Continue

Asked by: Henri Bailey | Last update: July 30, 2022 Score: 4.8/5 (9 votes) There is dolo if there exist malice or deliberate intent. There is culpa when the felony results from negligence, imprudence, lack of foresight or lack of skill. In intentional felonies, there is criminal intent in the mind of the offender. What are the elements of dolo malice? From the said article, the elements of crimes committed by means of dolo are freedom, intelligence, and intent, whereas the elements of felonies by means of culpa are freedom, intelligence, and negligence. Otherwise stated, the only element that distinguishes the two means of committing a felony is the third element.What is an example of dolo? Put simply, dolo is "solo," e.g., I'm rolling dolo into the club, or going alone as opposed to with friends. Dolo can also mean "secretly" or, to use another slang expression, on the down low. Dolo often appears in the phrase solo-dolo, which can mean doing something alone but, apparently, being chilled about it. What does it mean to be charged with malice? Crimes Involving Malice Malice is often an element in crimes involving death or injury. In such cases, states may use a more specific definition of malice. That definition, which some states use for all crimes, provides that malice is the intent to: kill someone or cause him or her great bodily harm, or.Dolo is a Spanish term which means deceit. There is deceit when an act is performed with deliberate intent. [2] Culpa is also a Spanish term which means fault. There is fault when a wrongful act results from negligence, imprudence, lack of skill or foresight. 43 related questions found Felonies are committed not only by means of deceit (dolo) but also by means of fault (culpa). There is deceit when the act is performed with deliberate intent; and there is fault when the wrongful act results from imprudence, negligence, lack of foresight, or lack of skill. Nausea, vomiting, constipation, lightheadedness, dizziness, or drowsiness may occur. Some of these side effects may decrease after you have been using this medication for a while. If any of these effects persist or worsen, tell your doctor or pharmacist promptly. (e) (1) A person convicted of the offense of murder shall be punished by death, by imprisonment for life without parole, or by imprisonment for life. (2) A person convicted of the offense of murder in the second degree shall be punished by imprisonment for not less than ten nor more than 30 years. To show actual malice, plaintiffs must demonstrate [that the defendant] either knew his statement was false or subjectively entertained serious doubt his statement was truthful. The question is not whether a reasonably prudent man would have published, or would have investigated before publishing. Malice is defined as bad will or the desire to do bad things to another person. An example of malice is when you hate someone and want to seek revenge. The state of mind of one intentionally performing a wrongful act. An improper motive for an action, such as desire to cause injury to another. If a felony is committed by means of deceit it is dolo or otherwise known as intentional felonies such as robbery. If it is committed by means of fault, then it is culpa or otherwise known as culpable felonies such as reckless imprudence resulting in damage to properties. ELEMENTS OF FELONIES: 1. There must be an act or omission 2. Punishable by law 3. Incurred by means of deceit or faultThere must be an act or omission.Punishable by law.Incurred by means of deceit or fault. First is that culpa is a means of committing a felony under Article 3 of the Revised Penal Code (RPC). Second is that culpa is a crime in itself under Article 365 of the RPC. The traditional view is that, under Article 365, what is punished is not the resulting death, damage to property or physical injuries. The three types of malice aforethought are intent to kill, intent to cause serious bodily injury, and depraved heart. The three Model Penal Code murder mental states are purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life. There are two kinds of malice aforethought: express malice and implied malice. Express malice is when a defendant specifically intended to kill the victim. Implied malice is when the accused demonstrated a conscious disregard for human life. Mala in se ("evil in itself") – A crime or an act that is inherently immoral, such as murder, arson or rape. [Black's Law Dictionary, 9th Ed.] Malice is a legal term referring to a party's intention to do injury to another party. Malice is either expressed or implied. For example, malice is expressed when there is manifested a deliberate intention to unlawfully take away the life of a human being. What does a claimant need to show to make out a claim in Malicious Falsehood? The statement must be published deliberately to a third party. The claimant must prove that the statement was not true. It's not enough to say that one product is better than another. Sullivan (1964), the Supreme Court has held that public officials cannot recover damages for libel without proving that a statement was made with actual malice — defined as "with knowledge that it was false or with reckless disregard of whether it was false or not." In this case the killer didn't intend to kill. But drinking heavily and pointing a loaded shotgun at another person is extremely risky and deadly behavior. If the killer knew this, and he almost certainly did, malice may be implied. noun. the desire to do harm or mischief. evil intent. Second-Degree Murder There are two degrees of murder in the Georgia Criminal Code. Second degree murder only applies to killings resulting from negligent cruelty to children that causes excessive physical or mental pain (second degree child cruelty). It is most often raised when the victim is a child. Q. Does Dolo 650 Tablet make babies sleepy? No, Dolo 650 Tablet does not make babies