

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MORO ISNAIN, DEFENDANT AND APPELLANT.

G.R. No. L-2857. February 28, 1950

Ponente: BENGZON, J.

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BENGZON, J.:

In the morning of March 7, 1947, Urbano Cruz, the encargado of the coconut grove of Arturo Eustaquio in Latuan and Balagtas, city of Zamboanga, was informed by Lazaro Viernes, one of the guards, that there were three persons stealing coconuts in the said plantation. Cruz called Ernesto Fargas, the truck driver of Eustaquio, and accompanied by some laborers, both proceeded to the plantation. There the group saw three persons, chopping coconuts. When they approached, the trespassers started to run away, but Cruz fired a shot into the air, and one stopped and was apprehended. He turned out to be the herein appellant, Moro Isnain, who, upon investigation by the precinct commander of the corresponding police station (Lt. Bucoy) acknowledged his culpability, asked for pardon and identified his confederates as Moros Addi and Akik (who are still at large). Before the justice of the peace he pleaded guilty to the charge.

However, in the court of first instance he changed his mind. He admitted he had been arrested during the raid, but submitted the flimsy excuse that he had merely gone to the place because he was thirsty. Anyway, he confessed that he joined the other two thieves in order to drink—and did drink—coconut water. This naturally constitutes theft of the coconuts. He also owned to having asked pardon from Lt. Bucoy "even to the extent of kissing his hand". Therefore there is no question in our minds that the appellant, with the other two runaways unlawfully picked coconuts from the plantation of Arturo Eustaquio, fruits which, according to the evidence, were valued at more than thirty-three pesos (P33.76).

The only question raised with much earnestness by his attorney de oficio is that Article 310 of the Revised Penal Code classifying as qualified theft, the stealing of coconuts is unconstitutional, because it punishes the larceny of such products more heavily than the taking away of similar produce, such as rice and sugar, and thereby denies him the equal protection of the laws. It is unquestionable that the constitutional guaranty requires the treatment alike, in the same place and under like circumstances and conditions, of all persons subjected to state legislation. But a state, "as a part of its police power, may exercise a large measure of discretion, without violating the equal protection guaranty, in creating and defining criminal offenses, and may make classifications as to persons amenable to punishment, so long as the classifications are reasonable and the legislation bears equally on all in the same class, and, where a reasonable classification is made as between persons or corporations, the persons or corporations in each class may be dealt with in a manner different from that employed with regard to the persons or corporations in other classes."^[1]

Thus it means no violation of the constitutional provision to make it a felony fraudulently to sell a part of a stock of trade whereas the fraudulent sale of other property is made a misdemeanor only, and to make it grand theft to steal bovine animals, and petty theft to steal other kinds of animals.^[2]

In the matter of theft of coconuts, the purpose of the heavier penalty is to encourage and protect the development of the coconut industry as one of the sources of our national economy.[3] Unlike rice and sugar cane farms where the range of vision is unobstructed, coconut groves can not be efficiently watched because of the nature of the growth of coconut trees; and without a special measure to protect this kind of property, it will be, as it has been in the past the favorite resort of thieves.[4] There is therefore, some reason for the special treatment accorded the industry; and as it can not be said that the classification is entirely without basis, the plea of unconstitutionality must be denied.

The crime is punished by Article 309, paragraph 5, in connection with Article 310 of the Revised Penal Code, as amended by Commonwealth Act No. 417. (Republic Act No. 120, enacted after the offense, is not applicable). The penalty is prision correccional to its full extent. Applying the Indeterminate Sentence Law, the appellant should be sentenced to imprisonment for not less than 4 months of arresto mayor nor more than 4 years and 2 months of prision correccional. Thus modified, the appealed decision will be affirmed, with costs. So ordered.

Moran, C. J., Ozaeta, Pablo, Padilla, Tuason, Montemayor, Reyes, and Torres, JJ., concur.

[1]16 Corpus Juris Secundum, pp. 1131-1132.

[2] People vs. Waller, 222, Pac., 171; 64 Cal. App., 390; People vs. Andrich, 26 Pac. (2d), 902; 135 Cal., App., 274.

[3] People vs. Esmillio, 40 Off. Gaz., (11th S.), No. 15, p. 111 (Padilla, Criminal Law, 1949 Ed., p. 811).

[4] Cf. Guevara, Commentaries on the Revised Penal Code 4th Ed., p. 630.

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