



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 19, 2021** which reads as follows:*

“G.R. No. 249104 – ARTHUR UNTALAN y RANCES, petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.

Upon an exhaustive review of the instant case, the Court **DENIES** the petition for review on *certiorari* (Petition) and **AFFIRMS** the Court of Appeals (CA) Decision¹ dated April 30, 2019 (assailed Decision) and Resolution² dated August 19, 2019 (assailed Resolution) in CA G.R. CR No. 40033 which affirmed the Decision³ dated February 28, 2017 of the Regional Trial Court (trial court) of Quezon City, Branch 84, in Criminal Case No. Q-05-137180, convicting petitioner Arthur Untalan y Rances (Untalan) for violation of Republic Act (R.A.) No. 6539, otherwise known as the Anti-Carnapping Act of 1972.

R.A. No. 6539 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 of persons, or by using force upon things.”⁴ The elements of the offense are as follows:

- 1) that there is an actual taking of the vehicle;
- 2) that the offender intends to gain from the taking of the vehicle;
- 3) that the vehicle belongs to a person other than the offender himself; and

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¹ *Rollo*, pp. 31-51. Penned by Associate Justice Geraldine C. Fiel-Macaraig, with Associate Justices Apolinario D. Bruselas, Jr. and Rafael Antonio M. Santos concurring.

² *Id.* at 53-54.

³ *Id.* at 84-98. Penned by Presiding Judge Luisito G. Cortez.

⁴ R.A. No. 6539, Section 2.

- 4) 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.⁵

As found by the trial court and affirmed by the CA, all of the foregoing elements were proven beyond reasonable doubt by the prosecution.

At the outset, there is no compelling reason presented in the Petition to reverse the factual findings of the trial court, thus:

The record shows that Complainant Agcaoili on October 7, 2005, reported the alleged carnapping of his Toyota Hi-ace Grandia with plate No. ODA-101 while parked in his residence at No. 75 K-7 St., Kamias, Quezon City to the Police Authorities. Complainant executed his Affidavit [(Exh. C)] and attached the Bio-data of his former driver, [a]ccused Arthur R. Untalan, whose home address is at B4 L 25 Camella Homes Central Molino, Bacoor, Cavite. Complainant also requested for a Radio Flash Alarm and accomplishe[d] an Alarm Sheet [(Exh. H)]; that based on the said Alarm Sheet [(Exh. H)] and Radio Flash Alarm [(Exh. L)], the Police Authorities thru TF Limbas comprising of PSI Dexter Paredes, SPO4 Doroteo Tolentino, PO3 Manuel Agustin, PO2 Edwin Santos and PO2 Felipe Eleponga, on October 10, 2005, proceeded [to] Camella Homes Molino, Bacoor, Cavite to make a follow[-]up operation relative to the whereabouts of accused Untalan being the prime suspect. That while the team was approaching the residence of the suspect, they saw a similar Toyota Hi-ace Grandia which fit to (*sic*) the description of [the] lost vehicle of complainant Agcaoili. That the team followed the said vehicle until it parked at the compound of SM Bacoor, Cavite; that upon inspection of the suspected vehicle, they recovered two pieces of plates, ODA-101 and recovered two PNP Identification Cards bearing the name of accused Untalan with a rank of Police Senior Inspector.

That [the] TF Limbas Team[,] thru SPO4 Tolentino, PSI Dexter Paredes, PO3 Manuel Agustin, and two others, executed a Joint Affidavit of Apprehension.

During the presentation of evidence of the prosecution[,] witnesses namely: P/Sr. Insp. Dexter Paredes, PO3 Manuel Agustin, Jr. and P/Supt. Ceasar ZL Tannagan, testified and corroborated all their testimonies in the material points and positively identified accused Untalan as the person whom they apprehended and [who misrepresented] to them to be P/Sr. Insp. Arthur R. Untalan by showing his PNP Identification Cards x x x.