sleepy. It is a pain-relieving medicine that is also used to control high fever. There is increasing suspicion that several drugs in four widely used classes of non-cardiovascular medications-fluoroquinolone and macrolide antibiotics, antipsychotics, and antidepressants- are pro-arrhythmic and thus increase the risk of sudden cardiac death. Is dolo-650 pain killer and can it be taken for pain relief? Yes, Dolo 650 or paracetamol not only helps in reducing fevers but also has analgesic effect reducing pain, pain relief. It is helpful in conditions like headache, mild migraine, musculoskeletal pains, dysmenorrhoea pains, reducing knee pains etc. 0 ratings0% found this document useful (0 votes)9K viewsThis document outlines how felonies can be committed through deceit (dolo) or fault (culpa). Dolo involves deliberate intent to cause injury, while culpa results from negligence or lack of s...AI-enhanced title and descriptionSaveSave CRIMINAL LAW For Later0%0% found this document useful, undefined Asked by: Henri Bailey | Last update: July 30, 2022 Score: 4.8/5 (9 votes) There is dolo if there exist malice or deliberate intent. There is culpa when the felony results from negligence, imprudence, lack of foresight or lack of skill. In intentional felonies, there is criminal intent in the mind of the offender. What are the elements of dolo malice? From the said article, the elements of crimes committed by means of dolo are freedom, intelligence, and intent, whereas the elements of felonies by means of culpa are freedom, intelligence, and negligence. Otherwise stated, the only element that distinguishes the two means of committing a felony is the third element.What is an example of dolo? Put simply, dolo is "solo," e.g., I'm rolling dolo into the club, or going alone as opposed to with friends. Dolo can also mean "secretly" or, to use another slang expression, on the down low. Dolo often appears in the phrase solo-dolo, which can mean doing something alone but, apparently, being chilled about it. What does it mean to be charged with malice? Crimes Involving Malice Malice is often an element in crimes involving death or injury. In such cases, states may use a more specific definition of malice. That definition, which some states use for all crimes, provides that malice is the intent to: kill someone or cause him or her great bodily harm, or.Dolo is a Spanish term which means deceit. There is deceit when an act is performed with deliberate intent. [2] Culpa is also a Spanish term which means fault. There is fault when a wrongful act results from negligence, imprudence, lack of skill or foresight. 43 related questions found Felonies are committed not only by means of deceit (dolo) but also by means of fault (culpa). There is deceit when the act is performed with deliberate intent; and there is fault when the wrongful act results from imprudence, negligence, lack of foresight, or lack of skill. Nausea, vomiting, constipation, lightheadedness, dizziness, or drowsiness may occur. Some of these side effects may decrease after you have been using this medication for a while. If any of these effects persist or worsen, tell your doctor or pharmacist promptly. (e) (1) A person convicted of the offense of murder shall be punished by death, by imprisonment for life without parole, or by imprisonment for life. (2) A person convicted of the offense of murder in the second degree shall be punished by imprisonment for not less than ten nor more than 30 years. To show actual malice, plaintiffs must demonstrate [that the defendant] either knew his statement was false or subjectively entertained serious doubt his statement was truthful. The question is not whether a reasonably prudent man would have published, or would have investigated before publishing. Malice is defined as bad will or the desire to do bad things to another person. An example of malice is when you hate someone and want to seek revenge. The state of mind of one intentionally performing a wrongful act. An improper motive for an action, such as desire to cause injury to another. If a felony is committed by means of deceit it is dolo or otherwise known as intentional felonies such as robbery. If it is committed by means of fault, then it is culpa or otherwise known as culpable felonies such as reckless imprudence resulting in damage to properties. ELEMENTS OF FELONIES: 1. There must be an act or omission 2. Punishable by law 3. Incurred by means of deceit or faultThere must be an act or omission.Punishable by law.Incurred by means of deceit or fault. First is that culpa is a means of committing a felony under Article 3 of the Revised Penal Code (RPC). Second is that culpa is a crime in itself under Article 365 of the RPC. The traditional view is that, under Article 365, what is punished is not the resulting death, damage to property or physical injuries. The three types of malice aforethought are intent to kill, intent to cause serious bodily injury, and depraved heart. The three Model Penal Code murder mental states are purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life. There are two kinds of malice aforethought: express malice and implied malice. Express malice is when a defendant specifically intended to kill the victim. Implied malice is when the accused demonstrated a conscious disregard for human life. Mala in se ("evil in itself") – A crime or an act that is inherently immoral, such as murder, arson or rape. [Black's Law Dictionary, 9th Ed.] Malice is a legal term referring to a party's intention to do injury to another party. Malice is either expressed or implied. For example, malice is expressed when there is manifested a deliberate intention to unlawfully take away the life of a human being. What does a claimant need to show to make out a claim in Malicious Falsehood? The statement must be published deliberately to a third party. The claimant must prove that the statement was not true. It's not enough