



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **21 March 2022** which reads as follows:*

“G.R. No. 257175 (*People of the Philippines v. Blas Abucay y Tumino @ Bala*). — This appeal¹ challenges the October 29, 2020 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12976, which affirmed the June 28, 2013 Decision³ of the Regional Trial Court (RTC), Branch 208, Mandaluyong City. The CA found accused-appellant Blas Abucay y Tumino (Blas) guilty beyond reasonable doubt of Kidnapping for Ransom, in violation of Article 267 of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 7659.⁴

The Antecedents:

In November 2005, Blas, together with 12 others namely Sozimo Lauzon @ Sosing (Sozimo), Alejandro Aldas @ Ali (Alejandro), Feliciano Esposa @ Pili (Feliciano), Efren Abucay (Efren), Juan Casanas @ Pusong (Juan), Ponciano Esposa @ Mamo/Palopako (Ponciano), Gregorio Dela Cruz @ Gorio (Gregorio), Iluminado Aldas, Jr. @ Oni (Iluminado), Efren Patcho (Patcho), Alias Noel, Alias Nono and Alias Kapitan, was charged with Kidnapping for Ransom under Article 267 of the RPC, as amended by RA 7659. The accusatory portion of the Information⁵ reads:

That on or about 11:30 a.m. of March 11, 2002, in the City of Mandaluyong, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one

¹ *Rollo*, pp. 3-4

² *Id.* at 8-24. Penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Tita Marilyn B. Payoyo-Villordon.

³ *Id.* at. 26-36; penned by Presiding Judge Esteban A. Tacla, Jr.

⁴ Entitled “AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL LAWS, AND FOR OTHER PURPOSES.” Approved: December 13, 1993.

⁵ *Records*, pp. 2-4.

another, did then and there, willfully, unlawfully, and feloniously kidnap and deprive IMELDA E. BENGZON of her liberty and against her will by means of threat and intimidation with the use of firearms, and then bring her to a safe house in Naic, Cavite, wherein she was detained for a period of two (2) days, and that the abduction of said victim was for the purpose of extorting ransom from her family, as in fact, the amount of Three Million Pesos (Php3,000,000.00) and three watches consisting of one (1) Rolex and (2) Bulovas were actually delivered to the above-mentioned accused in exchange for the release of the victim to the damage and prejudice of Imelda E. Bengzon in whatever amounts may be awarded her under the provision of the new Civil Code.

CONTRARY TO LAW.⁶

Blas and the other accused pleaded not guilty during their arraignment.⁷ The prosecution presented four witnesses, namely: (1) Imelda Bengzon (Imelda); (2) Augusto Bengzon (Augusto), husband of Imelda; (3) William Jaducan (Jaducan); and (4) Police Senior Inspector Roy Michael Malixi (PSI Malixi).⁸ On the other hand, the defense presented Sozimo, Ponciano, Gregorio, Alejandro, Jaducan, and Blas.⁹

Version of the Prosecution:

Imelda recalled that she was in her office in Mandaluyong City until 10:00 a.m. of March 11, 2002. Thereafter, she and her driver Efren drove to San Juan City using a green CR-V vehicle. Along Addition Hills, she noticed a motorcycle following them, then two men who were wearing police uniform flagged them and one tried to unlock the car's door. She instructed Efren to proceed but the latter did not follow her. Imelda tried to escape but two men brought her back to the car.¹⁰

Imelda was made to wear sunglasses covered with tape. The perpetrators were carrying firearms and talking to someone on a cellular phone for directions. They were taken to a place where she heard sounds of water and the ground was full of sand. They were subsequently brought to a nipa hut where Imelda sensed and heard numerous people talking, and that a certain individual said they have to call general to inform that Imelda was already there.¹¹

After 10 to 15 minutes, a certain General arrived and told Imelda not to worry because she would be released, as they only wanted to get the ransom. He asked for her cellphone so that he could call Imelda's husband Augusto. Over the phone, he demanded ₱10,000,000.00 from Augusto. Imelda was told to sit or lie down and wait, and that they would give her anything she wanted

⁶ Id. at 2-3.

