

Prescription, civil liability

Criminal liability may be extinguished either totally (Art. 89, Revised Penal Code) or partially (Art. 94). Total extinction takes place under the following: (1) death of the convict; (2) service of sentence; (3) amnesty; (4) absolute pardon; (5) prescription of the crime; (6) prescription of the penalty; (7) marriage of the offended woman, in private offenses, as provided by Art. 344 RPC.



Prescription of the crime - it is the forfeiture or the loss of the right of the State to prosecute the offender after the lapse of a certain period of time fixed by law (Art. 90, RPC)

Prescription of the penalty - it is the loss or forfeiture of the right of the State to execute the final sentence after the lapse of a certain period of time fixed by law (Art. 92, RPC).

Period of prescription of crimes punished by:

(a) death, reclusion perpetua and reclusion temporal - 20 years; (b) other afflictive penalties - 15 years; (c) correctional penalties - 10 years except arresto mayor which prescribes in 5 years; (d) oral defamation and slander by deed - 6 months; (e) light offenses - 2 months. The prescriptive period for violation of Batas Pambansa Blg. 22 (bouncing checks) is 4 years.

Computation of the period of prescription of penalties: the period commences to run from the date the culprit evades the service of the sentence. It is interrupted: (a) if the defendant surrenders; (b) if he is captured; (c) if he should go to a foreign country with which the Philippines has no extradition treaty; and (d) if he should commit another crime before the expiration of the period of prescription (Art. 93, RPC).

Partial extinction of criminal liability, Art. 94, RPC : (1) conditional pardon; (2) commutation of sentence; (3) good conduct allowances during confinement; (4) parole; (5) probation.

Civil liability includes: (1) **restitution** - the return or restoration of the thing; (2) **reparation of the damage caused** - the court determines the amount of damages by considering the price of the thing itself, and its special sentimental value to the offended party; (3) **indemnification for consequential damages** - includes those caused to the injured party and those suffered by a third person by reason of the crime. (Art. 100 up to 113, RPC)

