



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **February 13, 2023** which reads as follows:*

**“G.R. No. 259129 (People of the Philippines, Plaintiff-appellee v. Jufet Torres, Accused-appellant).** — This Court resolves an appeal<sup>1</sup> filed by accused-appellant Jufet Torres<sup>2</sup> (*Torres*) seeking the reversal of the Decision<sup>3</sup> of the Court of Appeals (*CA*), which affirmed the Judgment<sup>4</sup> of the Regional Trial Court (*RTC*) finding Torres guilty beyond reasonable doubt of carnapping in violation of Section 3, Republic Act (*R.A.*) No. 10883.<sup>5</sup>

**The Facts**

Torres was charged with carnapping, the accusatory portion of the Information<sup>6</sup> reads:

That on or about early dawn of January 3, 2017 at Agan-an, Sibulan, Negros Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named, with intent to gain, did then and there willfully, unlawfully and feloniously take, steal and drive away without the consent of the owner RONNIE A. BARCENAL, a Honda Wave Dash motorcycle with plate number 5076YZ registered in the name of the said Ronnie A. Barcenal and bearing chassis and engine numbers KWB10038663 and KWB10E038666 respectively, to the latter's damage and prejudice.

CONTRARY TO SECTION 3 OF RA 10883.<sup>7</sup>

<sup>1</sup> *Rollo*, pp. 5–7.

<sup>2</sup> Records, p. 52. The name of accused-appellant was changed from Juffer Torres to Jufet Torres pursuant to the Order dated June 16, 2017. Jufet E. Torres is the name appearing in his Certificate of Live Birth, *id.* at 47.

<sup>3</sup> *Rollo*, pp. 10–19. The January 14, 2020 Decision in CA-G.R. CR. HC No. 02708 was penned by Associate Justice Carlito B. Calpatura and concurred in by Associate Justices Gabriel T. Ingles and Emily R. Aliño-Geluz of the Eighteenth Division, Court of Appeals, Cebu.

<sup>4</sup> *Id.* at 21–26. The November 17, 2017 Decision was penned by Judge Marie Rose G. Inocando-Paras of Branch 42, Regional Trial Court, Dumaguete City.

<sup>5</sup> The New Anti-Carnapping Law of 2016, lapsed into law on July 17, 2016.

<sup>6</sup> Records, pp. 2–3.

<sup>7</sup> *Id.* at 2.

The prosecution presented the following witnesses: Ronnie A. Barcenal (*Barcenal*), Gerald Divino (*Divino*), and SPO2 Aurelio Bodo (*SPO2 Bodo*).

On January 2, 2017, Barcenal and his group of friends, which included accused-appellant Torres and Divino, had dinner at Barcenal's house. At around 9:30 p.m., they proceeded for some drinks at San Moritz, a resto-bar at Agan-an, Sibulan Negros Oriental.<sup>8</sup>

Barcenal testified that at around 11:45 p.m., Torres excused himself from their group, explaining that he will relieve himself outside as he felt nauseous. After noticing that Torres did not come back, Barcenal and his friends headed outside to look for him, but they were unable to find him. However, they discovered that Barcenal's motorcycle, a Honda Wave Dash, was missing. Barcenal also realized that the key to his motorcycle which he placed on their table at the resto-bar was also missing.<sup>9</sup>

As evidence of ownership of the subject motorcycle, Barcenal presented the Certificate of Registration<sup>10</sup> and the Official Receipt<sup>11</sup> issued by the Land Transportation Office, indicating his name as the owner thereof. He also testified that at the time the motorcycle was taken by Torres, the compartment (U-box) of the motorcycle contained the following items: (1) a Lenovo Vibe cellphone; (2) a Samsung J2 cellphone; (3) his wallet containing PHP 800.00; and (4) several identification cards.