⁷ *Rollo*, p. 9.

⁸ Id.

⁹ Id. at 16.

¹⁰ Id. at 10-11.

¹¹ Id. at 10.

because she was six months pregnant during that time. After 24 hours of being detained, Imelda was informed that Augusto already paid for her ransom in the amount of ₱3,000,000.00 and that she would already be released.¹²

Imelda and Efren were taken back to her car. After driving for an hour, Imelda and Efren were made to alight from the car and were given ₱1,000.00 for their transportation. She discovered that they were in Parañaque after taking off the sunglasses covered with tape.¹³

Meanwhile, Augusto narrated that he was in a coffee shop in Makati at around 1:15 p.m. of March 11, 2002 when he then received a call from a man demanding ₱10,000,000.00 as ransom in exchange for his wife. Augusto appealed for them not to hurt Imelda and asked if he could talk to her. Imelda was able to say hello but the man took back the phone and reminded Augusto to cooperate if he wanted his wife back. Augusto reiterated his plea but the man turned off the phone.¹⁴

Augusto then sought the assistance of the Police Anti-Crime and Emergency Response Unit (PACER). They waited for further instructions from the perpetrators. At around 5:45 p.m., the perpetrators reiterated their demand for a ₱10,000,000.00 ransom but Augusto needed time to raise said amount.¹⁵

Eventually, the ransom money was decreased to ₱3,000,000.00 and one Rolex and two Bulova watches. At about 9:30 p.m., Augusto received a call instructing him to proceed to South Expressway and park at Shell Select Station South Bound. Since Augusto already passed by said gas station, they were just ordered to park at Petron. The same was aborted because the perpetrators assumed that police officers were following them.¹⁶

Augusto then received another call instructing him to proceed to Alabang-Zapote road and exit the highway. At the Kabihasanan area in Parañaque, Augusto was ordered to pull over and meet the perpetrators. He gave the black bag containing the money and watches to a man who then headed to a residential area in Kabihasanan.¹⁷ At 1:00 a.m. of March 13, 2002, Augusto arrived home. After 15 minutes, Imelda was also back home. At 1:30 a.m., the perpetrators called and informed them that Imelda's car was parked at McDonald's Quezon City and that the keys were inside the exhaust pipe.¹⁸

¹² Id. at 10-11.

¹³ Id. at 11.

¹⁴ Id.

¹⁵ Id. at 11-12.

¹⁶ Id. at 12.

¹⁷ Id.

¹⁸ Id.

As for Jaducan, he testified that he was a rent-a-car driver. At around 8:00 a.m. of March 11, 2002, Sozimo, Alejandro, Feliciano, Gregorio, alias Nono, and Juan visited him in his home in Barangay Holy Spirit, Quezon City because they needed a driver. He agreed so they boarded a Lite Ace van and went to San Rafael Street in Mandaluyong City. In front of a warehouse, they had snacks in a *carinderia*. Alejandro instructed Juan to check the car owned by Imelda inside the warehouse. When Juan returned, they boarded the van and headed to Acacia Lane where Feliciano changed his clothes to a police uniform. Feliciano and alias Nono prepared the .45 caliber firearms while Juan took out a baby armalite. Jaducan was ordered to keep quiet when he asked why there are guns.¹⁹

They followed a Honda CR-V vehicle that passed them. They stopped at Gomez Street where Feliciano boarded a motorcycle driven by alias Nono. Feliciano and Nono followed the Honda CR-V while the Lite Ace van tagged along. The motorcycle overtook the Honda CR-V in Addition Hills. Imelda tried to escape but alias Nono caught her and brought her back to the CR-V. Juan instructed Efren to move to the back seat. At the back seat, alias Nono and Juan secured Imelda and Efren. Alejandro ordered Jaducan to drive the Honda CR-V, then Juan put the sunglasses covered with tape on Imelda and Efren.²⁰