to say that one product is better than another. Sullivan (1964), the Supreme Court has held that public officials cannot recover damages for libel without proving that a statement was made with actual malice — defined as "with knowledge that it was false or with reckless disregard of whether it was false or not." In this case the killer didn't intend to kill. But drinking heavily and pointing a loaded shotgun at another person is extremely risky and deadly behavior. If the killer knew this, and he almost certainly did, malice may be implied. noun. the desire to do harm or mischief. evil intent. Second-Degree Murder There are two degrees of murder in the Georgia Criminal Code. Second degree murder only applies to killings resulting from negligent cruelty to children that causes excessive physical or mental pain (second degree child cruelty). It is most often raised when the victim is a child. Q. Does Dolo 650 Tablet make babies sleepy? No, Dolo 650 Tablet does not make babies sleepy. It is a pain-relieving medicine that is also used to control high fever. There is increasing suspicion that several drugs in four widely used classes of non-cardiovascular medications-fluoroquinolone and macrolide antibiotics, antipsychotics, and antidepressants- are pro-arrhythmic and thus increase the risk of sudden cardiac death. Is dolo-650 pain killer and can it be taken for pain relief? Yes, Dolo 650 or paracetamol not only helps in reducing fevers but also has analgesic effect reducing pain, pain relief. It is helpful in conditions like headache, mild migraine, musculoskeletal pains, dysmenorrhoea pains, reducing knee pains etc. Asked by: Henri Bailey | Last update: July 30, 2022 Score: 4.8/5 (9 votes) There is dolo if there exist malice or deliberate intent. There is culpa when the felony results from negligence, imprudence, lack of foresight or lack of skill. In intentional felonies, there is criminal intent in the mind of the offender. What are the elements of dolo malice? From the said article, the elements of crimes committed by means of dolo are freedom, intelligence, and intent, whereas the elements of felonies by means of culpa are freedom, intelligence, and negligence. Otherwise stated, the only element that distinguishes the two means of committing a felony is the third element.What is an example of dolo? Put simply, dolo is "solo," e.g., I'm rolling dolo into the club, or going alone as opposed to with friends. Dolo can also mean "secretly" or, to use another slang expression, on the down low. Dolo often appears in the phrase solo-dolo, which can mean doing something alone but, apparently, being chilled about it. What does it mean to be charged with malice? Crimes Involving Malice Malice is often an element in crimes involving death or injury. In such cases, states may use a more specific definition of malice. That definition, which some states use for all crimes, provides that malice is the intent to: kill someone or cause him or her great bodily harm, or.Dolo is a Spanish term which means deceit. There is deceit when an act is performed with deliberate intent. [2] Culpa is also a Spanish term which means fault. There is fault when a wrongful act results from negligence, imprudence, lack of skill or foresight. 43 related questions found Felonies are committed not only by means of deceit (dolo) but also by means of fault (culpa). There is deceit when the act is performed with deliberate intent; and there is fault when the wrongful act results from imprudence, negligence, lack of foresight, or lack of skill. Nausea, vomiting, constipation, lightheadedness, dizziness, or drowsiness may occur. Some of these side effects may decrease after you have been using this medication for a while. If any of these effects persist or worsen, tell your doctor or pharmacist promptly. (e) (1) A person convicted of the offense of murder shall be punished by death, by imprisonment for life without parole, or by imprisonment for life. (2) A person convicted of the offense of murder in the second degree shall be punished by imprisonment for not less than ten nor more than 30 years. To show actual malice, plaintiffs must demonstrate [that the defendant] either knew his statement was false or subjectively entertained serious doubt his statement was truthful. The question is not whether a reasonably prudent man would have published, or would have investigated before publishing. Malice is defined as bad will or the desire to do bad things to another person. An example of malice is when you hate someone and want to seek revenge. The state of mind of one intentionally performing a wrongful act. An improper motive for an action, such as desire to cause injury to another. If a felony is committed by means of deceit it is dolo or otherwise known as intentional felonies such as robbery. If it is committed by means of fault, then it is culpa or otherwise known as culpable felonies such as reckless imprudence resulting in damage to properties. ELEMENTS OF FELONIES: 1. There must be an act or omission 2. Punishable by law 3. Incurred by means of deceit or faultThere must be an act or omission.Punishable by law.Incurred by means of deceit or fault. First is that culpa is a means of committing a felony under Article 3 of the Revised Penal Code (RPC). Second is that culpa is a crime in itself under Article 365 of the RPC. The traditional view is that, under Article 365, what is punished is not the resulting death, damage to property or physical injuries. The three types of malice aforethought are intent to kill, intent to cause serious bodily injury, and depraved heart. The three Model Penal Code murder mental states are purposely, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life. There are two kinds of malice aforethought: express malice and implied malice. Express malice is when a defendant specifically intended to kill the victim. Implied malice is when the accused demonstrated a