S. No. 2794
H. No. 4544

Republic of the Philippines

Congress of the Philippines

Metro Manila

Sixteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[REPUBLIC ACT NO. 10883]

AN ACT PROVIDING FOR A NEW ANTI-CARNAPPING LAW OF THE PHILIPPINES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the "New Anti-Carnapping Act of 2016".

SEC. 2. *Definition of Terms.* – As used in this Act:

(a) *Body building* refers to a job undertaken on a motor vehicle in order to replace its entire body with a new body;

(b) *Defacing* or *tampering with a serial number* refers to the altering, changing, erasing, replacing or scratching of the original factory inscribed serial number on the motor vehicle engine, engine block or chassis of any motor vehicle.

Whenever any motor vehicle is found to have a serial number on its engine, engine block or chassis which is different from that which is listed in the records of the Bureau of Customs for motor vehicle imported into the Philippines, that motor vehicle shall be considered to have a defaced or tampered serial number;

(c) *Dismantling* refers to the tearing apart, piece-by-piece or part-by-part, of a motor vehicle;

(d) *Identity transfer* refers to the act of transferring the engine number, chassis number, body tag number, plate number, and any other identifying marks of a motor vehicle declared as "total wreck" or is beyond economic repair by concerned car insurance companies and/or law enforcement agencies after its involvement in a vehicular accident or other incident and registers the same into another factory-made body or vehicle unit, of the same classification, type, make or model;

(e) *Motor vehicle* refers to any vehicle propelled by any power other than muscular power using the public highways, except road rollers, trolley cars, street sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes if not used on public highways; vehicles which run only on rails or tracks; and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle, shall be classified as a separate motor vehicle with no power rating;

(f) *Overhauling* refers to the cleaning or repairing of the whole engine of a motor vehicle by separating the motor engine and its parts from the body of the motor vehicle;

(g) *Repainting* refers to changing the color of a motor vehicle by means of painting. There is painting whenever the new color of a motor vehicle is different from its color registered in the Land Transportation Office (LTO);

(h) *Remodeling* refers to the introduction of some changes in the shape or form of the body of the motor vehicle;

(i) *Second hand spare parts* refer to the parts taken from a carnapped vehicle used in assembling another vehicle;

(j) *Total wreck* refers to the state or status of a motor vehicle after a vehicular accident or other incident, so that it is rendered inoperational and beyond economic repair due to the extent of damage in its body, chassis and engine; and

(k) *Unlawful transfer or use of vehicle plates* refers to the use or transfer of a vehicle plate issued by the LTO to a certain vehicle to another vehicle. It is presumed illegally transferred when the motor vehicle plate does not correspond with that as appearing in the certificate of registration of the motor vehicle to which it was issued.

SEC. 3. *Carnapping; Penalties.* – Carnapping is 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.

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; and by imprisonment for not less than thirty (30) years and one (1) day but not more than forty (40) years, when the carnapping is committed by means of violence against or intimidation of persons, or force upon things; and the penalty of life imprisonment shall be imposed when the owner, driver, or occupant of the carnapped motor vehicle is killed or raped in the commission of the carnapping.

Any person charged with carnapping or when the crime of carnapping is committed by criminal groups, gangs or syndicates or by means of violence or intimidation of any person or persons or forced upon things; or when the owner, driver, passenger or occupant of the carnapped vehicle is killed or raped in the course of the carnapping shall be denied bail when the evidence of guilt is strong.

SEC. 4. *Concealment of Carnapping.* – Any person who conceals carnapping shall be punished with imprisonment of six (6) years up to twelve (12) years and a fine equal to the amount of the acquisition cost of the motor vehicle, motor

vehicle engine, or any other part involved in the violation: *Provided,* That if the person violating any provision of this Act is a juridical person, the penalty herein provided shall be imposed on its president, secretary, and/or members of the board of directors or any of its officers and employees who may have directly participated in the violation.

Any public official or employee who directly commits the unlawful acts defined in this Act or is guilty of gross negligence of duty or connives with or permits the commission of any of the said unlawful acts shall, in addition to the penalty prescribed in the preceding paragraph, be dismissed from the service, and his/her benefits forfeited and shall be permanently disqualified from holding public office.

