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. 227753 (*People of the Philippines v. Gerardo Añover y Macanip, Aljon Martinez and Jeffrey Añover, accused; Prudencio Santiago y Maliksi, Vilma Macanip y Barraza, Alejandro Aldas y Aure and Zosimo Lauzon y Burines, accused-appellants*). - This treats of the Notice of Appeal¹ filed by Prudencio Santiago y Maliksi (Santiago), Vilma Macanip y Barraza (Macanip), Alejandro Aldas y Aure (Aldas), and Zosimo Lauzon y Burines (Lauzon) (collectively, the accused-appellants), seeking the reversal of the Decision² dated March 23, 2015, rendered by the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04537, which affirmed with modification the trial court’s ruling convicting them of the crime of Kidnapping for Ransom, as defined and penalized under Article 267 of the Revised Penal Code (RPC), as amended by Republic Act (R.A.) No. 7659.³

The Antecedents

An Information was filed against Santiago, Macanip, Aldas, Lauzon, Gerardo Añover y Macanip (Añover), Aljon Martinez, Jeffrey Añover, and five John Does, for the crime of Kidnapping for Ransom, as defined and penalized under Article 267 of the RPC, as amended by R.A. No. 7659.⁴ The accusatory portion of the said Information reads:

That on or about December 2, 2003, in the City of Manila, above-named accused while conspiring, conniving, confederating and mutually helping one another, did then and there willfully, unlawfully, feloniously, with malicious and criminal intent and purpose, with the use of firearms, force, threat and intimidation, take, kidnap and carry away a certain Eufonio Jose Naga against his will and consent passing thru the Cities of Makati and Parañaque, the Municipalities of San Pedro and Biñan in the Province of Laguna and within the jurisdiction of this

¹ CA rollo, pp. 327-328.

² Penned by Associate Justice Ramon A. Cruz, with Associate Justices Remedios A. Salazar-Fernando and Marlene Gonzales-Sison, concurring; id. at 291-324.

³ Approved on December 13, 1993.

⁴ CA rollo, p. 292.

Honorable Court and thru the Municipality of Carmona, Cavite until they reached the Municipality of Dasmariñas, Cavite and upon reaching the aforementioned place, detain and deprive Eufronio Jose Naga of his liberty and freedom without his consent, for the purpose of demanding and extorting money for his release in the amount of Five (5) Million Pesos which indeed they demanded from the wife of the victim to the damage and prejudice of Eufronio Jose Naga and his family.

CONTRARY TO LAW.⁵ (Emphasis in the original)

During the arraignment, the accused-appellants and Añoover pleaded not guilty. The other accused, however, remained at-large.⁶ Trial on the merits ensued thereafter.⁷

The antecedent facts show that at around 2:00 p.m. of December 2, 2003, Eufronio Jose Naga (Naga) was driving along SM Centerpoint in Sta. Mesa, Manila in his Isuzu Crosswind van with Plate No. VBS-468, when a man suddenly entered the passenger seat of his van and pointed a gun to his head. The man ordered Naga to turn right to Magsaysay Street, and then left to V. Mapa Street. Naga tried to stop the van in the middle of the road. This angered the man, who poked the gun on Naga's head. The man ordered Naga to park the van along V. Mapa Street, then called someone on his cellular phone.⁸

After around 15 to 30 minutes, three men suddenly rode in Naga's van. One of them pointed a gun to Naga's head and ordered him to continue driving. Upon reaching Pandacan Oil Depot, Naga was told to park the van. At first, Naga tried to disobey the command and simply slowed down, instead of stopping. Two men pointed their guns to Naga's head and commanded him to stop the van. He stopped somewhere at the top of the bridge along the Pasig River. Then, the men forcibly placed Naga at the back of the van. They hit him on his head, cursed him and threatened to kill him. They bound his hands, took his sunglasses and covered the lenses with a thin gauze. After which, they ordered him to wear the sunglasses. Two men sat beside him and held him down.⁹

Unknown to the assailants, Naga's sunglasses had ampermatic lenses that adjusted to the level of light. This allowed him to see everything going on around him.¹⁰

Naga noticed that the assailants drove through Skyway and the South Luzon Expressway and then exited at the Carmona-Biñan interchange. Later on, they stopped at an old house, where Naga saw around six to seven men

⁵ Id. at 292-293.