conscious disregard for human life. Mala in se ("evil in itself") – A crime or an act that is inherently immoral, such as murder, arson or rape. [Black's Law Dictionary, 9th Ed.] Malice is a legal term referring to a party's intention to do injury to another party. Malice is either expressed or implied. For example, malice is expressed when there is manifested a deliberate intention to unlawfully take away the life of a human being. What does a claimant need to show to make out a claim in Malicious Falsehood? The statement must be published deliberately to a third party. The claimant must prove that the statement was not true. It's not enough to say that one product is better than another. Sullivan (1964), the Supreme Court has held that public officials cannot recover damages for libel without proving that a statement was made with actual malice — defined as "with knowledge that it was false or with reckless disregard of whether it was false or not." In this case the killer didn't intend to kill. But drinking heavily and pointing a loaded shotgun at another person is extremely risky and deadly behavior. If the killer knew this, and he almost certainly did, malice may be implied. noun. the desire to do harm or mischief. evil intent. Second-Degree Murder There are two degrees of murder in the Georgia Criminal Code. Second degree murder only applies to killings resulting from negligent cruelty to children that causes excessive physical or mental pain (second degree child cruelty). It is most often raised when the victim is a child. Q. Does Dolo 650 Tablet make babies sleepy? No, Dolo 650 Tablet does not make babies sleepy. It is a pain-relieving medicine that is also used to control high fever. There is increasing suspicion that several drugs in four widely used classes of non-cardiovascular medications-fluoroquinolone and macrolide antibiotics, antipsychotics, and antidepressants- are pro-arrhythmic and thus increase the risk of sudden cardiac death. Is dolo-650 pain killer and can it be taken for pain relief? Yes, Dolo 650 or paracetamol not only helps in reducing fevers but also has analgesic effect reducing pain, pain relief. It is helpful in conditions like headache, mild migraine, musculoskeletal pains, dysmenorrhoea pains, reducing knee pains etc. View printer friendly version 534 Phil. 338 CALLEJO, SR., J.: Before the Court is a petition for review on certiorari under Rule 45 assailing the September 3, 2004 Decision[1] of the Sandiganbayan convicting petitioners of unjust vexation in Criminal Case No. 24309.On October 22, 1997, an Information[2] was filed before the Sandiganbayan (First Division), charging the following with grave coercion: Municipal Mayor Melchor G. Maderazo; his nephew, Victor Maderazo, Jr., who is a member of the Sangguniang Bayan; and Seniforo Perido, Caibiran Police Station Chief, together with Rodolfo Rico, Orlando Mocorro, Rodolfo Azur, Reynaldo Oledan, Jordan Gervacio and Jose Cesora. The Information reads:That on or about the 27th day of January 1997, at about 2:20 o'clock in the afternoon, at Barangay Palanay, Municipality of Caibiran, Biliran, Philippines and within the jurisdiction of this Honorable Court, above-named accused, all public officers, having been duly elected, appointed and qualified to such public positions above-mentioned, in such capacity and committing the offense in relation to office, conniving and confederating together and mutually helping with (sic) each other, by means of violence and intimidation, without any authority of law, with deliberate intent did then and there willfully, unlawfully, feloniously and forcibly eject one Medaria Verutiao from the market stall she was occupying and leasing from the Municipality of Caibiran, thereby compelling her to give up her possession and occupation to said market stall against her will, to the damage and prejudice of said Medaria Verutiao and detriment of public service.Contrary to law.[3]On arraignment, all the accused pleaded not guilty to the crime charged.[4] The Sandiganbayan issued a Pre-Trial Order[5] signed by all the parties, where it was stipulated, among others, that all of the accused were government officials; Verutiao was physically in possession of one of the stalls in the public market of the Municipality of Caibiran previous to and as of January 27, 1997; on January 21, 1997, the premises had been padlocked previously by Mayor Melchor Maderazo, so that her goods were inside the stall, and she was unable to transact any business; on January 27, 1997, the locks were opened by the government upon the authority of the mayor, the goods in the premises were inventoried and taken to the police station where they have remained up to the present.[6]The Case for the Prosecution[7]The prosecution presented Verutiao as sole witness. She testified that she had been the lessee of a stall in the Biliran public market. She paid a monthly rental of P200.00.[8] She was allowed to finish the construction of the market stall with the permission of the Municipal Mayor and the Municipal Treasurer.[9] She averred that Municipal Ordinance No. 2, Series of 1984,[10] provides that, to facilitate the development of the public market, in the absence of adequate government finance, construction by private parties of buildings and other structures for commercial purposes may be allowed and the expenses thereof shall be reimbursed to the builder by applying 50% to the monthly rentals when occupied for business.[11]She spent P24,267.00 for the construction of the market stall, as stated in the itemized statement of expenses[12] she submitted to then Municipal Treasurer Jose Lee on February 14, 1992. She was not, however, reimbursed by the Municipality of her expenses. After the construction, she then opened the stall for business. She paid the rent for the whole year of 1992 but did not pay the rentals in 1993.On January 13, 1994, Verutiao and the Municipality entered into a one-year lease contract,[13] renewable every year with a monthly rental of P400.00. It is also provided that, any violation of the conditions therein agreed shall be sufficient cause for its cancellation, notwithstanding the fact that the contract has not yet expired.In 1995, the Municipality partially paid her P10,000.00 of her total expenses in the construction of the market stall.