Using his other cellphone, he asked Torres about his whereabouts at around 12:45 a.m. on January 3, 2017,<sup>12</sup> as reflected in the printout copy of the series of text messages.<sup>13</sup> At around 2:00 a.m., they decided to look for Torres in Dumaguete City. Divino volunteered to drive to check on the places where Torres usually spends his time, but the latter could not be found.<sup>14</sup>

At about 7:00 a.m., Barcenal and Divino went to the house of the sister-in-law of Torres in Camanjac. There, they were advised to proceed to Cadawinonan where the house of Jeanelyn Torres (*Jeanelyn*), the sister of Torres, was located. When they arrived there, Jeanelyn admitted to having seen Torres driving a motorcycle and using a Samsung J2 cellphone.<sup>15</sup>

They went back to the house of the sister-in-law of Torres who updated them that Torres came back and tried to sell the motorcycle he was using for

<sup>8</sup> TSN, July 5, 2017, pp. 4-5.

<sup>9</sup> *Id.* at 6-7.

<sup>10</sup> Exhibit "B", Folder of Exhibits, p. 98.

<sup>11</sup> Exhibit "C", Folder of Exhibits, p. 98.

<sup>12</sup> TSN, July 5, 2017, pp. 7-8.

<sup>13</sup> Exhibits "G", "G-1", "G-2", "G-3", & "G-4", Folder of Exhibits, pp. 55-59.

<sup>14</sup> TSN, July 5, 2017, p. 8.

<sup>15</sup> *Id.* at 8-9.

PHP 20,000.00. When the sale did not push through, Torres pawned the motorcycle for PHP 5,000.00.<sup>16</sup>

Divino also testified that he heard from a man, whom he surmised to be a cousin or uncle of Torres, that Torres came by earlier and tried to sell the motorcycle.<sup>17</sup>

Following the failure of Torres to return all the calls and messages sent by Barcenal demanding the return of his motorcycle, Barcenal sought the assistance of the police in Sibulan, Negros Oriental, who later advised them to proceed to Philippine National Police Highway Patrol Group (*Highway Patrol Group*).<sup>18</sup>

After reporting to the Highway Patrol Group, Torres messaged Barcenal stating that the former was staying at the White Knights motel. He instructed Barcenal to send PHP 3,000.00 to a certain “Joe Vannie Kint Ido,” from whom Torres owed money.<sup>19</sup> Torres later informed Barcenal of the location of his motorcycle. Subsequently, the police found it at the overflow road near Foundation University.<sup>20</sup>

SPO2 Bodo of the Highway Patrol Group also testified and confirmed that on or about 12:00 p.m. on January 3, 2017, Barcenal reported that his motorcycle was stolen by one Jufet Torres, which was recorded in their blotter. He also recalled that Barcenal relayed to him that Torres demanded PHP 3,000.00 for the return of the motorcycle.<sup>21</sup>

After receiving information from Barcenal that the motorcycle would be left at the dike near Foundation University, SPO2 Bodo and PO2 Bayani Publico (*PO2 Publico*) proceeded to the place, where they found the motorcycle.<sup>22</sup> After retrieving the motorcycle, SPO2 Bodo took photographs<sup>23</sup> of the same.<sup>24</sup>

Conversely, the defense presented Torres and his sister, Jeanelyn.

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<sup>16</sup> *Id.* at 9.

<sup>17</sup> TSN, July 26, 2017, p. 8.

<sup>18</sup> TSN, July 5, 2017, p. 10.

<sup>19</sup> *Id.* at 12–13.

<sup>20</sup> *Id.* at 14.

<sup>21</sup> TSN, August 2, 2017, pp. 4–6.

<sup>22</sup> *Id.* at 6.

<sup>23</sup> Exhibit “E”, Folder of Exhibits, p. 19.

<sup>24</sup> TSN, August 2, 2017, pp. 6–8.

Torres denied the charge against him, insisting that he just borrowed Barcenal's motorcycle. According to him, he was Barcenal's lover<sup>25</sup> and he usually borrowed his motorcycle.<sup>26</sup>

He testified that after feeling unwell during their drinking session,<sup>27</sup> he sought Barcenal's permission to borrow the motorcycle, which the latter gave. He drove home and rested. When he woke up the next day, January 2, 2017, he realized that there were several messages from Barcenal asking him to return the motorcycle. However, since he had some errands to do, he told Barcenal that he would return the motorcycle at a later time.<sup>28</sup>

At about 4:00 p.m., Torrès left the motorcycle at the dike near Foundation University and informed Barcenal. He explained that he was scared to return it in person, as Barcenal texted him that he already reported the matter to the police.<sup>29</sup>

