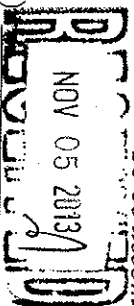


Republic of the Philippines
Department of Justice
National Prosecution Service
OFFICE OF THE CITY PROSECUTOR
Makati City

INVESTIGATION DATA FORM

OFFICE OF THE CITY PROSECUTOR
To be accomplished by the Office

DATE RECEIVED:



NPS DOCKET NO.:

13K4121

(stamped and initialed)

Time Received
Receiving Staff

MAKATI CITY

Assigned to:

Date Assigned:

To be accomplished by complainant/counsel/law enforcer

(Use back portion if space is not sufficient)

COMPLAINANT/S: Name, Sex, Age & Address

RESPONDENT/S: Name, Sex, Age & Address

[REDACTED]

PATRIK SELIN, JAN ROBERT GUSTAFSSON,
SYLVIA BERNADETTE GONZALES DE
GUZMAN, SHERWIN QUIAMBAO, IASMIN
SINGH, MARY JANE BUENAFE DE
GUZMAN, EDWIN REJANO ERPE,

LAW/S VIOLATED:
Carripping under R.A. No. 6539, amended by
R.A. No. 7659

WITNESS/ES: Name & Address
GODOFREDO C. CUALTEROS, JR.

DATE & TIME OF COMMISSION:

August 2013

PLACE OF COMMISSION:

Makati City

1. Has a similar complaint been filed before any other office? * YES ☐ NO ☒ If yes, indicate details below.
 2. Is this complaint in the nature of counter-affidavit? * YES ☐ NO ☒ If yes, indicate details below.
 3. Is this complaint related to another case before this office? * YES ☐ NO ☒ If yes, indicate details below.
- I.S. No.: _____
Handling Prosecutor: _____

CERTIFICATION *

I CERTIFY, under oath, that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and that if I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to this Honorable Office, within five (5) days from knowledge thereof.

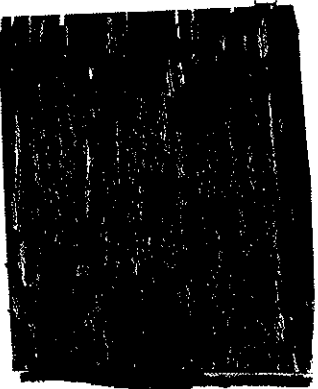
(Signature over printed name)

SUBSCRIBED AND SWORN TO before me this NOV 05 2013 day of 20 in

*1, 2, 3 and Certification need not be accomplished for inquest cases

Assistant City Prosecutor
Prosecutor Atty. [Signature]
Makati City

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
NATIONAL PROSECUTION SERVICE
Office of the City Prosecutor
MAKATI CITY



Complainant,

- versus -

NPS Docket No. _____
For: Carnapping under R.A. No. 6539,
as amended by R.A. No. 7659

PATRIK SELIN, JAN ROBERT
GUSTAFSSON, SYLVIA
BERNADETTE GONZALES
DE GUZMAN, SHERWIN
QUIAMBAO, JASMIN
SINGH, MARY JANE
BUENAFE DE GUZMAN,
EDWIN REJANO ERPE,
ROSEMARIE FEGUEROA
FRIALDE, MARIANO
MONTERAS, JOCELYN
TAN TAM, DALMACIO
MANGONON MENDOZA
III, JR., MARIA ARLEEN
ALDABA, ANTHONY B.
ARCILLIA, KARL
ROSEGREN, SUKHJAP
"ROBBIE" SINGH
GREWAL, MARY ROSE
SUANINO, JENNIFER
DELOS SANTOS-BELOSO,
OLOF OHLSSON, LEE HON
SENG and JOHN DOES and
JANE DOES,

Respondents.

