



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 233088

Present:

- versus -

GESMUNDO, C.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

ROGELIO MENDOZA Y
SAMSON, HECTOR CORNISTA Y
REOTUTAR, ALVIN LABRA Y
CORNISTA, BRIAN HO Y
BARBOSA, RICARDO BANAAY Y
SINANGOTE, JOEL DIONALDO
Y ATINTA, ISIDRO INOSANTO Y
ARGUELLES, FREEMAN
BAGARES Y ROBERTO,
RICARDO ABALOS Y MANUSO,
ROMEO RAYGA Y BANCO,
ANTONIO BATUCAN Y
ABANILLA, GARY BATAN,
PEDRO SORIMA, ELORDE
BITANGHOL, AND ANDY
QUINTANA,

Accused,

HECTOR CORNISTA Y
REOTUTAR, ALVIN LABRA Y
CORNISTA, BRIAN HO Y
BARBOSA, RICARDO BANAAY Y
SINANGOTE, JOEL DIONALDO
Y ATINTA, ISIDRO INOSANTO Y
ARGUELLES, FREEMAN
BAGARES Y ROBERTO,
RICARDO ABALOS Y MANUSO,

**ROMEO RAYGA Y BANCO AND
ANTONIO BATUCAN Y
ABANILLA,**

Accused-Appellants.

Promulgated:

JAN 16 2023



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DECISION

HERNANDO, J.:

Assailed in this appeal¹ is the October 30, 2015 Decision² of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04581, which affirmed with modification the April 16, 2010 Decision³ of the Regional Trial Court (RTC), Branch 21, Imus, Cavite in Criminal Case No. 2664-06, finding accused-appellants guilty beyond reasonable doubt as principals of the crime of Kidnapping for Ransom under Article 267 of the Revised Penal Code as amended by Republic Act No. 7659.⁴

The Antecedents

Accused-appellants were charged with Kidnapping for Ransom in an Information dated March 6, 2006, which reads:

That on or about June 28, 2005 in the vicinity of Imus, Cavite and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, with threats and intimidation through the use of force and firearms did then and there, willfully, unlawfully and feloniously take, carry away and deprive CARRIE CHOA y MARTINEZ of her liberty against her will for the purpose of extorting money as in fact a demand for ransom was made in the amount of Twenty Million Pesos, (P20,000,000.00) Philippine Currency as a condition for her safe release, and in fact Gliceree L. Continting, sister of the victim, paid to the above-named accused the amount of Five Hundred Fifteen Thousand Seven Hundred (P515,700.00) Philippine Currency in cash, to her damage and prejudice”.

CONTRARY TO LAW.⁵

All of the accused were arrested, except for Gary Batan (Batan), Pedro Sorima (Sorima), Elorde Bitanghol (Bitanghol), and Andy Quintana, who remained at-large. Upon arraignment, all accused entered a plea of “not guilty.”

¹ *Rollo*, pp. 20-23.

² *Id.* at 2-19. Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Rosmari D. Carandang (now a retired Member of the Court) and Mario V. Lopez (now a Member of the Court).

³ *CA rollo*, pp. 16-46. Penned by Executive Judge Norberto J. Quisumbing, 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 PENAL LAWS, AND FOR OTHER PURPOSES.” Approved: December 13, 1993.

⁵ Records, p. 2.

On May 2, 2007, the RTC issued an Order⁶ granting the prosecution's motion to discharge accused Rogelio Mendoza (Mendoza) as state witness.⁷

Version of the Prosecution

Mendoza revealed that he and his co-accused were members of a group called "Waray-Waray Kidnap for Ransom," which was responsible for the kidnapping of Carrie Choa (Carrie). Mendoza was the cook of the group. He testified that sometime in June 2005, Hector Cornista (Cornista) brought Mendoza to the Mendrano Compound in Cavite allegedly to cook food for somebody. Upon arrival at the Mendrano Compound, Mendoza saw accused Bitanghol, Freeman Bagares (Bagares), Undo Fontillas (Fontillas), Batan, Sorima, and Alvin Labra (Labra). Thereafter, Mendoza, along with Cornista and Bitanghol proceeded to a flower farm and met with Brian Ho (Ho) to discuss about the plan to kidnap a female at 6:00 a.m. the next day.⁸

