complex Crimes. — When a crime is a necessary means to commit another, or when a single act constitutes two or more CRIMES, the penalty for the most serious crime shall be imposed in its maximum period.

In case of *culpa* resulting in more than one crime, the offender shall be liable for the most serious crime in its maximum period.

Light crimes committed in relation to complex crimes shall be deemed absorbed.

ARTICLE 43. Penalty to Be Imposed Upon the Principals When the Crime Committed is Different from that Intended. — In cases in which the crime committed is different from that which the offender intended to commit, the penalty shall be for the lesser crime in its maximum period.

ARTICLE 44. Penalty to Be Imposed in Case of Failure to Commit the Crime Because the Means Employed or the Aims Sought are Impossible. — When the person intending to commit an offense has already performed the acts for the execution of the same but nevertheless the crime was not produced by reason of the fact that the act intended was by its nature one of impossible accomplishment or because the means employed by such person are essentially inadequate to produce the result desired by him, the court, having in mind the social danger and the degree of criminality shown by the offender, shall impose upon him the penalty of Restorative 1 or a fine ranging from 40,000 to 100,000 pesos.

ARTICLE 45. Rules for Graduating Penalties. — For the purpose of graduating the penalties which, according to the provisions of Article 40 of this Code, are to be imposed upon persons guilty as principals of any frustrated or attempted crime, or as accomplices or accessories, the following rules shall be observed:

1. When the penalty prescribed for the crime is single and indivisible, the penalty next lower in degree shall be that immediately following that indivisible penalty in the respective graduated scale prescribed in Article 53 of this Code.

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

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

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

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

SECTION TWO

Rules for the Application of Penalties with Regard to the Mitigating and Aggravating Circumstances, and Habitual Delinquency

	Penalty prescribed for the crime	Penalty to be imposed upon the principal in a frustrated crime, and the accomplice in a consummated crime	Penalty to be imposed upon the principal in an attempted crime, the accessory in the consummated crime, and the accomplices in a frustrated crime	Penalty to be imposed upon the accessory in a frustrated crime and the accomplices in an attempted crime	Penalty to be imposed upon the accessory in an attempted crime
First Case	PUNITIVE 1	PUNITIVE 2	AFFLICTIVE 1	AFFLICTIVE 2	CORRECTIVE 1
Second Case	AFFLICTIVE 2 to PUNITIVE 1	AFFLICTIVE 1	AFFLICTIVE 2	CORRECTIVE 1	RESTORATIVE 1
Third Case	AFFLICTIVE 1 in its maximum period to PUNITIVE 1	AFFLICTIVE 2 in its maximum period to AFFLICTIVE 1 in its medium period	CORRECTIVE 1 in its maximum period to AFFLICTIVE 2 in its medium period	RESTORATIVE 1 in its maximum period to CORRECTIVE 1	Fine and RESTORATIVE 1 in its minimum and medium periods
Fourth case	AFFLICTIVE 2 in its maximum period to AFFLICTIVE 1	CORRECTIVE 1 in its maximum period to AFFLICTIVE 2	RESTORATIVE 1 in its maximum period to CORRECTIVE 1	Fine and RESTORATIVE 1 in its minimum and medium periods	Fine

	in its medium period	in its medium period			
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TABULATION OF THE PROVISIONS OF THE CHAPTER

ARTICLE 46. Rules for the Application of Indivisible Penalties. — In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. When in the commission of the crime there is present only one aggravating circumstance, the greater penalty shall be applied.
2. When there are neither mitigating nor aggravating circumstances in the commission of the crime, the lesser penalty shall be applied.
3. When the commission of the crime is attended by some mitigating circumstance and there is no aggravating circumstance, the lesser penalty shall be applied.
4. When both mitigating and aggravating circumstances attended the commission of the crime, the courts shall reasonably allow them to offset one another in consideration of their number and importance, for the purpose of applying the penalty in accordance with the preceding rules, according to the result of such compensation.

