

## THIRD DIVISION

[ G.R. No. 233777, March 20, 2019 ]

### MARVIN PORTERIA Y MANEBALI, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

#### DECISION

**REYES, A., JR., J.:**

This is a petition for review on *certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court, seeking to reverse and set aside the Decision<sup>[2]</sup> dated May 12, 2017 and the Resolution<sup>[3]</sup> dated August 16, 2017 of the Court of Appeals (CA) in CA-G.R. CR No. 37273. The challenged issuances of the CA affirmed the Judgment<sup>[4]</sup> dated December 5, 2014 of the Regional Trial Court (RTC) of Naga City, Branch 26, in Crim. Case No. 2011-0501, which found petitioner Marvin Porteria y Manebali (Marvin) guilty beyond reasonable doubt of violating Section 2(2) of Republic Act (R.A.) No. 6539,<sup>[5]</sup> as amended, otherwise known as the "Anti-Carnapping Act of 1972."

#### Factual Antecedents

Wilfredo Christian P. Mien (Christian) is the registered owner of a blue Honda motorcycle, 2004 model, with Engine No. KPH125ME-8005271, Chassis No. KPH12-03X-005271, and Plate No. EL5401.<sup>[6]</sup>

According to the prosecution, Christian used his motorcycle on December 10, 2010, at about 6:00 a.m., when he went to work at St. John Hospital in Panganiban Drive, Naga City. He parked his motorcycle in front of the hospital, in the parking area of the Nazareno Drug Store.<sup>[7]</sup>

After finishing his shift at about 2:00 p.m., Christian discovered that his motorcycle was no longer in its parking spot. Unable to find his motorcycle, Christian went to the Philippine National Police (PNP) Naga City Police Office, Police Precinct No. 2 to report that his motorcycle was stolen.<sup>[8]</sup> The police recorded the incident in the Daily Record of Events.<sup>[9]</sup>

The following day, Christian and his brother, Wilfredo Angelus Mien, went to the PNP Provincial Highway Patrol Group (HPG) 5-Camarines Sur to report the incident again.<sup>[10]</sup> He filled out an Alarm Sheet and a Complaint Sheet.<sup>[11]</sup> Afterwards, Christian was asked to submit certain documents, such as the original copies of the Official Receipt (OR) of registration and the Certificate of Registration (CR), the police blotter, the certificate of ownership, the relevant Deed of Sale, if any, and the duplicate copy of the motorcycle's key. Christian complied with the requirements of

the PNP HPG.<sup>[12]</sup>

On February 1, 2011, the police officers of Ocampo, Camarines Sur supposedly received a report that there was a suspicious person with something tucked in his waist.<sup>[13]</sup> The Chief of Police of the Ocampo Police Station, Police Inspector Samuel De Asis Villamer (P/Insp. Villamer), dispatched a team to verify the report.<sup>[14]</sup>

The report eventually resulted in the arrest of Marvin along the highway of Barangay San Francisco, Ocampo, Camarines Sur, for the illegal possession of firearm. He was, thereafter, subjected to a search of his body and of the bag allegedly found in his possession. Inside the bag, the arresting officer found an assortment of documents, including photocopies of the OR and CR of Christian's stolen motorcycle.<sup>[15]</sup>

At the Ocampo Police Station, Marvin was asked regarding the documents discovered in his bag. P/Insp. Villamer stated that Marvin responded voluntarily, informing the police that the motorcycle was in the possession of a certain Felix Maratas (Felix) in Sta. Rosa, Laguna.<sup>[16]</sup> Later on, P/Insp. Villamer sent a text message to Christian's brother, notifying him that Marvin was arrested, and that they found the registration of the stolen motorcycle in his possession. Christian and his brother then went to the Ocampo Police Station, where they were advised that Marvin has been transferred to the Naga City District Jail (NCDJ).<sup>[17]</sup>

On February 5, 2011, the mother of Christian, Virgie P. Mien (Virgie), went to the NCDJ, intending to talk to Marvin.<sup>[18]</sup> She asked Marvin about the registration of the subject motorcycle found in his possession, to which Marvin apparently replied by confessing his guilt. Virgie testified that Marvin admitted taking Christian's motorcycle and going on a road trip to Quezon. Marvin also allegedly told Virgie that he left the motorcycle with a certain "*Insan Joy*," whose address is Phase 5, Southville Subdivision, Sta. Rosa, Laguna.<sup>[19]</sup>

That night, Virgie called her friend, who was a police officer, to relay the information she obtained from Marvin. This friend of hers, Police Superintendent Teodorico Bolitic, called her a week later to inform her that the motorcycle was not at the address Marvin provided.<sup>[20]</sup>