Jaducan further disclosed that after capturing Imelda, they headed to Shaw Boulevard but Feliciano ordered him to stop along the way so that Juan could change the Honda CR-V's plate number. Their trip ended in Naic, Cavite, particularly in a house near the seashore. After a while, the Lite Ace van likewise arrived. Inside the house, Blas, alias Kapitan and Iluminado were already waiting for them. Alejandro approached the Honda CR-V and asked Imelda for her name, number, address and the name and number of her husband. Juan took Efren and said that the latter should keep up so that Imelda would not be suspicious. After around 30 minutes, Jaducan was tasked to hide the Honda CR-V so he drove the car to Dasmariñas, Cavite and parked thereat then went home.²¹

At around 7:00 p.m. of March 12, 2002, Alejandro called Jaducan to get the Honda CR-V. He did as ordered and fetched Alejandro and others in Juan's store in Fort Bonifacio. They proceeded to Kabihasanan, Parañaque where Alejandro's group and Augusto met. Ponciano took the black bag from Augusto. Alejandro then instructed him to drive to Naic, Cavite where Imelda was detained and ordered him to take Imelda to a 7-11 Store in Sucat, Parañaque. They passed by C-5 where Feliciano alighted and headed to Quezon City where the Honda CR-V was left. Jaducan gave the car keys to Blas who placed them inside the exhaust pipe of the car. Jaducan received ₱5,000.00 from Blas for his services and went home.²²

¹⁹ Id. at 13.

²⁰ Id.

²¹ Id. at 13-14.

²² Id. at 14.

Lastly, PSI Malixi testified that he was assigned at the National Anti-Kidnapping Task Force in Camp Crame, Quezon City on March 11, 2002. He received a call from Augusto regarding the kidnapping of the latter's wife Imelda. A team was organized to help Augusto's family. He recounted that the initial ransom money was ₱10,000,000.00 which was reduced to ₱3,000,000.00 and three watches. The ransom was paid on March 12, 2002 then Imelda was released and came back home safely in the morning of March 13, 2002.²³

Version of Blas:

Blas testified that he was residing at Veterans Village, Barangay Holy Spirit, Quezon City in March 2002. He knew Feliciano, Ponciano and Jaducan because they were all from his hometown in Eastern Samar. On the date surrounding the incident, Iluminado fetched him and he accompanied Iluminado to Naic, Cavite. When they arrived, it was his first time to meet alias Kapitan who wanted to hire him to make fiberglass boats. He saw individuals alighting from a vehicle and a woman wearing sunglasses. Juan told him to look after their companions, a woman and a man. Out of fear, he followed and did not say anything. He knew that Juan was a former military man who had a bad reputation due to his involvement in crimes. When Juan, Ponciano and Alejandro left, he, together with Feliciano and Iluminado, guarded the victims for two days. Thereafter, he was informed that the victims would be released. He was with them when they were released in Parañaque. Then he was taken to Philcoa where he alighted, and was given ₱100,000.00 as his payment for looking after Imelda and Efren. Blas justified that he did not escape in Naic, Cavite out of fear that he might die while doing so. Juan threatened to kill him if he refused to guard Imelda and Efren.²⁴

Sozimo, Ponciano, Gregorio and Alejandro proffered their respective alibi. Sozimo claimed that he was in Baranagy Haro, Tacloban, Leyte on March 11, 2002 because his mother was sick.²⁵ Ponciano was in Bloomfields Subdivision in Imus, Cavite on said date when he was called to drive for Feliciano, Jaducan and two others to Mandaluyong, and that he went back to Cavite thereafter.²⁶ Gregorio was in Guiguinto, Bulacan where he lives.²⁷ Finally, Alejandro could not recall where he was or what he was doing on said date, but he was in Bicol before the case was filed. He only visited Manila to do scrap work. He denied being involved in the kidnapping case.²⁸

²³ Id. at 15-16.

²⁴ Id. at 19.

²⁵ Id. at 16-17.

²⁶ Id. at 17-18.

²⁷ Id. at 18.

²⁸ Id. at 18-19.

