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7 OCT 16 2005

SENATE
S. No. 1781

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10/16/05

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Carnapping has become a very rampant occurrence. According to the Philippine National Police (PNP), in the first two months of 2005 alone, 266 vehicles were stolen, 25 percent more than the 213 car thefts in the same period last year. In fact, the PNP has even created a special unit to go after car thieves.

It is depressing to note, however, that police and military men are themselves involved in carnapping. Based on a report submitted by the Quezon City Police District, one of the three major carnapping syndicates in Quezon City is believed to be composed of police and military men. The police even described the carnapping group composed of police and military men as "more aggressive" because they take the cars away from their owners at gunpoint.

Republic Act No. 6539, also known as the "Anti-Carnapping Act of 1972," Section 14 already provides for the penalty for carnapping. It states:

Penalty for Carnapping. Any person who is found guilty of carnapping, as this term is defined in Section two of this Act, shall, irrespective of the value of motor vehicle taken, be punished by 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; and by 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; and the penalty of *reclusion perpetua* to death 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 or on the occasion thereof.

The law, however, did not distinguish as to whether the offenders are civilians or police and/or military personnel. In view of the trust reposed in police and military personnel as *guardians of civilians*, and the subsequent breach of said trust when police and military personnel

commit the crimes that they swore to combat, this bill aims to impose a harsher penalty on
carnappers who are members and/ or former members of the police and the military.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
Edp

* This bill was originally filed during the Thirteenth Congress, Second Regular Session.

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1 AN ACT
2 AMENDING REPUBLIC ACT NO. 6539, ALSO KNOWN AS
3 THE ANTI-CARNAPPING ACT OF 1972, SECTION 14 ON THE PENALTIES FOR
4 CARNAPPING

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

7 SECTION 1. Section 14 of Republic Act No. 6539, also known as the Anti-Carnapping
8 Act of 1972 is hereby amended to read as follows:

9 Section 14. *Penalty for Carnapping.* Any person who is found guilty of
10 carnapping, as this term is defined in Section two of this Act, shall, irrespective of
11 the value of motor vehicle taken, be punished by imprisonment for not less than
12 fourteen years and eight months and not more than seventeen years and four
13 months, when the carnapping is committed without violence or intimidation of
14 persons, or force upon things; and by imprisonment for not less than seventeen
15 years and four months and not more than thirty years, when the carnapping is
16 committed by means of violence against or intimidation of any person, or force
17 upon things; and the penalty of *reclusion perpetua* to death shall be imposed
18 when the owner, driver or occupant of the carnapped motor vehicle is killed or
19 raped in the course of the commission of the carnapping or on the occasion
20 thereof, **OR WHEN THE OFFENDER IS A MEMBER OR FORMER**
21 **MEMBER OF THE MILITARY OR THE POLICE FORCE.**

22 SECTION 2. *Repealing Clause.* – Any law, presidential decree or issuance, executive
23 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
24 with the provisions of this Act is hereby repealed, modified or amended accordingly.

1 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

3 Approved,