

## A Prescription for Prescription of Crimes

Reynaldo G. Geronimo

16 ATENEO L.J. 156 (1967)

TAGS(S): *CRIMINAL LAW, CRIMINAL PROCEDURE, COMPUTATION OF  
PRESCRIPTION PERIOD*

The Article explores the provision of the Revised Penal Code that provides for the computation of the prescription periods of offenses. The root of the controversy lies in the fact that the said provision is silent on where a complaint or information must be filed in order to stop the running of the prescription period of crimes — is the filing of a complaint or information for preliminary investigation sufficient, or should the filing be before a competent court for trial?

This issue was discussed in light of the ruling in *People v. Olarte*, 108 Phil. 756 (1960), which decreed that filing a complaint or information for preliminary investigation is sufficient to interrupt the prescription period of criminal offenses for three reasons: (1) since the law does not distinguish, so shouldn't we; (2) filing a complaint or information for preliminary investigation is already an initial step against the offender and; (3) it would be unjust for the injured party to account for delays which are not under his control. The opposing views, which posit that a written accusation must first be filed in the trial court before they can be called "information" or "complaint" and that the prescriptive period must only be interrupted when probable cause against the accused had been established, were also discussed through an examination of Philippine jurisprudence.