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 January 2020** *which reads as follows*:

"**G.R. No. 249739 (Alexander Bugtong *y* Abanag *v.* People of the Philippines).** – After a judicious study of the case, the Court resolves to **DENY** the instant petition[1] and **AFFIRM** the April 16, 2019 Decision[2] and October 2, 2019 Resolution[3] of the Court of Appeals (CA) in CA-G.R. CR No. 38242 for failure of petitioner Alexander Bugtong *y* Abanag (petitioner) to sufficiently show that the CA committed any reversible error in affirming his conviction for violation of Republic Act No. 6539,[4] otherwise known as the "Anti-Carnapping Act of 1972."

As correctly ruled by the CA, the prosecution had sufficiently proved all the elements[5] of the crime charged beyond reasonable doubt.[6] Petitioner faults the CA for disregarding his testimony and giving more credence to the testimony of the prosecution's witnesses. However, the examination of the truth or falsehood of testimonies or the determination of the credibility of witnesses is a question of fact that is not proper in a Rule 45 petition.[7] Settled is the rule that factual findings of the trial courts, when adopted and confirmed by the CA, are binding and conclusive on this Court, and will generally not be reviewed on appeal absent any of the recognized exceptions,[8] as in this case. Likewise, petitioner's insistence on his defense of denial deserves scant consideration. As correctly held by the CA,

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1 *Rollo*, pp. 11-24.

2 Id. at 29-39. Penned by Associate Justice Maria Elisa Sempio Diy with Associate Justices Jane Aurora C. Lantion and Tita Marilyn B. Payoyo-Villordon, concurring.

3 Id. at 41-43.

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

5 "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).

6 See *rollo*, pp. 34-35.

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

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

the private complainant's clear and positive identification of petitioner as the perpetrator of the crime holds greater weight than the defense of denial and alibi of the petitioner which are inherently weak and constitutes self-serving negative evidence.[9]

SO ORDERED. (Reyes, A., Jr. and Hernando, *JJ.*, on official leave.)"

Very truly yours,

TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
26 FEB 2020

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GR249739. 01/27/20(85)URES

[9] *Imbo v. People*, 758 Phil. 430, 437 (2015). See also *rollo*, p. 37.