

# FIRST DIVISION

[ G.R. No. 247712, June 10, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
CRISTINA MENDOZA Y DAVID, RAMMIL CALMA Y REYES, NESTOR  
JULIANO Y SARMIENTO, GALLARDO MARTIN Y LLEMOS,  
SESENANDO MARTIN Y AGUSTIN, LEONARDO ALINCASTRE Y  
ISIDRO AND RENATO OBEDOZA Y QUINTO, ACCUSED,**

**CRISTINA MENDOZA Y DAVID, NESTOR JULIANO Y SARMIENTO,  
GALLARDO MARTIN Y LLEMOS AND SESENANDO MARTIN Y  
AGUSTIN ACCUSED-APPELLANTS.**

## DECISION

**REYES, J. JR., J.:**

Before this Court is the appeal of the Decision<sup>[1]</sup> dated July 27, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08257 affirming the Decision<sup>[2]</sup> dated March 29, 2016 of the Regional Trial Court (RTC) of Balanga City, Bataan, Branch 2 in Criminal Case No. 11684, convicting herein accused-appellants Sesenando Martin y Agustin (Sesenando), Gallardo Martin y Llemos (Gallardo), Nestor Juliano y Sarmiento (Nestor), and Cristina Mendoza y David (Cristina; collectively, accused-appellants), for the crime of Kidnapping for Ransom.

On January 30, 2009, the Department of Justice filed an Information against Sesenando, Gallardo, Nestor, Cristina, and three other individuals namely: Leonardo Alincastré y Isidro (Leonardo), Rammil Calma y Reyes (Rammil), Renato Obedoza y Quinto (Renato), and two other unidentified individuals: John Doe and Peter Doe, for the crime of Kidnapping for Ransom penalized under Article 267 of the Revised Penal Code (RPC). The said Information reads:

That on or about the 9<sup>th</sup> day of January 2009, in Pilar, Bataan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with John Doe and Peter Doe, whose true names and identities and whereabouts are still unknown, an [sic] all of them mutually helping and abetting one another, did then and there, by force and intimidation, willfully, unlawfully and feloniously, take, carry away, kidnap, and deprive YASAR IRFAN and REYMOND BARICAS y PADAYAW of their liberty against their will, by blocking the path of the said victims while on board a blue Kawasaki Bajaj-wind 125 motorcycle, forcibly dragging them inside a red Mitsubishi Adventure vehicle, divesting them of their personal belongings including a Nokia 5310 Express Music mobile phone, V8 China mobile phone, silver necklace worth Php2,000.00, silver bracelet valued at Php1,000.00, four (4) silver rings all worth P1,500.00 and P11,250.00 in cash, and by bringing them to a safe house in Hermosa, Bataan, until they were

released on January 11, 2009. That the abduction of YASAR IRFAN and REYMOND BARICAS y PADAYAW was for the purpose of extorting ransom from the family of the victims as in fact a demand for ransom was made as a condition [for] their release amounting to fifty (50) million (Php50,000,000.00) pesos, which was later reduced to from hundred thousand (Php400,000.00) pesos, which was paid and delivered on January 11, 2009 at Dinalupihan, Bataan, and which facilitated the release of the victims, to the damage and prejudice of said victims Yasa[r] Irfan and Reymond Baricas y Padayaw.

### CONTRARY TO LAW.<sup>[3]</sup>

When arraigned on May 18, 2009, Sesenando, Gallardo, Nestor, Leonardo, Rammil, and Cristina entered a "not guilty" plea, while Renato also pleaded "not guilty" upon arraignment on November 9, 2009. Thus, trial on the merits ensued.