ARTICLE 47. Rules for the Application of Penalties Which Contain Three Periods. — In cases in which the penalties prescribed by law contain three periods, whether it be a single divisible penalty or composed of three different penalties, each one of which forms a period in accordance with the provisions of Articles 55 and 56, the courts shall observe for the application of the penalty the following rules, according to whether there are or are not mitigating or aggravating circumstances:

1. When there are neither aggravating nor mitigating circumstances, they shall impose the penalty prescribed by law in its medium period.
2. When only a mitigating circumstance is present in the commission of the act, they shall impose the penalty in its minimum period.
3. When only an aggravating circumstance is present in the commission of the act, they shall impose the penalty in its maximum period.
4. When both mitigating and aggravating circumstances are present, the court shall reasonably offset those of one class against the other according to their relative weight.
5. When there are two or more mitigating circumstances and no aggravating circumstances are present, the court shall impose the penalty next lower to that prescribed by law, in the period that it may deem applicable, according to the number and nature of such circumstances.
6. Whatever may be the number and nature of the aggravating circumstances, the courts shall not impose a greater penalty than that prescribed by law, in its maximum period.
7. Within the limits of each period, the courts shall determine the extent of the penalty according to the number and nature of the aggravating and mitigating circumstances and the greater or lesser extent of the evil produced by the crime.

ARTICLE 48. Rule in Cases in Which the Penalty is Not Composed of Three Periods. — In cases in which the penalty prescribed by law is not composed of three periods, the courts shall apply the rules contained in the foregoing articles, dividing into three equal portions the time included in the penalty prescribed, and forming one period of each of the three portions.

ARTICLE 49. Penalty to Be Imposed When Not All the Requisites of Exemption of the Fourth Circumstance of Article 10 are Present.— When all the conditions required

in circumstance number 4 of Article 10 of this Code to exempt from criminal liability are not present, the penalty of Restorative 1 in its maximum period to Corrective 2 in its minimum period shall be imposed upon the culprit if he shall have been guilty of a grave crime, and Restorative 1 in its minimum and medium periods, if of a less grave crime.

ARTICLE 50. Penalty to Be Imposed Upon a Person Under Eighteen Years of Age. — When the offender is a minor under eighteen years, the following rules shall be observed:

1. Upon a person under fifteen but over twelve (12) years of age, who is not exempted from liability by reason of the court having declared that he acted with discernment, a discretionary penalty shall be imposed, but always lower by two degrees at least than that prescribed by law for the crime which he committed.

2. Upon a person over fifteen and under eighteen years of age the penalty next lower than that prescribed by law shall be imposed, but always in the proper period.

ARTICLE 51. Penalty to Be Imposed When the Crime Committed is Not Wholly Excusable. — A penalty lower by one or two degrees than that prescribed by law shall be imposed if the deed is not wholly excusable by reason of the lack of some of the conditions required to justify the same or to exempt from criminal liability in the several cases mentioned in Articles 9 and 10, provided that the majority of such conditions be present. The courts shall impose the penalty in the period which may be deemed proper, in view of the number and nature of the conditions of exemption present or lacking.

ARTICLE 52. Successive Service of Sentences; Exception. — When the CONVICT has to serve two or more penalties, he shall serve them simultaneously if the nature of the penalties will so permit; otherwise, the jail officer shall observe the following rules:

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

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

- Punitive 1
- Punitive 2
- Afflictive 1
- Afflictive 2
- Corrective 1
- Corrective 2
- Restorative 1
- Restorative 2
- Restrictive
- Perpetual absolute disqualification,
- Temporary absolute disqualification,
- Suspension from public office, the right to vote and be voted for, the right to follow a profession or calling, and
- Public Reprimand

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

Such maximum period shall in no case exceed forty years.

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

ARTICLE 53. Graduated scales. — In the cases in which the law prescribes a penalty lower or higher by one or more degrees than another given penalty, the rules prescribed in Article 45 shall be observed in graduating such penalty.

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

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

Scale No. 1

1. Punitive 1
2. Punitive 2
3. Afflictive 1
4. Afflictive 2
5. Corrective 1
6. Corrective 2
7. Restorative 1
8. Restorative 2
9. Restrictive,
10. Public Reprimand
11. Fine.

ARTICLE 54. Preference in the Payment of the Civil Liabilities. — The civil liabilities of a person found guilty of two or more crimes shall be governed by the applicable provisions of the Civil Code of the Philippines.