Ruling of the Regional Trial Court:

In a Decision²⁹ dated June 28, 2013, the RTC found Blas, Sozimo, Alejandro and Gregorio guilty beyond reasonable doubt of Kidnapping for Ransom. The prosecution proved the existence of each element of the crime. The defenses of denial and alibi forwarded by the perpetrators were disregarded because they failed to demonstrate that it was physically impossible for them to have been at the scene of the crime. Moreover, the alibis were not corroborated by any other evidence or testimonies.³⁰ The RTC observed unity of purpose and that their concerted actions pointed to a single intent –to deprive Imelda of her liberty in exchange for ransom. Hence, the act of one is the act of all.³¹

The *fallo* of the RTC Decision reads in this wise:

WHEREFORE, premises considered, judgment is hereby rendered finding Accused Sozimo Lauzon, Accused Alejandro Aldas, Accused Gregorio Dela Cruz, and Accused Blas Abucay GUILTY of the crime of Kidnapping for Ransom as defined and penalized under Article 267 of the Revised Penal Code.

Accordingly, Accused Sozimo Lauzon, Accused Alejandro Aldas, Accused Gregorio Dela Cruz, and Accused Blas Abucay are hereby each sentenced to *reclusion perpetua* with no possibility of parole and ordered to pay, jointly and severally, P100,000 moral damages, P100,000 exemplary damages and Three Million Pesos (P3,000,000.00) and the value of the three watches consisting of one (1) Rolex and (2) Bulovas, if the same can no longer be retrieved from the Accused, as actual damages.

SO ORDERED.³²

Aggrieved, Blas appealed³³ the case to the CA.

Ruling of the Court of Appeals:

In its October 29, 2020 Decision,³⁴ the CA affirmed the RTC's findings and convicted Blas of the crime charged. The CA held that inconsistencies as to minor details did not impair the credibility of the prosecution's witnesses.³⁵ As to the defense of denial, Blas did not present corroborative evidence to support his denial. Blas even volunteered the information that he received ₱100,000.00 for his participation in the crime. Blas benefited from the fruit of the illegal act and did not even bother to report the incident to the authority. His

²⁹ CA *rollo*, pp. 72-82.

³⁰ Id. at 79-80.

³¹ Id. at 81.

³² Id. at 81-82.

³³ Id. at 17-18.

³⁴ *Rollo*, pp. 8-24.

³⁵ Id. at 20-23.

acts were contrary to his contention that he was forced or threatened to participate to the crime.³⁶

The dispositive portion of the CA's Decision reads:

WHEREFORE, premises considered, the appeal is **DENIED** and the decision dated June 28, 2013 of the Regional Trial Court (RTC), Branch 208, Mandaluyong City in Criminal Case No. MC05-9674-H is hereby **AFFIRMED**.

SO ORDERED.³⁷

Unrelenting, Blas appealed³⁸ before this Court. In his brief,³⁹ Blas insists that Jaducan's testimony was full of inconsistencies which tainted his credibility as a witness, hence, the prosecution failed to prove Blas' guilt beyond reasonable doubt.⁴⁰ In addition, Blas contends that he should have been exempted from criminal liability under Article 12(5) and (6) of the RPC because he was only compelled by an irresistible force to look after Imelda.⁴¹ Lastly, mere presence at the scene of the crime did not amount to conspiracy that would link him directly to the crime of Kidnapping for Ransom.⁴² Hence, Blas prays that he be acquitted of the crime charged.⁴³

The People, in its brief,⁴⁴ maintains that Blas was a co-conspirator for the crime of Kidnapping for Ransom and that the prosecution adequately established the elements of the crime. The conduct of Blas during and after the commission of the crime showed adherence to a common purpose and design, and he was not merely a passive participant to the crime.⁴⁵ As to the exempting circumstance, the People argues that duress or intimidation must be characterized as imminent and impending, excluding a threat of future injury.⁴⁶ Additionally, even the minor inconsistent statements were sufficiently explained.⁴⁷ Finally, the defenses of denial and lack of motive could not prevail over the prosecution's positive testimonies.⁴⁸

All told, the sole issue before this Court is whether Blas is guilty beyond reasonable doubt for the crime of Kidnapping for Ransom.

³⁶ Id. at 23.

³⁷ Id. at 23-24.

³⁸ Id. at 3-4.

³⁹ CA *rollo*, pp. 52-70.

⁴⁰ Id. at 63-65.

⁴¹ Id. at 65-66.