X-----X

COMPLAINT-AFFIDAVIT

I [REDACTED] of legal age, Filipino, and with postal address at the 15th Floor, Yuchengco Tower 1, RCBC Plaza, 6819 Ayala Avenue, Makati City, respectfully complain against Patrik Selin, Jan Robert Gustafsson, Sylvia Bernadette Gonzales de Guzman, Sherwin Quiambao, Jasmin Singh, Mary Jane Buenafe de Guzman, Edwin Rejano Erpe, Rosemarie Fegueroa Frialde, Mariano Monteras, Jocelyn Tan Tam, Dalmacio Mangonon Mendoza III, Jr., Maria Arleen Aldaba, Anthony B. Arcillia, Karl Rosegren, Sukthiap "Robbie" Singh Grewal, Mary Rose Suanino, Jennifer delos Santos-Beloso, Olof Ohlsson, Lee Hon Seng, and John Does and Jane Does, for Carnapping under Republic Act No. 6539, as amended by Republic Act No. 7659, and after having been duly sworn to in accordance with law, respectfully state:

1. Complainant is a corporation duly organized and validly existing under Philippine laws, with postal address at the 15th Floor, Yuchengco Tower 1, RCBC Plaza, 6819 Ayala Avenue, Makati City.¹

2. I am the President of complainant. I was duly authorized by complainant's Board of Directors to institute the instant criminal complaint and to represent complainant herein.²

3. Respondents are all of legal age. The other pertinent details of respondents are as follows:

NAME	NATIONALITY	LAST KNOWN ADDRESS
Patrik Selin	Swedish	c/o 25A Amorsolo East Tower, Rockwell Center, Makati City
Jan Robert Gustafsson	Swedish	25A Amorsolo East Tower, Rockwell Center, Makati City
Sylvia Bernadette	American and	2 Embassy

¹ A copy of complainant's Amended Articles of Incorporation is hereto attached and made integral part hereof as **Annex "A."**

² A copy of the *Secretary's Certificate* dated 22 October 2013 is hereto attached and made integral part hereof as **Annex "B."**

Gonzales de Guzman	Spanish	Gardenhomes, T. Benitez Street, West Triangle, Quezon City
Sherwin Quiambao	Filipino and Canadian	Unit 3906N Joya Lofts & Tower, Rockwell Center, Makati City
Jasmin Singh	Filipino	14 Dama de Noche Street, de Castro Subdivision, Ortigas Avenue Extension, Pasig City
Mary Jane Buenafe de Guzman	Filipino	Block 20, Lot 24A, Vallejo Street, BF Resort Village, Las Piñas City
Edwin Rejano Erpe	Filipino	422 Plaridel Street, San Roque, Cavite City
Rosemarie Fegueroa Frialde	Filipino	7766 JB Roxas, Brgy. Olympia, Makati City
Mariano Monteras	Filipino	175 Sitio Matarik, Camarin, Caloocan City
Jocelyn Tan Tam	Filipino	126 N. Domingo Street, SB A&L Building, San Juan City
Dalmacio Mangonon Mendoza III, Jr.	Filipino	22 Don E. Lopez Avenue, Meralco Village, Binangonan, Rizal
Maria Arleen Aldaba	Filipino	11 Sampaloc Place, Ayala West Grove Height, Silang, Cavite
Anthony B. Arcillia	Filipino	14 Dama de Noche Street, de Castro Subdivision, Ortigas Avenue Extension, Pasig City
Karl Rosegren		c/o 25A Amorsolo East Tower, Rockwell

Sukhjap "Robbie" Singh Grewal	Canadian	Center, Makati City c/o 25A Amorsolo East Tower, Rockwell Center, Makati City
Mary Rose Suanino	Filipino	Block 19, Lot 57, Lancaster Residences, Imus, Cavite
Jennifer delos Santos- Beloso	Filipino	Block 4, Lot 1, Sandpiper Lane, BF Pilar Southville, Las Piñas City
Olof Ohlsson		c/o 25A Amorsolo East Tower, Rockwell Center, Makati City
Lee-Hon Seng	Malaysian	Unit 20 II, Tower I Paseo Parkview Suites, 142 Valero Street, Salcedo Village, Makati City

4. Respondents may be served with *subpoena* and other processes of this Honorable Office at their foregoing addresses.

5. As complainant's President, I have complete access to its records, including those pertaining to its properties. I am also familiar with company policies, including the duties and responsibilities of individuals having access to or using company properties. Further, I am familiar with the instructions and authorizations issued by the Board of Directors, and the actions undertaken to implement the same. Since I was authorized by the Board of Directors to institute this criminal complaint, I reviewed all the pertinent records.