SECTION THREE

Provision Common to the Last Two Preceding Sections

ARTICLE 55. Legal Period of Duration of Divisible Penalties. — The legal period of duration of divisible penalties shall be considered as divided into three parts, forming three periods, the minimum, the medium, and the maximum in the manner shown in the following table:

TABLE SHOWING THE DURATION OF DIVISIBLE PENALTIES AND THE TIME INCLUDED IN EACH OF THEIR PERIODS

Penalties	Time included in the penalty in its entirety	Time included in its minimum period	Time included in its medium period	Time included in its maximum period
Afflictive 1	From 12 years and 1 day to 20 years.	From 12 years and 1 day to less than 16 years.	16 years	From 16 years and 1 day to 20 years.
Afflictive 2, absolute disqualification and special temporary disqualification.	From 6 years and 1 day to 12 years.	From 6 years and 1 day to less than 9 years.	9 years	From 9 years and 1 day to 12 years.
Corrective 1 and suspension	3 years and 1 day to 6 years.	From 3 years and 1 day to less than 4 years and 6 months.	4 years and 6 months	From 4 years, 6 months and 1 day to 6 years.

Corrective 2	From 6 months and 1 day to 3 years	From 6 months and one day to less than 1 year and 3 months	1 year and 3 months	From 1 year 3 months and 1 day to 3 years
RESTORATIVE 1	From 1 month and 1 day to 6 months.	From 1 MONTH AND ONE DAY to LESS THAN 2 months AND 15 DAYS.	2 months and 15 dayS	From 2 months and 16 dayS to 6 months.
RESTORATIVE 2	From 1 to 30 days.	From 1 to LESS THAN 15 days.	15 days.	From 16 to 30 days.
RESTRICTIVE	6 MONTHS TO 2 YEARS	FROM 6 MONTHS TO LESS THAN 1 YEAR AND THREE MONTHS	1 YEAR AND 3 MONTHS	FROM 1 YEAR AND 3 MONTHS TO 2 YEARS

ARTICLE 56. When the Penalty is a Complex One Composed of Three Distinct Penalties. — In cases in which the law prescribes a penalty composed of three distinct penalties, each one shall form a period; the lightest of them shall be the minimum, the next the medium, and the most severe the maximum period.

Whenever the penalty prescribed does not have one of the forms specially provided for in this book, the periods shall be distributed, applying by analogy the prescribed rules.

CHAPTER FIVE Execution and Service of Penalties

SECTION ONE General Provisions

ARTICLE 57. When and How a Penalty is to Be Executed. — No penalty shall be executed except by virtue of a final judgment.

A penalty shall not be executed in any other form than that prescribed by law, nor with any other circumstances or incidents than those expressly authorized thereby.

ARTICLE 58. Prosecution Of Child Below Fifteen And Above Twelve Years Of Age At The Time Of The Commission Of The Offense. — A person below fifteen (15) and above twelve (12) years of age at the time of the commission of the offense who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws, shall be deemed a child in conflict with the law subject to the provisions of this code and special law.

SECTION TWO Execution of Principal Penalties

ARTICLE 59. When and How Punitive 1 Penalty is to be Executed. —Punitive 1 penalty shall be executed with preference to any other penalty and shall consist in putting the person under sentence to death. Punitive 1 penalty shall be executed under the authority of the Director of the Bureau of Corrections, endeavoring so far as possible to mitigate the sufferings of the person under such sentence.

The authorized physician of the Bureau of Corrections, after thorough examination, shall officially make a pronouncement of the convict's death and shall certify thereto in the records of the Bureau of Corrections.

Punitive 1 penalty shall be carried out not earlier than one (1) year nor later than eighteen (18) months after the judgment has become final and executory without prejudice to the exercise by the President of his executive clemency powers at all times.

TITLE FOUR
Extinction of Criminal Liability

CHAPTER ONE
Total Extinction of Criminal Liability

ARTICLE 60. How Criminal Liability is Totally Extinguished. — Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment;
2. By service of the sentence;
3. By amnesty, which completely extinguishes the penalty and all its effects;
4. By absolute pardon of the President. A pardon shall extinguish the principal and accessory penalties, unless otherwise provided by the terms of the pardon.

A pardon shall in no case exempt the culprit from the payment of the civil indemnity imposed upon him by the sentence.

5. By prescription of the crime;
6. By the marriage of the offender to the offended party in cases of rape, seduction, abduction and acts of lasciviousness.
7. By pardon of the offended party in cases of light crimes. However, in cases of seduction, abduction and acts of lasciviousness, pardon by the offended party does not extinguish criminal action, but only prevents the prosecution of these cases.
8. In case of a juridical person, criminal liability shall be extinguished by:
 - a. Service or execution of the penalty imposed by the court;
 - b. Amnesty;
 - c. Pardon; and
 - d. Prescription of crimes.

