

Title:

Laurel vs. Abrogar: The Interpretation of Theft in Telecommunication Services

Facts:

Luis Marcos P. Laurel was among the accused in Criminal Case No. 99-2425, filed with the Regional Trial Court (RTC) of Makati City, Branch 150, charging him with theft under Article 308 of the Revised Penal Code. The allegation centered around conducting International Simple Resale (ISR), a method involving unauthorized routing and completion of international long-distance calls via the Philippine Long Distance Telephone Company (PLDT) facilities, causing estimated damages of P20,370,651.92 to PLDT.

Laurel contested the charges through a “Motion to Quash” based on the argument that the facts stated do not constitute theft, as international calls and telecommunication services do not qualify as personal property under Article 308. Upon denial by the RTC and a subsequent unfavorable decision from the Court of Appeals, Laurel appealed to the Supreme Court.

The Supreme Court’s First Division initially granted Laurel’s petition, reversing the lower courts’ decisions and ordering the quashal of the Amended Information. PLDT’s motion for reconsideration prompted the referral of the case to the Supreme Court En Banc due to the novel legal questions it posed.

Issues:

1. Whether the factual allegations in the Amended Information constitute the felony of theft.
2. The interpretation of “personal property” under Article 308 of the Revised Penal Code in the context of telecommunication services.
3. Whether business and services of telecommunication can be deemed personal property capable of appropriation and, therefore, subject to theft.
4. The proper categorization and ownership of international telephone calls within the framework of theft.

Court’s Decision:

Upon reconsideration, the Supreme Court granted PLDT’s motion, setting aside its previous decision. The Court affirmed the decision of the Court of Appeals and directed the RTC to amend the Amended Information to accurately represent the object of theft as the services and business of PLDT.

The Court elucidated that “personal property” includes any property capable of

appropriation, not limited to physical or tangible assets, thus accepting telecommunication services as objects of theft. It was emphasized that the act of unauthorized use of PLDT's infrastructure for ISR constituted theft, albeit the Court acknowledged a need to amend the Amended Information to correct the description of the property subject to theft.

Doctrine:

The Supreme Court established that the business of providing telecommunication services constitutes personal property under Article 308 of the Revised Penal Code and is, therefore, capable of being appropriated or subject to theft. This interpretation expands the scope of what can be considered personal property to encompass services, signaling a broader application of theft to include unauthorized use of such services.

Class Notes:

- **Key Elements of Theft (Article 308, RPC):** Taking of personal property belonging to another, with intent to gain, without the owner's consent, and without violence or intimidation against persons or force upon things.
- **Personal Property:** Includes tangible and intangible, corporeal and incorporeal items capable of appropriation, not limited to those capable of "asportation."
- **International Simple Resale (ISR):** Unauthorized routing of international calls through another entity's facilities constitutes theft of services.

Legally relevant provisions include Article 308 of the Revised Penal Code on theft and Article 415 of the Civil Code defining real properties, implying all others as personal properties.

Historical Background:

The case underscores the adaptability of long-established legal concepts like theft to contemporary issues spawned by technological advancements in communication. It illustrates the intersection of criminal law and copyright/IP concerns, showing how the law evolves in response to changing social and economic landscapes, particularly in the digital and telecommunication domains.