



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **September 19, 2022**, which reads as follows:*

**“G.R. No. 258234 (*Marvin Versoza y Alindogan and Jose Ocampo y Celia v. People of the Philippines*).** – Before the Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeking to annul and set aside the Decision<sup>1</sup> dated January 19, 2021, of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13790 and the Resolution<sup>2</sup> dated November 17, 2021, denying the motion for reconsideration thereof. The assailed CA issuances affirmed the *Judgment*<sup>3</sup> dated October 25, 2019 of the Regional Trial Court (RTC) of Parañaque City, Branch 274, in Criminal Case No. 15-0424, which found Marvin Versoza y Alindogan and Jose Ocampo y Celia (petitioners) guilty beyond reasonable doubt of the crime of Carnapping, as defined and penalized under Republic Act (R.A.) No. 6539.

The petitioners were charged by virtue of an Information dated April 1, 2015, the accusatory portion of which reads:

That on the 31<sup>st</sup> day of March 2015, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with John Dee, whose true name, identity and present whereabouts [are] still unknown and all of them mutually helping[,] aiding one another, with intent to gain and without the knowledge and consent of the owner thereof, SPO1 RONALD DIAZ ALLA, did then and there, willfully, unlawfully and feloniously take, steal, carnap and drive the complainant’s Yamaha Mio Sporty Motorcycle bearing plate no. 1201 TD, valued at P40,000.00.

CONTRARY TO LAW.<sup>4</sup>

The petitioners were arraigned on May 25, 2015 and was assisted by counsel, they both entered a plea of not guilty.<sup>5</sup> After pre-trial, trial on the

<sup>1</sup> *Rollo*, pp. 33-42. Penned by Associate Justice Franchito N. Diamante, with Associate Justices Germano Francisco D. Legaspi and Carlito B. Calpatura, concurring.

<sup>2</sup> *Id.* at 45-47. Penned by Associate Justice Carlito B. Calpatura, with Associate Justices Edwin D. Sorongon and Germano Francisco D. Legaspi, concurring.

<sup>3</sup> *Id.* at 62-67. Rendered by Acting Presiding Judge Betlee-Ian J. Barraquias.

<sup>4</sup> *Id.* at 62.

<sup>5</sup> *Id.* at 35.

merits ensued.

The prosecution's version of the facts, as adopted by the CA, as follows:

Witness SPO1 Ronald Diaz Alla [private complainant] alleged that his Yamaha Mio Sporty motorcycle with plate no. 1201 TD registered to a Rachele Dela Cruz, who also executed a Deed of Absolute Sale in favor of the complainant, on March 31, 2015 at around 8:00 am was missing outside of his residence. Witness alleged, as per his recollection, he was at home, and discovered that his motorcycle was missing that was usually parked in front of the house. He attempted to locate his motorcycle by asking around, and later on found out that his motorcycle was stolen by some of his neighbors, later identified as [petitioners] Jose Ocampo and Marvin Versoza.

The neighbor Mohammad, who identified the [petitioners] also mentioned that [private complainant's] motorcycle may have been brought or to be disposed in Merville, Pasay City. [Private complainant] went to Merville with his brother-in-law, Gil, and there he saw his motorcycle ridden by three persons. He approached them and immediately halted then went down his other motorcycle to grab the two passengers riding the motorcycle. The driver rushed to a speed driving the motorcycle away, making the [petitioners] fall on the ground. The [petitioners] were immediately brought to [private complainant's] office in SIB of Pasay City Police Station, and there filed a case against the [petitioners].

[Private complainant] no longer requested for police assistance as he wanted to find his motorcycle immediately. He asked the [petitioners] why they stole his motorcycle. [Private complainant] attempted to hold onto the motorcycle when he grabbed the [petitioners] but the driver sped-off, but [private complainant] clearly saw the plate number of his motorcycle.<sup>6</sup>

The defense, for its part, presented the petitioners as its witnesses. Their testimonies were summarized in their Appellants' Brief as follows:

[Petitioners] JOSE C. OCAMPO and MARVIN A. VERSOZA denied the charge[s] against them. Ocampo maintained that around 8 o'clock in the morning of March 31, 2015, he was in his house when [private complainant], accompanied by his brother-in-law, Gil, and the latter's friends, arrested and brought him to the police station, after Gil pointed him as the person who took the motorcycle. He was mauled at the police station and was forced to admit taking the motorcycle and give the name of his accomplice. To stop them from mauling him, he implicated Versoza despite the latter's innocence. Thereafter, he was incarcerated. He vehemently denied [private complainant's] claim that he saw him and Versoza riding his motorcycle.