He denied that he was the person in the text message exchanges<sup>30</sup> with Barcenal. According to him, he does not have a cellphone and just used the cellphone of his nephew when he contacted Barcenal.<sup>31</sup>

On the other hand, Jeanelyn testified that she was familiar with the subject motorcycle as she saw her brother use it many times. Her brother informed her that the motorcycle belonged to his girlfriend. She recalled that Barcenal went to her house at about 8 to 10 a.m. in the morning of January 2, 2017 looking for his brother and the motorcycle, which she later identified as the same motorcycle subject of this case.<sup>32</sup>

During the pre-trial, the following facts were admitted: (1) the identity of Torres; (2) the jurisdiction of the court over the case; (3) that Torres and Barcenal were friends at the time of the incident; (4) the existence of the motorcycle subject of the case; and (5) Exhibit "E" reflecting the picture of the motorcycle.<sup>33</sup>

In its Decision,<sup>34</sup> the RTC found Torres guilty of carnapping. It disposed the case as follows:

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<sup>25</sup> TSN, September 6, 2017, p. 5.

<sup>26</sup> *Id.* at 12.

<sup>27</sup> *Id.* at 6.

<sup>28</sup> *Id.* at 9-10.

<sup>29</sup> *Id.* at 10.

<sup>30</sup> Exhibit "G"—"G-4", Folder of Exhibits, pp. 55-59.

<sup>31</sup> TSN, September 6, 2017, pp. 14-15.

<sup>32</sup> TSN, September 27, 2017, pp. 5-8.

<sup>33</sup> RTC records, p. 66.

<sup>34</sup> *Rollo*, pp. 21-26.

**WHEREFORE**, the court finds JUFET TORRES guilty beyond reasonable doubt for carnapping in violation of Section 3 of R.A. 10883. He is hereby sentenced to suffer the indeterminate prison term of twenty (20) years and one (1) day as minimum to thirty (30) years as maximum.

SO ORDERED.<sup>35</sup> (Emphasis in the original)

Aggrieved, Torres appealed to the CA.

The CA rendered its assailed Decision affirming Torres' conviction,<sup>36</sup> the dispositive portion of which provides:

**WHEREFORE**, in view of the foregoing, the Appeal is **DISMISSED** for lack of merit. The appealed Judgment dated November 17, 2017 of the Regional Trial Court, Branch 42, Dumaguete City, in Criminal Case No. 2017-24333,<sup>37</sup> finding accused-appellant Jufet Torres guilty beyond reasonable doubt of Carnapping in Violation of Section 3 of R.A. No. 1088 is hereby **AFFIRMED in toto**.

SO ORDERED.<sup>38</sup> (Emphasis in the original)

The CA concurred with the ruling of the RTC that the prosecution was able to establish the guilt of the accused beyond reasonable doubt as they were able to prove all the elements of carnapping.

Hence, this appeal.

### Issue

Whether the prosecution has established beyond reasonable doubt Jufet E. Torres' guilt for violation of Section 3, R.A. No. 10883.

### This Court's Ruling

We affirm the conviction of Torres.

Section 3 of R.A. No. 10883 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."<sup>39</sup>

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<sup>35</sup> *Id.* at 26.

<sup>36</sup> *Id.* at 10-19.

<sup>37</sup> Also indicated as Criminal Case No. 2016-24333 in some portions of the records.

<sup>38</sup> *Id.* at 19.

<sup>39</sup> Republic Act No. 10883 (2016), sec. 3.

In *People v. Cariño*,<sup>40</sup> We enumerated the elements of the crime of carnapping, to wit:

Notably, the elements of carnapping are: (i) the taking of a motor vehicle which belongs to another; (ii) the taking is without the consent of the owner or by means of violence against or intimidation of persons or by using force upon things; and (iii) the taking is done with intent to gain. Essentially, carnapping is the robbery or theft of a motorized vehicle.<sup>41</sup> (Citation omitted)

Indeed, the prosecution was able to establish all the elements of carnapping in this case.

