

Title:

Aristotel Valenzuela Y Natividad vs. People of the Philippines and Hon. Court of Appeals:
Reexamining Frustrated Theft in Philippine Jurisprudence

Facts:

Aristotel Valenzuela and Jovy Calderon were charged with theft after being apprehended at a supermarket complex (Super Sale Club, within the ShoeMart complex along North EDSA) for having stolen various cases of detergent on May 19, 1994. Security guard Lorenzo Lago witnessed their activities, which culminated in their failed escape. Subsequently, they were detained, investigated, and charged. In court, both initially pleaded not guilty, changing their narrative to claim they were mere bystanders during the incident.

Valenzuela, in his defense and on appeal, admitted to the taking of the items but argued his guilt should only extend to frustrated theft, not consummated theft. His conviction by the Regional Trial Court (RTC) of Quezon City for consummated theft was affirmed by the Court of Appeals.

Issues:

1. Whether the theft committed by Valenzuela should be considered as consummated or merely frustrated.
2. The applicability of Court of Appeals' rulings in *People v. Diño* and *People v. Flores* regarding frustrated theft in this case.

Court's Decision:

The Supreme Court held that under the Revised Penal Code of the Philippines, the crime of theft is unsusceptible to the stage of frustration; it can only be attempted or consummated. The court reasoned that the determinative element, unlawful taking (or *apoderamiento*), was completed once Valenzuela obtained possession of the items with intent to gain. Thus, irrespective of his ability or inability to freely dispose of the items, the act constituted consummated theft. The appeals invoking the rulings from *People v. Diño* and *People v. Flores* were rejected as these did not conclusively establish a legal basis for frustrated theft under Philippine law. Consequently, Valenzuela's petition was denied, reaffirming his conviction for consummated theft.

Doctrine:

In the Philippine legal system, there is no intermediate stage of frustrated theft according to the Revised Penal Code. Theft is considered consummated once there is deprivation of

property through taking with the intent to gain, regardless of the offender's subsequent ability to 'freely dispose' of the property taken.

Class Notes:

- Essential elements of theft under the Revised Penal Code: (1) Taking of personal property, (2) Property belongs to another, (3) Taking is with intent to gain, (4) Taking is done without the consent of the owner, (5) Taking is accomplished without the use of violence against or intimidation of persons or force upon things.
- The stage of a felony (attempted, frustrated, consummated) is determined by the presence of the necessary elements and the completion of the act as defined by law, not by the outcome or the offender's ability to benefit from the act.

Historical Background:

The case of *Aristotel Valenzuela vs. People of the Philippines* revisited the notion of "frustrated theft" which has been a point of contention within Philippine jurisprudence. The decision effectively clarified the application of the Revised Penal Code on theft, rejecting previous appellate opinions suggesting that theft could reach a stage of frustration. This reevaluation underscores the dynamic nature of legal interpretation and the Supreme Court's pivotal role in delineating statutory ambiguities reflecting legislative intent.