

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 9357

Introduced by **REPRESENTATIVE JOSE MA. R. ZUBIRI, JR.**

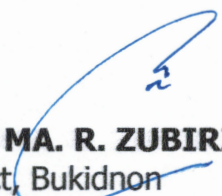
EXPLANATORY NOTE

With the prevalent use of motor vehicles in everyday life and the increasing incidence of the other modalities of carnapping and other motor vehicle-related crimes, the need for a more effective and efficient system of penalizing and preventing these crimes arises.

Republic Act No. 10883, otherwise known as the "New Anti-Carnapping Act of 2016" penalizes and prevents carnapping. The law defined the unlawful certain acts of carnapping but failed to provide penalties thereby making it ineffective.

This bill seeks to update the "New Anti-Carnapping Act of 2016" by providing the missing provisions that will help enable the Philippine National Police to effectively decrease the incidence of other modalities of carnapping.

Thus, approval of this bill is earnestly sought.


REP. JOSE MA. R. ZUBIRI, JR.
Third District, Bukidnon

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HOUSE BILL NO. 9357

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AN ACT
PROVIDING A PENAL CLAUSE FOR THE ACTS DEFINED UNDER SECTIONS
4,5,6,7,8,9,10,11,12,14,15,16 AND 17 AND AUTHORIZING THE DISPOSAL OF
UNCLAIMED RECOVERED AND IMPOUNDED CARNAPPED MOTOR VEHICLES
AMENDING THE PURPOSE OF REPUBLIC ACT NO. 10883 OTHERWISE KNOWN
AS THE AMENDING THE NEW ANTI-CARNAPPING ACT OF 2016

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

Section 1. Section 4 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 4. Concealment of Carnapping. - Any person who conceals carnapping shall be punished with imprisonment of six (6) years up to twelve (12) years and a fine equal to the amount of 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, 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 person who violates any of the provisions of this Act shall be punished with imprisonment for not less than two (2) years nor more that six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine, or any other part involved in the violation.

Any public 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, and his/her benefits forfeited and shall be permanently disqualified from holding public office."

Section 2. Section 5 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 5. 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, apply to the Philippine National Police (PNP) for the clearance of the motor vehicle for registration with the Land Transportation Office. The PNP shall, upon receipt of the application accompanied by a national police clearance, verify if the motor vehicle or its numbered parts are in the list of carnapped motor vehicles or stolen motor vehicle parts as well as the identity of the applicant. If the motor vehicle or any of its numbered parts is not on the list, the PNP shall forthwith issue a certificate of clearance.

Upon the presentation of the certificate of clearance from the PNP and after verification of the registration of the motor vehicle engine, engine block, and chassis in the permanent registry of motor vehicle engine, engine block and chassis, the LTO shall register the motor vehicle in accordance with existing laws, rules and regulations within 20 working days."

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in amount to the acquisition cost of the motor vehicle, motor vehicle engine, or any other part involved in the violation.

Any public official or employee who shall cause or allow the registration of any motor vehicle or issue a clearance in relation thereto that is contrary to law, rules and regulations shall be punished by reclusion temporal."

Section 3. Section 6 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 6. Registration of Motor Vehicle, Motor Vehicle Engine, Engine Block and Chassis. - Within one (1) year upon approval of this Act, every owner or possessor of unregistered motor vehicle or parts thereof in knockdown condition shall register before the LTO the motor vehicle engine, engine block and chassis in the name of the possessor 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 blocks and chassis not registered with the LTO shall be considered as a cannapped vehicle, an untaxed importation or coming from illegal source and shall be confiscated in favor of the government.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who shall cause or allow the registration of any motor vehicle or issue a clearance in relation thereto that is contrary to law, rules and regulations shall be punished by reclusion temporal."

Section 4. Section 7 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 7. Permanent Registry of Motor Vehicle, Motor Vehicle Engines, Engine Blocks and Chassis. - The LTO shall keep a permanent registry of motor vehicles, motor vehicle engines, engine blocks and chassis of motor vehicles, motor vehicle engines, engine blocks, chassis of all motor vehicles, specifying therein their type, make, 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 PNP and all LTO regional, provincial and city branch offices: provided, that all LTO regional, provincial and city offices are likewise obliged to furnish copies of all registrations of motor vehicles to the main office and to the PNP: provided, further, that the original copy of the certificate of registration shall be given to the registered owner, the second copy shall be retained with the LTO and the third copy shall be submitted to the PNP. Moreover, it shall be unlawful for any person or employee who willfully encodes in the registry of motor vehicles a non-existing vehicle or without history, new identity of already existing vehicle or double/multiple registration ("KAMBAL") of vehicle.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation."

Section 5. Section 8 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 8. Registration of Sale, Transfer, Conveyance of a Motor Vehicle, Substitution or Replacement of a Motor Vehicle Engine, Engine Block or Chassis - Every sale, transfer, conveyance of a motor vehicle, substitution or replacement of a motor vehicle engine, engine block or chassis of a motor vehicle shall be registered with the LTO within twenty (20) working days upon purchase/acquisition of a motor vehicle and substitution or replacement of a motor vehicle engine, engine block or chassis. A motor vehicle, motor vehicle engine, engine block or chassis not registered with the LTO shall be presumed as a cannapped vehicle, an untaxed imported vehicle, or a vehicle proceeding from illegal sources unless proven otherwise and shall be confiscated in favor of the government.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation."