Subsequently, Cornista accompanied Mendoza to a nipa hut near a river in Antipolo and left him there with the other accused. The following day, Cornista returned to Antipolo bringing with him a woman whose hands were tied, and blindfolded. The woman was later identified by Mendoza as private complainant Carrie. Carrie was detained inside a nipa hut for four days. Upon Cornista's instructions, Mendoza guarded and fed Carrie and the other members of the group.⁹

Days later, Bagares and Bitanghol went back to Antipolo and ordered Mendoza and the other accused to bring out private complainant. Mendoza then boarded Carrie into a white taxi, after which, Bitanghol gave Mendoza PHP 15,000.00 as payment for his services.¹⁰

For her part, Carrie recalled that on the day of the kidnapping incident, she was at her orchid farm in Alapan, Imus, Cavite with Lourdes Torralba (Lourdes) when her worker, Jomari Descalota (Descalota), and a stranger approached them. Descalota asked Carrie if she needed an additional worker, but she declined. At this juncture, the stranger pointed a gun at Carrie and ordered her to go with him.¹¹

Carrie was boarded on a Toyota Rav 4 and was blindfolded by a man, whom she identified in open court as Cornista. When Carrie felt that the vehicle stopped, she peeped through the blindfold and she saw three individuals alighting and talking to two other individuals, whom she later identified as Ricardo Banaay (Banaay) and Romeo Rayga (Rayga). Thereafter, they traveled

⁶ Id. at 133-134.

⁷ *Rollo*, p. 4.

⁸ Id. at 5-6.

⁹ Id. at 6.

¹⁰ Id. at 6-7.

¹¹ Id. at 7.

for about two hours. When the kidnapers asked for a person whom they can contact, Carrie gave them the name and contact number of her sister, Gliceree L. Continting (Gliceree). They told her that they would demand PHP 1Million to PHP 2Million for ransom money.¹²

When they arrived at their destination, the individuals removed Carrie's blindfold and directed her to wear her shades. They walked to a nipa hut where she saw three other individuals, two of whom she identified as Mendoza and Joel Dionaldo (Dionaldo). Carrie was confined in the nipa hut for four days, guarded by Mendoza, Dionaldo and Andy Quintana (Quintana). While being held, Carrie was occasionally threatened by Cornista, Labra, and Batan. Labra even told her that he would have raped her if not for her age. After four days, Carrie was released.¹³

On the other hand, Gliceree testified that she contacted the Presidential Anti-Crime Emergency Response (PACER) to assist her in negotiating with the kidnapers. She paid PHP 515,700.00 to Batan for the release of Carrie.¹⁴

Lourdes corroborated the testimony of Carrie that she was with Carrie when the latter was kidnapped. She also identified Cornista, Batan, and Bagares as the persons who abducted Carrie.¹⁵

Version of the Defense

For their part, accused-appellants and their co-accused denied having participated in the crime and interposed the following alibis:

Ho claimed that during the alleged abduction, he was in Davao del Sur.¹⁶

Meanwhile, Banaay testified that he did not know Carrie or any of his co-accused. He said that he could not have committed the crime imputed against him because he drove his taxi from 7:00 am to 10:00 pm on June 28, 2005.¹⁷

Rayga asserted that on the day of the incident, he was in their residence in Bagong Silang, Cainta, Rizal, taking care of his child since his wife reported for work.¹⁸ Abalos denied knowing Carrie or his co-accused, and that he was working as a carpenter in Antipolo City, when the kidnapping occurred.¹⁹ Dionaldo testified that he was commissioned to repair his neighbor's terrace at Barangay de Ocampo, Regina Classic, Trece Martires City, Cavite, when the incident took place.²⁰ Isidro Inosanto, Jr. averred that he could not possibly

¹² Id.

¹³ Id. at 8.

¹⁴ Id.

¹⁵ Id. at 9.

¹⁶ CA *rollo*, p. 42.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id. at 43.