[14] However, considering that she had not been fully reimbursed of her expenses for the construction of the stall, she did not pay her rent.[15] Almost weekly, she went to the Municipal Treasurer to request for the reimbursement.[16] She was told by then Treasurer Lee and his successor, Lorenzo Dadizon, that the Municipality had no money and she had to wait for another budget hearing.[17] The treasurers did not collect her rents for they knew that the Municipality still owed her money.[18]On December 22, 1996 Verutiao closed her stall and proceeded to Mindanao where she spent the Christmas holidays.[19] She returned to Caibiran on January 15, 1997. On January 17, 1997, she and her husband received a letter-order from Mayor Melchor Maderazo, directing her to vacate the stall within twenty-four (24) hours because of her failure to pay the rentals for the stall. [20] As of January 1997, Verutiao had an unpaid rental of P2,532.00, after deducting her expenses for the construction of the stall. The Mayor declared in his letter that the lease contract had been cancelled.On the same day, the spouses Verutiao, through counsel, sent a letter[21] to the Mayor, stating, among others, that they can only be ejected from the market stall if the Municipality reimbursed them for what they had advanced for the construction of the stall and if the Municipality was no longer willing to lease the subject premises. They admitted that Verutiao had not paid any rent since 1993 but maintained that, under Section 38 of Ordinance No. 2, Series of 1984,[22] she did not have to pay rental until her expenses were reimbursed, as the rentals due would be debited from 50% of the amount she advanced for the construction of the market stall, and that she will vacate the stall only after the municipality shall have reimbursed her expenses in the construction.On January 21, 1997, Mayor Maderazo padlocked the leased premises. [23] The locks were opened on the authority of the Mayor on January 27, 1997. The contents of the market stall were inventoried by Victor Maderazo and taken to the police station for safekeeping.[24] While these were being undertaken, Verutiao was in her farm about 4 to 5 kilometers away from the market stall.[25] She considered the act of the Mayor as a political harassment, given that her husband, was then a candidate for councilor under the ticket of the opposition; and that she was a leader of the opposing party.[26]The Case for the Accused[27]Except for the accused Victor Maderazo, the other accused opted not to testify. Victor Maderazo declared that as of January 27, 1997, he was a member of the Sangguniang Bayan of Caibiran. On said date, he was at the stall of Verutiao at the public market in the company of Seniforo Perido, who was the Chief of Police of Caibiran, Barangay Captain Rodolfo Rico, Revenue Collector Orlando Mocorro, and Faulio Quizo, and other laborers. All of them witnessed the inventory of the goods in the stall of Verutiao which Victor Maderazo made upon the request of Mayor Melchor Maderazo. Earlier, Verutiao was informed, by letter, of the inventory of the goods in the stall, which, however, she failed to attend. One of the employees of the Municipality brought the key to the stall and opened it. Victor Maderazo then conducted an inventory of the goods, each was described, while someone was listing the goods. The inventory was orderly.The goods were then brought to the police station where the supplies were kept. The Ruling of the Sandiganbayan On September 3, 2004, the Sandiganbayan rendered judgment [28] convicting the accused Melchor G. Maderazo, Seniforo Perido, and Victor Maderazo, Jr. of the crime of unjust vexation, but acquitted the other accused. The court ruled that Melchor Maderazo had no authority to padlock, open and inventory the contents of the subject stall and take the same to the police station. Although, he had the power to cancel the lease contract, as Mayor, he could not eject the lessee by padlocking the market stall and order the hauling and seizure of the goods contained therein. The remedies of the Municipality in cases where there is delinquency in the payment of fees and rentals are provided in the Local Government Code.The court ruled that the accused cannot, however, be convicted of grave coercion because they did not use violence, threats or intimidation. Verutiao could not have possibly been intimidated or forced by the accused, as she was not at the market stall when the same was padlocked, and its goods inventoried and hauled. The court, however, held the said accused criminally liable for unjust vexation even if the private complainant was not at the stall because the overt acts of the accused caused her annoyance, irritation and vexation. The court ruled that if the second element of grave coercion under Article 286, par. 1 of the Revised Penal Code is lacking, the crime committed falls under the second paragraph of Article 287 of the same Code. The fallo of the decision reads:WHEREFORE, in view of the foregoing, accused MELCHOR G. MADERAZO, accused SENIFORO PERIDO and VICTOR MADERAZO JR. are hereby CONVICTED of the crime of Unjust Vexation, in Criminal Case No. 24309 and hereby ordered to pay a fine of Two Hundred Pesos (P200.00). Accused RODOLFO RICO, accused ORLANDO MOCORRO, accused RODOLFO AZUR, accused REYNALDO OLEDAN, accused JORDAN GERVACIO, and accused JOSE CESORA are hereby ACQUITTED of the Crime of Grave Coercion in Criminal Case No. 24309 for failure of the prosecution to prove their guilt beyond reasonable doubt.Consequently, the cash bond they have posted for their provisional liberty are hereby CANCELLED and the Regional Trial Court, Branch 37, Caibiran, Biliran Cashier is hereby ordered to release the said Cash Bond to accused Rico, accused Mocorro, accused Cesora, accused Azur, accused Oledan, and accused Gervacio.The Hold Departure Order issued against accused Rico, accused Mocorro, accused Cesora, accused Azur, accused Oledan, and accused Gervacio are set aside and any Hold Departure Order issued by the Bureau of Immigration and Deportation pursuant thereto is hereby recalled. However, the Hold Departure Orders issued against accused Maderazo, accused Maderazo, Jr., and accused Perido stand.SO ORDERED.