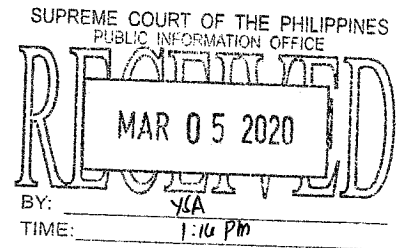




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 February 2020** which reads as follows:*

“G.R. No. 245842 (**John Malit y Torrechiba v. People of the Philippines**). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the May 9, 2018 Decision² and the February 28, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 39523 for failure of petitioner John Malit y Torrechiba (petitioner) to sufficiently show that the CA committed any reversible error in upholding his conviction for violation of Republic Act No. (RA) 6539,⁴ otherwise known as the “Anti-Carnapping Act of 1972.”

As correctly ruled by the CA, the filing of the Information against petitioner for violation of RA 6539 was duly authorized, considering that said filing was approved by Senior Assistant City Prosecutor Jovencio A. Senados (SACP Senados), Chief of the Inquest Division of the Office of the City Prosecutor, Manila, for and in behalf of the City Prosecutor, pursuant to Office Order No. 15⁵ dated September 2, 2013. Records reveal that the Information clearly contained a certification that the same was filed with prior authority of the City Prosecutor, which was signed by SACP Senados in behalf of the former. Case law provides that an Information is not rendered invalid as long as the prior written authority or approval given by the City Prosecutor or the designated reviewing prosecutor to the filing of the information is clearly demonstrated,⁶ as in this case.

¹ Rollo, pp. 11-25.

² Id. at 31-40. Penned by Associate Justice Mario V. Lopez (now a Member of this Court) with Associate Justices Victoria Isabel A. Paredes and Carmelita Salandanan Manahan concurring.

³ Id. at 42-44.

⁴ Entitled “AN ACT PREVENTING AND PENALIZING CARNAPPING” (August 26, 1972).

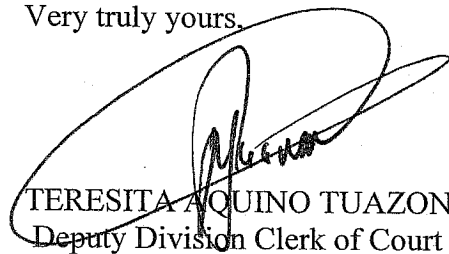
⁵ See Office Order No. 15 issued by the Office of the City Prosecutor, Manila, signed by City Prosecutor Edward M. Togonon; CA rollo, p. 178.

⁶ See *Ongkiko v. Sugiyama*, G.R. No. 217787, September 18, 2019.

Finally, the CA correctly ruled that the prosecution successfully proved all the elements⁷ of the crime of violation of RA 6539, considering that: (a) the tricycle belonged to Roberto Villanueva who did not consent to the taking thereof; (b) petitioner is presumed to have stolen the vehicle when it was found in his possession and he was unable to give a satisfactory explanation of his possession thereof; and (c) intent to gain is presumed and was even proven by his act of offering it for sale.⁸ It is settled that factual findings of the lower courts, particularly on the credibility of the witnesses and the sufficiency of evidence, when affirmed by the CA, are given great weight and respect, and are thus, binding on this Court in the absence of any circumstance showing that their conclusions have been arrived at arbitrarily,⁹ which the Court finds none in this case. In this relation, it should be emphasized that it is not the Court's function to review, examine, evaluate, or weigh again the probative value of the evidence presented in a petition for review on *certiorari* under Rule 45 of the Rules of Court which only tackles questions of law.¹⁰

SO ORDERED.”

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

27 FEB 2020

⁷ “The elements of the crime of carnapping are the following: (1) there is an actual taking of the vehicle; (2) the offender intends to gain from the taking of the vehicle; (3) the vehicle belongs to a person other than the offender himself; and (4) the taking is without the consent of the owner thereof, or it was committed by means of violence against or intimidation of persons, or by using force upon things.” (*People v. Fieldad*, 744 Phil. 790, 810-811 (2014), citing *People v. Roxas*, 642 Phil. 522, 543 (2010).

⁸ See *rollo*, pp. 36-37.

⁹ See *Nuñez v. Gaccion*, G.R. No. 203013, February 5, 2018.

¹⁰ See *Perez v. People*, G.R. No. 228553, August 15, 2018. See also *Nuñez v. Gaccion*, *id.*