

**\*\*Title:\*\*** People of the Philippine Islands vs. Clemente Avila

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

On August 16, 1921, in Meycauayan, Bulacan, Lucio Pilares and his family traveled via carretela from his father-in-law's home to their own residence. Upon arrival, Pilares' wife inadvertently left her purse, containing paper money, gold coin, and jewels totaling P4,500, inside the vehicle. The carretela driver, Tiburcio de los Santos, discovered the purse while cleaning the vehicle and handed it to Clemente Avila, a local policeman, asking him to return it to Pilares. Avila received the purse, wrapped it in his raincoat, but subsequently failed to return it.

Efforts to locate the purse began swiftly after its loss was discovered. Tiburcio was initially arrested and denied knowledge of the purse. Upon admitting he had handed it to Avila, a search warrant was executed, leading to the discovery of a solitaire diamond and a locket with pictures of Pilares and his wife in Avila's home. Among the unrecovered items were additional bank bills, a diamond pin, two gold rings, and other valuables summing up to P4,300. Pilares identified the discovered items as his property.

During the trial in the Court of First Instance of Bulacan, the defense argued that the valuables could have been appropriated by Tiburcio. However, based on witness testimonies confirming Tiburcio handed the purse to Avila and the findings from the search, the court found Avila guilty of theft and sentenced him to one year, eight months, and twenty-one days of presidio correccional, plus the required accessory penalties and costs of prosecution. Avila appealed the decision.

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

1. Whether the misappropriation of found property by someone not the original finder constitutes theft.
2. Whether the Court of First Instance erred in convicting Avila of theft instead of estafa under subsection 5 of Article 535 of the Penal Code.

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

The Supreme Court upheld the decision of the lower court, affirming that Clemente Avila was guilty of theft under Article 517 of the Penal Code.

1. **\*\*Definition and Scope of Theft:\*\*** The Court clarified that under Article 517, misappropriation of found property is considered theft if the property was found and the one who appropriates it knows the identity of the owner. The Court extended this definition to

include not only the initial finder but also anyone who receives found property for the purpose of returning it to the rightful owner and then misappropriates it. This rationale aligns with both the Spanish and common law doctrines, interpreting theft in a broad sense to encompass such circumstances.

2. **Classification as Theft Instead of Estafa:** The Court rejected the defense's argument that the offense constituted estafa under subsection 5 of Article 535. The Court pointed out that Avila, by receiving the purse from Tiburcio for the purpose of returning it to Pilares and then appropriating it, violated the possession entrusted to him, thus qualifying the act as theft.

**Doctrine:**

The doctrine established in this case is that the misappropriation of found property by any individual with knowledge of the owner's identity constitutes theft, regardless of whether the misappropriator is the original finder. The intent to gain by converting another's property with knowledge of its actual ownership is crucial.

**Class Notes:**

1. Elements of Theft:

- **Taking of Personal Property:** Legally the physical handling or taking of property.
- **Belonging to Another:** The property must belong to someone other than the accused.
- **Intent to Gain:** The intention to gain or benefit from the taking.

2. **Penal Code Articles:**

- Article 517 (Theft): Applicable when one finds and appropriates lost property knowing the owner.
- Article 535(5) (Estafa): Refers to the misappropriation of property received for safekeeping or other purposes that require its return.

3. **Important Statutory Provisions:**

- Penal Code Article 518, No. 1: Theft of property exceeding 6,250 pesetas is severe and results in higher penalties.

**Historical Background:**

The case reflects the early 20th century legal interpretations in the Philippines, transitioning from Spanish legal traditions to more refined interpretations influenced by common-law principles. Following American occupation, there was a necessity to clarify the distinctions between theft and estafa under the evolving judiciary context, which this case

highlights.

By extending the definition of theft to include misappropriation by individuals who receive found property for the purpose of returning it, the Philippine Supreme Court exhibited flexibility in adapting traditional legal doctrines to modern juridical expectations and aligning those with established jurisprudence principles, ensuring property owners' protection against misappropriation.