

Attempted or Frustrated Homicide

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SUBJECT(S): REVISED PENAL CODE

KEYWORD(S): HOMICIDE, ATTEMPTED, FRUSTRATED, WOUNDS, CRIMINAL INTENT

The determination of the nature of the crime of homicide as either in the attempted or in the frustrated stage often leads to speedy conclusions that are based solely on majority opinion and belief. Yet on the contrary, factors are provided for in the law as decisive points in the resolution of such an issue. In spite of this, a perusal of the case decisions made by the Supreme Court reveals a lack of a uniform pattern identifying the conclusive differences between the attempted and frustrated stages of homicide.

The Article hopes to resolve the issue presented by examining the law on the matter as contained in the Revised Penal Code as well as the relevant decisions of the highest tribunal of land. It starts by delineating the stages of a crime either as consummated or unconsummated, the latter being further divided into either attempted or frustrated. In the process, the subjective phase of a crime, the identification of which the Author deems as an integral factor in the resolution of the issue, is discussed. Also, the Author looks into additional factors such as the nature of the wounds, the identity of the weapon used, the violence performed as well as the criminal intent.