

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1170



Introduced by Honorable **JOSEPHINE "Jaye" VERONIQUE R. LACSON - NOEL**

EXPLANATORY NOTE

This bill seeks to amend Republic Act No. 6539, as amended, otherwise known as "The Anti-Carnapping Act of 1972" by imposing *reclusion perpetua* as a penalty for the crime of carnapping, which will result in the eradication of bail bond among violators.

Carnapping has become one of the most dangerous and life-threatening crimes in the Philippines. Despite the efforts of law enforcement to exterminate this crime, the incidence of carnapping continues to plague the country. That the existence of bail bonds for this crime also contributes to the challenge for law enforcement. If violators can simply post bail bond for this kind of heinous crime before being sufficiently investigated, then violators can continue to roam the streets and case proceedings will be delayed.

This bill aims not only to solve the rampant unlawful taking of motor vehicles whether by means of violence against or intimidation of persons, or by using force upon things but, to answer the need for a more effective and efficient system of penalizing and preventing this unlawful act.

Thus, immediate passage of this bill is earnestly sought.

A handwritten signature, possibly of the author or a representative, located at the bottom right of the page. It consists of a series of loops and a final upward stroke.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1170

Introduced by Honorable **JOSEPHINE “Jaye” VERONIQUE R. LACSON - NOEL**

AN ACT

PROVIDING FOR A REVISED CARNAPPING ACT, REPEALING FOR THE PURPOSE REPUBLIC ACT No. 6539, 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. *Short Title.* - This Act shall be known as the Revised Carnapping Act

SECTION 2. *Definition of Terms.* - As used in this Act, the following terms shall mean:

- a.) *Body Building* is a job undertaken on a motor vehicle in order to replace its entire body with a new body.
- b.) *Carnapping* is the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things.
- c.) *Defacing or tampering with a serial number* is the erasing, scratching, altering or changing of the original factory inscribed serial number on the motor vehicle engine, engine block or chassis of any motor vehicle. Whenever any motor vehicle is found to have a serial number on its motor engine, engine block or chassis which is different from that which is listed in the records of the Bureau of Customs for motor vehicle imported into the Philippines, that motor vehicle shall be considered to have a defaced or tampered with serial number.

- d.) *Dismantling* is the tearing apart, piece by piece or part by part, of a motor vehicle.
- e.) *Identity-Transfer* is the act of transferring the engine number, chassis number, body tag number, plate number, and any other identifying marks of a motor vehicle declared as "total wreck" or is beyond economic repair by concerned car insurance companies and or law enforcement agencies, after its involvement in a vehicular accident or other incident, and register the same into another factory made body of vehicle unit, of the same classification, type, make or model.
- f.) *Motor Vehicle* is any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles, which run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle shall be classified as separate motor vehicle with no power rating.
- g.) *Overhauling* is the cleaning or repairing of the whole engine of a motor vehicle by separating the motor engine and its parts from the body of the motor vehicle.
- h.) *Repainting* is changing the color of a motor vehicle by means of painting. There is painting whenever the new color of a motor vehicle is different from its color registered in the Land Transportation Commission.
- i.) *Remodeling* is the introduction of some changes in the shape or form of the body of the motor vehicle.
- j.) *"Second hand spare parts"* are the parts taken from a cannapped vehicle used in assembling another vehicle.
- k.) *Total wreck* is the state or status of a motor vehicle after a vehicular accident or other incident, so that it is rendered inoperational and beyond economic repair, due to the extent of damage in its body, chassis and engine.
- l.) *Unlawful transfer or use of vehicle plates* is the use or transfer of a vehicle plate issued by LTO to a certain vehicle to another vehicle. It is presumed illegally transferred when the motor vehicle plate does not correspond with that as appearing in the certificate or registration of the motor vehicle to which it was issued.