⁴² Id. at 66-68.

⁴³ Id. at 68.

⁴⁴ Id. at 92-118.

⁴⁵ Id. at 103-107.

⁴⁶ Id. at 108-110.

⁴⁷ Id. at 110-114.

⁴⁸ Id. at 114-116.

Our Ruling

The appeal lacks merit.

This Court affirms the conviction of Blas for Kidnapping for Ransom.

It is a hornbook doctrine that the trial court's factual findings as well as its conclusion pertaining to the credibility of the witnesses should be accorded great weight and respect. Evidently, trial courts hold the lenses to personally examine and observe the demeanor, manner and body language of the witnesses as they testified during trial.⁴⁹ In this case, the RTC found the testimonies of the prosecution's witnesses to be credible and sufficient to prove every element of the crime charged.⁵⁰ The perpetrators, including Blas, implemented their plan to deprive Imelda of her liberty and be released in exchange for ransom money.⁵¹

These findings of fact by the trial court, as affirmed by the CA, and absent any reason that would impel Us to overturn or disregard the same, deserve due respect. It is noteworthy to echo the pronouncement in *People v. Nocido*⁵² that minor inconsistencies even enhance the credibility of a witness for the same showcase lack of scheming and spontaneity.

This Court likewise finds that the prosecution has satisfactorily proved beyond reasonable doubt all the elements of Kidnapping for Ransom. Article 267 of the RPC provides:

Article 267. Kidnapping and serious illegal detention. — Any private individual who shall kidnap or detain another, or in any other manner deprive him[or her] of his[or her] 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 penalty 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.

⁴⁹ *People v. Jagdon, Jr.*, G.R. No. 242882, September 9, 2020.

⁵⁰ *CA rollo*, pp. 73-76. See also pp. 79-80.

⁵¹ *Id.* at 80.

⁵² G.R. No. 240229, June 17, 2020.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed. (Emphasis supplied)

*People v. Fajardo*⁵³ sets forth the particular elements of said crime that must concur: (1) that the offender is a private individual; (2) said offender kidnaps or detains another person, or deprives the latter of his or her liberty; (3) the detention or kidnapping must be illegal; and (4) the commission of the crime must be in any of the circumstances: (a) the detention lasts for more than three days; (b) the crime was committed by simulating public authority; (c) serious physical injuries were inflicted upon the person kidnapped or threats to kill him or her were made; or (d) the individual kidnapped or detained is a minor, a female or a public officer.⁵⁴

The first and second elements were evidently present in this case. Blas, as well the other accused, was a private individual. He detained and guarded Imelda and Efren for about two days until they were released after the ransom money was delivered.⁵⁵ As for the third and fourth elements, Imelda, a woman, was deprived of her liberty and against her will, which was contrary to law and simply illegal. Imelda was detained for about two days, and was only released after the perpetrators received the ransom money amounting to ₱3,000,000.00 and three watches.⁵⁶ Since all the elements were clearly established by the prosecution, it cannot be gainsaid that the perpetrators, including Blas, are guilty beyond reasonable doubt of said crime.

In his attempt for exoneration, Blas argues that conspiracy was not established and the exempting circumstance under Article 12(5)⁵⁷ of the RPC applies as to him.

We are not convinced.

There is conspiracy when two or more persons agreed to the commission of an offense and they decided to commit the same. This Court, however, emphasizes that conspiracy may also be inferred from the acts of the perpetrators such as when their overt acts display adherence to a common purpose and design, and community of interests. As in *People v. Fajardo*,⁵⁸ the meeting of minds need not be express so long as the same could be inferred from the concerted actions of each perpetrator. In this case, Blas was proven to

⁵³ 830 Phil. 289 (2018).

⁵⁴ Id. at 300.

⁵⁵ *Rollo*, p. 19.

⁵⁶ Id. at 10-16.

⁵⁷ ARTICLE 12. Circumstances Which Exempt from Criminal Liability. — The following are exempt from criminal liability:

x x x x

(5) Any person who acts under the compulsion of an irresistible force.

