

## Intent in Crimes *Mala Prohibita*

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5 ATENEO L.J. 187 (1955)

KEYWORD(S): MALA PROHIBITA, INTENT, SPECIAL LAWS

SUBJECT(S): MALA PROHIBITA CRIMES

It is a well-established principle that an act is criminal only if there is criminal intent and such value placed on intent does not apply to crimes which are *mala prohibita*. However, the Author cites three different cases of the Court of Appeals which have departed from the rule that the intent of the accused is immaterial in cases concerning violations of special laws. The Author points out that although the immateriality of intent in *mala prohibita* criminal cases may lead to an excessive harshness in the application of penalties, the Supreme Court itself points out that such situation is what is contemplated by the purpose of the provision in the Revised Penal Code wherein courts are to make a recommendation to the Chief Executive for clemency or a reduction of penalty.