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commit the crime imputed against him because he had a decent job as a tricycle driver in Quezon City.²¹ Antonio Batucan claimed that he was in Jaro, Leyte when the kidnapping transpired.²² Bagares alleged that he was working at Conception Lines & Freight Services during the complained incident.²³ Cornista admitted that he knew his co-accused Labra and Mendoza. He claimed that he was in Tacloban, Leyte during the period in question, managing the properties of Candido Ragaza.²⁴ Labra contended that he was in Leyte when the kidnapping occurred. He also admitted knowing Cornista and Mendoza.²⁵

Ruling of the Regional Trial Court

On April 16, 2010, the RTC rendered a Decision²⁶ finding accused-appellants guilty as principals for the crime of Kidnapping for Ransom. The case against Batan, Sorima, Bitanghol, and Quintana was ordered archived pending their arrest. The decretal portion of the RTC Decision reads:

WHEREFORE, finding accused Hector Cornista y Reotutar, Alvin Labra y Cornista, Brian Ho y Barbosa, Ricardo Banaay y Sinangote, Romeo Rayga y Banco, Joel Dionaldo y Alinta, Isidro Inosanto y Arguelles, Freeman Bagares y Roberto, Antonio Batucan y Abanilla and Ricardo Abalos y Manuso guilty beyond reasonable doubt as principals in the crime of kidnapping for ransom under [A]rticle 267 of the Revised Penal Code, as amended by Republic Act No. 7659, the Court hereby sentences them to suffer the penalty of reclusion perpetua, in lieu of the death penalty, by reason of Republic Act No. 9346, and pursuant to said law, said accused shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

Further, all accused are ordered to pay, jointly and severally, to Carrie Choa the amount of P50,000.00 each as moral damages, the amount of P100,000.00 by way of exemplary damages and the amount of P515,700.00 actually given as ransom money.

Meanwhile, the case against accused Gary Batan, Pedro Sorima, Elorde Bitanghol and Andy Quintana who are at large is ordered archived, pending arrest of the said accused.

SO ORDERED.²⁷ (Emphasis in the original)

The RTC lent more credence to Carrie's positive identification of her abductors as opposed to accused-appellants' self-serving and unsubstantiated alibis. The trial court found the collective, concerted, and synchronized acts of all the accused before, during, and after the kidnapping as proof that they acted in concert as principals by direct participation in the commission of the crime.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ *Rollo*, p. 11.

²⁶ *CA rollo*, pp. 16-46

²⁷ Id. at 46.

Undaunted, accused-appellants appealed to the CA.

In their Brief, accused-appellants attacked Mendoza's testimony. They claimed that Mendoza could not have possibly identified the perpetrators and narrated in detail their individual participation considering that he was with the group for a limited time only. They also pointed to an inconsistency in his testimony, *i.e.*, when he claimed that Carrie was still tied and blindfolded when she was brought to the nipa hut as opposed to Carrie's own narration that her hands were no longer tied, and she was no longer wearing a blindfold after she alighted from the car.

Finally, accused-appellants argued that Carrie's positive identification of them was not reliable since more than three months had already lapsed since she was allegedly kidnapped.

Ruling of the Court of Appeals

In its assailed October 30, 2015 Decision, the CA affirmed with modification the RTC's ruling. The *fallo* of the CA Decision reads:

WHEREFORE, the decision dated April 16, 2010 issued by the Regional Trial Court of Imus, Cavite Branch 21 (RTC) in Criminal Case No. 2664-06 is **AFFIRMED with MODIFICATION** that the award of moral damages to private complainant is increased to P100,000.00. Accused-appellants are also ordered to pay civil indemnity in the amount of P100,000.00.

The accused-appellants are ordered to pay legal interest on all damages awarded in this case at the rate of six percent (6%) per annum from the finality of this decision until fully paid.

SO ORDERED.²⁸

The appellate court agreed with the RTC that all the elements of the crime of Kidnapping for Ransom were proven by the prosecution. It likewise gave more weight to the prosecution witnesses' testimony and positive identification of the kidnappers. The CA likewise rejected accused-appellants' defenses of denial and alibi holding that it was not physically impossible for them to have been at the scene of the crime at the time of its commission.

Not satisfied, accused-appellants appealed to this Court.