On the other hand, on even date, Versoza was in his house sleeping when [private complainant's] brother-in-law woke him up and told him that he was being invited at the barangay hall. He complied. However, he was brought to Pasay City Police Station instead. Thereat, he learned that Ocampo pointed at him as the person who stole [private complainant's]

<sup>6</sup> Id. at 34-35, 71-72.

motorcycle. Ocampo told him that he was forced to name drop in order to stop them from further mauling him.<sup>7</sup>

On October 25, 2019, the RTC issued its *Judgment*,<sup>8</sup> the dispositive portion of which reads:

WHEREFORE, the foregoing considered, the Court finds the [petitioners] Jose Ocampo y Celia and Marvin Versoza y Alindogan in Criminal Case No. 15-0424 GUILTY beyond reasonable doubt of the crime of violation of R.A. 6539, as amended, as charged in the information and are hereby SENTENCED:

(a) By amendment, to suffer the penalty of imprisonment of twenty (20) years and one (1) day as minimum to thirty (30) years as maximum;

(b) To indemnify the private complainant Ronald Diaz Alla the amount of Php 50,000.00 as temperate damages;

(c) To restore to the [private complainant], Ronald Diaz Alla, the subject motorcycle or in default thereof, to indemnify said offended party in the sum of Php 40,000.00;

SO ORDERED.<sup>9</sup>

The RTC held that the prosecution was able to establish all the elements of the offense of the carnapping. Weighing the evidence proffered, it found the testimonies of the prosecution witnesses, particularly that of the private complainant, credible and sufficient to prove that the petitioners were the perpetrators of the offense charged. In contrast, the RTC considered as undeserving of belief, the petitioners' uncorroborated denial and allegations of torture.<sup>10</sup>

Aggrieved, the petitioners interposed an appeal before the CA. On January 19, 2021, the CA rendered the herein assailed Decision<sup>11</sup> affirming the ruling of the RTC albeit with modification as to the penalty, *viz.*:

**WHEREFORE**, in view of the foregoing, the instant appeal is **DENIED**. The judgment dated October 25, 2019 of the Parañaque City Regional Trial Court (RTC), Branch 274, in Criminal Case No. 15-0424 for Violation of R.A. 6539, is **AFFIRMED** with **MODIFICATIONS** by ordering accused **MARVIN VERSOZA y ALINDOGAN** and **JOSE OCAMPO y CELIA** 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. The award for temperate damages is **DELETED**. Further, the amount awarded shall earn a legal interest of six [(6%)] percent per annum from the finality of this ruling until the full satisfaction thereof.

<sup>7</sup> Id. at 35-36, 53-54.

<sup>8</sup> Id. at 62-67.

<sup>9</sup> Id. at 66-67.

<sup>10</sup> Id. at 65-66.

<sup>11</sup> Id. at 33-42.

**SO ORDERED.**<sup>12</sup> (Emphasis and underscoring in the original)

In essence, the CA affirmed the factual findings and conclusions of law by the RTC. However, the CA noted that the prosecution was not able to establish that the offense was attended by violence; thus, the penalty should be reduced. The CA also ordered the deletion of the award of temperate damages, finding that under the circumstances, the order to return the subject motorcycle or to pay actual damages is already sufficient.<sup>13</sup>

Their Motion for Reconsideration having been similarly denied by the CA in its Resolution<sup>14</sup> dated November 17, 2021, the petitioners filed the instant petition for review on *certiorari*, submitting the following issues for the Court's resolution:

I.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING WITH MODIFICATION THE PETITIONERS' CONVICTION FOR VIOLATION OF R.A. NO. 6539 DESPITE THE PROSECUTION'S FAILURE TO PROVE BY PROOF BEYOND REASONABLE DOUBT THE IDENTITY OF THE PETITIONERS AS THE PERPETRATORS OF THE OFFENSE.

II.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING WITH MODIFICATION THE PETITIONERS' CONVICTION FOR VIOLATION OF R.A. NO. 6539 DESPITE THE PROSECUTION'S FAILURE TO PROVE THE ELEMENTS THEREOF BEYOND REASONABLE DOUBT.<sup>15</sup>

### The Court's Ruling

The Court **denies** the petition.

It is settled that in a petition for review on *certiorari* under Rule 45 of the Rules of Court, the Court is limited only to resolving questions of law. The Court will only take cognizance of factual issues upon showing that findings of the lower court are not supported by the evidence on record or is based on a misapprehension of facts. The rule holds true even more when the factual findings of the RTC are affirmed by the CA, in which case, such findings are deemed final and conclusive and "may not be reviewed on appeal, unless the judgment of the CA depends on a misapprehension of facts, which if properly considered, would justify a different conclusion."<sup>16</sup> The general rule applies in this case, as petitioners failed to substantiate that the exception obtains.

<sup>12</sup> Id. at 42.

<sup>13</sup> Id. at 39-42.

<sup>14</sup> Id. at 45-47.

<sup>15</sup> Id. at 19.

<sup>16</sup> *People v. Juare*, G.R. No. 234519, June 22, 2020; *I/AME v. Litton and Co., Inc.*, 822 Phil. 610, 617-618 (2017).