SEC. 5. *Original Registration of Motor Vehicles.* – Any person seeking the original registration of a motor vehicle, whether that motor vehicle is newly assembled or rebuilt or acquired from a registered owner, shall, within one (1) week after the completion of the assembly or rebuilding job or the acquisition thereof from the registered owner, apply to the Philippine National Police (PNP) for the clearance of the motor vehicle for registration with the LTO. The PNP shall, upon receipt of the application, verify if the motor vehicle or its numbered parts are in the list of carnapped motor vehicles or stolen motor vehicle parts. If the motor vehicle or any of its numbered parts is not in the list, the PNP shall forthwith issue a certificate of clearance. Upon presentation of the certificate of clearance from the PNP and after verification of the registration of the motor vehicle engine, engine block and chassis in the permanent registry of motor vehicle engine, engine block and chassis, the LTO shall register the motor vehicle in accordance with existing laws, rules and regulations within twenty (20) working days.

SEC. 6. *Registration of Motor Vehicle, Motor Vehicle Engine, Engine Block and Chassis.* – Within one (1) year upon approval of this Act, every owner or possessor of unregistered motor vehicle or parts thereof in knock down condition shall register before the LTO the motor vehicle engine, engine block and chassis in the name of the possessor or in the name of the real owner who shall be readily available to answer any claim over the registered motor vehicle engine, engine block and chassis. Thereafter, all motor vehicle engines, engine

blocks and chassis not registered with the LTO shall be considered as a carnapped vehicle, an untaxed importation or coming from illegal source and shall be confiscated in favor of the government.

SEC. 7. *Permanent Registry of Motor Vehicle, Motor Vehicle Engines, Engine Blocks and Chassis.* – The LTO shall keep a permanent registry of motor vehicle, motor vehicle engines, engine blocks and chassis of all motor vehicles, specifying therein their type, make, serial numbers and stating therein the names and addresses of their present and previous owners. Copies of the registry and of all entries made thereon shall be furnished the PNP and all LTO regional, provincial and city branch offices: *Provided,* That all LTO regional, provincial and city offices are likewise obliged to furnish copies of all registrations of motor vehicles to the main office and to the PNP: *Provided, further,* That the original copy of the certificate of registration shall be given to the registered owner, the second copy shall be retained with the LTO and the third copy shall be submitted to the PNP. Moreover, it shall be unlawful for any person or employee who willfully encodes in the registry of motor vehicles a non-existing vehicle or without history, new identity of already existing vehicle or double/ multiple registration ("KAMBAL") of vehicle.

SEC. 8. *Registration of Sale, Transfer, Conveyance of a Motor Vehicle, Substitution or Replacement of a Motor Vehicle Engine, Engine Block or Chassis.* – Every sale, transfer, conveyance of a motor vehicle, substitution or replacement of a motor vehicle engine, engine block or chassis of a motor vehicle shall be registered with the LTO within twenty (20) working days upon purchase/acquisition of a motor vehicle and substitution or replacement of a motor vehicle engine, engine block or chassis. A motor vehicle, motor vehicle engine, engine block or chassis not registered with the LTO shall be presumed as a carnapped vehicle, an untaxed imported vehicle, or a vehicle proceeding from illegal sources unless proven otherwise and shall be confiscated in favor of the government.

SEC. 9. *Duty of Collector of Customs to Report.* – Within seven (7) days after the arrival of an imported vehicle, motor vehicle engine, engine block, chassis or body, the Collector of Customs of a principal port of entry where the imported

vehicle or parts enumerated above are unloaded shall report the shipment to the LTO, specifying the make, type and serial numbers, if any, of the motor vehicle, motor vehicle engine, engine block, chassis or body, and stating the names and addresses of the owner or consignee thereof. If the motor vehicle, motor vehicle engine, engine block, chassis or body does not bear any serial number, the Collector of Customs concerned shall hold the motor vehicle, motor vehicle engine, engine block, chassis or body until it is numbered by the LTO: *Provided,* That a PNP clearance shall be required prior to engraving the engine or chassis number.

SEC. 10. *Duty of Importers, Distributors and Sellers of Motor Vehicles to Keep Record of Stocks.* – Any person engaged in the importation, distribution, and buying and selling of motor vehicles, motor vehicle engines, engine blocks, chassis or body shall keep a permanent record of one's stocks, stating therein their type, make and serial numbers, and the names and addresses of the persons from whom they were acquired and the names and addresses of the persons to whom they are sold, and shall render accurately a monthly report of his/her transactions in motor vehicles to the LTO.

SEC.11. *Duty of Manufacturers of Engine Blocks, Chassis or Body to Cause the Numbering of Engine Blocks, Chassis or Body Manufactured.* – Any person engaged in the manufacture of engine blocks, chassis or body shall cause the numbering of every engine block, chassis or body manufactured in a convenient and conspicuous part thereof which the LTO may direct for the purpose of uniformity and identification of the factory and shall submit to the LTO a monthly report of the manufacture and sale of engine blocks, chassis or body.

