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SENATE

Senate Bill No. 2794

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Prepared and Submitted jointly by the Committees on Public Order and Dangerous Drugs; Public Services; and Constitutional Amendments and Revision of Codes, with Senators Escudero, Trillanes, Defensor Santiago and Poe as authors thereof

AN ACT

PROVIDING FOR A NEW ANTI-CARNAPPING LAW OF THE PHILIPPINES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “New Anti-Carnapping Act
2 of 2015”.

3
4 **SECTION 2. Definition of Terms.** – As used in this Act:

5
6 (a) “*Body building*” refers to a job undertaken on a motor vehicle in order to replace its
7 entire body with a new body;

8
9 (b) “*Defacing*” or “*tampering with a serial number*” refers to the altering, changing,
10 erasing, replacing or scratching of the original factory inscribed serial number on the
11 motor vehicle engine, engine block or chassis of any motor vehicle. Whenever any
12 motor vehicle is found to have a serial number on its engine, engine block or chassis
13 which is different from that which is listed in the records of the Bureau of Customs
14 for motor vehicle imported into the Philippines, that motor vehicle shall be
15 considered to have a defaced or tampered serial number;

16
17 (c) “*Dismantling*” refers to the tearing apart, piece-by-piece or part-by-part, of a motor
18 vehicle;

19
20 (d) “*Identity transfer*” refers to the act of transferring the engine number, chassis
21 number, body tag number, plate number, and any other identifying marks of a motor
22 vehicle declared as “total wreck” or is beyond economic repair by concerned car
23 insurance companies and/or law enforcement agencies after its involvement in a
24 vehicular accident or other incident and registers the same into another factory-made
25 body or vehicle unit, of the same classification, type, make or model;

26
27 (e) “*Motor vehicle*” refers to any vehicle propelled by any power other than muscular
28 power using the public highways, except road rollers, trolley cars, street sweepers,
29 sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes
30 if not used on public highways; vehicles which run only on rails or tracks; and
31 tractors, trailers and traction engines of all kinds used exclusively for agricultural
32 purposes. Trailers having any number of wheels, when propelled or intended to be
33 propelled by attachment to a motor vehicle, shall be classified as separate motor
34 vehicle with no power rating;

- 1 (f) “Overhauling” refers to the cleaning or repairing of the whole engine of a motor
2 vehicle by separating the motor engine and its parts from the body of the motor
3 vehicle;
4
- 5 (g) “Repainting” refers to changing the color of a motor vehicle by means of painting.
6 There is painting whenever the new color of a motor vehicle is different from its color
7 registered in the Land Transportation Office (LTO);
8
- 9 (h) “Remodeling” refers to the introduction of some changes in the shape or form of the
10 body of the motor vehicle;
11
- 12 (i) “Second hand spare parts” refer to the parts taken from a carnapped vehicle used in
13 assembling another vehicle;
14
- 15 (j) “Total wreck” refers to the state or status of a motor vehicle after a vehicular accident
16 or other incident, so that it is rendered inoperational and beyond economic repair due
17 to the extent of damage in its body, chassis and engine; and
18
- 19 (k) “Unlawful transfer or use of vehicle plates” refers to the use or transfer of a vehicle
20 plate issued by the LTO to a certain vehicle to another vehicle. It is presumed
21 illegally transferred when the motor vehicle plate does not correspond with that as
22 appearing in the certificate of registration of the motor vehicle to which it was issued.
23

24 **SECTION 3. Carnapping; Penalties.** – Carnapping is the taking, with intent to gain, of a
25 motor vehicle belonging to another without the latter’s consent, or by means of violence against
26 or intimidation of persons, or by using force upon things.
27

28 Any person who is found guilty of carnapping shall, regardless of the value of the motor
29 vehicle taken, be punished by imprisonment for not less than twenty (20) years and one (1) day
30 and not more than thirty (30) years, when the carnapping is committed without violence against
31 or intimidation of persons, or force upon things; and by imprisonment for not less than thirty (30)
32 years and one (1) day and not more than forty (40) years, when the carnapping is committed by
33 means of violence against or intimidation of persons, or force upon things; and the penalty of life
34 imprisonment shall be imposed when the owner, driver, or occupant of the carnapped motor
35 vehicle is killed in the commission of the carnapping.
36

