



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 29, 2022** which reads as follows:*

“G.R. No. 242845 (*Eduardo Jocson, Jr. y Santiago v. The People of the Philippines and Manuel C. Ravancho*).— This Petition for Review on *Certiorari*¹ assails the *Decision*² dated May 29, 2018 and the *Resolution*³ dated September 28, 2018 of the Court of Appeals (CA), finding Eduardo Jocson, Jr. y Santiago (petitioner) guilty beyond reasonable doubt of the crime of Carnapping and denying his *Motion for Reconsideration*⁴ thereof, respectively, in CA-G.R. CR No. 39704.

In the Information⁵ dated June 25, 2014, petitioner was charged with Carnapping under Republic Act (RA) No. 6539, otherwise known as the *Anti-Carnapping Act of 1972*,⁶ the inculpatory portion thereof reads as follows:

That on or about the 3rd day of January, 2014, in the City of Marikina, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and without the knowledge and against the consent of the owner thereof, did then and there willfully, unlawfully and feloniously carnap and drive away one (1) Honda Wave motorcycle with plate no. 5183-TT and Chassis No. KWY000688(8)7, belonging to private complainant MANUEL C. RAVANCHO and registered in the name of his wife Marybeth Ravancho, by which the accused, took

- over – nine (9) pages ...

104 & 120-B

¹ *Rollo*, pp. 4-26.

² *Id.* at 37-46. Penned by Associate Justice Jane Aurora C. Lantion, with the concurrence of Associate Justices Remedios A. Salazar-Fernando and Zenaida T. Galapate-Laguilles.

³ *Id.* at 49-50.

⁴ *CA rollo*, pp. 100-107.

⁵ See RTC Decision, *rollo*, pp. 28-34.

⁶ Approved on August 26, 1972.

the said motorcycle under the pretense that he is going to buy a cigarette but the accused left and failed to return the motorcycle despite demand from the complainant, to the damage and prejudice of the complainant in an undetermined amount.

CONTRARY TO LAW.

Upon arraignment, petitioner pled not guilty to the charges hurled against him. Pre-trial and trial thenceforth ensued.⁷

The diegesis of the case, as culled from the testimonies of the prosecution witnesses, private complainant Manuel Ravancho (Manuel) and Jesus Francisco Tolentino (Francisco), Branch Head of Motortrade, Concepcion, Marikina City, follows.⁸

On 3 January 2014, Manuel was on his way home on board a Honda Wave motorcycle when he passed by petitioner, who requested if he could borrow Manuel's vehicle to buy cigarettes. Manuel acceded to the request but petitioner never returned. This prompted Manuel to report the incident to the *barangay*.

Thereupon, he filed a complaint for Theft before the Office of the City Prosecutor of Marikina, which dismissed the same on the ground of lack of probable cause and insufficient evidence. It concluded that Manuel consented to the taking of the motorcycle, hence, it would have been more proper to accuse him of *estafa*. All the same, it opined that the filing of the case for *estafa* would be premature due to the absence of a demand letter.⁹

As it happened, Manuel wrote petitioner a demand letter¹⁰ asking for the return of his vehicle. His demand having been left unheeded by petitioner, Manuel was impelled to lodge a complaint for *estafa*¹¹ against petitioner. In the Resolution¹² dated 25 June 2014, the City Prosecutor of Marikina found probable cause to indict petitioner for the crime of Carnapping under RA No. 6539. On the basis thereof, he was charged with Carnapping before the Regional Trial Court (RTC) of Marikina City. The case was raffled off to Branch 263 and docketed as Criminal Case No. 2014-15956-MK.

- over -

104 & 120-B

⁷ *Rollo*, p. 8.

⁸ See RTC Decision, *id.* at 29-30.

⁹ See Resolution dated February 27, 2014, *id.* at 59-60.

¹⁰ Original Records, p. 10.

¹¹ *Id.* at 2-3.

¹² *Rollo*, pp. 63-64.