On March 11, 2011, at around 3:00 p.m., a checkpoint was placed at the road of Barangay Kaingin, Sta. Rosa, Laguna. Senior Police Officer 3 Jaime A. Cariaso (SPO3 Cariaso) and several other police officers were manning the checkpoint at that time. By 3:20 p.m., a blue motorcycle approached the checkpoint. Seeing that the driver was not wearing a helmet, the police flagged down the motorcycle, who refused to stop and continued to pass the checkpoint. The police officers chased the motorcycle using their police car, and finally caught up with the driver at around 3:30 p.m.<sup>[21]</sup>

The police officers asked the driver of the motorcycle for his license, and for the registration documents of the motorcycle. The driver, later identified as Albert Orino (Albert), was unable to present any document. The police officers, thus, brought Albert to the barangay hall to record the incident in the barangay blotter. He was thereafter taken to the police station of Sta. Rosa, Laguna, together with the motorcycle.<sup>[22]</sup>

At the police station, Albert supposedly told the police officers that he does not own the motorcycle. According to SPO3 Cariaso, Albert stated that a certain Marvin left him the motorcycle. The police then charged Albert with a traffic violation for driving without a license.<sup>[23]</sup> After verifying the ownership of the motorcycle, the police notified Christian regarding its recovery.<sup>[24]</sup>

Marvin, for his part, denied the accusations of the prosecution. According to him, he met a friend at Barangay San Francisco, Ocampo, Camarines Sur on February 1, 2011. His friend, a certain Francis Aguilar, was driving a motorcycle and carrying a bag. His friend left the area, leaving behind the motorcycle, with the bag on top of it.<sup>[25]</sup> Several moments later, police officers approached Marvin and invited him to go to the police station. The invitation was purportedly pursuant to a report of a suspicious person in the area. Marvin refused, but the police officers forced him to go with them.<sup>[26]</sup>

The police officers brought him to the Ocampo Police Station, where he was interrogated and detained. At no point was Marvin informed of his rights.<sup>[27]</sup> When the police officers told him about a gun recovered inside his bag, Marvin denied owning the bag, much less its contents.<sup>[28]</sup>

On October 27, 2011, the Information against Marvin, Albert, and Felix, was filed with the RTC of Naga City, charging them with violation of R.A. No. 6539, viz.:

That on or about December 16, 2010, in the City of Naga, Philippines and within the jurisdiction of the Honorable Court, the above named accused, conspiring, confederating together and mutually helping each other, with intent of gain, did then and there, willfully, unlawfully and criminally take and steal, the motorcycle, with plate no. EL-5401, belonging to and owned by herein complaining witness WILFREDO CHRISTIAN P. MIEN, without his consent, while same was parked along Panganiban Avenue, Naga City, to his damage and prejudice.

ACTS CONTRARY TO LAW.<sup>[29]</sup>

In an Order dated November 2, 2011, the RTC scheduled Marvin's arraignment on November 15, 2011, and directed the issuance of a warrant of arrest against both of his co-accused, Felix and Albert.<sup>[30]</sup> During his arraignment, Marvin pleaded not guilty.<sup>[31]</sup>

Trial proceeded and the prosecution presented the following witnesses: (a) Christian, the complainant; (b) Virgie, the complainant's mother; (c) SPO4 Jaime Pequiras (SPO4 Pequiras), the arresting officer; (d) P/Insp. Villamer, the Chief of Police of Ocampo, Camarines Sur; and (e) SPO3 Cariaso, the police officer manning the checkpoint in Sta. Rosa, Laguna.<sup>[32]</sup>

On the other hand, the defense presented Marvin as its sole witness. The defense also intended to present SPO3 Cariaso. However, instead of testifying again, both parties agreed on the following stipulations with respect to his testimony: (a) at the time of Albert's apprehension, Marvin was not with him; and (b) the carnapped

motorcycle was found in the possession of Albert only.<sup>[33]</sup>

### **Ruling of the RTC**

The trial court failed to obtain jurisdiction over the persons of Marvin's co-accused, including Albert, the person in whose possession he motorcycle was found. Nonetheless, in its Judgment<sup>[34]</sup> promulgated on December 5, 2014, the trial court found Marvin guilty beyond reasonable doubt of the crime of carnapping, punishable under R.A. No. 6539, thus:

WHEREFORE, in view of the foregoing, [Marvin] is found GUILTY beyond reasonable doubt for Violation of [R.A. No.] 6539 otherwise known as the Anti-Carnapping Act of 1972, as amended, and is hereby sentenced to suffer imprisonment of fourteen (14) years, eight (8) months and one (1) day, as minimum, to fifteen (15) years, as maximum. The period of accused['s] preventive detention shall be credited in his favor.