ARTICLE 61. Prescription of Crimes. — Crimes punishable by Punitive 1, Punitive 2 or Afflictive 1 penalty or fine classified as grave penalty shall prescribe in twenty years.

Crimes punishable by other afflictive penalties shall prescribe in fifteen years.

Those punishable by a corrective penalty or fine classified as less grave penalty shall prescribe in ten (10) years; with the exception of those punishable by restorative 1, which shall prescribe in five years.

Crimes punished by restorative penalties or fine classified as light penalty prescribe in two months.

When the penalty fixed by law is a compound one, the highest penalty shall be made the basis of the application of the rules contained in the first, second and third paragraphs of this article.

ARTICLE 62. Computation of Prescription of Crimes. — The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted by the institution of the complaint with the appropriate government agency or filing of the information with the court, and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted, or are unjustifiably stopped for any reason not imputable to him, in accordance with the rules of court.

CHAPTER TWO
Partial Extinction of Criminal Liability

ARTICLE 63. Partial extinction of Penalty. —The sentence is extinguished partially:

1. By conditional pardon;
2. By commutation of the sentence;
3. By parole, which refers to the conditional release of an offender from a correctional institution after he serves the minimum of the classification of the penalty imposed; and
4. For good conduct allowances which the culprit may earn while he is undergoing preventive detention or serving his sentence.

ARTICLE 64. Effect of Commutation of Sentence. In case of commutation of penalties, it shall have the legal effect of substituting the length and nature corresponding to the new penalty.

ARTICLE 65. Allowance for Good Conduct. — The allowance for good conduct of any offender qualified for credit for preventive detention pursuant to Article 26 of this code, or of any convicted prisoner in any penal institution, rehabilitation or detention center or any other local jail shall be governed by this code and special laws.

ARTICLE 66. Special Time Allowance for Loyalty. — A deduction of one fifth of the period of his sentence shall be granted to any prisoner who, having evaded his preventive detention or the service of his sentence under the circumstances mentioned in Article 158 of this Code, gives himself up to the authorities within forty-eight (48) hours following the issuance of a proclamation announcing the passing away of the calamity or catastrophe referred to in said article. A deduction of two-fifths of the period of his sentence shall be granted in case said prisoner chose to stay in the place of his confinement notwithstanding the existence of a calamity or catastrophe enumerated in Article 158 of this Code.

TITLE FIVE
Civil Liability

CHAPTER ONE
Persons Civilly Liable for CRIMES

ARTICLE 67. Civil Liability of Person Guilty of Crime. — Every person criminally liable is also civilly liable. any provision of law or rules of court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability shall at all times be simultaneously instituted with, and jointly determined in, the same proceeding by the appropriate court. the filing of the criminal action shall carry with it the filing of civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be allowed.

For civil actions which have already been filed separately from the criminal action but with no judgment rendered yet, and a criminal case was filed thereafter, the civil action shall be transferred to the court where the criminal action was filed for consolidation and joint determination; otherwise the separate civil action shall be deemed abandoned.

ARTICLE 68. Rules Regarding Civil Liability in Certain Cases. — The exemption from criminal liability established in subdivisions (1), (2), (3), (5), and (6) of Article 10 and in subdivision (4) of Article 9 of this Code does not include exemption from civil liability, which shall be enforced subject to the following rules:

First. In cases of subdivisions (1), (2), and (3) of Article 10, the civil liability for acts committed by a person suffering from mental disease or defect or an insane person, and by a person twelve (12) years of age or below, or by one over twelve (12) but under fifteen (15) years of age, who has acted without discernment, shall devolve upon their parents or those having such person under their legal authority or control, unless it appears that there was no fault on their part.

The civil liability for crimes committed by a minor above twelve (12) and under fifteen (15) years of age who acted with discernment shall be satisfied primarily from the property not exempt from execution of such minor, and secondarily by his parents, guardian or person who have legal custody or control over him, unless such persons had no fault.

Should there be no person having such person suffering from mental disease or defect, insane or minor person under his authority, legal guardianship, or control, or if such person be insolvent, said person suffering from mental disease or defect, insane, or minor person shall respond with their own property, excepting property exempt from execution, in accordance with the civil law. Likewise, the civil law shall also govern the civil liability of a minor over twelve (12) but under fifteen (15) years of age who acted with discernment.

