

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5664



INTRODUCED BY: REP. JORGE "BOLET" BANAL

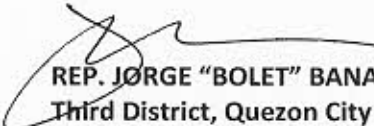
EXPLANATORY NOTE

Section 13, Article III of the Constitution states that all persons shall, before conviction, be bailable, and the exception is in the case of those charged with offenses punishable by *reclusion perpetua* when evidence of guilt is strong.

For almost 40 years, carnapping in this country has not been considered as a non-bailable offense. We have seen how the situation has emboldened criminal offenders; they can easily post bail using the proceeds from their illegal activity and once out of jail they simply continue with their *modus operandi*. Moreover, recent carnapping incidents have been violent, further proof that criminal elements do not feel threatened by the state of our current law.

It is therefore necessary to introduce further amendments to the Anti-Carnapping Act of 1972 in order to increase the penalties and provide a better deterrent against carnapping and related offenses.

In view of the foregoing, approval of this bill is earnestly sought.


REP. JORGE "BOLET" BANAL
Third District, Quezon City

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**AN ACT INCREASING THE PENALTIES FOR CARNAPPING, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 6539, AS AMENDED, OTHERWISE KNOWN AS "THE
ANTI-CARNAPPING ACT OF 1972"**

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

Section 1. Section 13 of Republic Act No. 6539, as amended, is hereby amended to read as
follows:

"Sec. 13. Penal Provisions. – Any person who violates any provision of this Act shall be punished with imprisonment for not less than [two years nor] SIX YEARS AND ONE DAY BUT NOT more than [six] TWELVE years and a fine [equal] DOUBLE in amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation: Provided, That if the person violating any provision of this Act is a juridical person, the penalty herein provided shall be imposed on its president or secretary and/or members of the board of directors or any of its officers and employees who may have directly participated in the violation.

Any government official or employee who directly commits the unlawful acts defined in this Act or is guilty of gross negligence of duty or connives with or permits the commission of any of the said unlawful act shall, in addition to the penalty prescribed in the preceding paragraph, be dismissed from the service with prejudice to his reinstatement and with disqualification from voting or being voted for in any election and from appointment to any public office."

Section 2. Section 14 of Republic Act No. 6539, as amended, is hereby amended to read as follows:

"Sec. 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 [fourteen years and eight months] SEVENTEEN YEARS AND FOUR MONTHS and not more than [seventeen years and four months] TWENTY YEARS when the carnapping is committed without violence AGAINST or intimidation of persons, or force upon things; and by imprisonment for not less than [seventeen years and four months] TWENTY YEARS AND ONE DAY and not more than thirty years when the carnapping is committed by means of violence against or intimidation of any person, or BY USING force upon things; PROVIDED: THAT [and] the penalty of *reclusion perpetua* [to death] shall be imposed WHEN THE CARNAPPING IS COMMITTED WITH THE USE OF A FIREARM OR OTHER DEADLY WEAPON, OR when the owner, driver or occupant of the carnapped motor vehicle SUFFERS ANY OF THE PHYSICAL INJURIES PENALIZED IN ARTICLE 263 OF THE REVISED PENAL CODE OR is killed or raped in the course of the commission of the carnapping or on the occasion thereof."

Section 3. This Act shall take effect fifteen (15) days after its publication in any two (2) national newspapers of general circulation.

Approved,