

# The Proposed Code of Crimes and the Philosophy of Social Defense

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The Note analyzes the proposed Code of Crimes which seeks to update the Revised Penal Code (Act No. 3815), and looks at its underlying philosophy of social defense. It discusses that the proposed Code moves away from the classical school of thought on criminal liability; and adopts the positivist view which focuses on the person of the offender, the reason for the commission of the offense, and the individual measures that can be enforced upon him.

As a consequence of this shift in philosophy, the Article highlights the concept of repression which marks the proposed Code as opposed to the idea of punishment which is pervasive in the Revised Penal Code. It argues that the distinction is uncalled for since both concepts are mere variances of the same idea of restriction and consequence. It also cites certain judicial and administrative problems that may result from the proposed provisions such as the increased burden placed on the part of the judge. It ends by emphasizing that while the intent of the Code Commission may be laudable, the degree of change sought by the proposed Code may be too abrupt in the light of the society's condition.