

## Entrapment and Instigation: The Borderline Defenses

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*SUBJECT(S): CRIMINAL LAW, CRIMINAL PROCEDURE*

The Article is about the legalities of entrapment and instigation, bearing in mind the borderline issues that come about from it. The Article first defines entrapment as a method employed by a public officer in order to trap or capture the offender in the execution of his criminal plan. It notes that this definition differs from that in foreign jurisdictions, thereby providing the reason for this distinction. In the Philippines, entrapment and instigation have become defenses of the accused under trial. However, the Article notes the difference of entrapment and instigation, highlighting that the former is not prohibited as contrary to public policy while the latter is considered illegal. Yet it was held that instigation may become a valid defense when it is performed by a public officer. The Author ventures into the rules on instigation and entrapment in the United States of America, and how such are treated and applied in different cases. The Article includes the nature, basis, and application of the doctrine of entrapment. Also, some application questions relative to the subject are presented by the Author.