

[Commonwealth Act No. 217, November 24, 1936]

AN ACT TO AMEND ARTICLES SIXTY-ONE, SEVENTY AND SEVENTY-ONE OF THE REVISED PENAL CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Article sixty-one of Act Numbered Thirty-eight hundred and fifteen of the Philippine Legislature, known as the Revised Penal Code, is hereby amended so as to read as follows:

"ART. 61. *Rules for graduating penalties.*—For the purpose of graduating the penalties which, according to the provisions of articles fifty to fifty-seven, inclusive, of this Code, are to be imposed upon persons guilty as principals of any frustrated or attempted felony, or as accomplices or accessories, the following rules shall be observed:

"1. When the penalty prescribed for the felony is single and indivisible, the penalty next lower in degree shall be that immediately following that indivisible penalty in the respective graduated scale prescribed in article seventy-one of this Code.

"2. When the penalty prescribed for the crime is composed of two indivisible penalties, or of one or more divisible penalties to be imposed to their full extent, the penalty next lower in degree shall be that immediately following the lesser of the penalties prescribed in the respective graduated scale.

"3. When the penalty prescribed for the crime is composed of one or two indivisible penalties and the maximum period of another divisible penalty, the penalty next lower in degree shall be composed of the medium and minimum periods of the proper, divisible penalty and the maximum period of that immediately following in said respective graduated scale.

"4. When the penalty prescribed for the crime is composed of several periods, corresponding to different divisible penalties, the penalty next lower in degree shall be composed of the period immediately following the minimum prescribed and of the two next following, which shall be taken from the penalty prescribed, if possible; otherwise from the penalty immediately following in the above mentioned respective graduated scale.

"5. When the law prescribes a penalty for a crime in some manner not specially provided for in the four preceding rules, the courts, proceeding by analogy, shall impose corresponding penalties upon those guilty as principals of the frustrated felony, or of attempt to commit the same, and upon accomplices and accessories."

SEC. 2, Article seventy of Act Numbered- Thirty-eight hundred and fifteen of the Philippine Legislature, known as the Revised Penal Code, is hereby amended so as