SECTION 3. *Registration of Motor Vehicle Engine, Engine Block and Chassis.* –

Within one year after the approval of this Act, every owner or possessor of unregistered motor vehicle or parts thereof in knocks condition shall register before the Land Transportation Office the motor vehicle engine, engine block and chassis in his name or in the name of the real owner who shall be readily available to answer any claim over the registered motor vehicle engine, engine block and chassis. Thereafter, all motor vehicle engines, engine block and chassis not registered with the Land Transportation Commission shall be considered an untaxed importation or coming from an illegal source or carnapped, and shall be confiscated in favor of the Government.

All owners of motor vehicles in all cities and municipalities are required to register their cars with the local police without paying any charges.

SECTION 4. *Permanent Registry of Motor Vehicle Engines, Engine Block and Chassis.* – The Land Transportation Office shall keep a permanent registry of motor vehicle engines, engine blocks and chassis of all motor vehicles, specifying therein their type, make and serial numbers and stating therein the names and addresses of their present and previous owners. Copies of the registry and of all entries made thereon shall be furnished the Philippine National Police and all Land Transportation Office regional, provincial and city branch offices: Provided, That all Land Transportation Office regional, provincial and city branch offices are likewise obliged to furnish copies of all registrations of motor vehicles to the main office and to the Philippine National Police.

SECTION 5. *Registration of Sale, Transfer, Conveyance, Substitution or Replacement of a Motor Vehicle Engine, Engine Block or Chassis.* – Every sale, transfer, conveyance, substitution or replacement of a motor vehicle engine, engine block or chassis of a motor vehicle shall be registered with the Land Transportation Office shall not be issued certificates of registration and shall be considered as untaxed imported motor vehicles or motor vehicles carnapped or proceeding from illegal sources.

SECTION 6. *Original Registration of Motor Vehicles.* – Any person seeking the original registration of a motor vehicle whether that motor vehicle is newly assembled or rebuilt or acquired from a registered owner, shall within one week after the completion of the assembly or rebuilding job or the acquisition thereof from the registered owner, apply to the Philippine National Police for the clearance of the motor vehicle for registration with the Land Transportation Office. The Philippine National Police shall, upon receipt of the application, verify if the motor vehicle or its numbered parts are in the list of carnapped motor vehicles or stolen motor vehicle parts. If the motor vehicle or any of its

numbered part is not in the list, the Philippine National Police shall forthwith issue a certificate of clearance. Upon presentation of the certificate of clearance from the Philippine National Police and after verification of the registration of the motor vehicle engine, block and chassis in the permanent registry of motor vehicle engines, engine block and chassis, the Land Transportation Office shall register the motor vehicle in accordance with existing laws, rules and regulations.

SECTION 7. *Duty of Collector of Customs to Report.* – The Collector of Customs of a principal port of entry where and imported motor vehicle, motor vehicle engine, engine block, chassis or body is unloaded, shall, within seven (7) days after the arrival of the imported motor vehicle or any of its parts enumerated herein, make a report of the shipment to the Land Transportation Office, specifying the make, type and serial numbers, if any of the motor vehicle, engine, block and chassis or body, and stating the names and addresses of the owner or consignee thereof. If the motor vehicle engine, engine block, chassis or body does not bear any serial number, the Collector of Customs concerned shall hold the motor vehicle engine, engine block, chassis or body until it is numbered by the Land Transportation Office.

SECTION 8. *Duty of Importers Distributors and Sellers of Motor Vehicles to Keep Record of Stocks.* – Any person engaged in the importation, distribution, and buying and selling of motor vehicles, motor vehicle engines, engine blocks, chassis or body, shall keep a permanent record of his stock, stating therein their type, make and serial numbers, and the names and addresses of the persons from whom they were acquired and the names and addresses of the persons to whom they are sold, and shall render accurately a monthly report of his transactions in motor vehicles to the Land Transportation Office.

SECTION 9. *Duty of Manufacturers of Engine of Blocks, Chassis or Body To Cause Numbering of Engine Blocks, Chassis or Body Manufactured.* – Any person engaged in the manufacture of engine block, chassis or body manufactured in a convenient and conspicuous part thereof which the Land Transportation Office may direct for the purpose of uniformity and identification of the factory and shall submit to the Land Transportation Office a monthly report of the manufacture and sale of engine blocks, chassis or body.