SEC. 12. *Clearance and Permit Required for Assembly or Rebuilding of Motor Vehicles.* – Any person who shall undertake to assemble or rebuild or cause the assembly or rebuilding of a motor vehicle shall first secure a certificate of clearance from the PNP: *Provided,* That no such permit shall be issued unless the applicant shall present a statement under oath containing the type, make and serial numbers of the engine, chassis and body, if any, and the complete list of the spare parts of the motor vehicle to be assembled or rebuilt together with the names and addresses of the sources thereof.

In the case of motor vehicle engines to be mounted on motor boats, motor *bancas*, water crafts and other light water vessels, the applicant shall secure a permit from the PNP, which office shall in turn furnish the LTO pertinent data concerning the motor vehicle engines including their type, make and serial numbers.

SEC. 13. *Clearance Required for Shipment of Motor Vehicles, Motor Vehicle Engines, Engine Blocks, Chassis or Body.* – The Philippine Ports Authority (PPA) shall submit a report to the PNP within seven (7) days upon boarding all motor vehicles being boarded the "RORO", ferry, boat, vessel or ship for interisland and international shipment. The PPA shall not allow the loading of motor vehicles in all interisland and international shipping vessels without a motor vehicle clearance from the PNP, except cargo trucks and other trucks carrying goods, Land Transportation Franchising and Regulatory Board (LTFRB)-accredited public utility vehicles (PUV) and other motor vehicles carrying foodstuff and dry goods.

SEC. 14. *Defacing or Tampering with Serial Numbers of Motor Vehicle Engines, Engine Blocks and Chassis.* – It shall be unlawful for any person to deface or otherwise tamper with the original or registered serial number of motor vehicle engines, engine blocks and chassis.

SEC. 15. *Identity Transfer.* – It shall be unlawful for any person, office or entity to cause and/or allow the sale, registration, and/or transfer into another name, the chassis number, engine number and plate number of a motor vehicle declared as "total wreck" or beyond economic repair by concerned insurance company, and/or law enforcement agencies, due to its involvement in a vehicular accident or for some other causes. The LTO shall cancel the registration of total wreck vehicle as reported by the PNP and/or as declared by the Insurance Commission.

SEC. 16. *Transfer of Vehicle Plate.* – It shall be unlawful for any person, office or entity to transfer or use a vehicle plate from one vehicle to another without securing the proper authority from the LTO.

SEC. 17. *Sale of Second Hand Spare Parts.* – It shall be unlawful for any person, office or entity to buy and/or sell any second hand spare parts taken from a carnapped vehicle.

SEC. 18. *Foreign Nationals.* – Foreign nationals convicted under the provisions of this Act shall be deported immediately after service of sentence without further proceedings by the Bureau of Immigration.

SEC. 19. *Reward.* – Any person who voluntarily gives information leading to the recovery of carnapped vehicles and for the apprehension of the persons charged with carnapping shall be given monetary reward as the PNP may determine. The PNP shall include in their annual budget the amount necessary to carry out the purposes of this section. Any information given by informers shall be treated as confidential matter.

SEC. 20. *Implementing Rules and Regulations.* – The PNP together with the Department of Transportation and Communications, LTO, Philippine Coast Guard, Maritime Industry Authority, Bureau of Customs and relevant motorists and automotive sectors shall, within sixty (60) days from the effectivity of this Act, after unanimous approval, promulgate the necessary implementing rules and regulations to effectively carry out the provisions of this Act, including the setting up of a coordinated online access and the effective clearance system mentioned in Section 12 of this Act to expedite motor vehicle data and details verification.

SEC. 21. *Separability Clause.* – If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

SEC. 22. *Repealing Clause.* – Republic Act No. 6539, otherwise known as the "Anti-Carnapping Act of 1972", is hereby repealed. All laws, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

SEC. 23. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation, whichever comes earlier.

Approved,

FELICIANO BELMONTE JR.
Speaker of the House of Representatives

FRANKLIN M. DRILON
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 2794 on May 23, 2016 and adopted by the House of Representatives as an amendment to House Bill No. 4544 on May 23, 2016.

MARILYN B. BARUA-YAP
Secretary General
House of Representatives

OSCAR G. YABES
Secretary of the Senate

Approved:

BENIGNO S. AQUINO III
President of the Philippines

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Lapsed into law on JUL 17 2016
Without the signature of the President
In accordance with Article VI, Section