

JOSHUA CASANAS Y CABANTAC A.K.A. JOSHUA GERONIMO Y LOPEZ, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 223833. December 11, 2017

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

Assailed in this petition for review on certiorari[1] are the Decision[2] dated July 28, 2015 and the Resolution[3] dated January 11, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 35835, which affirmed the Decision[4] dated May 15, 2013 of the Regional Trial Court of Valenzuela City, Branch 269 (RTC-Valenzuela) in Criminal Case No. 874-V-12 finding petitioner Joshua Casanas y Cabantac, a.k.a. Joshua Geronimo y Lopez (Casanas) guilty beyond reasonable doubt of the crime of Carnapping, defined and penalized under Section 2 of Republic Act No. (RA) 6539, otherwise known as the "Anti-Carnapping Act of 1972," as amended.

The Facts

On August 22, 2012, an Information[5] was filed before the RTC- Valenzuela charging Casanas of the crime of Carnapping, the accusatory portion of which reads:

That on or about August 12, 2012, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain, did then and there willfully, unlawfully and feloniously take and carry away with him one (1) Racial motorcycle with plate number 7539IJ without the consent of its owner CHRISTOPHER CALDERON y DORIGON, to the damage and prejudice of the said complainant.

CONTRARY TO LAW.[6]

The prosecution alleged that at around 9 o'clock in the evening of August 14, 2012, private complainant Christopher Calderon (Calderon) was about to go inside the public market in Marilao, Bulacan when a passenger arrived and wanted to ride his tricycle, made up of a Racial motorcycle with plate number 7539IJ (subject motorcycle) and a sidecar.[7] Casanas volunteered to drive Calderon's tricycle for the passenger, to which Calderon obliged. However, Casanas no longer returned the tricycle to Calderon, prompting the latter to report the incident to police authorities in the afternoon of the next day.[8]

A few days later, or on August 19, 2012, the Valenzuela Police Station received a report that a suspected stolen motorcycle was being sold in Karuhatan, Valenzuela City.[9] When Police Officer 2 Harvy Arañas (PO2 Arañas) and Police Officer 1 Elbern Chad De Leon (PO1 De Leon) responded to the report, they saw a man, later on identified as Casanas, standing beside what turned out to be the subject motorcycle.[10] The police officers introduced themselves to Casanas and asked for proof of ownership of the motorcycle, but Casanas could not provide any. PO1 De Leon then frisked Casanas and found a knife in the latter's possession.[11] Thereafter, they brought Casanas, the subject motorcycle, and the knife to the police station. Upon further investigation, the police officers discovered that the subject motorcycle was registered under Calderon's name. The next day, Calderon went to the police station and recovered the subject motorcycle.[12]

For his part, while Casanas admitted that Calderon owned the subject motorcycle, he denied stealing the same. He averred that he only borrowed the subject motorcycle on August 18, 2012, but he was unable to return it on that date as he had a drinking session with his friends.[13] The next day, he was on his way home onboard the subject motorcycle when policemen blocked his way and forcibly took him to the police station. Thereat, a police officer purportedly took a knife from his drawer, which led petitioner to believe that he was being investigated and detained because of the said knife.[14]

The RTC-Valenzuela Ruling

In a Decision[15] dated May 15, 2013, the RTC-Valenzuela found Casanas guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the penalty of imprisonment for the indeterminate period of fourteen (14) years and eight (8) months, as minimum, to fifteen (15) years, as maximum.[16]

The RTC-Valenzuela held that the prosecution had established all the elements of the crime charged, considering that: (a) Calderon allowed petitioner to drive the subject motorcycle, which was then attached to a sidecar; (b) Casanas did not return the subject motorcycle within the agreed period; and (c) Casanas continued to use the same for his personal use, thereby exhibiting his intent to gain. In this regard, the RTC-Valenzuela ruled that while Casanas's possession of the subject motorcycle was lawful in the beginning, such possession became unlawful when he failed to return the same to Calderon in accordance with their agreement.[17]

Aggrieved, Casanas appealed [18] to the CA.

The CA Ruling

In a Decision[19] dated July 28, 2015, the CA affirmed the RTC- Valenzuela ruling in toto. Aside from upholding the RTC-Valenzuela's findings, the CA likewise pointed out that initially, Casanas borrowed a tricycle from Calderon; but when he was apprehended, only the subject motorcycle without the sidecar was recovered from him.[20] In this regard, the CA ruled that such removal of the sidecar from the subject motorcycle bolsters the conclusion that Casanas indeed intended to appropriate for himself the subject motorcycle. Further, the CA disregarded Casanas's excuses for failing to return the subject motorcycle on time, as he did not bother to get in touch with Calderon either to ask permission for an extended possession of the subject motorcycle, or for assistance when the police officer apprehended him for being unable to present the motorcycle's registration papers.[21]

Undaunted, Casanas moved for reconsideration[22] but the same was denied in a Resolution[23] dated January 11, 2016; hence, this petition.[24]

The Issues Before the Court

The issues for the Court's resolution are whether or not: (a) the RTC--Valenzuela had jurisdiction over the case; and (b) the CA correctly upheld Casanas's conviction for the crime of Carnapping.

The Court's Ruling

In the petition, Casanas primarily argues that the RTC-Valenzuela had no jurisdiction over the case, as the alleged carnapping happened in Marilao, Bulacan, and not in Valenzuela City, Metro Manila where he was arrested, charged, and tried.[25] On the other hand, the Office of the Solicitor General maintains that Casanas is already estopped from questioning the jurisdiction of the RTC-Valenzuela as he not only failed to move for the quashal of the Information based on such ground, he also voluntarily submitted himself to the jurisdiction of the RTC-Valenzuela by freely participating in the trial of the instant case.[26]

The petition is meritorious.

Time and again, it has been held that "the jurisdiction of a court may be questioned at any stage of the proceedings. Lack of jurisdiction is one of those excepted grounds where the court may dismiss a claim or a case at any time when it appears from the pleadings or the evidence on record that any of those grounds exists, even if they were not raised in the answer or in a motion to dismiss. So that, whenever it appears that the court has no jurisdiction over the subject matter, the action shall be dismissed. This defense may be interposed at any time, during appeal or even after final judgment. Such is understandable, as this kind of jurisdiction is conferred by law and not within the courts, let alone the parties, to themselves determine or conveniently set aside." [27]

In criminal cases, venue is jurisdictional in that a court cannot exercise jurisdiction over a person charged with an offense committed outside its limited territory. [28] As such, when it becomes apparent that the crime was committed outside the territorial jurisdiction of the court, the case must be dismissed for want of jurisdiction. [29] In *Navaja v. De Castro*, [30] the Court held:

It is a fundamental rule that for jurisdiction to be acquired by courts in criminal cases the offense should have been committed or any one of its essential ingredients took place within the territorial jurisdiction of the court. Territorial jurisdiction in criminal cases is the territory where the court has jurisdiction to take cognizance or to try the offense allegedly committed therein by the accused. Thus, it cannot take jurisdiction over a person charged with an offense allegedly committed outside of that limited territory. Furthermore, the jurisdiction of a court over the criminal case is determined by the allegations in the complaint or information. And once it is so shown, the court may validly take cognizance of the case. However, if the evidence adduced during the trial show that the offense was committed somewhere else, the court should dismiss the action for want of jurisdiction. [31] (Emphases and underscoring supplied)

In this relation, Sections 10 and 15 (a), Rule 110 of the 2000 Revised Rules of Criminal Procedure, also state that:

Section 10. Place of commission of the offense.- The complaint or information is sufficient if it can be understood from its allegations that the offense was committed or some of its essential ingredients occurred at some place within the jurisdiction of the court, unless the particular place where it was committed constitutes an essential element of the offense charged or is necessary for its identification.

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Section 15. Place where action is to be instituted. -

(a) Subject to existing laws, the criminal action shall be instituted and tried in the court of the municipality or territory where the offense was committed or where any of its essential ingredients occurred.

The venue and jurisdiction over criminal cases shall be placed either where the offense was committed or where any of its essential ingredients took place. Otherwise stated, the venue of action and of jurisdiction are deemed sufficiently alleged where the Information states that the offense was committed or some of its essential ingredients occurred at a place within the territorial jurisdiction of the court. [32]

In this case, the Information [33] alleges that Casanas committed the crime of Carnapping within the territorial jurisdiction of the RTC-Valenzuela. However, such allegation in the Information was belied by the evidence presented by the prosecution, particularly, Calderon's own statements in the *Sinumpaang Salaysay* [34] dated August 21, 2012 he executed before the Valenzuela City Police Station as well as his testimony during trial. Pertinent portions of the *Sinumpaang Salaysay* read:

TANONG: Bago ang lahat ay maari mo bang sabihin sa akin ang iyong tunay na pangalan at iba pang mapapagkakilanlan sa iyong tunay na pagkatao?