Section 6. Section 9 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 9. Duty of Collector of Customs to Report. - Within seven (7) days after the arrival of an imported vehicle, motor vehicle engine, engine block, chassis or body, the Collector of Customs of a principal port of entry where the imported vehicle or parts enumerated above are unloaded shall report the shipment to the LTO, specifying the make, type and serial numbers, if any, of the motor vehicle, motor vehicle engine, engine block, chassis or body, and stating the names and addresses of the owner or consignee thereof. If the motor vehicle, motor vehicle engine, engine block, chassis or body does not bear any serial number, the Collector of Customs concerned shall hold the motor vehicle, motor vehicle engine, engine block, chassis or body until it is numbered by the LTO: provided, that a PNP clearance shall be required prior to engraving the engine or chassis number.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation."

Section 7. Section 10 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 10. 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 one's stocks, 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/her transactions in motor vehicles to the LTO.

In the case of motor vehicle engines to be mounted on motorboats, motor bancas and other light water vessels, the applicant shall secure a permit from the Philippines Coast Guard, which office shall in turn furnish the LTO with the pertinent data concerning the motor vehicle engines including their type, make and serial numbers.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation."

Section 8. Section 11 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 11. Duty of Manufacturers of Engine Blocks, Chassis or Body to Cause the Numbering of Engine Blocks, Chassis or Body Manufactured. - Any person engaged in the manufacture of engine blocks, chassis or body shall cause the numbering of every engine block, chassis or body manufactured in a convenient and conspicuous part thereof which the LTO may direct for the purpose of uniformity and identification of the factory and shall submit to the LTO a monthly report of the manufacture and sale of engine blocks, chassis or body.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation."

Section 9. Section 12 of Republic Act No. 10883 is hereby amended to read as follows:

"Section 12. Clearance and Permit Required for Assembly or Rebuilding of Motor Vehicles. - Any person who shall undertake to assemble or rebuild or cause the assembly or rebuilding of a motor vehicle shall first secure a certificate of clearance from the PNP: 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 rebuilt together with the names and addresses of the sources thereof.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the

motor vehicle, motor vehicle engine or any other part involved in the violation.”

Section 10. Section 14 of Republic Act No. 10883 is hereby amended to read as follows:

“Section 14. 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.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.”

Section 11. Section 15 of Republic Act No. 10883 is hereby amended to read as follows:

“Section 15. 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 insurance company, and/or law enforcement agencies, due to its involvement in a vehicular accident or for some other causes. The LTO shall cancel the registration of total wreck vehicle as reported by the PNP and/or as declared by the Insurance Commission.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.”

Section 12. Section 16 of Republic Act No. 10883 is hereby amended to read as follows:

“Section 16. Transfer of Vehicle Plate. - It shall be unlawful for any person, office or entity to transfer or use a vehicle plate from one vehicle to another without securing the proper authority from the LTO.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.”

Section 13. Section 17 of Republic Act No. 10883 is hereby amended to read as follows:

“Section 17. 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 scrapped vehicle.

Any person who violates this provision shall be punished with imprisonment for not less than two (2) years nor more than six (6) years and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation.

Any public official or employee who violates this provision shall be punished with reclusion temporal and a fine equal in the amount to the acquisition cost of the motor vehicle, motor vehicle engine or any other part involved in the violation."

Section 14. Disposition of Abandoned Motor Vehicles. – All carnapped or stolen motor vehicle, recovered and impounded by law enforcement agencies which after a period of three (3) months from the date of its seizure/recovery have remained unclaimed or whose real owners could no longer be determined or established because the original number plate of the motor vehicle or serial numbers of the motor vehicle engine, engine block and chassis could no longer be determined and restored, are considered as abandoned motor vehicles and shall be sold and disposed of by the Chief, Philippine National Police through the Director, Highway Patrol Group his authorized representative in a public auction; provided, that in all cases before any public auction is effected, there shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation in the Philippines or in the place where it was recovered or found, a description of the motor vehicles intended to be auctioned with a notice that after the lapse of one (1) month from the date of the last publication, should no reason to file a claim for the recovery of the same, said motor vehicles will be sold at public auction; provided, finally that the date and place of the public auction to be conducted by the Chief, Philippine National Police through the Director, Highway Patrol Group his authorized representative shall already fixed in the last publication aforementioned.

Section 15. Proceeds of the Public Auction. – After the public auction, the proceeds shall be applied to answer for charges including storage and cost of publication and related expenses incurred in connection therewith; provided, that, the remainder, if any, shall from part of the trust funds of the of the Chief, Philippine National Police through trust receipts primarily for the conduct of anti-carnapping, anti-hijacking and anti-highway robbery operations.

Section 16. Separability Clause. - If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

Section 17. Repealing Clause. – All laws, decrees, orders, regulations and policies inconsistent with the provisions of this Act are hereby repealed and/or amended accordingly.

Section 18. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes earlier.

Approved,