

## SECOND DIVISION

[ G.R. No. 226846, June 21, 2017 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JEFFREY MACARANAS Y FERNANDEZ, ACCUSED-APPELLANT.**

### D E C I S I O N

**PERALTA, \*\* J.:**

For consideration of this Court is the appeal of the Decision<sup>[1]</sup> dated October 29, 2015 of the Court of Appeals (CA) dismissing appellant Jeffrey Macaranas y Fernandez's appeal and affirming with modification the Judgment<sup>[2]</sup> dated August 22, 2012 of the Regional Trial Court (RTC), Branch 79, Malolos, Bulacan in Criminal Case No. 38-M-2008, finding appellant guilty beyond reasonable doubt of violation of Republic Act (R.A.) No. 6539, otherwise known as the *Anti-Carnapping Act of 1972*.

The facts follow.

Frank Karim Langaman and his girlfriend Kathlyn Irish Mae Cervantes were at Meyland Village, Meycauayan, Bulacan, in the evening of February 18, 2007, aboard Frank's motorcycle, a green Honda Wave 125 with Plate No. NQ 8724, registered under the name of Jacqueline Corpuz Langaman. When they were about to leave the place, two (2) men, both wearing jackets and bonnets suddenly approached them, followed by a third man who was earlier standing at a post. One of the three men held Frank by the neck and shot Frank causing the latter to fall down. The same man pointed his gun at Kathlyn and demanded that she give him her cellphone. After Kathlyn gave her cellphone, the same man hit her on the back. Thereafter, Kathlyn pretended to be unconscious and saw that the men searched the body of Frank for any valuables. While the incident was taking place, the second man took Frank's motorcycle, while the third man, herein appellant, just stood to guard them and acted as the look-out. Afterwards, the three men left together riding Frank's motorcycle. It was then that Kathlyn was able to seek help and Frank was taken to the hospital.

According to Dr. Gene Patrick De Leon, Frank sustained a gunshot injury traversing the neck area which necessitated surgery. Eventually, Frank died on the 27<sup>th</sup> post-operative day or on March 30, 2007. The cause of Frank's death was "cardio pulmonary arrest secondary to the spinal cord injury with retained metallic foreign body secondary conjunction injury status post the surgery done which is laminectomy infusion with rods and screws," as shown in the Post-Mortem Certificate.

Thus, an Information was filed against appellant, Richard Lalata and a certain John Doe charging them of violation of R.A. No. 6539, which reads as follows:

That on or about the 18<sup>th</sup> day of February, 2007, in the City of Meycauayan, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with gun, by means of violence and intimidation, with intent of gain and without the consent of the owner, conspiring, confederating and mutually helping one another, did then and there wilfully, unlawfully and feloniously take, steal and carry away with them one Honda Wave 125 motorcycle with Plate No. NQ 8724 valued at P59,000.00 belonging to Jacqueline Corpuz [Langaman], to her damage and prejudice in the aforesaid amount of P59,000.00, and by reason or on the occasion of the commission of the said carnapping act, the said accused in furtherance of their conspiracy and with intent to kill did then and there wilfully, unlawfully and feloniously attack, assault and shoot Frank Karim Langaman with the gun they were then provided, hitting the latter on his neck which caused his death.

Appellant pleaded "not guilty" during his arraignment and after the pre-trial ended, the trial ensued.

The prosecution presented the testimonies of Jacqueline Langaman, Kathlyn Irish Mae Cervantes, Dr. Gene Patrick De Leon and SPO1 Hernan Roble Berciles, Jr.

Appellant, on the other hand, testified in his defense and denied the charges against him claiming that on February 18, 2007, he fetched his cousin Richard Lalata before proceeding to his father Erning Macaranas' house at Brgy. Lawa, where they usually eat and sleep. According to him, they left early in the morning of the following day and just slept the whole day at their house in Brgy. Daungan. Thereafter, sometime in June, 2007, barangay officials arrested him and claimed that they beat and mauled him in order to admit that he killed Frank, and under coercion, he pointed to his cousin Richard Lalata as the perpetrator.

The RTC, in its decision, found appellant guilty beyond reasonable doubt of the offense charged and disposed the case, as follows:

**WHEREFORE**, in view of all the foregoing, this Court finds accused Jeffrey Macaranas, **GUILTY** beyond reasonable doubt [of] the crime of Carnapping.

Accordingly, accused Jeffrey Macaranas is hereby **SENTENCED**:

- (a) To suffer the penalty of Reclusion Perpetua;
- (b) To indemnify the private complainant Jacqueline Langaman Corpuz the amount of Php50,000.00 as civil indemnity for the death of Frank Karim Corpuz Langaman;
- (c) To pay the private complainant Jacqueline Langaman the amount of Php50,000.00 as temperate damages;
- (d) To restore to the offended party, Jacqueline Langaman, the subject motorcycle or in default thereof, to indemnify said offended party in the sum of Php25,000.00; and

(e) To pay the costs of the suit.

The case against accused Richard Lalata who remained at large since the filing of the Information is ordered **ARCHIVED** to be revived upon his apprehension. Issue an alias warrant of arrest for the arrest of accused Lalata.