Contrariwise, the defense proffered a divergent version of the facts. Petitioner knew Manuel since they lived in the same *barangay* and engaged in drinking sprees. Petitioner vehemently denied borrowing the latter's motorcycle to buy cigarettes. He averred that around 6:00 a.m. on the day of the subject incident, he was at home when he got awakened by Manuel's knocking. Manuel then asked petitioner to find a person to whom the former could pawn his motorcycle. Petitioner recalled assenting to Manuel's request and cited two separate previous incidents where he acted as a middle man for Manuel.

In due course, the RTC found petitioner guilty beyond reasonable doubt of the crime of *estafa*, stressing that the character of the crime is determined by the recital of the ultimate facts and circumstances in the Information. Thusly, in the Decision¹³ dated 17 October 2016, the trial court disposed in this wise:

WHEREFORE, premises considered, the court finds herein (petitioner) EDUARDO JOCSON, JR. *y* Santiago GUILTY beyond reasonable doubt of crime of ESTAFA under Article 315, par. 1 (b) of the Revised Penal Code as amended.

He is hereby sentenced to suffer the penalty of imprisonment of FOUR (4) YEARS, TWO (2) MONTHS of *Prision Correccional* as minimum to EIGHT (8) YEARS [of] *Prision Mayor* as maximum.

The (petitioner) is hereby ordered to pay the private complainant the amount of THIRTY THOUSAND PESOS (P30,000.000) (sic) as civil indemnity.

SO ORDERED.¹⁴

On appeal before the CA, petitioner lamented that the elements of *estafa* are not necessarily included in the elements of Carnapping. Therefore, he should be acquitted of the crime charged.

In the impugned Decision, the CA denied petitioner's *Appeal*, essentially affirming the RTC Decision, albeit modifying the same in that petitioner was declared guilty of Carnapping instead of *estafa*. The *fallo* thereof reads:

- over -

104 & 120-B

¹³ Id. at 28-34.

¹⁴ Id. at 33-34.

WHEREFORE, the instant appeal is DENIED. The Decision dated 17 October 2016 of the Regional Trial Court of Marikina City, Branch 263, in Crim. Case No. 2014-15956-MK, is AFFIRMED with MODIFICATIONS in that:

1. (Petitioner) Eduardo Jocson, Jr. y Santiago is found GUILTY beyond reasonable doubt of the crime of Carnapping under R.A. No. 6539;
2. He is hereby sentenced to suffer the penalty of imprisonment of FOURTEEN (14) YEARS AND EIGHT (8) MONTHS, as minimum, to SEVENTEEN (17) YEARS AND FOUR (4) MONTHS, as maximum; and
3. The civil indemnity awarded is DELETED.

SO ORDERED.¹⁵

Petitioner's bid for reconsideration of the foregoing *Decision* was denied by the CA in the challenged *Resolution*.¹⁶

Via the instant recourse, petitioner postulates that the crime of Carnapping was never proven during the trial. He bemoans the CA's disregard of his constitutional right to be informed of the nature and cause of the accusation against him and ascribes reversible error on the part of the appellate court in adjudging him guilty beyond reasonable doubt of the crime of Carnapping.

Petitioner's postulations echo on hollow grounds.

It is a fundamental rule that only questions of law may be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court.¹⁷ The Court will not delve on the factual findings of the trial court when they are affirmed by the appellate court. In the case at bench, however, there is a glaring variance as regards the crime committed by the petitioner as adjudged by the courts *a quo*, thus necessitating the examination of the factual circumstances surrounding the incident.

Carnapping is defined by RA No. 6539 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

- over -

104 & 120-B

¹⁵ *CA rollo*, pp. 94-95.

¹⁶ *Id.* at 49-50.