After a careful review of the case, the Court sees no reason to deviate from the rulings of the RTC and the CA, finding the evidence for the prosecution, particularly the testimonies of its witnesses, to be both credible and sufficient to establish the guilt of the petitioners beyond reasonable doubt.

In criminal cases, the commission of a crime, the identity of the perpetrator, and the finding of guilty may be established not only by direct evidence but as well by circumstantial evidence; that is, “established facts that form a chain of circumstances can lead the mind intuitively or impel a conscious process of reasoning towards a conviction.”<sup>17</sup>

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>18</sup> The penalty for the offense is set forth under Section 14 of the same Act, as amended by Section 20 of R.A. No. 7659.<sup>19</sup>

In this case, as found by both the RTC and the CA, the totality of circumstances proves that the crime of carnapping was committed and that the petitioners were the perpetrators thereof, *viz.*:

The motorcycle, which was definitely ascertained to belong to [private complainant], as evidenced by the registration papers and Deed of Absolute Sale, was found in the possession of [petitioners] and an unknown person. Aside from this, the prosecution was able to establish that [private complainant] spotted [petitioners] on board his missing motorcycle and that the [former] was only able to grab [petitioners] preventing them from escaping with the one driving the subject motorcycle. To top it all, they failed to give a reason why they were in possession of the motorcycle. Their unexplained possession raises the presumption that they, along with the driver who sped off, were responsible for the unlawful taking of the motorcycle pursuant to Section 3(j) of Rule 131 of the Rules of Court.

x x x x

Here, by making use of the motorcycle without [private complainant’s] consent, already constitutes intent to gain.<sup>20</sup> (Citations

<sup>17</sup> *People v. Juare*, G.R. No. 234519, June 22, 2020. *Id.*

<sup>18</sup> Sec. 2, R.A. No. 6539.

<sup>19</sup> 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 and underscoring supplied)

<sup>20</sup> *Rollo*, p. 41.

omitted)

Worthily, the Court also adopts the CA's evaluation of the attendant circumstances and evidence offered, particularly that of the petitioners' defense, *to wit*:

In the case at bench, [petitioners] raised the defense of alibi and denial. They claimed that they were at their respective homes at the time the alleged incident happened. Aside from said claim, however, **no other witness was presented to corroborate their statement** that they were at home on the day and time that [private complainant] claimed that he spotted them on board his stolen motorcycle and had in fact, accosted them. In an attempt to evade liability, they argued that they were merely riders of the subject vehicle but not responsible for the taking of the same. We, thus, cannot help but make a cryptic observation that **if indeed [petitioners] had no hand in the carnapping of the motorcycle, why did they not offer a satisfactory explanation as to how they were able to acquire possession over the stolen vehicle or provide any information as to the personal circumstance of the driver** or owner of the same that would aid the police officers in apprehending the real perpetrator of the crime? [Petitioners], likewise, did not even offer any evidence during trial to substantiate their denial. To reiterate, in Philippine jurisprudence, proof that the accused is in possession of a recently stolen property gives rise to a valid presumption that he stole the property. The presumption may be overcome by explanation of the possession on some basis other than theft, or by any evidence indicating that the property was obtained honestly. Unfortunately, [petitioners] failed to overcome this presumption.<sup>21</sup> (Emphasis supplied)

Absent any allegation or showing that the private complainant was moved by ill motive that led him to falsely implicate herein petitioners to the crime charged, his positive identification prevails over the latter's uncorroborated denial.<sup>22</sup>

Lastly, the penalty and amount of damages imposed by the CA being in accord with pertinent law and jurisprudence, the same must be affirmed.<sup>23</sup>

**WHEREFORE**, the instant Petition for Review on *Certiorari* is **DENIED**. The Decision dated January 19, 2021 and the Resolution dated November 17, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 13790, are hereby **AFFIRMED in toto**.

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<sup>21</sup> Id. at 39-40.

<sup>22</sup> *People v. Espia*, 792 Phil. 794, 805 (2016).

<sup>23</sup> See *People v. Bustinera*, 475 Phil. 190 (2004).

**SO ORDERED.”**

By authority of the Court:

<sup>MisaelDCB III</sup>  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court* JB 11/7/22

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PUBLIC ATTORNEY'S OFFICE  
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Diliman, 1104 Quezon City

COURT OF APPEALS  
CA-G.R. CR-HC No. 13790  
1000 Manila

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
1229 Legaspi Village, Makati City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 274  
1700 Paranaque City  
CRIMINAL CASE NO. 15-0424

Inmate Processing Document Division  
BUREAU OF CORRECTIONS  
New Bilibid Prison  
1770 Muntinlupa City

The Director  
BUREAU OF CORRECTIONS  
New Bilibid Prison  
1770 Muntinlupa City

Marvin Versoza y Alindogan and  
Jose Ocampo y Celia  
c/o The Director  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

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**G.R. No. 258234**

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