

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 312



Introduced by Representatives
GLORIA MACAPAGAL ARROYO and DIOSDADO MACAPAGAL ARROYO

**AN ACT INCREASING THE PENALTY OF THE CRIME OF CARNAPPING
AMENDING FOR THE PURPOSE SECTION 14 OF REPUBLIC ACT NO. 6539
ENTITLED "AN ACT PREVENTING AND PENALIZING CARNAPPING" AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

It is very alarming to know that the crime of carnapping is fast becoming an industry for organized crime groups claiming not only valuable motor vehicles but even the lives of motor vehicle owners. Worse, even the sense of security one feels inside his or her own vehicle is now severely undermined.

The crime of carnapping is not just an end to itself. Oftentimes, carnapped vehicles are used to commit other crimes such as bank robbery, murder, kidnapping even terrorist activities. While we have existing laws penalizing carnapping, it appears that these are not enough to address the growing statistics on carnapping particularly in the National Capital Region and other urban centers.

Republic Act 6539 otherwise known as the Anti-Carnapping Act of 1972 is a special law penalizing the crime of carnapping. It imposes the penalty of imprisonment the duration of which is not less fourteen years and eight months until life imprisonment or even death depending on the circumstances attending the commission of the crime.

Owing to the penalty prescribed under RA 6539, the crime of carnapping is considered as only as a less serious offense, which allows the accused or perpetrator to post bail. Section 13 Article III of the 1987 Philippine Constitution provides that "[a]ll 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."

This constitutional right to post bail enables perpetrators to commit carnapping repeatedly since they are entitled to post bail during trial and pendency of the case with the courts.

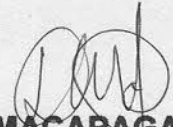
Due to this limitation of the law, it is imperative to impose a stricter penalty to the crime of carnapping and to prevent perpetrators from repeating their heinous and violent acts by declaring the crime as a non-bailable offense.

This Representation is convinced that by increasing the penalty of imprisonment from not less fourteen (14) yeasts and eight (8) months to twenty (20) years and one (1) day as a minimum imposable penalty it will be covered by *reclusion perpetua* which will consequently, make the crime non-bailable within the purview of Article III, Section 13 of the 1987 Philippine Constitution.

In view of the overriding public security and interest involved, the immediate passage of this measure is earnestly requested.



GLORIA MACAPAGAL ARROYO
2nd District, Pampanga



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2nd District, Camarines Sur

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

Section 1. *Section 14 of Republic Act No. 6539, otherwise known as the "Anti-
Carnapping Act of 1972" 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 2 of this Act, shall, irrespective of the value of motor vehicle taken, be punishable 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 eight 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 after its publication in at least two (2) newspapers of general circulation.

Approved.