In a Notice²⁹ dated September 25, 2017, the Court required the parties to file their respective supplemental briefs, if they so desired. The Office of the Solicitor General and the accused-appellants manifested that they will no longer file a supplemental brief.³⁰ Accused-appellant Rayga, however, filed his own

²⁸ *Rollo*, p. 18.

²⁹ *Id.* at 26-27.

³⁰ *Id.* at 35-39 and 40-44.

supplemental brief³¹ which was received by the Court on September 9, 2019. Insisting on his innocence, Rayga pointed out that state witness Mendoza failed to elaborate on his alleged participation in the kidnapping incident. He reiterates that there was no direct testimony coming from Mendoza to implicate him in the commission of the crime.

Issue

Whether the CA erred in affirming accused-appellants' conviction for Kidnapping for Ransom.

Our Ruling

We rule in the negative.

Accused-appellants' guilt was proven beyond reasonable doubt

The crimes of Kidnapping and Serious Illegal Detention are defined and penalized under Art. 267 of the RPC, as amended, *viz.*:

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 [or her] 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 prosecuting a case involving the crime of Kidnapping for Ransom, the following elements must be established: (a) intent on the part of the accused to deprive the victim of his/her liberty; (b) actual deprivation of the victim of his/her liberty; and (c) motive of the accused, which is extorting ransom for the release of the victim.³²

³¹ Id. at 71-76.

³² *People v. Cornista*, G.R. No. 218915, February 19, 2020, citing *People v. SPO1 Gonzalez, Jr.*, 781 Phil. 149, 156-157 (2016).

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In the instant case, the prosecution established beyond reasonable doubt the existence of all the elements of Kidnapping for Ransom.

First, accused-appellants' intent to deprive Carrie of her liberty was evident from the moment she was forcibly taken at gunpoint.

Second, the victim herself categorically narrated how she was brought to Angono, Rizal and detained in a nipa hut for four days. During the said period, Carrie was unable to communicate with her family or to go home. This was corroborated by state witness Mendoza who personally guarded and fed Carrie in the course of her detention.

Third, the prosecution has successfully established that the purpose of kidnapping Carrie was to extort money from her. Records disclose that accused-appellants first demanded a ransom amounting to PHP 20,000,000.00 as a condition for Carrie's release.³³ Out of the PHP 20,000,000.00, the amount of PHP 515,700.00 was delivered by Gliceree and received by Batan on July 2, 2005, somewhere in Marikina City.³⁴

When the credibility of a witness is at issue, the findings of fact of the trial court are accorded high respect if not conclusive effect, more so if those findings have been affirmed by the appellate court

In their Brief, accused-appellants argued that the length of time which has elapsed from Carrie's release up to the time she identified her abductors could have affected her memory, such that her identification of accused-appellants was doubtful and unreliable.

This argument fails to persuade.

The Court notes that only three months had lapsed from the time the crime was committed until Carrie identified her abductors, thus, We are not convinced that such short length of time had any effect on Carrie's memory as to render her positive identification flawed. It bears stressing that the perpetrators did not wear masks or anything that could hide their identity. Also, Carrie was able to see the faces of her abductors before she was blindfolded.³⁵ And during her confinement inside the nipa hut, Carrie was no longer wearing a blindfold. Thus, she saw her guards face to face every single day during her detention. In fact, Carrie gave a detailed narration of how she was abducted, and she identified her

³³ CA rollo, p. 45.

³⁴ Id. at 24.

³⁵ TSN, March 26, 2008, pp. 8-16.

abductors without a shadow of doubt.

Besides, accused-appellants failed to give any reason why Carrie would falsely accuse them of kidnapping her. In the absence of any ill motive on the part of Carrie to point to accused-appellants as the perpetrators of the crime, her testimony must be given full faith and credit.³⁶

Furthermore, We note that the CA affirmed the findings of the RTC. Settled is the rule that “when the credibility of a witness is in issue, the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded high respect if not conclusive effect. This is more true if such findings were affirmed by the appellate court, since it is settled that when the trial court’s findings have been affirmed by the appellate court, said findings are generally binding upon this Court. Without any clear showing that the trial court and the appellate court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance, the rule should not be disturbed.”³⁷ Thus, We find no cogent reason to depart from their uniform findings.