X X X X

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⁵ *People v. Garcia, Jr.*, G.R. No. 138470, April 1, 2003, 400 SCRA 229, 236-237.

The Court finds [that] the positive testimonies of the prosecution witnesses appear to ring out the truth of the events that transpired as testified to by them. x x x⁶

From the foregoing factual findings, the elements of carnapping were duly proven.

First, it is undisputed that Toyota Hi-Ace Grandia with plate no. ODA-101 (subject vehicle) belongs to CA Associate Justice Oswaldo Agcaoili (private complainant) and that on October 7, 2005, it was reported missing from his garage where it was parked the night before. The evidence point to Untalan as the malefactor. While there is lack of direct evidence therefor, this does not mean that the guilt of Untalan can no longer be proved by other evidence. Circumstantial, indirect or presumptive evidence, if sufficient, can replace direct evidence to warrant conviction of an accused if (1) there is more than one circumstance; (2) the facts from which the inferences are derived have been proven; and (3) the combination of all these circumstances results in a moral certainty that the accused, to the exclusion of others, is the one who committed the crime.⁷ Here, the confluence of the circumstances as found by the courts *a quo* is sufficient to establish Untalan's guilt beyond reasonable doubt, thus:

First, appellant, as the former driver of the private complainant, had access to and egress from the latter's residence, since he was recognized by private complainant's dogs [—] these dogs did not bark when the subject vehicle was taken from the garage. Second, during a follow-up operation, the TMG Task Force Limbas (Mobile 77 Unit) saw a model similar to that of the lost vehicle in Camella Homes, Molino, Bacoor, Cavite, where appellant was then residing; they followed the said vehicle until it was parked at SM Bacoor and appellant alighted therefrom; the appellant tried to evade them as they approached him but eventually handed over his driver's license and PNP IDs. Third, appellant failed to explain how he came into possession of the subject vehicle other than claiming that he was manhandled by the police authorities *sans* proof of ill-will on the part of the latter; neither was appellant able to give a valid and reasonable explanation why he was in possession of two PNP IDs bearing his name. x x x⁸

The taking of the motor vehicle, in element no. 1, is deemed complete from the moment the offender gains possession of the thing, even if he has no opportunity to dispose of the same.⁹ Further, under

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⁶ *Rollo*, pp. 94-96.

⁷ *People v. Donio*, G.R. No. 212815, March 1, 2017, 819 SCRA 56, 71, citing Section 4, Rule 133, Rules of Court.

⁸ *Rollo*, p. 47.

⁹ *People v. Cariño*, G.R. No. 232624, July 9, 2018, 871 SCRA 372, 393.

Section 3(j), Rule 131 of the Rules of Court, there arises the presumption that a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act. Here, Untalan was found in possession of the subject vehicle by the police authorities in Bacoor, Cavite, three days from the time it was found missing from the private complainant's garage. Moreover, he failed to explain and justify such possession.

Second, Untalan had intent to gain. Intent to gain or *animus lucrandi*, being an internal act, is presumed from the unlawful taking of the motor vehicle. Actual gain is irrelevant as the important consideration is the intent to gain. Likewise, the term "gain" is not limited to a pecuniary benefit, but also includes the benefit which, in any other sense, may be derived or expected from the act which is performed. Thus, the mere use of the thing which was taken without the owner's consent already constitutes gain.¹⁰ In the present case, the intent to gain of Untalan is presumed from his taking of the subject vehicle without the consent of its owner, the private complainant. Moreover, even without such presumption, Untalan's intent to gain from the carnapped vehicle was proven as he was using the same as a means of transportation when he was confronted by the police officers.

Third, as mentioned, there is no dispute that the subject vehicle belongs to the private complainant.

And finally, *fourth*, the taking of the same was without the private complainant's consent as the private complainant, in fact, immediately reported the same as carnapped after discovering it missing from his garage.