*First*, it is undisputed that the subject motorcycle was owned by Barcenal, as could be gleaned from the Certificate of Registration<sup>42</sup> and the Official Receipt<sup>43</sup> presented by the prosecution. In fact, this was even admitted by Torres in his testimony.<sup>44</sup> Further, Torres himself confirmed that he was in the possession of the motorcycle.<sup>45</sup>

*Second*, Torres took Barcenal's motorcycle without the latter's permission.

In denying the charge, Torres argues that he took the motorcycle with the consent of Barcenal. Thus, he contends that there was no unlawful taking and that he had no intent to gain from the said taking.<sup>46</sup> Torres also raised the argument that there is no direct evidence linking him to the taking of the motorcycle without Barcenal's consent.<sup>47</sup>

We are not convinced.

As found by the CA, this is merely a denial that cannot prevail over the direct, positive, and categorical assertion of the witnesses of the prosecution.<sup>48</sup> Settled is the rule that a denial unsupported by clear and convincing evidence is a "negative and self-serving evidence undeserving of weight in law. It is considered with suspicion and always received with caution, not only because it is inherently weak and unreliable, but also because it is easily fabricated and concocted."<sup>49</sup>

<sup>40</sup> 835 Phil. 1041 (2018) [Per J. Reyes, Jr., Second Division].

<sup>41</sup> *Id.* at 1057–1058.

<sup>42</sup> Exhibit "B", Folder of Exhibits, p. 98.

<sup>43</sup> Exhibit "C", Folder of Exhibits, p. 98.

<sup>44</sup> TSN, September 6, 2017, pp. 9–10.

<sup>45</sup> *Id.*

<sup>46</sup> CA *rollo*, p. 18.

<sup>47</sup> *Id.* at 16–19.

<sup>48</sup> *Rollo*, p. 17.

<sup>49</sup> *Artates v. People*, G.R. No. 235724, March 11, 2020. [Per C.J. Peralta, First Division] at 9–10. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

It is also well-established that a conviction may be based on circumstantial evidence alone, even in the absence of direct evidence.<sup>50</sup> Despite the fact that the prosecution in this case presented no direct evidence, the accused-appellant's guilt may still be established by circumstantial evidence. Our ruling in *People v. Evangelio*<sup>51</sup> is instructive:

Circumstantial evidence, also known as indirect or presumptive evidence, refers to proof of collateral facts and circumstances whence the existence of the main fact may be inferred according to reason and common experience. Circumstantial evidence is sufficient to sustain conviction if (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; (c) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt. A judgment of conviction based on circumstantial evidence can be sustained when the circumstances proved form an unbroken chain that results in a fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the perpetrator.<sup>52</sup> (Citations omitted)

This Court agrees with the conclusion of the trial court that the evidence indicates that Torres took the motorcycle without the knowledge, permission, and consent of Barcenal, thus:

In arriving at this conclusion, the court considered the following facts established: (1) The U-box of the motorcycle contained the wallet with money and IDs of [Barcenal] as well as his cellphone and that of his friend. Thus, it is highly improbable and absurd that [Barcenal] will just allow the accused to unceremoniously borrow the motorcycle without first getting his things from the U-box. (2) The court likewise considers the several text messages sent by [Barcenal] demanding the return of the motorcycle. The court cannot believe the protestations by the accused that he does not have a cellphone or that he only used the cellphone of his nephew, whose number he cannot even remember or present in court. (3) Moreover, the message sent informing [Barcenal] that the motorcycle is parked at the dike near Foundation University was instrumental to its recovery. Since it was the accused who was in possession of the motorcycle, then the advice pinpointing its whereabouts could only come from him. (4) The efforts of [Barcenal] to search and retrieve his motorcycle, culminating in his making a report to the police authorities, indicate that the taking of the motorcycle was without his consent.<sup>53</sup>

*Third*, anent the element of intent to gain, such is presumed from the unlawful taking of the motor vehicle.<sup>54</sup>

In *People v. Arcenal*,<sup>55</sup> We held that “[t]he term ‘gain’ is not merely limited to pecuniary benefit but also includes the benefit which in any other

<sup>50</sup> *People v. Dela Cruz, et al.*, 599 Phil. 369, 378 (2009) [Per J. Carpio-Morales, Second Division].