[29] The Petition Before the Court The accused, now petitioners, filed the instant petition [30] and rely on the following grounds: I THE SANDIGANBAYAN GRAVELY ERRED IN CONVICTING PETITIONERS OF THE CRIME OF UNJUST VEXATION. II THE SANDIGANBAYAN GRAVELY ERRED IN FINDING THAT PETITIONER MAYOR MADERAZO HAS NO POWER TO PADLOCK A MARKET STALL AND TO HAUL THE GOODS CONTAINED THEREIN. III THE SACROSANCT RULE IS THAT WHERE THE PROSECUTION FAILS TO DISCHARGE ITS BURDEN OF PROVING BEYOND REASONABLE DOUBT EVERY FACT NECESSARY TO CONSTITUTE THE CRIME FOR WHICH THE ACCUSED IS BEING HELD TO ACCOUNT -- AS IN THE CASE AT BAR -- THE ACCUSED MUST PERFORCE BE ACQUITTED.[31]The threshold issue is whether or not the People adduced proof beyond reasonable doubt of petitioners' guilt for unjust vexation.Petitioners maintain that they are not criminally liable for unjust vexation because Verutiao was not prevented from doing something not prohibited by law. She could not have been possibly intimidated or forced by petitioners, and could not have been prevented from doing business. In fact, she was not transacting business at the time. Verutiao was not at her stall when it was opened and her goods inventoried; hence, she could not have been vexed.Under the Information, they were charged with grave coercion for allegedly evicting Verutiao from her stall on January 27, 1997, thereby compelling her to give up her possession, and depriving her of said market stall. However, they were convicted by the trial court of unjust vexation because they allegedly padlocked the stall, hauled and/or seized the goods contained therein. It was petitioner Mayor Maderazo who had padlocked the stall earlier on January 21, 1997. Petitioners Perido and Victor Maderazo, Jr. were not involved in the padlocking of the stall. For his part, petitioner Melchor Maderazo was not at the stall on January 27, 1997; he cannot, thus, be guilty of unjust vexation for the overt acts of his co-petitioners on January 27, 1997.Verutiao's refusal to vacate the premises of the subject stall despite proper demand and despite the fact that she was no longer operating the same, rendered her a deforciant, and liable for violation of Municipal Ordinance No. 2, Series of 1994. Consequently, petitioner Mayor Maderazo had every right to consider the subject stall vacant; and proceed in accordance with Section 44 of Ordinance No. 2, Series of 1994, which provides:Section 44 - Vacancy of Tienda or Stall before expiration of lease.Should any reason (sic), a tienda, stall or stand holder or leases (sic) discontinues or be required to discontinue his business before the expiration of the lease, such tienda, stall or stand shall be considered vacant and its occupancy thereafter shall be disposed of in the manner herein prescribed.Petitioners posit that a Municipal Mayor has the duty to enforce all laws and ordinances relative to the governance of the Municipality and the exercise of its corporate powers and must ensure that all taxes and revenues of the Municipality are collected. He is empowered to issue licenses and permits and to suspend or revoke the same for violation of the conditions upon which said licenses or permits were issued; to adopt adequate measures to protect the funds, credits, rights and other properties of the municipality; and to institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees or charges. Under Sec. 174 of the Local Government Code, among the civil remedies for the collection of delinquent local taxes, fees or charges, and other revenues is "by administrative action through distraint of goods, chattels or effects, and other personal property of whatever character, including stocks and other securities, debts, credits, bank accounts, and interest in and rights to personal property, and by levy upon real property and interest in or rights to real property."Petitioner Mayor Melchor Maderazo had the right to padlock the stall of Medaria Verutiao on January 21, 1997, after she refused to vacate the stall despite his demand. Verutiao had no more lease contract and was no longer operating the stall for the purpose it was intended, in violation of Municipal Ordinance No. 2, Series of 1984. Moreover, she was delinquent in the payment of monthly rentals. Under the circumstances, and in view of her violation of Municipal Ordinance No. 2, Series of 1984, petitioner Mayor Melchor Maderazo was duty-bound to institute the necessary administrative proceedings or to take immediate action to correct the violation, protect the property of the Municipality, and ensure that the delinquent revenues from the subject stall would be collected.Petitioners aver that in closing down the stall, Verutiao was not ejected therefrom but was merely stopped from improperly using it, in the exercise of petitioner Mayor Maderazo's power and duty to enforce all laws and ordinances relative to the governance of the Municipality and the exercise of its corporate powers.The Special Prosecutor, for his part, avers that, under the Local Government Code, the local government concerned may avail of the following remedies, either alternatively or simultaneously, for the collection of fees or charges: 1) the administrative remedies of distraint of