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SENATE
P.S. Res. **1327**

RECEIVED BY: 

Introduced by Senator Poe

RESOLUTION

URGING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED EXISTENCE OF A FLOURISHING CARNAPPING INDUSTRY AND THE CONTINUOUSLY INCREASING AND RAMPANT INCIDENCE OF CRIMES DIRECTED TOWARDS MOTOR VEHICLES AND THEIR OWNERS, WITH THE AIM OF REVITALIZING EXISTING LAWS AND POLICIES FOR THE PURPOSE

WHEREAS, Article II, Section 5 of the 1987 Philippine Constitution states that “The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

WHEREAS, sporadic incidents criminal activity directed towards motor vehicles have been continuously and regularly reported by various media outlets, websites and blogs;

WHEREAS, these reports has triggered fear among owners of private vehicles and created an impression of disorder and lawlessness in our streets;

WHEREAS, according to the latest statistics, 44,438 cases of carnapping were reported from 2009 to 2013, representing an average of 8,888 cars stolen every year¹;

WHEREAS, the latest data from the Philippine National Police (PNP) revealed that there were 3,170 cases of carnapping in the 1st Quarter of 2014 alone, a 68.5% increase from the 1,881 cases reported in the same period of the previous year²;

WHEREAS, a newspaper report³ indicated that an organized crime syndicates in the Philippines have turned carnapping into a “flourishing industry” with the following *modus*:

1. “Financiers” “place an order” for specific vehicles to carnapping gangs on the ground.
2. The chosen vehicles are then stolen and transported to “rebirthing” facilities
3. The stolen vehicles are then tampered with to make them appear as new and different vehicles.
4. The “rebirthed” vehicles will also be given falsified registration documents from the LTO, before being sold.

¹ Data for 2009-2012 were taken from the *Philippine Statistical Yearbook*, an official publication of the National Statistical Coordination Board. Data for 2013 were provided by the PNP-DIDM.

² Dinglasan, R. R. “Carnapping up 68% in the first half of 2014- PNP” *GMA News* (08/19/14) Retrieved from <http://www.gmanetwork.com/news/story/375499/news/nation/carnapping-up-68-in-the-first-half-of-2014-ppn>

³ www.philstar.com, “Carjacking an Industry – Police”, December 12, 2012

WHEREAS, "Carnapping" is a criminal offense under Republic Act No. 6539, otherwise known as the "*Anti-Carnapping Act of 1972*" and is punishable with the following penalties under Section 14 of the Act:

1. Imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things;
2. Imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence against or intimidation of any person, or force upon things;
3. 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.

WHEREAS, in addition to high incidence of carnapping cases, reports in the media indicate that gangs and individuals of various *modus operandi* have also been sporadically preying upon owners of private vehicles. While there is no single database of these gangs, their names and *modus operandi* are well known. Some of them are listed below:

| Name | <i>Modus</i> |
|----------------------------------|---|
| <i>Bundol Gang</i> | This gang either hits or deliberately be hit by another vehicle. Once the driver gets off, his car is then hijacked. |
| <i>Bukas Kotse</i> | This gang targets parked cars or cars which are stuck in traffic. Once such a car is located, they forcibly open the car and either hijack it or steal valuables inside it. |
| <i>Basag Kotse</i> | This gang also targets parked cars or cars which are stuck in traffic. They then break one of the windows and steal valuables. |
| <i>Basag Itlog/Basag Kamatis</i> | This gang throws an egg or a tomato on a moving car's windshield. If the driver stops, he is forced out and his car is hijacked. |

WHEREAS, this systematic predator of malicious groups and individuals upon motor vehicles threatens the safety and peaceful existence of private vehicles but also the general public.

NOW, THEREFORE BE IT RESOLVED, as it is hereby resolved by the Philippine Senate, to urge the Senate Committee on Public Order and Dangerous Drugs to conduct an inquiry, in aid of legislation, on the rampant incidence of criminal activity directed towards motor vehicles and their owners, with the objective of reviewing and strengthening existing laws, proposing new laws, and for other purposes.

Adopted,


GRACE POE