Based on the collective testimonies of its witnesses, the prosecution alleged that in the morning of January 9, 2009, Yasar Irfan (Yasar) and his driver Reymond Baricas y Padayaw (Reymond) were riding a Kawasaki motorcycle along Barangay (Brgy.) Pantingan, Pilar, Bataan coming from Bagac, Bataan when they were suddenly flagged down by six men.<sup>[4]</sup> An armed man, later identified as Renato, signaled for them to stop.<sup>[5]</sup> Thereafter, Yasar and Reymond were made to board a red Mitsubishi Adventure by five men later identified as Sesenando, Gallardo, Leonardo, Renato, and Rammil.<sup>[6]</sup> Inside the car, Yasar and Reymond were blindfolded and robbed of their personal belongings.<sup>[7]</sup> They travelled for about 30 minutes, with Rammil, who rode the motorcycle, trailing behind.<sup>[8]</sup> Yasar and Reymond were brought to a nipa hut where they remained blindfolded and their feet chained.<sup>[9]</sup> Reymond then heard a male voice speak to a female voice over the loudspeaker of a phone.<sup>[10]</sup> "*Andito na po sa amin yung dalawang tao na pinakuha nyo sa amin*", said the male voice.<sup>[11]</sup> "Good work," replied the female voice.<sup>[12]</sup> At the time, Yasar was just behind Reymond.<sup>[13]</sup> Yasar was then asked for the contact number of his father Mohammed Munir Tahir (Mohammed).<sup>[14]</sup> Using the loudspeaker of a phone, Reymond heard one of the kidnapers say "*Hawak naming ang anak mo at isang tauhan mo*" and demanded P5 Million<sup>[15]</sup> in exchange for the release of the captives with a threat to deliver Yasar's head should the ransom be not paid.<sup>[16]</sup> Yasar was hit several times and both victims were held hostage in the nipa hut and was only allowed to remove their blindfolds when eating.<sup>[17]</sup> In the afternoon of January 10, 2009, Yasar heard someone say "*Nandyang na si Kicker Singh*"; he peeped through his blindfold and saw an Indian National accompanied by a woman later identified as Cristina.<sup>[18]</sup> Cristina then said that if the ransom money will not be given, the two "pigs" should be disposed of.<sup>[19]</sup> In the evening of that same day, Yasar and Reymond were given their dinner. After eating, they were not blindfolded again and were brought out of the nipa hut to a mango tree.<sup>[20]</sup> Later, Yasar and Reymond heard that the ransom money was given and everyone laughed in merriment.<sup>[21]</sup> On January 11, 2009, at around 1:00 a.m., Yasar and Reymond were brought to Brgy. Cataning in Hermosa, Bataan in a tricycle driven by Gallardo.<sup>[22]</sup> There, Yasar and Reymond were told to wait for Mohammed<sup>[23]</sup> who arrived about an hour later and brought them home.

Just hours later, that same day, the police asked Yasar and Reymond to accompany them to the place where they came from and there, they found the blindfold that was used.<sup>[24]</sup> Yasar and Reymond also showed the police the nipa hut where they were detained from January 9 to 11, 2009.<sup>[25]</sup> The police proceeded inside the nipa hut, found Sesenando, Gallardo, and Nestor, and immediately arrested them.<sup>[26]</sup> Therein, the police recovered, among others: the motorcycle helmet Yasar wore at the time of the abduction; cloth used as blindfold; metal chain with padlocks used to tie the victims' legs; 10 pieces of P500 bills; 50 pieces of P100 bills; a butterfly knife; and the brown envelope wherein the ransom money was placed.<sup>[27]</sup> Subsequently, Sesenando, Gallardo, and Nestor were brought to the Police Anti-Crime and Emergency Response (PACER) in Camp Crame.<sup>[28]</sup> There, an inventory revealed that the serial numbers of the bills seized from Sesenando and Nestor matched those of the ransom money.<sup>[29]</sup> At around 11:00 a.m., Leonardo surrendered himself to the authorities and upon search of his house, a multifold of bills in different denominations were retrieved.<sup>[30]</sup> Thereafter, at about 12:30 p.m., the PACER team was able to locate Cristina's residence where they found Rammil and several bills in his possession-the serial numbers of which also matched those of the ransom money.<sup>[31]</sup> Cristina insisted on accompanying Rammil to the police station. The police asked for identification and when Cristina opened her bag, the law enforcers saw quite a number of P500 bills which, upon close inspection, matched the serial numbers of the ransom money.<sup>[32]</sup>

The evidence for the defense, succinctly synthesized by the CA, are as follows:

*[Sesenando]'s defense.*

From January 2, 2009, Sesenando was [in] Brgy. San Pedro, Hermosa, Bataan attending the wake of his uncle, Fidel Batulayan. It was only on January 10, 2009 at 6:00 p.m. that he went back to Sitio Palma, Brgy. Cataning, Hermosa, Bataan to tend to his plants and animals.