**SO ORDERED.**<sup>[3]</sup>

On appeal, the CA affirmed the decision of the RTC with modification, thus:

**WHEREFORE**, premises considered, the instant Appeal is **DENIED**. Accordingly, the Judgment of the Regional Trial Court, Branch 79, Malolos, Bulacan, dated 22 August 2012 is hereby **AFFIRMED** but **MODIFIED** to read as follows:

x x x x

Accordingly, accused Jeffrey Macaranas is hereby **SENTENCED**:

(a) To suffer the penalty of Reclusion Perpetua;

(b) To indemnify the private complainant Jacqueline Langaman [y] Corpuz the amount of **seventy-five thousand (Php75,000.00) pesos** as civil indemnity for the death of Frank Karim Corpuz Langaman;

(c) To pay the private complainant Jacqueline Langaman the amount of **fifty thousand (Php50,000.00) pesos** as **moral damages**;

(d) To pay the private complainant Jacqueline Langaman the amount of **thirty thousand (Php30,000.00) pesos** as **exemplary damages**;

(e) To pay the private complainant Jacqueline Langaman the amount of **twenty-five thousand (Php25,000.00) pesos** as **temperate damages in lieu of actual damages**;

(f) To restore to the offended party, Jacqueline Langaman, the subject motorcycle or in default thereof, to indemnify said offended party in the sum of Php25,000.00; and

(g) To pay the costs of the suit.

**The damages awarded shall earn interest at six percent (6%) per annum from finality of judgment until fully satisfied.**

The case against accused Richard Lalata who remained at

large since the filing of the Information is ordered ARCHIVED to be revived upon his apprehension. Issue an alias warrant of arrest for the arrest of accused Lalata.

SO ORDERED.

**SO ORDERED.**<sup>[4]</sup>

Hence, the present appeal.

Appellant insists that the trial court and the CA committed an error in giving full credence to the testimony of the lone witness and in rejecting his defense of denial and alibi.

R.A. No. 6539, or the Anti-Carnapping Act of 1972, as amended, defines carnapping as the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation against persons, or by using force upon things.<sup>[5]</sup> By the amendment in Section 20 of R.A. No. 7659, Section 14 of the Anti-Carnapping Act now reads:

SEC. 14. *Penally 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 the 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 or intimidation of any person, or force upon things; *and the penally 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.* (Emphasis supplied)

Three amendments have been made to the original Section 14 of the Anti-Carnapping Act: (1) the penalty of life imprisonment was changed to *reclusion perpetua*, (2) the inclusion of rape, and (3) the change of the phrase "*in the commission of the carnapping*" to "*in the course of the commission of the carnapping or on the occasion thereof.*" This third amendment clarifies the law's intent to make the offense a special complex crime, by way of analogy vis-a-vis paragraphs 1 to 4 of the Revised Penal Code on robbery with violence against or intimidation of persons. Thus, under the last clause of Section 14 of the Anti-Carnapping Act, the prosecution has to prove the essential requisites of carnapping and of the homicide or murder of the victim, and more importantly, it must show that the original criminal design of the culprit was carnapping and that the killing was perpetrated "*in the course of the commission of the carnapping or on the occasion thereof.*" Consequently, where the elements of carnapping are not proved, the provisions of the Anti-Carnapping Act would cease to be applicable and the homicide or murder (if proven) would be punishable under the Revised Penal Code.

<sup>[6]</sup>

"There is no arguing that the anti-carnapping law is a special law, different from the crime of robbery and theft included in the Revised Penal Code. It particularly

addresses the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things. But a careful comparison of this special law with the crimes of robbery and theft readily reveals their common features and characteristics, to wit: unlawful taking, intent to gain, and that personal property belonging to another is taken without the latter's consent. However, the anti-carnapping law particularly deals with the theft and robbery of motor vehicles. Hence a motor vehicle is said to have been carnapped when it has been taken, with intent to gain, without the owner's consent, whether the taking was done with or without the use of force upon things. Without the anti-carnapping law, such unlawful taking of a motor vehicle would fall within the purview of either theft or robbery which was certainly the case before the enactment of said statute."<sup>[7]</sup>

So, essentially, carnapping is the robbery or theft of a motorized vehicle and it becomes qualified or aggravated when, in the course of the commission or on the occasion of the carnapping, the owner, driver or occupant is killed or raped.<sup>[8]</sup> As we have ruled in *People v. Mejia*:<sup>[9]</sup>

The killing or the rape merely qualifies the crime of carnapping x x x and no distinction must be made between homicide and murder. Whether it is one or the other which is committed "in the course of carnapping or on the occasion thereof makes no difference insofar as the penalty is concerned.

It is similar to the special complex crime of robbery with homicide and in *People v. Bariquit*,<sup>[10]</sup> it was ruled that:

In the present case, the accused-appellants were charged with, tried, and convicted for the crime of robbery with homicide. In our jurisdiction, this special complex crime is primarily classified as a crime against property and not against persons, homicide being a mere incident of the robbery with the latter being the main purpose and object of the criminal.

Under Article 14 of the Revised Penal Code, treachery is applicable only to crimes against persons. Accordingly, inasmuch as robbery with homicide is a crime against property and not against persons, treachery cannot be validly considered in the present case.

Thus, the elements of carnapping as defined and penalized under R.A. No. 6539, as amended are the following:

- 1) That there is an actual taking of the vehicle;
- 2) That the vehicle belongs to a person other than the offender himself;
- 3) That the taking is without the consent of the owner thereof; or that the taking was committed by means of violence against or intimidation of persons, or by using force upon things; and
- 4) That the offender intends to gain from the taking of the vehicle.<sup>[11]</sup>