

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15TH CONGRESS
First Regular Session

HOUSE BILL NO. 4043

Introduced by **REP. SALVADOR H. ESCUDERO III**

EXPLANATORY NOTE

Carnapping is a criminal offense that is oftentimes committed with great ease and success. In fact, the use of a stolen vehicle serves as a means of committing other crimes such as robbery, murder and kidnapping. And sadly, the current law that seeks to address carnapping proves insufficient, if not inutile.

Republic Act No. 6539 or the Anti-Carnapping Act of 1972 defines the crime of carnapping. However, the penalty prescribed therefor in relation to Section 13, Article III¹ of the Constitution, entitles an accused to post bail as a matter right. Consequently, carnapping is viewed as a less serious crime, which may be done repeatedly in the absence of immediate incarceration upon indictment and pending trial of the accused.

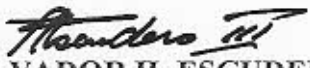
Albeit, there is a graduation of penalties under Section 14² of the said law, the act of carnapping *per se* is punishable "by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things." As such, it falls short of the minimum period for *reclusion perpetua*, which is at least twenty years and one day, for the first requisite to deny bail as a right under the abovesited constitutional provision to be present.

¹ All persons, except those charged with offenses punishable by *reclusion perpetua* when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of *habeas corpus* is suspended. Excessive bail shall not be required.

² *Penalty for Carnapping.* Any person who is found guilty of carnapping, as this term is defined in Section two of this Act, shall, irrespective of the value of motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things; and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence against or intimidation of any person, or force upon things; and the penalty of life imprisonment to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed in the commission of the carnapping.

It is thus submitted that the penalty be increased by making twenty years and one day the minimum penalty imposable for the crime of carnapping thereby satisfying the period covered by *reclusion perpetua*.³

In view of the foregoing, this bill is being advanced for study and deliberation. And accordingly, its approval.


SALVADOR H. ESCUDERO III

³ Twenty years and one day to forty years. Article 27, Revised Penal Code.

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AN ACT
INCREASING THE PENALTY FOR THE CRIME OF CARNAPPING
AMENDING FOR THAT PURPOSE SECTION 14 OF REPUBLIC ACT NO. 6539

Be it enacted by the Senate and the House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. Section 14 of Republic Act No. 6539 is hereby amended to read as follows:

*“Section 14. Penalty for Carnapping. Any person who is found guilty of carnapping, as this term is defined in Section two of this Act, shall, irrespective of the value of motor vehicle taken, be punished by imprisonment for not less than **TWENTY YEARS AND ONE DAY** [fourteen years and eight months] and not more than **THIRTY YEARS** [seventeen years and four months], when the carnapping is committed without violence or intimidation of persons, or force upon things; and by imprisonment for not less than **THIRTY YEARS AND ONE DAY** [seventeen years and four months] and not more than **FORTY YEARS** [thirty years], when the carnapping is committed by means of violence against or intimidation of any person, or force upon things; and the penalty of life imprisonment to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed in the commission of the carnapping.*

**ANY PERSON CHARGED WITH CARNAPPING AS PENALIZED
HEREOF SHALL BE DENIED BAIL WHEN EVIDENCE OF GUILT IS STRONG.”**

SEC. 2. All laws, presidential decrees, executive orders, proclamations and/or administrative regulations which are inconsistent with the provisions of this Act are hereby amended, modified, superseded or repealed accordingly.

SEC. 3. *Effectivity Clause.* This Act shall take effect fifteen (15) days from its publication in the Official Gazette or at least three (3) newspapers of national circulation.

Approved,