⁶ Id. at 293.

⁷ Id. at 121.

⁸ Id.

⁹ Id.

¹⁰ Id.

and a woman (who he identified in open court as Macanip) standing by the door. He was pulled out of the van and ordered to get down. Macanip ordered the men to bring Naga inside the house. Four men pulled him inside a room. They bound his hands and legs, took off his sunglasses, covered his eyes with gauze, and pushed him on a bamboo bed. Naga could see through the lower portion of his blindfold.¹¹

While in captivity, the abductors frightened Naga by poking their guns at him and hitting him on different parts of his body. One took his cellphone and asked for his wife's number. They also took his Seiko watch, as well as the money inside his wallet, save for a one hundred peso bill, which he begged the kidnappers to spare.¹²

Meanwhile, at around 2:00 p.m. of December 5, 2003, the Police Anti-Crime Emergency Response (PACER) of the Philippine National Police rescued Naga.¹³

During the trial, Naga identified the assailants, save for Aldas. He related that he could see the faces of the accused while he was lying on his side by the bamboo bed. He saw Añover at least four times and he identified Macanip as the one who fed him. According to Naga, Macanip was always with Santiago who he saw at least five times during his detention. He also saw Añover, Santiago and Lauzon talking in the living room several times.¹⁴

On the other hand, all the accused-appellants vehemently denied the charges leveled against them.¹⁵

Ruling of the Trial Court

On June 3, 2010, the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 31, rendered a Judgment¹⁶ convicting the accused-appellants and Añover of the crime of Kidnapping for Ransom. The dispositive portion of the RTC ruling reads:

WHEREFORE, foregoing premises considered, judgment is hereby rendered finding [Santiago], [Macanip], [Lauzon], [Añover] and [Aldas] guilty beyond reasonable doubt of Kidnapping for Ransom defined and penalized under Article 267 of the [RPC], as amended by [R.A.] No. 7659, and they are sentenced to suffer the penalty of reclusion perpetua without eligibility for parole pursuant to [R.A.] No. 9346.

¹¹ Id. at 121-121A.

¹² Id. at 121A.

¹³ Id. at 122.

¹⁴ Id. at 122-123.

¹⁵ Id. at 299.

¹⁶ Rendered by Judge Sonia T. Yu-Casano; id. at 120-132.

The accused are hereby directed to pay [Naga] jointly and severally the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages; and P100,000.00 as exemplary damages and to pay the costs.

The Branch Clerk of Court is hereby directed to immediately turn over the 9 MM pistol and live ammunitions confiscated from [Santiago] to the Firearms and Explosives Division of the Philippine National Police for its proper disposition.

SO ORDERED.¹⁷

Aggrieved, Aldas and Lauzon filed an appeal with the CA.¹⁸

On April 16, 2012, the CA likewise gave due course to the appeal interposed by Santiago and Macanip.¹⁹

Ruling of the CA

On March 23, 2015, the CA rendered the assailed Decision²⁰ convicting all the accused-appellants of the crime of kidnapping for ransom. The CA found that the prosecution proved the guilt of the accused-appellants beyond reasonable doubt. According to the CA, the fact of the kidnapping for ransom was proven through Naga's testimony. He narrated the details on how he was abducted at gunpoint in Sta. Mesa, Manila, against his will and how he was thereafter detained in a safe house. The CA found that the accused-appellants made demands for the delivery of a ransom in exchange for Naga's release.²¹

The dispositive portion of the assailed CA decision reads:

WHEREFORE, premises considered, the appeal is **DISMISSED**. The assailed Judgment dated June 3, 2010 of the [RTC] of San Pedro, Laguna, Branch 31 in Criminal Case No. 4554-SPL is **AFFIRMED WITH MODIFICATION**, in that, the civil indemnity to be paid by the accused-appellants is increased from P50,000.00 to P75,000.00, Philippine Currency and the moral damages to be paid by the accused-appellants is increased from P50,000.00 to P100,000.00, Philippine Currency.

SO ORDERED.²² (Emphasis in the original)

Dissatisfied with the ruling, the accused-appellants filed the instant appeal.

¹⁷ Id. at 132.

¹⁸ Id. at 86.

¹⁹ Id. at 191-192.

²⁰ Id. at 291-324.

