

The Neglected Crime of Negligence

Raul R. Cabrera

16 ATENEO L.J. 189 (1967)

TAG(S): CRIMINAL LAW, NEGLIGENCE IN CRIMINAL LAW

The Article addresses the modification in the treatment of negligence in criminal law, as defined by the Revised Penal Code — from pertaining merely to the manner of committing a crime to being a crime in itself. It also tackles its qualifications and limitations in application. By looking into the development of Philippine jurisprudence on the issue, the article is able to clarify the instances when the settled doctrine is inapplicable (i.e. when negligence is an essential element of the crime committed). Finally, the effect of the new rule has been examined in other aspects of law, namely: (1) the designation of offenses; (2) the gravity of penalties; (3) the complexing of crimes; (4) the jurisdiction over offenses and; (5) the number of information to be filed.