6. Based on records, complainant is the beneficial and registered owner of the following motorcycle:³

³ Copies of the *Certificate of Registration No. 9366744-2* and *Official Receipt No. 812457623* are hereto attached and made integral part hereof as **Annex "C"** and **Annex "D,"** respectively.

MAKE	Yamaha
YEAR MODEL	2006
TYPE	MC
COLOR	Blue
CHASSIS NUMBER	MH-135C80018K005298
ENGINE NUMBER	5C8-005215
PLATE NUMBER	3495PC

7. Complainant acquired the motorcycle at the cost of P30,000.00.⁴

8. By way of special accommodation, respondent Edwin Rejano Erpe ("Edwin"), a former director of complainant, was given limited access to and use of the motorcycle. Respondent Edwin was allowed to use the motorcycle whenever he goes home to Cavite. Respondent Edwin's authority or permission to use the motorcycle was limited to that purpose only.

9. The motorcycle was usually parked at the parking lot of One Roxas Triangle Condominium, Cruzada Street, Urdaneta Village, Makati City.

10. On 31 August 2013, Edwin was given a 5-day paid leave. Without the express permission of complainant, respondent Edwin took the motorcycle from the parking lot of One Roxas Triangle Condominium, Makati City.

11. Respondent Edwin went AWOL. Respondent Edwin did not show up for work or contact complainant ever since. Moreover, respondent Edwin did not surrender the motorcycle to complainant or return it at its usual parking slot.

12. Complainant tried to contact respondent Edwin but failed. Complainant tried to find the missing motorcycle but all efforts likewise proved futile.

⁴ A copy of the *Deed of Sale* dated 26 August 2009 is hereto attached and made integral part hereof as **Annex "E."**

13. On 8 October 2013, complainant reported the theft of the motorcycle to the Makati City Police Station.⁵

14. Complainant later confirmed from a sworn statement of [REDACTED] that it was indeed respondent Edwin who took the motorcycle from its parking slot at One Roxas Triangle Condominium, Makati City on 31 August 2013.

15. It was also revealed that: i) respondent Sylvia Bernadette Gonzales de Guzman ("Sylvia") instructed respondent Edwin to take the motorcycle; ii) respondent Edwin kept the motorcycle for several days, among others, at Tierra Oriental Hotel, Malugay Street corner Talisay Street, Makati City; iii) respondent Edwin used the motorcycle whenever he left the hotel and ran errands for the other respondents; iv) respondent Sylvia promised to give respondent Edwin P200,000.00 if he carries out the instructions of the other respondents, one of which was to keep the motorcycle and not to return the same; and v) respondent Edwin has no intentions of ever returning the motorcycle to complainant.

16. The theft of the motorcycle was part of a criminal conspiracy being perpetrated by a cabal made up of respondents.

16.1 A forensic audit on several related companies, including complainant, Qian Holdings, Inc., Foley Ladner Holdings, Inc., Diamondrock Properties, Inc., De Janeiro Global Solutions BPO, Inc., Spectrogen Corp. and Glendon Technologie, Inc., revealed that the members of the cabal committed various infractions, ranging from corporate fraud like self-dealing and stealing of business opportunities, to outright theft and embezzlement of company properties and funds. They were removed from their positions. Various criminal complaints are being prepared or have been filed against the cabal.

16.2 The existence of the cabal was discovered through the forensic audit, as well as through the brazen but unsuccessful attempts of its members to recruit [REDACTED].

⁵ A copy of the *Incident Record Form* is hereto attached and made integral part hereof as **Annex "F."**

⁶ A copy of the *Sinumpaang Salaysay* dated 31 October 2013 of [REDACTED] is hereto attached and made integral part hereof as **Annex "G."**

██████████ among others.

and ██████████

16.3 The cabal tried to illegally withdraw the funds of ██████████, Inc. on 2 September 2013 but it was thwarted because of the vigilance of the bank ██████████. Respondent Sylvia criminally threatened or coerced ██████████ into executing a bogus secretary's certificate that would have allowed the cabal to make an unauthorized withdrawal of the funds. ██████████, being aware of the cabal's illicit plot, deliberately signed in a different manner, which warned the bank that the secretary's certificate submitted by respondent Sylvia was spurious.