²¹ Id. at 307-308.

²² Id. at 315-316

The Issue

The main issue raised for the Court's resolution is whether or not the prosecution proved the guilt of the accused-appellants beyond reasonable doubt for the crime of Kidnapping for Ransom.

The accused-appellants claim that the prosecution failed to prove the fact of conspiracy among all of them. They likewise question the credibility of prosecution witness Sgt. William Borres (Sgt. Borres). They urge that it was highly unlikely for Sgt. Borres to have seen them in the course of his surveillance.²³ It was equally impossible for Sgt. Borres to have spotted them at the crime scene considering that the place was merely illumined by a gas lamp.²⁴ Moreover, the accused-appellants assert that it was also improbable for Naga to have seen his assailants, as the former wore a blindfold all throughout his captivity. Thus, they posit that Naga was merely forced to name them as the perpetrators.²⁵

Additionally, the accused-appellants claim that the prosecution failed to prove beyond reasonable doubt that a demand for ransom was made. Naga's wife never testified in court to establish the fact that the accused-appellants indeed demanded a ransom in exchange for Naga's release. Finally, they point out that Naga was not in detention for more than three days. Thus, assuming that they are guilty, they may only be convicted of slight illegal detention.²⁶

On the other hand, the People, through the Office of the Solicitor General (OSG), counters that the prosecution proved the guilt of the accused-appellants beyond reasonable doubt. Naga gave a vivid narration of how he was abducted at gunpoint and held in captivity for almost four days until he was rescued by members of the PACER.²⁷ Added to this, Sgt. Borres identified Aldas and Lauzon as among the persons in the safe house where Naga was rescued. He knew the accused-appellants and was familiar with their faces as they were included in the PACER "order of battle" of persons involved in kidnapping for ransom.²⁸ In this regard, the OSG asserts that the testimonies of Naga and Sgt. Borres were straightforward and credible.²⁹ In contrast thereto, all that the accused-appellants offered to prove their innocence were the weak and self-serving defenses of denial and alibi.³⁰

²³ Id. at 214.

²⁴ Id. at 112 and 214.

²⁵ Id. at 116 and 217.

²⁶ Id. at 220.

²⁷ Id. at 160.

²⁸ Id. at 162.

²⁹ Id. at 164.

³⁰ Id. at 160.

Ruling of the Court

The instant appeal is bereft of merit.

***The Guilt of the Accused-Appellants
for the Crime of Kidnapping for
Ransom was Proven Beyond
Reasonable Doubt***

Article 267 of the RPC, as amended by R.A. No. 7659, defines and penalizes the crime of kidnapping as follows:

Art. 267. Kidnapping and serious illegal detention. – Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of *reclusion perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer;

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

In the case at bar, Naga gave a vivid narration of how he was abducted at gunpoint, and held in captivity for four days, until he was rescued by the PACER operatives. Particularly, he truthfully related that while he was driving along SM Centerpoint on December 2, 2003, out of nowhere, a man suddenly boarded his SUV and then pointed a revolver on his head and ordered him to continue driving. He had no choice but to obey the man's command. Later on, other assailants boarded his van, bound his hands and feet and covered his eyes. The assailants continued driving until they stopped at an old house where he was forcibly taken out of the van and held in captivity for four days.

While Naga was in captivity, he was constantly subjected to physical harm and mental torture. He was poked with guns and constantly hit on his face, head, lips, arms and several other parts of his body.³¹ He was likewise subjected to mental torture when the assailants would threaten to cut off his fingers.³² During all this time, his captors would constantly tell him, “*pera*

³¹ Id. at 157-158.

³² Id. at 122.

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lang ito,”³³ which meant that they were holding him captive, until they obtained the ransom money to be given for his release. In fact, on the day that Naga was allowed to make a call to his wife, his captors made hand signals reminding him about the money. Also, on December 4, 2003, one of Naga’s captors specifically told him that they asked for a two million-peso ransom from his wife.³⁴

Undoubtedly, the prosecution proved all the essential elements for the crime of kidnapping for ransom. To stress, the records show that all the accused-appellants are private individuals, who took Naga and deprived him of his liberty for four days, for the purpose of extorting ransom.

