



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 15, 2022 which reads as follows:

“G.R. No. 251105 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus MARLON LOPERA y SINGSON. ET AL., accused; FELIZARDO GUTIERREZ y VILLAREAL, ROLANDO MANUZON, JR. y MACAPULAY and BERNARDO MANUZON y MANABAT, accused-appellants.

After a careful review of the records of the case and the issues submitted by the parties, the Court **AFFIRMS** the Decision¹ dated May 31, 2019 of the Court of Appeals (CA), Eleventh Division in CA-G.R. CR-HC No. 08908, which affirmed with modification the Decision² dated October 25, 2016 of the Regional Trial Court (RTC) of Manila, Branch 43 in Criminal Case No. 11-282316 convicting accused-appellants Felizardo Gutierrez (Felizardo), Rolando Manuzon, Jr. (Rolando) and Bernardo Manuzon (Bernardo) (collectively, accused-appellants) for the crime of Kidnapping for Ransom penalized under Article 267 of the Revised Penal Code (RPC).

For an accused to be convicted of Kidnapping for Ransom, the prosecution must prove beyond reasonable doubt all the elements of the crime, namely:

- (1) the offender is a private individual;
- (2) the offender kidnaps or detains another, or in any manner deprives the latter of his or her liberty;

- over – five (5) pages ...

193-A

¹ *Rollo*, pp. 3-20. Penned by Associate Justice Perpetua T. Atal-Paño, with Associate Justices Ricardo R. Rosario (now a Member of the Court) and Nina G. Antonio-Valenzuela concurring.

² *CA rollo*, pp. 73-95. Penned by Presiding Judge Roy G. Gironella.

- (3) the act of detention or kidnapping must be illegal;
and
- (4) the victim was kidnapped or detained for ransom.³

Ransom means money, price or consideration paid or demanded for the redemption of a captured person that will release him or her from captivity.⁴ No specific form of ransom is required to consummate the felony of kidnapping for ransom as long as the ransom is intended as a bargaining chip in exchange for the victim's freedom.⁵ The amount of, and purpose for, the ransom is immaterial.⁶

Here, the prosecution was able to sufficiently prove the elements of the crime. *First*, Felizardo, Rolando and Bernardo are all private individuals. *Second*, the prosecution was able to establish that the victim, Eric Sim Chin Tong (Eric), was kidnapped and detained by Felizardo, Rolando and Bernardo. Through the categorical and consistent testimony of Eric, the prosecution was able to narrate how Felizardo, Rolando and Bernardo pretended to be immigration officers who forcibly took Eric from Gagasan compound using a fake warrant of arrest. Later on, the prosecution was also able to prove that Eric was brought to a comfort room of an unidentified building where he was kept for almost two days. *Third*, the prosecution was able to prove that Felizardo, Rolando and Bernardo's act of kidnapping or detaining Eric was illegal, there being no valid and legal ground to detain Eric. *Finally*, the prosecution was also able to prove that Felizardo, Rolando and Bernardo were able to kidnap and eventually detain Eric by misrepresenting themselves as immigration officers and by showing a fake warrant of arrest and later on asking Eric for money in exchange for his freedom.

In view of the foregoing, the Court finds no reversible error in the RTC's findings, as affirmed by the CA, that the elements of Kidnapping for Ransom are present in this case.

Accused-appellants argue that the RTC should have taken caution in assigning weight to the testimony given by one of the prosecution's witnesses, Nestor Samson (Nestor), considering that the latter is Eric's employee. They further allege that their defenses, which were mere denials and alibis, deserve credence over the prosecution's version of facts.

- over -

193-A

³ See *People v. Ganih*, G.R. No. 185388, June 16, 2010, 621 SCRA 159, 165.

⁴ *People v. Parba-Rural*, G.R. No. 231884, June 27, 2018, 869 SCRA 154, 161.

⁵ *Id.* at 161.

⁶ *Id.*

The Court disagrees. There is no reason to depart from the probative value accorded by the RTC, as affirmed by the CA, to the testimonies of the prosecution's witnesses.

