



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 226846
 PHILIPPINES,

Plaintiff-Appellee,

Present:

CARPIO,* J., Chairperson,
 PERALTA,**
 MENDOZA,
 LEONEN,*** and
 MARTIRES, JJ.

- versus -

JEFFREY MACARANAS y
 FERNANDEZ,
 Accused-Appellant.

Promulgated:

21 JUN 2017

X ----- X

DECISION

PERALTA, J.:

For consideration of this Court is the appeal of the Decision¹ dated October 29, 2015 of the Court of Appeals (CA) dismissing appellant Jeffrey Macaranas y Fernandez's appeal and affirming with modification the Judgment² 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.

* On wellness leave.

** Acting Chairperson, per Special Order No. 2445 dated June 16, 2017.

*** On leave. Internal Rules of the Supreme Court, Rule 12, Sec. 4. – *Leaving a vote*. – A Member who goes on leave or is unable to attend the voting on any decision, resolution, or matter may leave his or her vote in writing, addressed to the Chief Justice or the Division Chairperson, and the vote shall be counted, provided that he or she took part in the deliberation.

¹ Penned by Associate Justice Rodil V. Zalameda with the concurrence of Associate Justices Sesonando E. Villon and Myra V. Garcia-Fernandez; *rollo*, pp. 2-11.

² Penned by Presiding Judge Olivia V. Escubio-Samar; *CA rollo*, pp. 66-74.

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 27th 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 18th 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 ₱59,000.00 belonging to Jacqueline Corpuz [Langaman], to her damage and prejudice in the aforesaid amount of ₱59,000.00, 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.³

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

³ *Id.* at 74. (Emphasis in the original)



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.⁴



⁴ *Rollo*, pp. 14-15. (Emphasis in the original)

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.⁵ 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 penalty 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.⁶

⁵ Section 2, R.A. No. 6539.

⁶ *People v. Fabian Urzais y Lanurias*, G.R. No. 207662, April 13, 2016, citing *People v. Santos*, 388 Phil. 993, 1005-1006 (2000).

“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.”⁷

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.⁸ As we have ruled in *People v. Mejia*:⁹

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*,¹⁰ 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.

⁷ *Tan v. People*, 379 Phil. 999, 1009 (2000).

⁸ *People v. SPO1 Lobitania*, 437 Phil. 213, 222 (2002).

⁹ 341 Phil. 118, 143 (1997).

¹⁰ 395 Phil. 823, 855-856 (2000).

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.¹¹

Under the last clause of Section 14 of the R.A. No. 6539, as amended, 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."¹² In other words, to prove the special complex crime of carnapping with homicide, there must be proof not only of the essential elements of carnapping, but also that it was the original criminal design of the culprit and the killing was perpetrated in the course of the commission of the carnapping or on the occasion thereof.¹³

In this particular case, all the elements are present as the pieces of evidence presented by the prosecution show that there were two (2) men both wearing jackets and bonnets, together with the appellant who approached the victim and the witness Kathlyn and employed force and intimidation upon them and thereafter forcibly took the victim's motorcycle and then shot the victim on the neck causing his death.

Appellant argues that the RTC, as well as the CA, erred in appreciating the testimony of the lone witness of the prosecution because of its inconsistencies and the improbability of her imputations.

This Court gives the highest respect to the RTC's evaluation of the testimony of the witness[es], considering its unique position in directly observing the demeanor of a witness on the stand.¹⁴ From its vantage point, the trial court is in the best position to determine the truthfulness of witness[es].¹⁵ The factual findings of the appellate court generally are

¹¹ *People v. Bernabe and Garcia*, 448 Phil. 269, 280 (2003).

¹² *People v. Fabian Urzais y Lanurias*, *supra* note 6.

¹³ *People v. Enrile Donio*, G.R. No. 212815, March 5, 2017, citing *People v. Aquino*, 724 Phil. 739, 757 (2014).

¹⁴ *People v. Enrile Donio*, *supra*.

¹⁵ *People v. Abat*, 731 Phil. 304, 311 (2014).

conclusive, and carry even more weight when said court affirms the findings of the trial court, absent any showing that the findings are totally devoid of support in the records, or that they are so glaringly erroneous as to constitute grave abuse of discretion.¹⁶

The CA, therefore, did not err when it concurred with the RTC on the following:

The testimony of Kathlyn satisfies the aforementioned test of credibility. More importantly, during her time at the witness stand, Kathlyn positively and categorically identified accused-appellant as one of the three (3) men who committed the crime. We agree with the court *a quo*'s observation on this, thus –

x x x

The testimony of the Prosecution witness Kathlyn Irish Mae Cervantes reveals that she came face to face with accused Jeffrey Macaranas. Though the other two (2) accused wore bonnet at the time of the shooting incident, she was able to identify accused Jeffrey Macaranas and narrate to the court his specific participation in the carnapping incident. She testified that before the two (2) male persons approached her and Frank Karim, she saw accused Jeffrey Macaranas who was then standing beside a post, staring at them while they were moving slowly on board the motorcycle. Again, she saw Jeffrey following the two male persons who approached her and Frank Karim. Jeffrey Macaranas was just a meter away from her because he was near the person holding the motorcycle. Jeffrey Macaranas boarded the motorcycle together with his two (2) male companions immediately after the incident.

x x x

There was indeed a positive and unequivocal identification of the accused. It has long been settled that where the witnesses of the prosecution were not actuated by ill motive, it is presumed that they were not so actuated and their testimony is entitled to full faith and credit. Herein, no imputation of improper motive on the part of Kathlyn was ever made by the accused-appellant, as the latter even testified he was without knowledge of any grudge Kathlyn might have against him. Further, relationship *per se* of Kathlyn with the victim does not necessarily mean that her testimony is biased and/or fabricated.

x x x x

Moreover, as correctly held by the People, through the OSG, any inconsistency, if at all, was already superseded by Kathlyn's positive identification of the accused-appellant in court. x x x

x x x¹⁷

¹⁶ *Corpuz v. People*, 734 Phil. 353, 391 (2014).