37 Any person charged with carnapping as penalized herein shall be denied bail when the
38 evidence of guilt is strong; or when the crime of carnapping is committed by criminal groups,
39 gangs or syndicates or by means of violence or intimidation of any person or persons or forced
40 upon things; or when the owner, driver, passenger or occupant of the carnapped vehicle is killed
41 or raped in the course of the carnapping.
42

43 **SECTION 4. Acts Committed in Furtherance or Concealment of Carnapping.** – Any
44 person who violates any provisions of this Act and in furtherance or concealment of the crime of
45 carnapping shall be punished with imprisonment of six (6) years up to twelve (12) years and a
46 fine equal to the amount of the acquisition cost of the motor vehicle, motor vehicle engine, or
47 any other part involved in the violation: *Provided*, That if the person violating any provision of
48 this Act is a juridical person, the penalty herein provided shall be imposed on its president,
49 secretary, and/or members of the board of directors or any of its officers and employees who
50 may have directly participated in the violation.
51

52 Any public official or employee who directly commits the unlawful acts defined in this
53 Act or is guilty of gross negligence of duty or connives with or permits the commission of any of
54 the said unlawful acts shall, in addition to the penalty prescribed in the preceding paragraph, be
55 dismissed from the service and shall be permanently disqualified from holding public office.
56

57 **SECTION 5. Original Registration of Motor Vehicles.** – Any person seeking the
58 original registration of a motor vehicle, whether that motor vehicle is newly assembled or rebuilt

1 or acquired from a registered owner, shall, within one (1) week after the completion of the
2 assembly or rebuilding job or the acquisition thereof from the registered owner, apply to the
3 Philippine National Police (PNP) for the clearance of the motor vehicle for registration with the
4 LTO. The PNP shall, upon receipt of the application, verify if the motor vehicle or its numbered
5 parts are in the list of carnapped motor vehicles or stolen motor vehicle parts. If the motor
6 vehicle or any of its numbered parts is not in the list, the PNP shall forthwith issue a certificate of
7 clearance. Upon presentation of the certificate of clearance from the PNP and after verification
8 of the registration of the motor vehicle engine, engine block and chassis in the permanent
9 registry of motor vehicle engine, engine block and chassis, the LTO shall register the motor
10 vehicle in accordance with existing laws, rules and regulations within twenty (20) working days.
11

12 **SECTION 6. *Registration of Motor Vehicle, Motor Vehicle Engine, Engine Block and***
13 ***Chassis.*** – (a) Within one (1) year upon approval of this Act, every owner or possessor of
14 unregistered motor vehicle or parts thereof in knock down condition shall register before the
15 LTO the motor vehicle engine, engine block and chassis in the name of the possessor or in the
16 name of the real owner who shall be readily available to answer any claim over the registered
17 motor vehicle engine, engine block and chassis. Thereafter, all motor vehicle engines, engine
18 blocks and chassis not registered with the LTO shall be considered as a carnapped vehicle, an
19 untaxed importation or coming from illegal source and shall be confiscated in favor of the
20 government.
21

22 (b) Where a motor vehicle has been found to be included in the Philippine National
23 Police list of carnapped motor vehicles and said vehicle is in the possession of a purchaser, the
24 latter, regardless of whether he is a buyer in good faith, upon demand by the registered owner or
25 his duly authorized representative shall return the stolen motor vehicle to said owner or his
26 representative within seventy two (72) hours from demand. Any refusal on the part of the said
27 purchaser shall be prima facie evidence of his knowledge of the illegal source of the motor
28 vehicle and shall render him criminally liable under Section 4 of this Act; *Provided*, that no
29 restraining order or writ of preliminary injunction shall be issued by any court to prevent the
30 recovery by the owner, provided further, that in the event that the stolen motor vehicle has been
31 successfully registered in the name of such purchaser the same shall be disregarded by the Land
32 Transportation Office.
33