In *People v. Aquinde*,⁷ the Court held that the findings of fact of the trial court, its calibration of the testimonial evidence, its assessment of the probative weight thereof as well as its conclusions anchored on the said findings are accorded high respect if not conclusive effect by the appellate courts. The reason behind this principle is that the trial court is able to observe and monitor, at close range, the conduct of behavior and deportment of the witnesses as they testify.⁸ However, the appellate court is not bound by the said findings and conclusions if the trial court ignored or overlooked, misunderstood or misconstrued cogent facts and circumstances which, if considered, will alter the outcome of the case.⁹ In this case, the Court finds no basis to deviate from the trial court's findings and conclusions on the credibility and probative weight of the testimonies of Nestor, and more importantly, Eric.

It is well-settled that where there is no evidence that the witness for the prosecution acted with improper or ill motives, the testimony of the witness is entitled to full faith and credit.¹⁰ Categorical and positive identification of an accused, without any showing of ill motive on the part of the witness testifying on the matter, prevails over alibi and denial, which are negative and self-serving evidence undeserving of real weight in law unless substantiated by clear and convincing evidence.¹¹ Here, the defense was not able to present any evidence to prove that Nestor and Eric had ill motives against Felizardo, Rolando and Bernardo.

Further, the defenses raised by accused-appellants are mere denials and alibis. In *People v. Desalisa*,¹² the Court held that for the defense of alibi to prosper, the accused must prove not only that he or she was at some other place when the crime was committed, but also that it was physically impossible for him or her to be at the scene of the crime or its immediate vicinity through clear and convincing evidence.¹³ Physical impossibility refers to the distance between the

- over -

193-A

⁷ G.R. No. 133733, August 29, 2003, 410 SCRA 162.

⁸ Id. at 174.

⁹ Id.

¹⁰ *People v. Garcia*, G.R. Nos. 133489 & 143970, January 15, 2002, 373 SCRA 134, 151-152.

¹¹ See *People v. Mat-An*, G.R. No. 215720, February 21, 2018, 856 SCRA 282, 295.

¹² G.R. No. 148327, June 12, 2003, 403 SCRA 723.

¹³ Id. at 728.

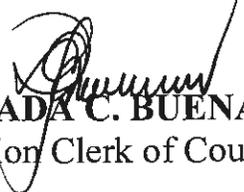
place where the appellant was when the crime transpired and the place where it was committed, as well as the facility of access between the two places.¹⁴ In this case, accused-appellants failed to present evidence which will substantiate their defenses of denial and alibi. They failed to establish that it was physically impossible for them to be at the crime scene or its immediate vicinity when the crime was committed. Felizardo was just within Metro Manila while Bernardo and Rolando were just in Bulacan when the kidnapping happened. It cannot be denied that there are accessible modes of transportation that would allow them to be at the place where the kidnapping happened.

Finally, consistent with the Court's ruling in *People v. Damayo*,¹⁵ the Court affirms the modification of the CA which increases the amount of the civil liability from ₱75,000.00 to ₱100,000.00 with legal interest of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

WHEREFORE, premises considered, the appeal is hereby **DISMISSED**. The Decision dated May 31, 2019 of the Court of Appeals, Eleventh Division in CA-G.R. CR-HC No. 08908 finding accused-appellants Felizardo Gutierrez y Villareal, Rolando Manuzon, Jr. y Macapulay and Bernardo Manuzon y Manabat **GUILTY** beyond reasonable doubt of the crime of Kidnapping for Ransom under Article 267 of the Revised Penal Code sentencing them to suffer the penalty of *reclusion perpetua*, and ordering them to pay ₱100,000.00 as civil indemnity with legal interest at the rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid is hereby **AFFIRMED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *mlr*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
193-A

- over -

¹⁴ *People v. Mon*, G.R. No. 235778, November 21, 2018, 886 SCRA 611, 622.

¹⁵ G.R. No. 232361, September 26, 2018, 881 SCRA 146, 169.



The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 08908)

The Hon. Presiding Judge
Regional Trial Court, Branch 43
1000 Manila
(Crim. Case No. 11-282316)

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellants
5/F, DOJ Agencies Building
NIA Road cor. East Avenue, Diliman
1101 Quezon City

Messrs. Felizardo V. Gutierrez
Rolando M. Manuzon, Jr.
& Bernardo M. Manuzon
Accused-Appellants
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

The Director General
Bureau of Corrections
1770 Muntinlupa City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

Judgment Division (x)
Supreme Court

193-A

UR


NBT