Untalan argues in his Petition that the CA erred in giving more credence to the prosecution's evidence over those of the defense's. Allegedly, the CA utterly disregarded Untalan and his sister's emphatic claims that he had nothing to do with the carnapping and that he was manhandled to admit the crime. Moreover, Untalan argues that the circumstantial evidence presented is not enough for conviction.

The Court cannot subscribe to Untalan's arguments. It is settled that the findings of the trial court, especially when affirmed by the appellate court, are binding upon this Court. Its factual findings and

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¹⁰ *People v. Donio*, supra note 7, at 70.

evaluation of witnesses' credibility and testimony are entitled to great respect unless it is shown that the trial court may have overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance.¹¹ This is so because trial courts are in the best position to ascertain and measure the sincerity and spontaneity of the witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and behavior in court.¹² The rule is even more strictly applied if the appellate court affirmed such findings by the trial court.¹³ Here, there is no *indicia* on the records that the courts *a quo* overlooked or failed to apprehend facts or circumstances of such weight that may change the outcome of the case.

The trial court and the CA were correct to sustain the prosecution's evidence as against the weak defenses of alibi and denial presented by Untalan. Denial and alibi are self-serving negative evidence that cannot be accorded greater evidentiary weight than the declarations of credible witnesses who testify on affirmative matters.¹⁴ Here, the trial court found credible the prosecution witnesses and their positive identification of Untalan. On the other hand, Untalan's alibi was corroborated only by Lea, his sister, whose testimony is rendered suspect because her relationship to Untalan makes it likely that she would freely perjure herself for his sake.¹⁵ The Court has held that in order for corroboration to be credible, the same must be offered by disinterested witnesses.¹⁶

The Court cannot likewise give credence to Untalan's claim that he was mauled by the police authorities to admit the offense. The same does not find support in the evidence on record. There was no proof thereof submitted such as a medical certificate. Neither did he file any complaint against the police authorities. The Court has disregarded allegations of torture where the accused failed to submit proof thereof or file a complaint against the alleged malefactors.¹⁷ Moreover, the findings of the courts *a quo* are not based on any confession made by Untalan, as he, in fact, did not execute any despite his claim that he was tortured to do so. In other words, his claim of mauling does not have any evidentiary weight and will not alter the conclusion arrived at which is based on the evidence on record.

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¹¹ *People v. Agalot*, G.R. No. 220884, February 21, 2018, 856 SCRA 318, 327-328.

¹² *People v. Gerola*, G.R. No. 217973, July 19, 2017, 831 SCRA 470, 479.

¹³ *People v. Agalot*, supra note 11.

¹⁴ *People v. Pansacala*, G.R. No. 194255, June 13, 2012, 672 SCRA 550, 559.

¹⁵ See similar ruling of the Court in *People v. Pulgo*, G.R. No. 218205, July 5, 2017, 830 SCRA 221.

¹⁶ *Id.* at 235.


¹⁷ See *People v. Bacero*, G.R. No. 208527, July 20, 2016, 797 SCRA 674, 687.

Finally, there is no error on the penalty imposed by the trial court and affirmed by the CA. The offense herein was committed prior to the amendment of R.A. No. 6539.¹⁸ The penalty imposed is consistent with Section 14 of said law as well as the Indeterminate Sentence Law.

WHEREFORE, the Court **RESOLVES** to **ADOPT** the findings of fact and conclusions of law in the Decision dated April 30, 2019 of the Court of Appeals in CA G.R. CR No. 40033, which affirmed the Decision dated February 28, 2017 of the Regional Trial Court of Quezon City, Branch 84, in Criminal Case No. Q-05-137180. Accordingly, the petition for review on *certiorari* is **DENIED** and the assailed Decision finding petitioner Arthur Untalan y Rances guilty of carnapping under Republic Act No. 6539 is **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court ^{mts}
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¹⁸ By R.A. No. 10883 on July 17, 2016.

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