¹⁷ *Rollo*, pp. 9-10.

Conspiracy was also proven in this case. Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Conspiracy need not be proved by direct evidence and may be inferred from the conduct of the accused before, during and after the commission of the crime,¹⁸ which are indicative of a joint purpose, concerted action and concurrence of sentiments.¹⁹ In conspiracy, the act of one is the act of all. Conspiracy is present when one concurs with the criminal design of another, indicated by the performance of an overt act leading to the crime committed. It may be deduced from the mode and manner in which the offense was perpetrated.²⁰ As the CA correctly ruled:

In the present case, conspiracy was evident from the coordinated movements of the three accused. Accused-appellant was seen standing by the post looking at Kathlyn and the victim aboard the motorcycle. When his co-accused approached the former, accused-appellant followed suit and was standing guard nearby, while his companions committed their criminal acts. After the victim fell down, and apparently thinking Kathlyn to be unconscious, the trio left together taking with them the victim's motorcycle. Clearly, the accused-appellant and company all acted in confabulation in furtherance of their common design and purpose, *i.e.*, to carnal the motorcycle. As aptly held by the court *a quo* thus –

x x x

From the acts of accused Jeffrey Macaranas, there was unity in his action with his co-accused and a concerted effort to commit the crime charged. The simultaneous acts of Macaranas and his two (2) companions indicate a joint purpose and concurrence of intentions on their part. x x x

x x x²¹

Anent appellant's defense of denial and alibi, this Court has consistently ruled that denial, if unsubstantiated by clear and convincing evidence, is a negative and self-serving evidence, which deserves no weight in law and cannot be given greater evidentiary value over the testimonies of credible witnesses who testify on affirmative matters²² and that for the defense of alibi to prosper, the accused must prove (a) that he was present at another place at the time of the perpetration of the crime, and (b) that it was physically impossible for him to be at the scene of the crime²³ during its commission.²⁴ In correctly ruling that the defense of denial and alibi of appellant is inconsequential, the CA stated the following:

¹⁸ *People v. Panida*, 369 Phil. 311, 341 (1999).
¹⁹ *People v. Manes*, 362 Phil. 569, 579 (1999).
²⁰ *People v. Bato*, 401 Phil. 415, 424 (2000).
²¹ *Rollo*, p. 12.
²² *People v. Manalili*, 608 Phil. 498, 516-517 (2009).
²³ *People v. Mosquerra*, 414 Phil. 740, 749 (2001).
²⁴ *People v. Ramos, et al.*, 715 Phil. 193, 206 (2013).

In the face of the serious accusation, accused-appellant merely interposed the defense of denial and alibi to prove his innocence. Time and again, this Court held that denial is an inherently weak defense and has always been viewed upon with disfavor by the courts due to the ease with which it can be concocted. Inherently weak, denial as a defense crumbles in the light of positive identification of the accused-appellant, as in this case. The defense of denial assumes significance only when the prosecution's evidence is such that it does not prove guilt beyond reasonable doubt, which is not the case here. Verily, mere denial, unsubstantiated by clear and convincing evidence, is negative self-serving evidence which cannot be given greater evidentiary weight than the testimony of the prosecution witness who testified on affirmative matters. The Court finds inadequate the accused-appellant's defense of alibi absent any credible corroboration from disinterested witnesses, to exculpate him of the crime charged.²⁵

As to the imposable penalty under Section 14 of RA No. 6539, as amended, it is provided that:

Sec. 14. *Penalty 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 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 against or intimidation of any person, or force upon things; and the penalty 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.

Thus, the RTC did not commit an error in imposing the penalty of *reclusion perpetua* considering that there was no alleged and proven aggravating circumstance. In line, however, with the recent jurisprudence,²⁶ in cases of special complex crimes like carnapping with homicide, among others, where the imposable penalty is *reclusion perpetua*, the amounts of civil indemnity, moral damages, and exemplary damages are pegged at ₱75,000.00 each. The appellant is also ordered to pay ₱50,000.00 as temperate damages in lieu of the award of ₱25,000.00 as actual damages to the private complainant.²⁷ All the other dispositions of the CA stays.

WHEREFORE, the appeal of Jeffrey Macaranas y Fernandez is **DISMISSED**. Consequently, the Decision dated October 29, 2015 of the Court of Appeals is **AFFIRMED** with the **MODIFICATION** that the

²⁵ Rollo, pp. 12-13.

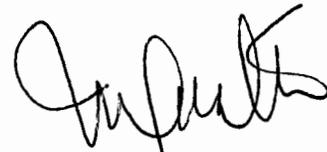
²⁶ *People v. Ireneo Jugueta*, G.R. No. 202124, April 5, 2016.

²⁷ *People v. Enrile Donio*, *supra* note 13.



appellant is ordered to indemnify the private complainant Jacqueline Langaman the amount of ₱75,000.00 instead of ₱50,000.00 as moral damages, ₱75,000.00 instead of ₱30,000.00 as exemplary damages and the amount of ₱50,000.00 instead of ₱25,000.00 as temperate damages in lieu of actual damages.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:

On wellness leave
ANTONIO T. CARPIO
Associate Justice
Chairperson



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



SAMUEL R. MARTIRES
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice