

## An Appraisal of the Proposed Code of Crimes

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*SUBJECT(S): CRIMINAL LAW, REVISED PENAL CODE*

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The Speech presents the Author's analysis of the merits and demerits of the proposed Code of Crimes which is supposed to revise the Revised Penal Code (Act No. 3815). It gives the following observations on general matters covered by the Code: that the shift from the classical to the positivist theory of penology is unwarranted; that offenses subject to special laws should not be included in the proposed Code since these are *mala prohibita*; and that violations of Civil Law provisions should not have been tackled by the Code.

The Author, while recognizing certain worthy innovations in the proposed Code, also criticizes some of its new specific provisions. He objects to the abolition of the distinction between attempted and frustrated crimes; to the provision allowing a person to be declared socially dangerous without committing a specific crime; to the penalty imposed on persons who refuse to aid law officers; to the punishments attached to persons who criticize the State; and to the imprisonment of the spouse who surprises the other in the act of committing sexual intercourse with another person. Lastly, the Author ends by recommending that, all things considered, the Congress should not pass the proposed Code.