<sup>51</sup> 672 Phil. 229 (2011) [Per J. Peralta, Third Division].

<sup>52</sup> *Id.* at 243.

<sup>53</sup> *Rollo*, p. 25.

<sup>54</sup> *People v. Donio*, 806 Phil. 578, 593 (2017) [Per J. Peralta, Second Division].

<sup>55</sup> 808 Phil. 50 (2017) [Per J. Peralta, Second Division].

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 constitutes gain."<sup>56</sup>

Here, Torres' use of the motorcycle without Barcenal's permission and consent demonstrates intent to gain. The fact that Torres returned the motorcycle to Barcenal is immaterial as the crime was already consummated by the time Torres took the motorcycle without the consent of Barcenal.

We hold great respect for the trial court's assessment of the witnesses' testimonies, as it has the advantage of observing the behavior of the witnesses on the stand.<sup>57</sup> In fact, even after a review of the records of this case, We see no compelling reason to question the truthfulness of the trial court's determination of the credibility of the prosecution witnesses' statements. We echo our pronouncement in *People v. Mandelma*:<sup>58</sup>

It must be reiterated that the factual findings of the trial court, especially those which revolve around matters of credibility of witnesses deserve to be respected when no glaring errors bordering on a gross misapprehension of the facts, or where no speculative, arbitrary and unsupported conclusions, can be gleaned from such findings. The evaluation of the credibility of witnesses and their testimonies are best undertaken by the trial court because of its unique opportunity to observe the witnesses' deportment, demeanor, conduct, and attitude under grueling examination. Such findings of the trial court are even more convincing when affirmed by the CA, as in this case.

With the above in mind, the Court finds that the RTC correctly held that the bare denial of accused-appellant must yield to the categorical statements of the prosecution witnesses. Jurisprudence has held that denial and alibi as defenses are negative and self-serving evidence undeserving of weight in law, unless substantiated by clear and convincing evidence. It is considered with suspicion and always received with caution, not only because they are inherently weak and unreliable, but also because they are easily fabricated and concocted.<sup>59</sup> (Citations omitted)

As to the penalty, We agree with the ruling of the RTC, as affirmed by the CA. Section 3 of R.A. No. 10883 fits squarely in the present case, thus:

Any person who is found guilty of carnapping shall, regardless of the value of the motor vehicle taken, be punished by imprisonment for not less than twenty (20) years and one (1) day but not more than thirty (30) years, *when the carnapping is committed without violence against or intimidation of persons, or force upon things*].<sup>60</sup> (Emphasis supplied)

<sup>56</sup> *Id.* at 65.

<sup>57</sup> *People v. Ahunday*, 586 Phil. 120, 128 (2008) [Per J. Chico-Nazario, Third Division].

<sup>58</sup> G.R. No. 238910, July 20, 2022 [Per J. Hernando, First Division].

<sup>59</sup> *Id.* at 16-17. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

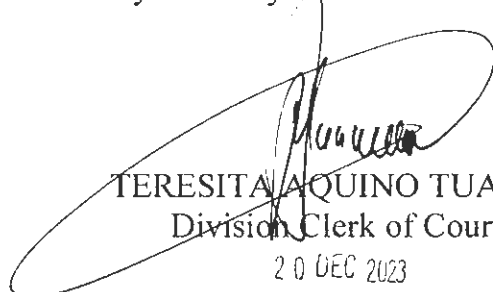
<sup>60</sup> Republic Act No. 10883 (2016), sec. 3.



**FOR THESE REASONS**, the instant appeal is **DISMISSED**. The Decision dated January 14, 2020 of the Court of Appeals in CA-G.R. CR. HC No. 02708 is hereby **AFFIRMED**. Jufet E. Torres is **GUILTY** beyond reasonable doubt for carjacking in violation of Section 3 of R.A. No. 10883. He is hereby sentenced to suffer the indeterminate prison sentence of twenty (20) years and one (1) day, as minimum, to thirty years (30) years, as maximum.

**SO ORDERED.**”

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court <sup>MM</sup> 14/26  
20 DEC 2023

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HON. PRESIDING JUDGE (reg)  
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(Crim. Case No. 2016-24333)

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