personal properties or levy upon real properties; and 2) by judicial action. But from the evidence, petitioner Melchor Maderazo cancelled the lease contract and ordered, which the other petitioners obeyed, to padlock and to subsequently cart and haul the goods of spouses Verutiao inside their market stall to the precinct, under the guise that it was done in accordance with the law. He did not avail of the judicial action which is specifically provided in the Local Government Code. He failed to avail of the administrative remedies of distraint and levy and its procedure as provided in Section 175 thereof.Even if Verutiao was delinquent in the payment of their rentals, petitioner Melchor Maderazo is mandated to consider and resolve the exemptions being claimed by the former and which were properly communicated to him. Petitioner Melchor Maderazo cannot take the law into his hands, and order the seizure of the goods of the spouses Verutiao which was implemented by the other petitioners, in clear violation of the law.He maintains that nowhere in the Local Government Code is the Mayor of a Municipality authorized to take the law into his own hands. Instead, the Local Government Code provides specifically for the measures, procedures and remedies to be undertaken in cases of delinquency in the payment of fees or charges due to the local government concerned. Ordering to padlock, and to subsequently cart and haul the goods inside the market stall being rented by Verutiao to the police precinct without any court order or notice of distraint and levy prejudiced the spouses. Petitioner Mayor Maderazo's duties of protecting the properties of the Municipality and enforcing the law do not include depriving Verutiao of her means of livelihood. Perido and Maderazo, Jr. cannot escape criminal liability by merely saying that they were following the orders of Melchor Maderazo as only lawful orders deserved to be followed and obeyed. The participation of petitioners Perido and Maderazo, Jr. went beyond just being witnesses because they admitted that "they opened the stall and x x x accounted for the goods and special effects contained inside." Petitioners Perido and Maderazo, Jr. were invited to be at the vicinity as witnesses but they acted beyond their participation as mere witnesses; they became participants to an illegal and unauthorized act.Petitioners Seniforo Perido and Victor Maderazo, Jr. occupy the positions of Station Commander and Member of the Sangguniang Bayan, respectively. They are public servants, and as such, owe the constituents of the Municipality of Caibiran, including Verutiao, the performance of their official duties and obligations to a higher degree of commitment and standards, and must necessarily conform to the norms of conduct set forth by the law.Verutiao was not at the subject stall and could not have possibly been intimidated or forced by the accused. She could, likewise, not be prevented from doing business because they were not transacting business at that time. By the actuations of the petitioners, Verutiao was tormented and distressed. Unjust vexation is a form of light coercion which is broad enough to include any human conduct which, although not productive of some physical or material harm, would unjustly annoy or irritate an innocent person. The Ruling of the Court On the first issue, we agree with the contention of respondents that indeed, the prosecution adduced proof beyond reasonable doubt to prove the guilt of petitioners Mayor Melchor Maderazo and Sangguniang Bayan Member Victor Maderazo, Jr. for unjust vexation.Article 287 of the Revised Penal Code reads:Art. 287. Light coercions. - Any person, who by means of violence, shall seize anything belonging to his debtor for the purpose of applying the same to the payment of the debt, shall suffer the penalty of arresto mayor in its minimum period and a fine equivalent to the value of the thing, but in no case less than 75 pesos.Any other coercions or unjust vexations shall be punished by arresto menor or a fine ranging from 5 to 200 pesos, or both.The second paragraph of the Article is broad enough to include any human conduct which, although not productive of some physical or material harm, could unjustifiably annoy or vex an innocent person.[32] Compulsion or restraint need not be alleged in the Information, for the crime of unjust vexation may exist without compulsion or restraint. However, in unjust vexation, being a felony by dolo, malice is an inherent element of the crime. Good faith is a good defense to a charge for unjust vexation because good faith negates malice. The paramount question to be considered is whether the offender's act caused annoyance, irritation, torment, distress or disturbance to the mind of the person to whom it is directed.[33] The main purpose of the law penalizing coercion and unjust vexation is precisely to enforce the principle that no person may take the law into his hands and that our government is one of law, not of men. It is unlawful for any person to take into his own hands the administration of justice.