The instant case as against the two other accused [Felix] and [Albert] are hereby ordered sent to the files of ARCHIVED cases pending the arrest of said accused. Accordingly, let an alias warrant of arrest be issued for their immediate apprehension to stand trial before this Court.

SO ORDERED.<sup>[35]</sup>

The trial court found that the circumstantial evidence presented in this case was sufficient to hold Marvin guilty beyond reasonable doubt. The RTC considered the following circumstances: (a) Marvin was apprehended on February 1, 2011, in possession of the registration documents of the stolen motorcycle; (b) P/Insp. Villamer testified that Marvin voluntarily answered their query as to the whereabouts of the motorcycle, which he left with a certain Felix in Sta. Rosa, Laguna; (c) Virgie's testimony that Marvin confessed to stealing the motorcycle, which he then drove all the way to Sta. Rosa, Laguna; and (d) the stolen motorcycle eventually being found in Sta. Rosa, Laguna on March 11, 2011.<sup>[36]</sup> These circumstances, according to the RTC, constitute an unbroken chain that leads to the fair and reasonable conclusion that Marvin indeed committed the crime.

Aggrieved, Marvin filed a Notice of Appeal on January 5, 2015.<sup>[37]</sup> The RTC, in its Order<sup>[38]</sup> dated January 6, 2015, allowed the appeal and elevated the records of the case to the CA.

### **Ruling of the CA**

After the parties filed their respective briefs,<sup>[39]</sup> the CA rendered its Decision<sup>[40]</sup> dated May 12, 2017, affirming Marvin's conviction, thus:

WHEREFORE, foregoing considered, appeal is DENIED. The Decision of the [RTC] dated December 5, 2014 in Criminal Case No. 2011-0501, is hereby AFFIRMED with modification.

Accused-appellant, [Marvin], is found GUILTY beyond reasonable doubt for Violation of [R.A. No.] 6539 otherwise known as the Anti-Carnapping

Act of 1972, as amended, and as modified, is hereby sentenced to suffer imprisonment of fourteen years (14) years (sic), eight (8) months as minimum, to fifteen (15) years, as maximum. The period of accused-appellant's preventive detention shall be credited to his favor.

SO ORDERED.<sup>[41]</sup>

The CA held that the circumstantial evidence relied upon by the trial court sufficiently supported the conviction of Marvin. It painted an unbroken series of events, which eventually resulted in the recovery of the motorcycle in Sta. Rosa, Laguna. Furthermore, the CA anchored its findings on the fact that during the course of Marvin's arrest for illegal possession of firearms, the police found the registration documents of the stolen motorcycle in his possession.<sup>[42]</sup> His extrajudicial confession also corroborated the evidence of the prosecution.<sup>[43]</sup>

Unsatisfied with the decision of the CA, Marvin moved for its reconsideration on June 9, 2017.<sup>[44]</sup> The CA denied this motion in its Resolution<sup>[45]</sup> dated August 16, 2017. Hence, Marvin filed the present petition before the Court.

Marvin alleges that the trial court and the CA should not have considered the supposed discovery of the stolen motorcycle's OR and CR in his possession because the search was not legal. He further argues that the extrajudicial confession he made to Virgie was not freely and voluntarily made.<sup>[46]</sup> Based on these grounds, Marvin asserts that his conviction does not hold water.

### **Ruling of the Court**

The Court grants the petition. The circumstantial pieces of evidence of the prosecution are not sufficient to find Marvin guilty beyond reasonable doubt of the crime of carnapping.

***The search of Marvin's body and belongings, as an incident to his warrantless arrest, was not valid.***

Our constitution guarantees the inviolable right of every person to be secure in his or her persons, houses, papers, and effects, against unreasonable searches and seizures for whatever nature and for any purpose.<sup>[47]</sup> Thus, there should be a warrant duly issued on the basis of probable cause, in order to consider these searches and seizures as valid. This notwithstanding, there are several circumstances which the Court recognizes as exceptions to the requirement of a warrant: (a) a warrantless search incidental to a lawful arrest; (b) seizure of evidence in plain view; (c) search of a moving vehicle; (d) consented warrantless search; (e) customs search; (f) stop-and-frisk; and (g) the existence of exigent and emergency circumstances.<sup>[48]</sup>

In this case, the CA found that the discovery of the stolen motorcycle's OR and CR in the possession of Marvin was the product of a valid search incidental to a lawful arrest.<sup>[49]</sup> For the search to become valid under this exception, the inquiry of the Court should focus on the legality of the arrest. The arrest must not be used as a mere pretext for conducting the search, and the arrest, to be lawful, must precede