



FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'11 JAN 24 P2:47

SENATE

S. NO. 2646

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The crime of *carnapping* has reared its ugly and evil head in recent weeks.

Not only have we seen an increase in the spate of carnapping incidents in Metro Manila and the rest of the country, we have likewise been shocked by media reports on the senseless and gruesome murders of peace-loving citizens, particularly in the case Emerson Lozano and his driver, Ernane Sensil, and Venson Evangelista.

What is appalling is the fact that these brazen acts have apparently been committed by criminal syndicates known to police authorities to be openly engaged in this nefarious trade but who have been able to continue their criminal rampage despite the numerous cases filed against them.

In one case, the mastermind of a carnapping ring has reportedly been able to evade detention and post bail no less than nineteen (19) times despite of the numerous charges leveled against him¹.

It is time to plug the loopholes in the law that have allowed this reign of greed and terror of these criminal syndicates to persist despite the efforts of our law enforcement officers.

This act defines the crime of "*carnapping by a syndicate*" and increases the penalty for the offense of carnapping to make the offense *non-bailable* under most circumstances, particularly: [1] when committed by a syndicate; or [2] when committed by means of violence against or intimidation of any person, or force upon things; or [3] when the owner, driver or occupant of the carnapped motor vehicle is killed in the commission of the carnapping.

In the light of the circumstances, the immediate passage of this act is earnestly sought.

ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ See: *Palace on suspect's bail: Why 19 times?* Philippine Star Headline, January 23, 2011 issue, Also reported in PhilStar.com, the internet website of the Philippine Star Group of publications at the following web address: <http://www.philstar.com/Article.aspx?articleId=650612&publicationSubCategoryId=63>

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AN ACT
DEFINING THE OFFENSE OF *CARNAPPING BY A SYNDICATE* AND
INCREASING THE PENALTY FOR THE OFFENSE OF CARNAPPING
THEREBY AMENDING REPUBLIC ACT NO. 6539 OTHERWISE KNOWN AS
THE "*ANTI-CARNAPPING ACT OF 1972*" AND FOR OTHER RELATED
PURPOSES

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

1 **SECTION 1.** *Amending Section 14 of R.A. No. 6539* – Section 14 of Republic
2 Act No. 6539 otherwise known as the "*Anti-Carnapping Act of 1972*" is hereby amended
3 to read as follows:

4 **"Section 14. Penalty for Carnapping.** Any person
5 who is found guilty of carnapping, as this term is defined in
6 Section two of this Act, shall, irrespective of the value of
7 motor vehicle taken, be punished by imprisonment for not
8 less than [fourteen years and eight months] SEVENTEEN
9 YEARS AND FOUR MONTHS and not more than
10 [seventeen years and four months] THIRTY YEARS, when
11 the carnapping is committed without violence or
12 intimidation of persons, or force upon things; and [for not
13 less than seventeen years and four months and not more
14 than thirty years] BY THE PENALTY OF LIFE

1 IMPRISONMENT, when the carnapping is committed by
2 means of violence against or intimidation of any person, or
3 force upon things[; and the penalty of life imprisonment to
4 death shall be imposed] or when the owner, driver or
5 occupant of the carnapped motor vehicle is killed in the
6 commission of the carnapping OR WHEN THE OFFENSE
7 IS COMMITTED BY A SYNDICATE, AS DEFINED
8 HEREINAFTER.

9 "WHEN TWO OR MORE MALEFACTORS
10 TAKE PART IN THE COMMISSION OF
11 CARNAPPING, IT SHALL BE DEEMED TO HAVE
12 BEEN COMMITTED BY A SYNDICATE. WHEN ANY
13 FIREARM IS USED IN THE COMMISSION OF THE
14 OFFENSE, WHETHER OR NOT SUCH FIREARM BE
15 LICENSED OR UNLICENSED, THE PENALTY TO BE
16 IMPOSED UPON ALL THE MALEFACTORS SHALL
17 BE THE MAXIMUM OF THE CORRESPONDING
18 PENALTY PROVIDED BY LAW, WITHOUT
19 PREJUDICE OF THE CRIMINAL LIABILITY FOR
20 ILLEGAL POSSESSION OF FIREARMS, IF SUCH
21 FIREARM IS UNLICENSED."

22
23 x x x

1 **SEC. 2. *Separability Clause.*** - If any provision, part or portion of this Act shall
2 be held invalid, the provisions, parts or portions of the Act not otherwise affected thereby
3 shall remain valid and effective.

4
5 **SEC. 3. *Repealing Clause.*** - All laws, executive issuances, orders and rules and
6 regulations contrary to or inconsistent with this Act, or any part thereof, are hereby
7 repealed, amended and/or modified accordingly.

8
9 **SEC. 4. *Effectivity.*** - This Act shall take effect upon its approval and upon
10 publication in the Official Gazette and two (2) newspapers of general circulation in the
11 country.

Approved,