¹⁷ *Kumar vs. People*, G.R. No. 247661, 15 June 2020.

persons, or by using force upon things.¹⁸ To commit the aforementioned offense, the following elements must concur: (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.¹⁹

Estafa, on the other hand, can be committed in a multitude of ways. The Revised Penal Code (RPC) elucidated that one manner is by misappropriating or converting with unfaithfulness or abuse of confidence, to the prejudice of another, money, goods, or any other personal property received by the offender in trust or on commission, or for administration, or under any other obligation involving the duty to make delivery of or to return the same, even though such obligation be totally or partially guaranteed by a bond; or by denying having received such money, goods, or other property.²⁰ The elements of *estafa* are as follows: (1) that money, goods or other personal property is received by the offender in trust or on commission, or for administration, or under any obligation involving the duty to make delivery of or to return it; (2) that there be misappropriation or conversion of such money or property by the offender, or denial on his part of such receipt; (3) that such misappropriation or conversion or denial is to the prejudice of another; and (4) there is demand by the offended party to the offender.²¹

We rule and so hold that the CA erred not in finding petitioner liable for Carnapping.

Incipiently, the ownership over the motorcycle remains undisputed — with the assistance of Francisco, Manuel (and his spouse) purchased the motorcycle from Motortrade through installment and bank financing. The vehicle was then registered under Marybeth Ravancho, Manuel's wife.

The bone of contention lies on the manner petitioner received the motorcycle from Manuel. To determine whether there is unlawful taking or if the vehicle was received in trust or on commission, or for

- over -

104 & 120-B

¹⁸ R.A. No. 6539, Section 2, Definition of Terms.

¹⁹ *People vs. Gonzales, et. al.*, G.R. No. 230909, 17 June 2019.

²⁰ REVISED PENAL CODE, Section 315(1)(b).

²¹ *Vicente v. People*, G.R. No. 246700, March 3, 2021.



administration, or under any obligation, it is incumbent upon this Court to first settle the question of how petitioner came into possession of the motorcycle.

Petitioner intransigently asseverates that no crime of Carnapping was committed as Manuel consistently avowed that the motorcycle was lent to him.²²

As adumbrated above, the prosecution avouched that petitioner borrowed the motorcycle from Manuel and never returned the same. On the other hand, petitioner declared that Manuel approached him to act as a middle man in pawning the motorcycle. Between the contrasting asseverations of the prosecution and the defense, the Court finds credible the version of events as laid down by the prosecution.

Appositely, 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.²³ Manuel's recollection that petitioner took the motorcycle from his possession was bolstered by petitioner's own admission that his mother attempted to return the motorcycle to Manuel.²⁴ *Au contraire*, there is a dearth of evidence to support petitioner's disputation that his mother redeemed the subject motorcycle from a third person. Ineluctably, petitioner was unable to overcome the presumption that he was the taker of the motorcycle and the doer of the crime.

In both Carnapping and *estafa*, the offended party is divested of possession of his/her personal property; the distinction lies in the nature of possession the offender has over the thing in his custody. The Court had elucidated in *People vs. Bustinera*²⁵ that the concept of unlawful taking in Carnapping is similar to Theft and Robbery in that it is deemed complete once the offender gains possession of the thing. Carnapping only contemplates physical or material possession, whereas in *estafa*, as in *Libunao vs. People*,²⁶ both the material and juridical possession over the money, goods, or any other personal property must be transferred to the offender. Juridical possession means possession which gives the transferee a right over the thing which the transferee may set up even against the owner.²⁷

- over -

104 & 120-B

²² *Rollo*, pp. 10-14.

²³ RULES OF COURT, Rule 131, Section 3(j).

²⁴ See TSN, Original Records, pp. 183-184.

²⁵ 475 Phil. 190 (2004).

²⁶ G.R. No. 194359, 2 September 2020.

²⁷ *Tan vs. People*, G.R. No. 210318, 28 July 2020.

Verily, when petitioner borrowed the motorcycle to purchase cigarettes, only physical or material possession over the vehicle was conveyed to him, and not its juridical possession. Consequently, the first element of *estafa* by misappropriation or conversion, *i.e.*, that money, goods or other personal property is received by the offender in trust or on commission, or for administration, or under any obligation involving the duty to make delivery of or to return it, is wanting.