34 **SECTION 7. *Permanent Registry of Motor Vehicle, Motor Vehicle Engines, Engine***
35 ***Blocks and Chassis.*** – The LTO shall keep a permanent registry of motor vehicle, motor vehicle
36 engines, engine blocks and chassis of all motor vehicles, specifying therein their type, make,
37 serial numbers and stating therein the names and addresses of their present and previous owners.
38 Copies of the registry and of all entries made thereon shall be furnished the PNP and all LTO
39 regional, provincial and city branch offices: *Provided*, That all LTO regional, provincial and city
40 offices are likewise obliged to furnish copies of all registrations of motor vehicles to the main
41 office and to the PNP: *Provided, further*, That the original copy of the certificate of registration
42 shall be given to the registered owner, the second copy shall be retained with the LTO and the
43 third copy shall be submitted to the PNP. Moreover, it shall be unlawful for any person or
44 employee who willfully encodes in the registry of motor vehicles a non-existing vehicle or
45 without history, new identity of already existing vehicle or double/multiple registration
46 (“KAMBAL”) of vehicle.
47

48 **SECTION 8. *Registration of Sale, Transfer, Conveyance of a Motor Vehicle,***
49 ***Substitution or Replacement of a Motor Vehicle Engine, Engine Block or Chassis.*** – Every
50 sale, transfer, conveyance of a motor vehicle, substitution or replacement of a motor vehicle
51 engine, engine block or chassis of a motor vehicle shall be registered with the LTO within
52 twenty (20) working days upon purchase/acquisition of a motor vehicle and substitution or
53 replacement of a motor vehicle engine, engine block or chassis. A motor vehicle, motor vehicle
54 engine, engine block or chassis not registered with the LTO shall be presumed as a carnapped
55 vehicle, an untaxed imported vehicle, or a vehicle proceeding from illegal sources unless proven
56 otherwise and shall be confiscated in favor of the government.
57

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

11
12 **SECTION 10. *Duty of Importers, Distributors and Sellers of Motor Vehicles to Keep***
13 ***Record of Stocks.*** – Any person engaged in the importation, distribution, and buying and selling
14 of motor vehicles, motor vehicle engines, engine blocks, chassis or body shall keep a permanent
15 record of one's stocks, stating therein their type, make and serial numbers, and the names and
16 addresses of the persons from whom they were acquired and the names and addresses of the
17 persons to whom they are sold, and shall render accurately a monthly report of his transactions in
18 motor vehicles to the LTO.

19
20 **SECTION 11. *Duty of Manufacturers of Engine Blocks, Chassis or Body to Cause the***
21 ***Numbering of Engine Blocks, Chassis or Body Manufactured.*** – Any person engaged in the
22 manufacture of engine blocks, chassis or body shall cause the numbering of every engine block,
23 chassis or body manufactured in a convenient and conspicuous part thereof which the LTO may
24 direct for the purpose of uniformity and identification of the factory and shall submit to the LTO
25 a monthly report of the manufacture and sale of engine blocks, chassis or body.

26
27 **SECTION 12. *Clearance and Permit Required for Assembly or Rebuilding of Motor***
28 ***Vehicles.*** – Any person who shall undertake to assemble or rebuild or cause the assembly or
29 rebuilding of a motor vehicle shall first secure a certificate of clearance from the PNP: *Provided*,
30 That no such permit shall be issued unless the applicant shall present a statement under oath
31 containing the type, make and serial numbers of the engine, chassis and body, if any, and the
32 complete list of the spare parts of the motor vehicle to be assembled or rebuilt together with the
33 names and addresses of the sources thereof.

34
35 In the case of motor vehicle engines to be mounted on motor boats, motor *bancas*, water
36 crafts and other light water vessels, the applicant shall secure a permit from the PNP, which
37 office shall in turn furnish the LTO pertinent data concerning the motor vehicle engines
38 including their type, make and serial numbers.

