

Title: Pante v. People of the Philippines

Facts:

This case involves Fernando Pante y Rangasa (Pante) who was convicted for theft. An Information dated June 1, 2005, was filed before the RTC in Pili, Camarines Sur, for theft involving US\$4,550.00 (~P254,800.00) and P27,000.00 belonging to Dawson D. Word. The Prosecutor's version narrates that on December 10, 2004, Dawson Word dropped money in Barangay Palestina, Pili, Camarines Sur. The next morning, Pante's minor co-accused found the bundle, which was then divided among the co-accused and Pante. The defense argued that the minor co-accused found the money and that Pante only received part of it without knowing its origin. Throughout the legal proceedings, from the RTC to the CA and then to the Supreme Court, Pante maintained that the evidence against him was purely circumstantial and insufficient for a conviction.

Issues:

1. Whether or not the Court erred in affirming Pante's conviction for the crime charged despite alleged failure of the prosecution to establish guilt beyond a reasonable doubt.
2. Whether the Court erred in convicting Pante despite the prosecution's failure to establish conspiracy in the commission of the crime of theft.

Court's Decision:

The Supreme Court denied the petition for review on certiorari, upholding the CA and RTC's findings that Pante was guilty of theft. The decision was based on three key points:

1. The definition of theft under the Revised Penal Code also extends to failing to deliver found property to its rightful owner or local authorities. Pante and his co-accused's appropriation of the money satisfies the elements of the crime.
2. The argument about Pante not being the finder of the lost money was dismissed by citing the doctrine of "finder in law" from *People v. Avila*, establishing that an individual assuming control over lost property, even if not the original finder, shares the same legal obligation to return it.
3. Regarding the issue raised on conspiracy only at the appellate level, the Court emphasized the principle against considering issues not raised in lower proceedings.

Doctrine:

The crime of theft as defined in Article 308, par. 2 (1) of the RPC can be committed by failing to deliver found property to its owner or local authorities, embodying the principle that those who come into possession of lost property must assume the responsibility to

return it regardless of how they acquired it.

Class Notes:

1. Theft under Article 308 of the RPC includes the appropriation of property found by someone, with intent to gain, without the consent of the owner.
2. A “finder in law” can be guilty of theft if they fail to return the property to its rightful owner or to local authorities despite not being the original finder.
3. Issues not raised during lower court proceedings cannot be entertained for the first time on appeal.

Historical Background:

This case illustrates the judicial affirmation of broad principles underpinning the crime of theft in Philippine law. Key to this is the recognition that appropriation of lost property, even by those who did not initially find it, constitutes theft if the finder or the recipient of the found property fails to undertake efforts to return it to the rightful owner or authorities, reinforcing the legal responsibilities of individuals who come into possession of property not rightfully theirs. The decision also highlights procedural rules in appellate review, particularly on the non-entertainment of issues not raised before lower tribunals.