Seeking exoneration from the charge of serious illegal detention, the accused-appellants urge that assuming that they are guilty, they should only be convicted of the lesser crime of slight illegal detention. They point out that Naga was taken at gunpoint on December 2 and was rescued on December 5, which shows that his detention did not last for more than three days.

The Court is not persuaded.

This sophistic kind of reasoning is absurd to say the least, as a simple counting of the days that Naga was in detention would clearly show that he was held captive for more than three days. Particularly, Naga was taken on December 2, and held captive on the following days- December 2, 3, 4 and 5. A simple calculation of the said days would undoubtedly show that Naga’s detention lasted for more than three days. This satisfies the element of serious illegal detention.

The Prosecution Proved that the Accused-Appellants Conspired and Confederated with Each Other to Kidnap Naga

Essentially, conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Once conspiracy is established, the responsibility of the conspirators is collective, not individual, thereby rendering all of them equally liable regardless of the extent of their respective participations.³⁵

It must also be noted that in establishing conspiracy, direct proof is not essential. Rather, the fact of conspiracy may be presumed from and proven by the acts of the accused pointing to a joint purpose, design,

³³ Id. at 157.

³⁴ Id. at 158.

³⁵ *People v. Dionaldo, et al.*, 739 Phil. 672, 681 (2014).

concerted action, and community of interests.³⁶

In the case at bar, all the factual circumstances clearly prove that the accused-appellants acted in concert at the time of the commission of the crime. Conspiracy was established from the very moment the accused-appellants boarded Naga's van up to the time they detained him. Their acts emanated from the same purpose and common design. All of them played an essential and indispensable role in capturing and detaining Naga. Each of their deeds revealed a unity in purpose.

Naga Sufficiently Identified the Accused-Appellants as His Captors

Significantly, in *People v. Martinez*,³⁷ the Court stressed that the victim's identification of his abductors suffices as strong proof of their guilt. The Court explained that:

The most important evidence was the positive testimony of [the victim] Lopez recognizing appellants as his abductors. Common human experience tells us that when extraordinary circumstances take place, it is natural for persons to remember many of the important details. This Court has held that the most natural reaction of victims of criminal violence is to strive to see the features and faces of their assailants and observe the manner in which the crime is committed. Lopez positively identified appellant Martinez as one of his captors. He testified that he saw the faces of his abductors because the headlights of his car were focused on them when they alighted from their car. This enabled him to clearly see their faces. All too often, the face of the assailant and his body movements create a lasting impression on the victim's mind and cannot thus be easily erased from his memory.³⁸

In the instant case, Naga identified the accused-appellants as the ones who fed him, guarded him, hit him, threatened him and demanded money from his wife. Naga testified that the accused-appellants were present in the old house when he was brought down from the van by his captors. He saw Macanip standing by the door on the day that he was taken to the old house. In fact, Macanip ordered his captors to take him to the room where he was held captive.

As for the rest of the accused-appellants, Naga related that they were the ones who tied his arms and legs, guarded him and constantly checked on him. Specifically, he saw Santiago at least five times when the latter would enter and stay in the room where he was detained. Also, he saw Gerardo at least four times inside the old house. He likewise saw Lauzon in the living room of the old house.

³⁶ Id.

³⁷ 469 Phil. 558 (2004).

³⁸ Id. at 570-571.

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There can be no doubt as to Naga's ability to identify his captors. It must be remembered that Naga was always able to see through his blindfold. Although he was ordered to wear his sunglasses which were covered with gauze when he was captured, he could still see through it, as his sunglasses had ampermatic lenses that adjusted to light. This provided a good view of what was going on around him. Likewise, during his detention in the old house, he could still see through the lower portion of his blindfold. He also obtained a good view of the living room area whenever he would lie on his side in the bamboo bed.

Added to this, Sgt. Borres likewise identified the accused-appellants as the malefactors. Sgt. Borres and the PACER team conducted a surveillance on the house where Naga was held captive. For days, they watched the movements of the accused-appellants through binoculars from a distance of 18 to 20 meters. All this time, the safe house was lit by a Petromax which provided sufficient illumination. This gave the PACER team a good vantage point to sufficiently identify the accused-appellants and pinpoint their involvement in the illegal detention of Naga. This said, Naga's inability to identify Aldas shall not be a ground for the latter's exoneration, considering that Sgt. Borres saw Aldas milling outside the safehouse with the other malefactors.