In another dire attempt to be exonerated from the crime charged, accused-appellants pointed to an alleged conflict between the testimony of Mendoza and Carrie. According to accused-appellants, Mendoza testified that Carrie’s hand were still tied and her eyes blindfolded when she was brought to the nipa hut, contrary to Carrie’s statement that she was no longer tied and wearing a blindfold when she alighted from the car.

We find the above alleged inconsistency of minor and inconsequential importance. What is crucial is that both Mendoza and Carrie identified accused-appellants as the malefactors.

In *People v. Delim*,³⁸ the Court pronounced that “[a] truth-telling witness is not always expected to give an error-free testimony considering the lapse of time and the treachery of human memory. What is primordial is that the mass of testimony jibes on material points, the slight clashing of statements dilute neither the witnesses’ credibility nor the veracity of his testimony. Variations on the testimony of witnesses on the same side with respect to minor, collateral, or incidental matters do not impair the weight of their united testimony to the prominent facts. Inconsistencies on minor and trivial matters only serve to strengthen rather than weaken the credibility of witnesses for they erase the suspicion of rehearsed testimony.”

³⁶ *People v. De Guzman*, 550 Phil. 374, 383 (2007).

³⁷ *People v. Apole*, 697 Phil. 193, 208 (2012).

³⁸ 444 Phil. 430, 465 (2003).

For his part, Rayga capitalizes on the lack of testimony coming from Mendoza regarding Rayga's alleged participation in the kidnapping.

This cannot exculpate Rayga from liability.

Although there was no direct testimony from Mendoza as to Rayga's involvement, records reveal that Carrie certainly pointed to Rayga as among those persons who joined her abductors in the car moments after she was taken and even accompanied the group in bringing her to Rizal where she was detained for four days.³⁹

Finally, the CA correctly rejected accused-appellants' defense of alibi which is an inherently weak defense that cannot withstand the positive identification made by the prosecution witnesses. As aptly held by the appellate court, the documents offered by accused-appellants, showing their employment or being citizens of good standing, did not conclusively show that it was physically impossible for them to be at the place of the crime and, let alone, commit the same. Thus, said evidence cannot be given credence or probative weight.

Penalties and Civil Indemnities

We affirm the penalty of *reclusion perpetua* meted out upon accused-appellants instead of the death penalty by virtue of Republic Act No. 9346.⁴⁰ Accused-appellants shall not be eligible for parole under Act No. 4103,⁴¹ the Indeterminate Sentence Law, as amended.⁴²

We likewise sustain the award of actual damages in the amount of PHP 515,700.00 representing the ransom money received by the kidnappers from Gliceree, as well as the award of civil indemnity, moral damages, and exemplary damages in the amount of PHP 100,000.00 each, in line with prevailing jurisprudence.⁴³ The foregoing amounts shall accrue interest at the rate of 6% per *annum*, from the date of the finality of this Decision until fully paid.⁴⁴

WHEREFORE, the appeal is **DISMISSED**. The October 30, 2015 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 04581 is **AFFIRMED**.

³⁹ CA rollo, pp. 18-22.

⁴⁰ Entitled: "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

⁴¹ Entitled "AN ACT TO PROVIDE FOR AN INDETERMINATE SENTENCE AND PAROLE FOR ALL PERSONS CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS; TO CREATE A BOARD OF INDETERMINATE SENTENCE AND TO PROVIDE FUNDS THEREFOR AND FOR OTHER PURPOSES." Approved: December 5, 1933.

⁴² *People v. Lugnasin*, 781 Phil. 701, 719 (2016).

⁴³ *People v. Jugueta*, 783 Phil. 806, 839 (2016).

⁴⁴ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

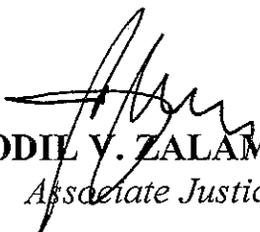
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SO ORDERED.

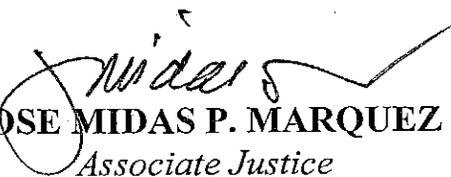

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson


RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice