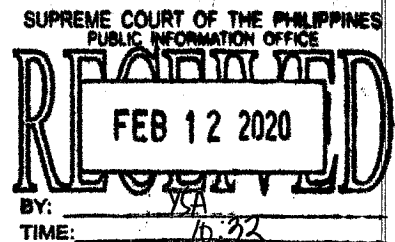




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **27 November 2019** which reads as follows:

"G.R. No. 248029 (Arnold Esguerra y Ambrocio v. People of the Philippines)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the January 17, 2019 Decision² and the June 18, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 39392 for failure of petitioner Arnold Esguerra y Ambrocio (petitioner) to sufficiently show that the CA committed any reversible error in affirming his conviction⁴ for violation of Republic Act No. 6539,⁵ otherwise known as the "Anti-Carnapping Act of 1972."

As correctly ruled by the CA, the prosecution had sufficiently proved all the elements⁶ of the crime charged beyond reasonable doubt.⁷ The first issue raised by petitioner, as to whether or not the evidence actually showed that he no longer had private complainant's permission to continuously use the jeepney as to constitute unlawful taking, calls for a re-evaluation of evidence which is a question of fact that is not proper in a Rule 45 petition.⁸ The second issue, relating to the supposed inconsistencies in the testimonies of the prosecution witnesses, also deserves scant consideration. As correctly observed by the CA, discrepancies or inconsistencies in the testimonies of witnesses pertaining to minor details, not touching upon the central fact of the crime, do not impair their credibility; on the contrary, they even tend to strengthen them since they discount the possibility of rehearsal.⁹ Moreover, factual findings of the trial courts, when adopted and confirmed by the CA, are binding and conclusive upon this Court, and will generally not be reviewed on appeal absent any of the recognized exceptions,¹⁰ as in this case.

¹ Rollo, pp. 12-25.

² Id. at 31-39. Penned by Associate Justice Ramon M. Bato, Jr. with Associate Justices Ramon A. Cruz and Ronaldo Roberto B. Martin, concurring.

³ Id. at 41-43.

⁴ See RTC Judgment dated June 27, 2016, penned by Presiding Judge Mirasol O. Dychingco; id. at 61-70.

⁵ Entitled "AN ACT PREVENTING AND PENALIZING CARNAPPING," (August 26, 1972).

⁶ "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).

⁷ See rollo, p. 34.

⁸ *Chua v. People*, 763 Phil. 644, 658 (2015).

⁹ See *People v. Chan*, G.R. No. 226836, December 5, 2018.

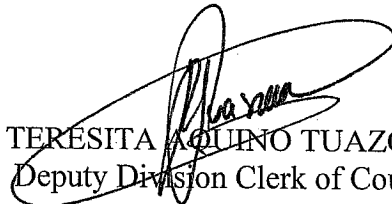
¹⁰ See *Insular Investment and Trust Corporation v. Capital One Equities Corporation*, 686 Phil. 819, 830-831 (2012).

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Furthermore, the Court resolves to **GRANT** petitioner's motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

SO ORDERED. "

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *utk. 1/20*
31 JAN 2020

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THE DIRECTOR (reg)
Bureau of Corrections
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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 20
Malolos City, Bulacan
(Crim. Case No. 1110-M-2014)

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Supreme Court, Manila

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GR248029. 11/27/2019(141)URES