

MEL DIMAT, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 181184. January 25, 2012

Ponente: ABAD, J.

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ABAD, J.:

This case is about the need to prove in the crime of "fencing" that the accused knew or ought to have known that the thing he bought or sold was the fruit of theft or robbery.

The Facts and the Case

The government charged the accused Mel Dimat with violation of the Anti-Fencing Law^[1] before the Manila Regional Trial Court (RTC), Branch 03, in Criminal Case 02-202338.

Samson Delgado, together with Jose Mantequilla and police officers Danilo Ramirez and Ruben Familara, testified in substance that in December 2000 Delgado's wife, Sonia, bought from accused Dimat a 1997 Nissan Safari bearing plate number WAH-569 for P850,000.00. The deed of sale gave the vehicle's engine number as TD42-126134 and its chassis number as CRGY60-YO3553.

On March 7, 2001 PO Ramirez and fellow officers of the Traffic Management Group (TMG) spotted the Nissan Safari on E. Rodriguez Avenue, Quezon City, bearing a suspicious plate number. After stopping and inspecting the vehicle, they discovered that its engine number was actually TD42-119136 and its chassis number CRGY60-YO3111. They also found the particular Nissan Safari on their list of stolen vehicles. They brought it to their Camp Crame office and there further learned that it had been stolen from its registered owner, Jose Mantequilla.

Mantequilla affirmed that he owned a 1997 Nissan Safari that carried plate number JHM-818, which he mortgaged to Rizal Commercial Banking Corporation. The vehicle was carnapped on May 25, 1998 at Robinsons Galleria's parking area. He reported the carnapping to the TMG.

For his part, Dimat claimed that he did not know Mantequilla. He bought the 1997 Nissan Safari in good faith and for value from a certain Manuel Tolentino under a deed of sale that gave its engine number as TD42-126134 and its chassis number as CRGY60-YO3553. Dimat later sold the vehicle to Delgado. He also claimed that, although the Nissan Safari he sold to Delgado and the one which the police officers took into custody had the same plate number, they were not actually the same vehicle.

On July 20, 2005 the RTC found Dimat guilty of violation of the Anti-Fencing Law and sentenced him to an imprisonment of 10 years, 8 months, and 1 day of prision mayor to 20 years of reclusion temporal. The court also ordered him to pay P850,000.00 as actual damages and P50,000.00 as exemplary damages, as well as the costs of suit.

On October 26, 2007 the Court of Appeals (CA) affirmed in CA-G.R. CR 29794^[2] the RTC decision but

modified the penalty to imprisonment of 8 years and 1 day of prison mayor in its medium period, as minimum, to 17 years, 4 months, and 1 day of reclusion temporal in its maximum period, as maximum, thus, the present appeal.

The Issue Presented

The sole issue presented in this case is whether or not the CA correctly ruled that accused Dimat knowingly sold to Sonia Delgado for gain the Nissan Safari that was earlier carnapped from Mantequilla.

The Ruling of the Court

The elements of "fencing" are 1) a robbery or theft has been committed; 2) the accused, who took no part in the robbery or theft, "buys, receives, possesses, keeps, acquires, conceals, sells or disposes, or buys and sells, or in any manner deals in any article or object taken" during that robbery or theft; (3) the accused knows or should have known that the thing derived from that crime; and (4) he intends by the deal he makes to gain for himself or for another.[3]

Here, someone carnapped Mantequilla's Nissan Safari on May 25, 1998. Two years later in December 2000, Dimat sold it to Delgado for P850,000.00. Dimat's defense is that the Nissan Safari he bought from Tolentino and later sold to Delgado had engine number TD42-126134 and chassis number CRGY60-YO3553 as evidenced by the deeds of sale covering those transactions. The Nissan Safari stolen from Mantequilla, on the other hand, had engine number TD42-119136 and chassis number CRGY60-YO3111.

But Dimat's defense is flawed. First, the Nissan Safari Delgado bought from him, when stopped on the road and inspected by the police, turned out to have the engine and chassis numbers of the Nissan Safari stolen from Mantequilla. This means that the deeds of sale did not reflect the correct numbers of the vehicle's engine and chassis.

Second, Dimat claims lack of criminal intent as his main defense. But Presidential Decree 1612 is a special law and, therefore, its violation is regarded as *malum prohibitum*, requiring no proof of criminal intent.[4] Of course, the prosecution must still prove that Dimat knew or should have known that the Nissan Safari he acquired and later sold to Delgado was derived from theft or robbery and that he intended to obtain some gain out of his acts.

Dimat testified that he met Tolentino at the Holiday Inn Casino where the latter gave the Nissan Safari to him as collateral for a loan. Tolentino supposedly showed him the old certificate of registration and official receipt of the vehicle and even promised to give him a new certificate of registration and official receipt already in his name. But Tolentino reneged on this promise. Dimat insists that Tolentino's failure to deliver the documents should not prejudice him in any way. Delgado himself could not produce any certificate of registration or official receipt.

Based on the above, evidently, Dimat knew that the Nissan Safari he bought was not properly documented. He said that Tolentino showed him its old certificate of registration and official receipt. But this certainly could not be true because, the vehicle having been carnapped, Tolentino had no documents to show. That Tolentino was unable to make good on his promise to produce new documents undoubtedly confirmed to Dimat that the Nissan Safari came from an illicit source. Still, Dimat sold the same to Sonia Delgado who apparently made no effort to check the papers covering her purchase. That she might herself be liable for fencing is of no moment since she did not stand accused in the case.

WHEREFORE, the Court AFFIRMS the decision of the Court of Appeals dated October 26, 2007 in CA-G.R. CR 29794.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Perez,[*] and Perlas-Bernabe, JJ., concur.

[*] Designated as additional member in lieu of Associate Justice Jose Catral Mendoza, per Raffle dated August 8, 2011.

[1] Presidential Decree 1612.

[2] Penned by Associate Justice Myrna Dimaranan-Vidal and concurred in by Associate Justices Jose Catral Mendoza (now a member of the Court) and Jose C. Reyes, Jr.

[3] Tan v. People, 372 Phil. 93, 103 (1999).

[4] Mendoza v. People, G.R. No. 183891, August 3, 2010, 626 SCRA 624, 630.

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