[34]In the present case, petitioner Melchor Maderazo opted not to testify in his behalf. The Sandiganbayan convicted the petitioners of unjust vexation on its findings that petitioner Mayor Melchor Maderazo had the stall of Verutiao padlocked and had it reopened, and had the contents of the stall inventoried and taken to the police station. However, the padlocking of the stall of Verutiao by petitioner Melchor Maderazo took place on January 21, 1997 and not on January 27, 1997. Petitioners were charged with grave coercion, but were convicted of unjust vexation for the eviction of Verutiao on January 27, 1997 and not on January 21, 1997 following the inventory of the contents of the stall and the transportation thereof to the police station. The only events that took place on January 27, 1997 were the unlocking of the padlock of the stall, the inventory of its contents by petitioner Victor Maderazo on order of petitioner Melchor Maderazo, and the transportation of the goods to the police station where it was stored. Petitioners Victor Maderazo, Jr. and Seniforo Perido were not present when the stall was padlocked on January 21, 1997.We agree with respondent's contention that based on the evidence on record, the overt acts of petitioners Mayor Melchor Maderazo and Victor Maderazo, Jr., on January 27, 1997, annoyed, irritated and caused embarrassment to her. It was petitioner Melchor Maderazo who ordered petitioner Victor Maderazo, Jr. to have the stall reopened, to conduct an inventory of the contents thereof, and to effect the transportation of the goods to the police station. Petitioner Victor Maderazo, who was a Sangguniang Bayan member, obeyed the order of the Mayor.Although Verutiao was not at her stall when it was unlocked, and the contents thereof taken from the stall and brought to the police station, the crime of unjust vexation was nevertheless committed. For the crime to exist, it is not necessary that the offended party be present when the crime was committed by said petitioners. It is enough that the private complainant was embarrassed, annoyed, irritated or disturbed when she learned of the overt acts of the petitioners. Indeed, by their collective acts, petitioners evicted Verutiao from her stall and prevented her from selling therein, hence, losing income from the business. Verutiao was deprived of her possession of the stall from January 21, 1997.Petitioners Mayor Melchor Maderazo and Sangguniang Bayan member Victor Maderazo, Jr., had no right, without judicial intervention, to oust Verutiao from the stall, and had her merchandise transported to the police station, thereby preventing her from doing business therein and selling her merchandize. Petitioner Mayor Maderazo had no right to take the law into his own hands and deprive Verutiao of her possession of the stall and her means of livelihood.Admittedly, the lease contract of Verutiao and the Municipality expired on January 13, 1997 without having been renewed, and petitioner Mayor ordered Verutiao to vacate the stall, also for her failure to pay the rent amounting to P2,532.00. Under Section 44 of Ordinance No. 2, Series of 1999, the stall is considered vacant and shall be disposed of. However, petitioner had to file an action for unlawful detainer against Verutiao to recover possession of her stall and cause her eviction from said premises.[35] Verutiao insisted on her right to remain as lessee of her stall and to do business thereat. Such action is designed to prevent breaches of the peace and criminal disorder and prevent those believing themselves entitled to the possession of the property resort to force to gain possession rather than to secure appropriate action in the court to assert their claims.[36] It was incumbent upon petitioner Mayor to institute an action for the eviction of Verutiao. He cannot be permitted to invade the property and oust the lessee who is entitled to the actual possession and to place the burden upon the latter of instituting an action to try the property right.[37] An action for forcible entry and unlawful detainer are summary proceedings established for the purpose of providing expeditious means of protecting actual possession, which is presumed to be lawful until the contrary is proven. As this Court emphasized in Dizon v. Concina:[38]Succinctly did this Court explain in one case the nature of the forcible entry action: "In giving recognition to the action of forcible entry and detainer the purpose of the law is to protect the person who in fact has actual possession; and in case of controverted right, it requires the parties to preserve the status quo until one or the other of them sees fit to invoke the decision of a court of competent jurisdiction upon the question of ownership. It is obviously just that the person who has first acquired possession should remain in possession pending this decision; and the parties cannot be permitted meanwhile to engage in a petty warfare over the possession of the property which is the subject of dispute.[39]Undeniably, petitioner Mayor is tasked to enforce all laws and ordinances relative to the governance of the Municipality and to implement all approved programs, projects, services and activities of the Municipality[40] and to ensure that all taxes and other revenues of the Municipality are collected.[41] He is obliged to institute or cause to be instituted administrative or judicial proceedings for the recovery of funds and property.[42] However, in the performance of his duties, petitioner Mayor should act within the confines of the law and not resort to the commission of a felony. A public officer is proscribed from resorting to criminal acts in the enforcement of laws and ordinances. He must exercise his power and perform his duties in accordance with law, with strict observance of the rights of the people, and never whimsically, arbitrarily and despotically.Even as we find petitioners Mayor Melchor Maderazo and Victor Maderazo, Jr. guilty of unjust vexation, we find petitioner Seniforo Perido deserving of an acquittal. The Prosecution failed to prove that he conspired with the other petitioners. He was at the situs of the stall merely to witness the inventory and ensure peace and order. He agreed to have the contents of the stall of Verutiao stored in the police station presumably to protect the property from the elements and asportation by thieves until after Verutiao shall have claimed the same or the disposition thereof determined by the authorities concerned.IN LIGHT OF ALL THE FOREGOING, the petition is PARTIALLY GRANTED. The Decision of the Sandiganbayan is AFFIRMED with MODIFICATION that petitioner Seniforo Perido is ACQUITTED of the crime charged. The bail bond posted by him for his provisional liberty is cancelled. No costs.SO ORDERED.Pangani