

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



Senate  
Office of the Secretary

'13 JUL 16 P4:41

SENATE

S. No. 798

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Introduced by Senator Antonio "SONNY" F. Trillanes IV

**Explanatory Note**

The crime of *carnapping* continues to rear its ugly and evil head in our country.

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 him<sup>1</sup>.

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

<sup>1</sup> See: *Palace on suspect's bail: Why 19 times?* <http://www.philstar.com/headlines/650284/palace-suspects-bail-why-19-times>

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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 Act No.  
2 6539 otherwise known as the "Anti-Carnapping Act of 1972" is hereby amended to read as  
3 follows:

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