In *Bustinera*, the Court elucidated that the offender's possession over the thing taken may be **initially lawful**, but turn unlawful due to his/her act or omission.²⁸ In that case, Edwin Cipriano hired Bustinera as a taxi driver and entrusted him a taxi cab, which he was obliged to return after his work shift. One day, Bustinera reported for work, drove the taxi cab, but did not turn over the vehicle to the company's garage after his work hours. The Court found him liable for Carnapping, ratiocinating that his possession had already become unlawful when he did not return the taxi cab at the end of his work day in violation of the company rules.

As in *Bustinera*, herein petitioner's possession of the subject motorcycle was initially lawful as the vehicle was freely conveyed to him for the sole purpose of buying cigarettes. However, petitioner transgressed Manuel's consent when he did not return the same, thereby constituting an act of unlawful taking.

The element of intent to gain or *animus lucrandi* is an internal act that is presumed from the unlawful taking of the motor vehicle.²⁹ Here, it was sufficiently established that the motorcycle was actually taken by petitioner without Manuel's consent when petitioner failed to return the same despite repeated demands.

In *précis*, the prosecution was able to effectively demonstrate the existence of all the elements of Carnapping.

A final note. In a last-ditch effort to convince this Court, petitioner postulates that the CA erred in convicting him of Carnapping and decries the violation of his constitutional right to due process. He avouches that the Information charged him with Carnapping and the elements of *estafa* are not necessarily included in the crime charged.

- over -

104 & 120-B

²⁸ Supra note 25.

²⁹ See *People vs. Cariño*, 835 Phil. 1041, 1058 (2018).

Petitioner is clutching at straws.

Case law teaches Us that, in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.³⁰

By appealing his conviction, the CA was empowered to review petitioner's case in its entirety, which included the authority to modify the trial court's judgment and find him guilty of the proper crime. As aptly posited by the Office of the Solicitor General, there can be no violation of petitioner's right to be informed of the nature and cause of accusation against him as the ultimate facts alleged in the Information fully encapsulates the pertinent acts/omissions constituting the crime charged.

As to the imposable penalty, this Court is sentient that the crime was committed prior to the effectivity of RA No. 10883 or the *New Anti-Carnapping Act of 2016* which introduced more stringent penalties for the crime of Carnapping. Perforce, the penalty provided under RA No. 6539 shall apply to the instant case. Section 14 of RA No. 6539 states that when Carnapping is committed without violence or intimidation of persons, or force upon things, the offender shall be punished by imprisonment not less than fourteen (14) years and eight (8) months and not more than seventeen (17) years and four (4) months. Moreover, pursuant to the Indeterminate Sentence Law, when the offense is punished by a law other than the RPC, the maximum term of imprisonment shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.³¹

The CA sentenced petitioner to suffer fourteen (14) years and eight (8) months, as minimum, to seventeen (17) years and four (4) months, as maximum. The imposition is well-within the range provided for by law and therefore need not be disturbed.

- over -

104 & 120-B

³⁰ *People vs. Bernardo*, G.R. 242696, 11 November 2020.


³¹ Act No. 4103, Section 1.

WHEREFORE, the Petition for Review on *Certiorari* is hereby **DENIED**. The *Decision* dated 29 May 2018 and the *Resolution* dated 28 September 2018 of the Court of Appeals in CA-G.R. CR No. 39704 are **AFFIRMED**.

The copy of the Resolution dated February 10, 2021 sent to private respondent Manuel C. Ravancho at 19 Benedicto Compound, Concepcion I, 1800 Marikina City, which was returned to this Court on March 1, 2022 undelivered with postal notation "RTS-unknown addressee," is **NOTED** and said resolution is **CONSIDERED** as **SERVED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *12/15*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
104 & 120-B
JAN 05 2023

MARIKINA CITY LEGAL OFFICE
Counsel for Petitioner
2nd Floor, Marikina City Hall
Shoe Avenue, Sta. Elena, 1800 Marikina City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

Judgment Division (x)
Supreme Court

Court of Appeals (x)
Manila
(CA-G.R. CR No. 39704)

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Mr. Manuel C. Ravancho
Private Respondent
(Forwarding address unknown)

The Hon. Presiding Judge
Regional Trial Court, Branch 263
1800 Marikina City
(Crim. Case No. 2014-15956-MK)

UR