Remarkably, both the trial court and the CA regarded Naga's testimony as credible and trustworthy. Well-settled is the rule that the trial court's assessment of the credibility of a witness is entitled to great weight, and is conclusive and binding unless shown to be tainted with arbitrariness or unless, through oversight, some fact or circumstance of weight and influence has not been considered. Thus, absent any showing that the trial judge overlooked, misunderstood, or misapplied some facts or circumstances of weight which would affect the result of the case, his assessment of the credibility of witnesses deserves high respect by the appellate court.³⁹

Besides, there was no allegation of any improper motive for Naga and Sgt. Borres to falsely testify against the accused-appellants. Where there is no evidence to show any dubious or improper motive why a prosecution witness should bear false witness against the accused or falsely implicate the accused-appellants in a heinous crime, the victim's testimony shall be regarded as worthy of full faith and credit.⁴⁰

The Accused-Appellants' Weak and Self-Serving Defenses of Denial and Alibi Falter against Naga's Positive Identification

³⁹ *People v. Dionaldo, et al.*, supra note 35, at 680.

⁴⁰ *People v. Fabro or Manalastas*, 813 Phil. 831, 845 (2017).

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The accused-appellants cannot harp on their defense of alibi, as they were placed at the scene of the crime by both Naga and Sgt. Borres.

Suffice to say, it is settled that alibi and denial, if not substantiated by clear and convincing evidence are negative and self-serving, and thus, undeserving of weight in law. They are considered with suspicion and always received with caution, not only because they are inherently weak and unreliable, but also because they are easily fabricated and concocted. A denial cannot prevail over the positive testimony of prosecution witnesses who were not shown to have any ill motive to testify against the accused.⁴¹

In fine, the prosecution proved all the essential elements for the crime of kidnapping for ransom. It was established through the credible testimony of Naga that he was detained, kept in captivity, hogtied for four days for the purpose of demanding ransom.

Based on the foregoing, the CA correctly declared that the accused-appellants are indeed guilty beyond reasonable doubt of the crime of kidnapping for ransom. Accordingly, the CA correctly imposed upon them the penalty of *reclusion perpetua* without eligibility for parole.

However, the amount of damages awarded by the CA must be increased to conform with current jurisprudence. In line with the Court's ruling in *People v. Jugueta*,⁴² the amount of civil indemnity is increased to ₱100,000.00. Moreover, an award of exemplary damages worth ₱100,000.00 is likewise granted to Naga.

Finally, the amount of damages awarded shall be subject to an interest of six percent (6%) *per annum* from the date of finality of the Court's ruling, until full payment.

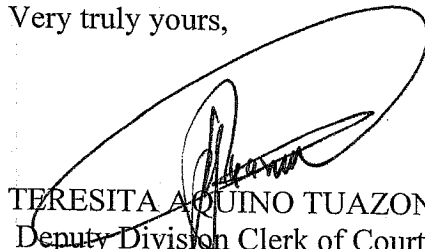
WHEREFORE, premises considered, the instant appeal is hereby **DISMISSED for lack of merit**. Accordingly, the Decision dated March 23, 2015 of the Court of Appeals in CA-G.R. CR-H.C. No. 04537, convicting accused-appellants Prudencio Santiago y Maliksi, Vilma Macanip y Barraza, Alejandro Aldas y Aure, and Zosimo Lauzon y Burines of the crime of Kidnapping for Ransom, is hereby **AFFIRMED with MODIFICATION**. The accused-appellants are ordered to pay victim Eufronio Jose Naga the following: (i) ₱100,000.00 as civil indemnity; (ii) ₱100,000.00 as moral damages; and (iii) ₱100,000.00 as exemplary damages. All the amounts due shall earn a legal interest of six percent (6%) *per annum* from the date of finality of this Resolution until the full satisfaction thereof.

⁴¹ *People v. Anticamarà, et al.*, 666 Phil. 484, 507 (2011).

⁴² 783 Phil. 806 (2016).

SO ORDERED.” (Zalameda, J., designated additional Member per Special Order No. 2727 dated October 25, 2019.)

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Urth* 12/20

26 DEC 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 31
San Pedro, Laguna
(Crim. Case No. 4554-SPL)

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*with copy of CA Decision dated 23 March 2015.
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