

**\*\*Title: Erkey Pit-og vs. People of the Philippines and Hon. Judge Nicasio A. Baguilat\*\***

**\*\*Facts:\*\***

Erkey Pit-og, also known as Mary Pit-og, was convicted of theft by the Municipal Trial Court of Bontoc for taking 300 pieces of sugarcane and one bunch of bananas valued at P2,000 from property claimed by her uncle, Edward Pasiteng. Pasiteng bought a 400-square-meter plot from members of the tomayan group, who co-owned a communal land known as tayan, and declared it for taxation purposes, paying realty taxes on it. Pasiteng's grandchildren witnessed Pit-og and her companions cutting and taking the crops without permission while their grandparents were away.

Pit-og contested the conviction, claiming the land belonged to the tomayan group and was cultivated by her family. She asserted continuous possession and cultivation but did not have documentary evidence to support her claims. Both the Municipal Trial Court and the Regional Trial Court of Mountain Province found in favor of Pasiteng, citing the deed of sale and tax declarations as proof of ownership. The Court of Appeals also upheld these findings.

**\*\*Procedural Posture:\*\***

Pit-og pleaded not guilty and was convicted by the Municipal Trial Court, which was affirmed by the Regional Trial Court and the Court of Appeals. Pit-og filed a petition for review on certiorari to the Supreme Court, arguing lack of criminal intent and questioning the nature of the case as civil or criminal.

**\*\*Issues:\*\***

1. Whether there was criminal intent on the part of Pit-og.
2. Whether the taking of the sugarcane was done with intent to gain.
3. Whether the case was civil or criminal in nature.

**\*\*Court's Decision:\*\***

1. **\*\*Criminal Intent:\*\***

The Supreme Court found that Pit-og believed the crops were her own, based on her and her family's historical cultivation of the land. Hence, she lacked the criminal intent required for theft.

2. **\*\*Intent to Gain:\*\***

The lack of criminal intent also negated the allegation of intent to gain. Pit-og did not act with the intention of unlawfully benefiting from the property of another.

3. **Nature of the Case:**

The Court held that the dispute over ownership, rooted in customary claims, should be resolved through civil litigation. The case was deemed civil in nature, not criminal.

**Doctrine:**

To constitute theft under Article 308 of the Revised Penal Code, ownership of the stolen property must be proven, and there must be intent to gain coupled with criminal intent. A belief in ownership negates criminal intent, thus a case hinging on disputed ownership should be settled in civil court.

**Class Notes:**

- **Elements of Theft (Article 308, RPC):**

- Taking of personal property
- Property belongs to another
- Taking done with intent of gain
- Taking done without owner's consent
- Accomplished without violence or intimidation against persons or force upon things

- **Principle Applied:**

Ownership disputes, especially those involving customary and traditional claims, should be litigated in civil court. Evidence of ownership must be clear and unambiguous to substantiate claims of theft.

- **Case Law:**

- **Hernandez vs. Court of Appeals (149 SCRA 67):**

Saves judicial consistency in treating civil disputes over property distinct from criminal proceedings.

- **People vs. Rodrigo (123 Phil. 310):**

Reiterates that ignorance or belief in ownership can negate criminal intent.

**Historical Background:**

This case illustrates the tension between indigenous customary laws and formal legal systems in the Philippines. Communal lands like tayan, traditionally managed by kinship groups like the tomayan, often clash with formal property registration systems, leading to complex legal disputes particularly around land ownership and use. The case highlights the importance of carefully distinguishing between civil property rights and criminal conduct when ancestral and communal rights are involved.