SECTION 10. *Clearance and Permit Required for Assembly or Rebuilding of Motor Vehicles.* – Any person who shall undertake to assemble or rebuild or cause the assembly rebuilding of a motor vehicle shall first secure a certificate clearance from the

Philippine National Police: Provided, That no such permit shall be issued unless the applicant shall present a statement under oath containing the type, make and serial numbers of the engine, chassis and body, if any and the complete list of the spare parts of the motor vehicle to be assembled or rebuild together with the names and addresses of the sources thereof.

In the case of motor vehicle engines to be mounted on motor boats, motor bancas and other light water vessels, the applicant shall secure a permit from the Philippine Coast Guard, which office shall in turn furnish the Land Transportation Office the pertinent data concerning the motor vehicle engines including their types, make and serial numbers.

SECTION 11. *Clearance Required for Shipment of Motor Vehicles, Motor Vehicle Engines, Engine Block, Cassis or Body.* – Any person who owns or operates inter island shipping of any water or transportation which launches boats, vessels or ships shall within seven days submit a report to the Philippine National Police on all motor vehicle, motor vehicle engine, engine block, chassis or bodies transported by it for motor vehicle, motor vehicle engine, engine block, chassis or body to be loaded on board the launch, boat, vessel or ship. All inter island and international shipping vessels shall not carry on board vehicles without clearance from the Philippine National Police.

SECTION 12. *Defacing or Tampering with Serial Numbers of Motor Vehicle Engines, Engine Blocks and Chassis.* - It shall be unlawful for any person to deface or otherwise tamper with the original or registered serial number of motor vehicle engines, engine blocks and chassis.

SECTION 13. *Identity-transfer.* – It shall be unlawful for any person, office or entity to cause and/or allow the sale, registration, and/or transfer into another name, the chassis number, engine number and plate number of a motor vehicle declared as “total wreck” or beyond economic repair by concerned car insurance company, and/or law enforcement agencies, due to its involvement in a vehicular accident or for some other causes.

SECTION 14. *Transfer of Vehicle Plate.* – It shall be unlawful for any person, office or entity to transfer or use vehicle plate from one to another without securing the proper authority from the LTO.

SECTION 15. *Sale of Second Hand Spare Parts.* – It shall be unlawful for any person, office or entity to buy and/or sell any second hand spare parts taken from a carnapped vehicle.

SECTION 16. *Penalty for Carnapping.* – The penalty of *reclusion perpetua* shall be imposed to any person who is found guilty of carnapping, as this term is defined in Section Two of this Act and irrespective of the value of motor vehicle taken. When the carnapping is committed by means of violence against or intimidation of any person, or force upon things; and the penalty of *reclusion perpetua* without the benefit of parole shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping.

SECTION 17. *Penal provisions.* – Any person who violates any provision of this Act shall be punished with imprisonment for not less than *prision mayor* in its maximum period and fine equal in the 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 acts 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 18. *Aliens.* – Aliens convicted under the provisions of this Act shall be deported immediately after the service of sentence without further proceedings by the Bureau of Immigration.

SECTION 19. *Reward.* – Any person who voluntarily gives information leading to the recovery of carnapped vehicles and for the conviction of the persons charged with carnapping shall be given monetary reward as the Philippine National Police may determine. The Philippine National Police shall include in its annual budget the amount necessary to carry out the purposes of this section. Any information given by the informers shall be treated as confidential matter.

SECTION 20. *Separability Clause.* – If any provision of this Act is declared invalid, the provision thereof not affected by such declaration shall remain in force and effect.

SECTION 21. *Repealing Clause.* – Republic Act 6539 otherwise known as “The Anti-Carnapping Act of 1972” is hereby repealed. All laws, executive orders, rules and regulations as part thereof, inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

SECTION 22. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the official gazette or at least two (2) news papers of the general circulation.

Approved,