39
40 **SECTION 13. *Clearance Required for Shipment of Motor Vehicles, Motor Vehicle***
41 ***Engines, Engine Blocks, Chassis or Body.*** – The Philippine Ports Authority (PPA) shall submit
42 a report to the PNP within seven (7) days upon boarding all motor vehicles being boarded the
43 "RORO", ferry, boat, vessel or ship for interisland and international shipment. The PPA shall not
44 allow the loading of motor vehicles in all interisland and international shipping vessels without a
45 motor vehicle clearance from the PNP, except cargo trucks and other trucks carrying goods,
46 Land Transportation Franchising and Regulatory Board (LTFRB)-accredited public utility
47 vehicles (PUV) and other motor vehicles carrying foodstuff and dry goods.

48
49 **SECTION 14. *Defacing or Tampering with Serial Numbers of Motor Vehicle Engines,***
50 ***Engine Blocks and Chassis.*** – It shall be unlawful for any person to deface or otherwise tamper
51 with the original or registered serial number of motor vehicle engines, engine blocks and chassis.

52
53 **SECTION 15. *Identity Transfer.*** – It shall be unlawful for any person, office or entity to
54 cause and/or allow the sale, registration, and/or transfer into another name, the chassis number,
55 engine number and plate number of a motor vehicle declared as "total wreck" or beyond
56 economic repair by concerned insurance company, and/or law enforcement agencies, due to its
57 involvement in a vehicular accident or for some other causes. The LTO shall cancel the

1 registration of total wreck vehicle as reported by the PNP and/or as declared by the Insurance
2 Commission.

3
4 **SECTION 16. *Inability to Present Receipts and Registration as Prima Facie Evidence***
5 ***of Carnapping.*** - Given the relative ease of carnapping motorcycles, the inability of a motorcycle
6 rider to present the Official Receipt and Certificate of Registration of the motorcycle shall be a
7 *prima facie* evidence of carnapping and shall constitute probable cause to detain the motorcycle
8 rider, subject to the existing laws pertaining to the maximum periods of detention in the absence
9 of formal charges. The proper authorities shall ensure the immediate filing of formal charges.

10
11 **SECTION 17. *Transfer of Vehicle Plate.*** - It shall be unlawful for any person, office or
12 entity to transfer or use a vehicle plate from one vehicle to another without securing the proper
13 authority from the LTO.

14
15 **SECTION 18. *Sale of Second Hand Spare Parts.*** - It shall be unlawful for any person,
16 office or entity to buy and/or sell any second hand spare parts taken from a carnapped vehicle.

17
18 **SECTION 19. *Foreign Nationals.*** - Foreign nationals convicted under the provisions of
19 this Act shall be deported immediately after service of sentence without further proceedings by
20 the Bureau of Immigration.

21
22 **SECTION 20. *Reward.*** - Any person who voluntarily gives information leading to the
23 recovery of carnapped vehicles and for the apprehension of the persons charged with carnapping
24 shall be given monetary reward as the PNP may determine. The PNP shall include in their annual
25 budget the amount necessary to carry out the purposes of this section. Any information given by
26 informers shall be treated as confidential matter.

27
28 **SECTION 21. *Implementing Rules and Regulations.*** - The Philippine National Police
29 together with the Department of Transportation and Communications, LTO, Philippine Coast
30 Guard, MARINA, Bureau of Customs and relevant motorists and automotive sectors shall,
31 within sixty (60) days from the effectivity of this Act, after unanimous approval, promulgate the
32 necessary implementing rules and regulations to effectively carry out the provisions of this Act,
33 including the setting up of a coordinated online access and the effective clearance system
34 mentioned in Section 12 of this Act to expedite motor vehicle data and details verification.

35
36 **SECTION 22. *Separability Clause.*** - If any provision of this Act is declared invalid, the
37 remainder of this Act or any provision not affected thereby shall remain in full force and effect.

38
39 **SECTION 23. *Repealing Clause.*** - Republic Act No. 6539, otherwise known as the
40 "Anti-Carnapping Act of 1972", is hereby repealed. All laws, executive orders, rules and
41 regulations or parts thereof inconsistent with the provisions of this Act are hereby amended or
42 repealed accordingly.

43
44 **SECTION 24. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
45 publication in the *Official Gazette* or in two newspapers of general circulation, whichever comes
46 earlier.

47
48 Approved,

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