⁵⁸ *Supra* note 53 at 292.

have participated in achieving a common design and purpose when he, together with Feliciano and Iluminado, guarded Imelda and Efren for two days in Naic, Cavite. Such fact was elicited from Blas' himself.⁵⁹ Even more, Jaducan also received the amount of ₱5,000.00 from Blas for the former's services.⁶⁰ Worse, Blas accepted ₱100,000.00 as payment for guarding Imelda and Efren. These overt acts affirm conspiracy and negate Blas' outcry for exemption from criminal liability allegedly due to compulsion of an irresistible force. This Court reiterates its pronouncement in *People v. Paredes, Jr.*:⁶¹

The argument of accused-appellant that he only acted under the compulsion of an irresistible force which consequently exempts him from criminal liability is of no moment and cannot be given credence by this Honorable Court. Under Article 12 of the Revised Penal Code, a person is exempt from criminal liability if he acts under the compulsion of an irresistible force, or under the impulse of an uncontrollable fear of equal or greater injury, because such person does not act with freedom. However, it was held that **for such a defense to prosper, the duress, force, fear, or intimidation must be present, imminent and impending, and of such nature as to induce a well-grounded apprehension of death or serious bodily harm if the act be done. A threat of future injury is not enough. We have held that in order for the circumstance of uncontrollable fear may apply, it is necessary that the compulsion be of such a character as to leave no opportunity for escape or self-defense in equal combat.**⁶² (Emphasis supplied) (Citations omitted)

Blas claims that he was threatened with death if he would not guard Imelda and Efren, and that he was fearful of Juan who had a reputation for his involvement in crimes. However, all these are bare assertions wanting in any substantiation. Besides, Blas' actions manifest his willingness to perform the tasks assigned to him. He continued to guard Imelda until her release and even received ₱100,000.00 for doing so.

All matters considered, the prosecution's evidence prevail over the contentions of Blas. He is, therefore, guilty beyond reasonable doubt of the crime of Kidnapping for Ransom. While the penalty for this crime is death under Article 267 of the Revised Penal Code, the penalty to be imposed is *reclusion perpetua* without eligibility for parole in view of the passage of RA 9346.⁶³ Likewise, the trial court, as affirmed by the appellate court, correctly ordered the payment of ₱100,000.00 moral damages, ₱100,000.00 exemplary damages, and actual damages in the amount of ₱3,000,000.00 and the value of the three watches, if the same could no longer be retrieved and returned, as imposed jointly and severally against the perpetrators namely Sozimo,

⁵⁹ *Rollo*, p. 19.

⁶⁰ *Id.* at 14.

⁶¹ G.R. No. 238745 (Notice), January 30, 2019.

⁶² *Id.*

⁶³ Entitled, "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

Alejandro, Gregorio and Blas.⁶⁴ Moreover, all these monetary awards shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until full payment.

WHEREFORE, the appeal is **DISMISSED**. The assailed October 29, 2020 Decision of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12976 finding accused-appellant Blas Abucay y Tumino @ Bala guilty beyond reasonable doubt of Kidnapping for Ransom and sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole⁶⁵ is **AFFIRMED** with modification in that all the monetary awards shall earn interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until full payment.

SO ORDERED.” (*Perlas-Bernabe, S.A.J., on official leave; Hernando, J., Acting Chairperson per Special Order No. 2882 dated March 17, 2022*).

By authority of the Court:


TERESITA AQUINO TUAZON

Division Clerk of Court *by 3/30*

30 MAR 2022

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

JUDGMENT DIVISION (x)
Supreme Court, Manila

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*with copy of the Decision dated 29 October 2020
Please notify the Court of any change in your address.
GR257175. 03/21/2022(118)URES

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 208
1550 Mandaluyong City
(Criminal Case No. MC05-9674-H)

⁶⁴ *Rollo*, p. 82. See also *People v. Niegas*, 722 Phil. 301, 313-314 (2013); *People v. Pepino*, 636 Phil. 297, 310-312 (2010).

⁶⁵ A.M. No. 15-08-02-SC or the Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties: “If at all, the qualification of “without eligibility for parole” may be applied to qualify *reclusion perpetua* in order to emphasize that the appellant should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.