16.4 On 3 September 2013, the cabal tried again, this time with respondent Sylvia threatening a bank employee with mutilation of her tongue if she does not cooperate with them. The bank did not budge. The bank employee reported the incident to the police.

16.5 Among other plans, the members of the cabal want to get their hands on the more than P200 million property of ██████████ in Entertainment City, Parañaque City.

16.6 From outright thievery, the members of the cabal have shifted their efforts to extortion by filing various fabricated cases.

17. The theft of the motorcycle is part of the criminal scheme. Respondents not only induced and participated and cooperated in the theft of the motorcycle but they also benefited from the theft as they used the stolen motorcycle in furthering the criminal conspiracy to steal or extort money.

18. I was advised by my counsel that respondents are guilty of Carnapping under Republic Act No. 6539, as amended by Republic Act No. 7659. Section 2 of Republic Act No. 6539 provides:

Section 2. *Definition of terms.* The terms "carnapping", "motor vehicle", "defacing or tampering with", "repainting", "body-building", "remodeling", "dismantling", and "overhauling", as

used in this Act, shall be understood, respectively, to mean

"Carnapping" is the taking, with intent to gain, of a motor vehicle belonging to another without the latter's consent, or by means of violence against or intimidation of persons, or by using force upon things.

"Motor vehicle" is any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicles, which run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle, shall be classified as separate motor vehicle with no power rating.

x x x

19. Section 20 of Republic Act No. 7659 provides:

Section 20. Sec. 14 of Republic Act No. 6539, as amended, known as the Anti-Carnapping Act of 1972, is hereby amended to read as follows:

"Sec. 14. Penalty for Carnapping. - Any person who is found guilty of carnapping, as this term is defined in Section Two of this Act, shall, irrespective of the value of motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things; and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence against or intimidation of any person, or force upon things; and the penalty of reclusion perpetua to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof."

20. According to my counsel, the essential elements of the crime are as follows:

- i) a motor vehicle belonging to another was taken;
- ii) with intent to gain;
- iii) without the owner's consent; and
- iv) whether the taking was done with or without violence against or intimidation of persons, or by using force upon things.⁷

21. All of the essential elements of the crime were present in the instant case, to wit:

- i) the motorcycle belonging to complainant was taken by respondents in Makati City, within the territorial jurisdiction of this Honorable Office;
- ii) the taking was with intent to gain, which intent to gain is presumed from the unlawful taking of personal property belonging to another; moreover, there is no intention of ever returning the stolen motorcycle to complainant; furthermore, the stolen motorcycle has not been returned to complainant;
- iii) the taking was done without complainant's consent as the stolen motorcycle was taken without the express permission of complainant; additionally, the stolen motorcycle is now being used by persons who had been separated from complainant or abandoned their employment, and outside the limited purpose for which a special accommodation was previously given; and
- iv) the taking was done without violence against or intimidation of persons, or by using force upon things.

22. I am executing this *Complaint-Affidavit* to attest to the truth of the foregoing and to support complainant's criminal

⁷ *People vs. Lobitania* 388 SCRA 417, 432 (2002); citing *People vs. Tan* 323 SCRA 30, 39 (2000).

complaint against respondents for Carnapping under Republic Act No. 6539, as amended by Republic Act No. 7659.

23. Complainant has not commenced any other action or proceeding involving the same criminal liability, or issue in the Supreme Court, the Court of Appeals, or any other court, tribunal or quasi-judicial agency.

24. To the best of my knowledge, no other action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other court, tribunal or quasi-judicial agency.

25. If I should thereafter learn that a similar action or proceeding has been filed or is pending in the Supreme Court, the Court of Appeals, or any other court, tribunal or quasi-judicial agency, I undertake to report such fact within five (5) days therefrom to this Honorable Office.

[REDACTED]

CERTIFICATION

SUBSCRIBED AND SWORN TO before me this
NOV 05 2013. I hereby certify that I have personally examined the
affiant, and that I am satisfied that the foregoing *Complaint-Affidavit*
was freely and voluntarily executed by him.

ASSISTANT CITY PROSECUTOR