SAGOT: Ako po si Christopher Calderon y Doligon, 25 taong gulang, may-asawa, tricycle driver, nakatira sa B3 L5 Northville 4B Lamabakin, Marilao, Bulacan.

T: Bakit ka naririto ngayon sa aming tanggapan at nagbibigay ng salaysay?

S: Para po magsampa ng demanda.

T: Sino naman ang idedemanda mo?

S: Siya po. (At this juncture, affiant is pointing to [a] male person who when asked replied as Joshua Casanas y Cabantac, 21 years old, tricycle driver, of Manzano Subdivision, Ibayo, Marilao, Bulacan)

T: Kailan at saan naman ninakaw nitong si Joshua ang tricycle mo?

S: Noon pong ika 14 ng Agosto 2012 sa ganap ng ika 9:00 ng gabi sa palengke ng Marilao, Bulacan.

T: Sa ikaliliwanag ng pagsisiyasat na ito, maari mo bang isalaysay ang tunay na pangyayari?

S: Bale ganito po kasi iyon, sa oras, lugar at petsa na nabanggit ko sa itaas ay bumili ako ng ulam sa loob ng palengke, nakaparada ang tricycle ko sa labas ng palengke. Nilapitan ako ni Joshua at hiniram sa akin ang susi ng aking tricycle at sinabi na mayroon daw sasakay kaya ang ginawa ko ay ipinahiram ko sa kanya at umalis na siya at magmula noon ay hindi na siya muling bumalik dala ang aking tricycle.

T: Ano ang ginawa mo pagkatapos kung meron man?

S: Hinanap ko po siya at nang hindi ko na siya makita sa lugar narin ay nagreport ako sa himpilan ng pulisya sa Marilao, Bulacan kung saan naiblotter ang pangyayari.[35] (Emphases and underscoring supplied)

During his direct examination, Calderon similarly stated:

Q: Do you still remember where you were on August 14, 2012 at around 9:00 in the evening?

A: In a market.

Q: In what market where (sic) you then?

A: Marilao, sir.

Q: What happened when you were in Marilao?

A: I was about to go to the market to buy something.

Q: What happened next when you were at the market to buy something?

A: There is a passenger.

Q: Who is that passenger?

A: About to board the tricycle.

Q: What happened next when the passenger was about to board the tricycle?

A: I lend the key of my motorcycle.

Q: To whom did you lend the key of your motorcycle?

A: To Joshua, sir.

Q: Could you tell us the full name of this Joshua?

A: Joshua Casanas.

Q: If this Joshua Casanas to whom you lend the key of your motorcycle would be shown to you, would you be able to identify Joshua?

A: Yes, sir.

Q: Could you please point to this Joshua?

A: Him, sir.

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Q: What happened next after you lend the key to Joshua Casanas?

A: I waited for him, sir.

Q: Where did you wait?

A: In the market, sir.

Q: What happened next when you were waiting for Joshua Casanas in the same market?

A: He did not return, sir.

Q: How long did you wait?

A: The whole night, sir.

Q: When Joshua did not return anymore, what did you do next?

A: The following day in the afternoon I went to the city hall.

Q: Of what town or city did you go to?

A: Marilao, sir.

Q: What happened when you went to the City Hall of Marilao?

A: I gave a statement, sir.[36] (Emphases and underscoring supplied)

From the foregoing, it is evident that the crime of Carnapping, including all the elements thereof - namely, that: (a) there is an actual taking of the vehicle; (b) the vehicle belongs to a person other than the offender himself; (c) the taking is without the consent of the owner thereof, or that the taking was committed by means of violence against or intimidation of persons, or by using force upon things; and (d) the offender intends to gain from the taking of the vehicle[37] - did not occur in Valenzuela City, but in Marilao, Bulacan. While the Court notes that Casanas was indeed arrested in Valenzuela City while in the possession of the subject motorcycle, the same is of no moment, not only because such is not an element of the crime, but more importantly, at that point in time, the crime had long been consummated. Case law provides that "'unlawful taking' or apoderamiento is the taking of the motor vehicle without the consent of the owner, or by means of violence against or intimidation of persons, or by using force upon things. It is deemed complete from the moment the offender gains possession of the thing, even if he has no opportunity to dispose of the same." [38]