Second. In cases falling within subdivision (4) of Article 9, the persons for whose benefit the harm has been prevented shall be civilly liable in proportion to the benefit which they may have received.

The courts shall determine, in their sound discretion, the proportionate amount for which each one shall be liable.

When the respective shares cannot be equitably determined, even approximately, or when the liability also attaches to the Government, or to the majority of the inhabitants of the town, and, in all events, whenever the damage has been caused with the consent of the authorities or their agents, indemnification shall be made in the manner prescribed by special laws or regulations.

Third. In cases falling within subdivisions (5) and (6) of Article 10, the persons using violence or causing the fear shall be primarily liable, and in his absence, those doing the act shall be secondarily liable, excepting property exempt from execution, in accordance with the civil law.

ARTICLE 69. Subsidiary Civil Liability Of Proprietors Or Owners Of Hotels, Apartelles, Restaurants, And Other Similar Establishments. — In default of the persons criminally liable, proprietors or owners of hotels, apartelles, restaurants, and other similar establishments, and any other persons or corporations shall be civilly liable for crimes committed in their establishments, in all cases where a violation of municipal ordinances or some general or special regulations shall have been committed by them or their employees.

Proprietors or owners are also subsidiarily liable for the restitution of goods taken by robbery or theft within their houses from guests lodging therein, or for reparation, provided that such guests shall have notified in advance the proprietor or owner himself, or the person representing him, of the deposit of such goods within the establishment; and shall furthermore have followed the directions which such proprietor or owner or his representative may have given them with respect to the care of and vigilance over such goods. no liability shall attach in case of robbery with violence against or intimidation of persons unless committed by the proprietor's or owner's employees.

ARTICLE 70. Subsidiary Civil Liability of Other Persons. — The subsidiary civil liability established in the next preceding article shall also apply to persons, whether natural or juridical, engaged in any kind of industry, for crimes committed by their employees in the discharge of their duties.

CHAPTER TWO What Civil Liability Includes

ARTICLE 71. What is Included in Civil Liability. — The civil liability established in articles 67, 68, 69, and 70 of this Code includes:

1. Restitution;
2. Reparation of the damage caused;
3. Indemnification for consequential damages.

ARTICLE 72. Restitution — How Made. — The restitution of the thing itself must be made whenever possible, with allowances for any deterioration or diminution of value as determined by the court.

The thing itself shall be restored, even though it be found in the possession of a third person who has acquired it by lawful means, reserving to the latter his action against the proper person, who may be liable to him.

This rule is not applicable to cases where the thing has been acquired by a third person in the manner and under the conditions which, by law, bar an action for its recovery.

ARTICLE 73. Reparation — How Made. — The court shall determine the amount of damage, taking into consideration the price of the thing, whenever possible, and its special sentimental value to the injured party, and reparation shall be made accordingly.

ARTICLE 74. Indemnification — What is Included. — Indemnification for consequential damages shall include those caused the injured party and his family in accordance with the provisions of the Civil Code of the Philippines.

ARTICLE 75. Obligation to Make Restoration, Reparation for Damages, or Indemnification for Consequential Damages and Action to Demand the Same — Upon Whom it Devolves. — The obligation to make restoration or reparation for damages and indemnification for consequential damages devolves upon the heirs of the person liable.

The action to demand restoration, reparation, and indemnification likewise descends to the heirs of the person injured.

ARTICLE 76. Share of Each Person Civilly Liable. — If there are two or more persons civilly liable for a crime, the courts shall determine the amount for which each must respond proportionately in accordance with their participation.

ARTICLE 77. Solidary and Subsidiary Liability of Principals, Accomplices, and Accessories. — The principals, accomplices, and accessories, each within their respective class, shall be liable solidarily among themselves for their quotas as determined in the sentence, and subsidiarily for those of the other persons liable.

The subsidiary liability shall be conferred, first against the property of the principals; next, against that of the accomplices, and, lastly, against that of the accessories.

Whenever the solidary or subsidiary liability has been enforced, the person who made payment shall have a right to contribution from the others for the amount of their respective shares.

ARTICLE 78. Obligation to Make Restitution in Certain Cases. — Any person who has participated gratuitously in or unknowingly benefited from the proceeds of a crime shall be bound to make restitution in an amount equivalent to the extent of such participation or benefit.