

### Title:

\*\*Ernestino P. Dunlao, Sr. vs. The Honorable Court of Appeals, The People of the Philippines, and Lourdes Du\*\*

### Facts:

Ernestino P. Dunlao, Sr., a licensed scrap iron retailer and wholesaler in Davao City, was charged with violating the Anti-Fencing Law (Presidential Decree No. 1612) following a police operation on October 25, 1986, at his business premises. The operation was conducted based on information that stolen farrowing crates and GI pipes from Lourdes Farms were in Dunlao's possession. Upon verification, the police, accompanied by Lourdes Farms employees, found the said items in Dunlao's compound, which he voluntarily surrendered. Consequently, Criminal Case No. 14655 was filed against Dunlao in the Regional Trial Court of Davao City, where he was convicted and sentenced to imprisonment. Dunlao appealed the conviction to the Court of Appeals, which affirmed the trial court's decision, leading Dunlao to elevate the matter to the Supreme Court.

In his petition, Dunlao contested the appellate court's findings, particularly the elements of his alleged purchase of the stolen items and his knowledge thereof, asserting his possession was devoid of criminal intent as he merely acted as a temporary custodian of the goods offered to him by unidentified individuals.

### Issues:

1. Whether the appellate court erred in finding the petitioner guilty despite the alleged failure to prove he purchased the GI pipes or knew them to be stolen.
2. Whether the intent to gain must be proven in crimes punished by special laws like the Anti-Fencing Law.

### Court's Decision:

The Supreme Court affirmed the decision of the Court of Appeals. The Court clarified that under the Anti-Fencing Law, the mere possession of stolen goods, with awareness of their nature, suffices to establish the offense of fencing, obviating the need to prove intent to gain or the acquisition of the items, as crimes under special laws are considered mala prohibita. The Court also highlighted that the petitioner's possession of the stolen items and his subsequent actions failed to rebut the presumption of fencing, distinguishing his case from one where legitimate business practices might explain similar conduct. Dunlao's assertion of the value of the stolen items was also rejected, with the Court considering the valuation established during the trial.

### Doctrine:

1. Under the Anti-Fencing Law, mere possession of goods known to be stolen or gained from thievery or robbery presumes the offense of fencing, which does not necessitate proving purchase or direct acquisition of the said items.
2. Crimes punishable under special laws are classified as mala prohibita, wherein the mere commission of the prohibited act suffices to establish guilt, independent of the perpetrator's intent or motivation.

### Class Notes:

- Mala in Se vs. Mala Prohibita: Crimes that are inherently evil as opposed to those wrong because they are prohibited by law. Intent is crucial in mala in se but irrelevant in mala prohibita.
- Anti-Fencing Law (P.D. 1612) Essence: Establishes the offense of fencing as the act of buying, receiving, possessing, or dealing in any manner with articles known to be derived from theft or robbery, emphasizing the presumption of fencing upon mere possession of such items.

### Historical Background:

The Anti-Fencing Law was enacted to curb and penalize the act of fencing, helping in the deterrence of theft and robbery by making it harder for perpetrators to dispose of stolen goods. This case exemplifies the application of the law towards achieving this aim, focusing on the presumption of guilt based on possession and the law's intention to prosecute not just the thieves but also those who provide a market for stolen goods.