In view of the foregoing, it is clear that the RTC-Valenzuela had no authority to take cognizance of the instant case as the crime was committed outside its territorial jurisdiction. Consequently, the RTC-Valenzuela ruling convicting Casanas of the crime charged, as well as the CA ruling upholding the same, is null and void for lack of jurisdiction. It is well-settled that "where there is want of jurisdiction over a subject matter, the judgment is rendered null and void. A void judgment is in legal effect no judgment, by which no rights are divested, from which no right can be obtained, which neither binds nor bars any one, and under which all acts performed and all claims flowing out are void. It is not a decision in contemplation of law and, hence, it can never become executory. It also follows that such a void judgment cannot constitute a bar to another case by reason of res judicata," [39] as in this case.

In fine, Criminal Case No. 874-V-12 is hereby dismissed on the ground of lack of jurisdiction. The dismissal of this case, however, shall not preclude the re-filing of the same criminal case against Casanas before the proper tribunal which has territorial jurisdiction over the same, i.e., the courts in Marilao, Bulacan.

WHEREFORE, the petition is GRANTED. The Decision dated July 28, 2015 and the Resolution dated January 11, 2016 of the Court of Appeals in CA-G.R. CR No. 35835 are hereby SET ASIDE. Accordingly, Criminal Case No. 874-V-12 filed in the Regional Trial Court of Valenzuela City, Branch 269 is hereby DISMISSED for lack of jurisdiction, without prejudice to its re-filing in the proper court having territorial jurisdiction over the case.

SO ORDERED.

Carpio (Chairperson), Peralta, and Caguioa, JJ., concur.
Reyes, Jr., J., on official leave.

[1] Rollo, pp. 10-29.

[2] Id. at 30-38. Penned by Associate Justice Pedro B. Corales with Associate Justices Sesinando E. Villon and Rodil V. Zalameda concurring.

[3] Id. at 41-42.

[4] Id. at 53-57. Penned by Presiding Judge Emma C. Matammu.

[5] Id. at 79.

[6] Id.

[7] See id. at 31.

[8] Id. at 31-32.

[9] Id. at 54.

[10] Id. See also pp. 31-32.

[11] Id. at 32.

[12] Id.

[13] Id. at 54.

[14] Id. at 54-55. See also p. 32.

[15] Id. at 53-57.

[16] Id. at 57.

[17] See id. at 55-56.

[18] See Brief for the Appellee dated May 29, 2014; id. at 60-71.

[19] Id. at 30-38.

[20] See id. at 36.

[21] Id.

[22] See Motion for Reconsideration dated September 7, 2015; id. at 72-76.

[23] Id. at 41-42.

[24] Id. at 10-29.

[25] See id. at 16-21.

[26] See id. at 101-102.

[27] *Heirs of Fernando v. De Belen*, 713 Phil. 364, 371 (2013); citations omitted.

[28] *Treñas v. People*, 680 Phil. 368, 380 (2012).

[29] *Id.*, citing *Isip v. People*, 552 Phil. 786, 801-802 (2007).

[30] 761 Phil. 142 (2015).

[31] *Id.* at 150, citing *Foz, Jr. v. People*, 618 Phil. 120, 129-130 (2009).

[32] *Id.* at 151, citing *Union Bank of the Philippines v. People*, 683 Phil. 108, 116 (2012).

[33] *Rollo*, p. 79.

[34] *Records*, pp. 12-13.

[35] *Id.* at 12.

[36] TSN dated October 1, 2012; *id.* at 60-62.

[37] See *People v. Donio*, G.R. No. 212815, March 1, 2017, citing *People v. Bernabe*, 448 Phil. 269, 280 (2003).

[38] See *id.*, citing *People v. Lagat*, 673 Phil. 351, 367 (2011). See also *People v. Bustinera*, 475 Phil. 190, 206 (2004), citing *People v. Obillo*, 411 Phil. 139, 150 (2001).

[39] See *Sebastian v. Spouses Cruz*, G.R. No. 220940, March 20, 2017, citing *Spouses Paulino v. CA*, 735 Phil. 448, 459 (2014).

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