As Sesenando was nearing his hut, he saw Leonardo carrying a helmet, some chains, and rags. With Leonardo [was] a masked man accosting two (2) men who [were] blindfolded. The other man (who be later learned as accused Renato) pointed a gun at his head and said, "*Gagamitin ko itong ulo mo sa ayaw at sa gusto mo.*" The men then took his cellular phone, watch, and machete (*itak*). He went in his hut where he was guarded by the masked man until he fell asleep. Sesenando was woken up by noises from outside. He took a peek and saw his son, accused Gallardo, walking towards his house with one of the men pointing a gun at his back.

At 6:00 a.m. of January 11, 2009, Sesenando woke up to find that the men had left. When he went to the other hut, he saw the ten (10) pieces of 500[.]peso bills taken by the men from him. Sesenando was looking for his belongings when he was suddenly kicked on the back by a policeman. He was arrested and his huts were ransacked. He was held with the other accused at Camp Crame where accused Leonardo threatened him and his family not to say anything.

*[Gallardo]'s defense.*

From 4:00 a.m. to 10:00 p.m. on January 9, 2009, Gallardo was plying his jeepney route from Orani to Dinalupihan, Bataan. He then attended a wake at Brgy. San Pedro, Hermosa, Bataan. On January 10, 2009, still from 4:00 a.m. to 10:00 p.m., Gallardo plied the same route. As evidence, Gallardo submitted a Certification by the president of HODJODA<sup>[33]</sup> attesting that he was working his usual route on both dates. When he went home on January 10, 2009, his mother asked him to go to Sitio Palma to bring a blanket and some medicine to his father, Sesenando, who was not feeling well. Gallardo travelled using his bicycle. Upon arriving at the area of his father's hut, Gallardo saw several men with their faces covered. One man (who he learned as accused Rammil) was calling someone through a cellular phone, while another pointed a gun at him asking his purpose in coming there. Gallardo was then escorted inside his father's hut where he saw Leonardo standing outside. Gallardo went inside, gave the medicine and blanket to his father, and fell asleep.

Around 6:15 a.m. of January 11, 2009, Gallardo was awakened by a police officer poking an M16 rifle on his head. Gallardo was punched and hit by a metal pipe by the police officers. He was also asked of the whereabouts of the other kidnapers. Gallardo answered that he did not know anything.

Gallardo was brought to Camp Crame where he was tortured for three (3) days. There, Leonardo confided to him that kidnapping [was] his job and cautioned him not to say anything to the authorities.

*[Nestor] 's defense*

On January 9, 2009, Nestor was in his house in Olongapo. At 5:30 p.m. on January 10, 2009, Nestor received a text message from her daughter, Flordeliza Martin (wife of Wilfredo Martin and daughter-in-law of [Sesenando]), asking his assistance in taking care of Flordeliza's sick daughter.

At 7:00 p.m. of the same date, Nestor arrived at Wilfredo's hut which is adjacent to Sesenando's two (2) huts at Sitio Palma, Brgy. Cataning, Hermosa, Bataan. After looking after his grandchild, Nestor ate supper and went to sleep.

In the morning of January 11, 2009, Nestor was awakened by several men pointing their M16 rifles at him. Nestor was tied up, frisked, and the hut where he slept was searched. After a while, one of the men showed Nestor several bills claiming that they were found in his hut. Nestor denied involvement in the crime. Prior to the incident, Nestor said he did not know accused Leonardo, Rammil, Cristina and Renato.

*[Cristina]'s defense.*

On January 9, 2009 at 12:00 p.m., Cristina was in an LBC branch [in] Dinalupihan, Bataan to get a money remittance. She received PhP6,000.00 in 500[-]peso bills.

From 9:00 a.m. of January 10, 2009 until 5:00 a.m. of January 11, 2009, Cristina was at the Bataan Provincial Jail for a conjugal visit with a certain Jun Singh. Fernando Isidro and Noli Padilla, both inmates of Bataan Provincial Jail testified that they were assigned to list the jail visitors and they confirm[ed] that Cristina entered the jail on January 10, 2009 between 8:00-9:00 a.m. and left the following day. Reynaldo Pineda, Jail Officer of Bataan Provincial Jail also attested that Cristina was a frequent visitor of Jun Singh and although he did not personally witness Cristina signing her name on the visitor's log book, he remembered her arriving at the jail on January 10, 2009 and leaving only the next day between 5:00-5:45 a.m. Riza Fuentez, Senior Jail Officer of Bataan District Jail, however testified that there [was] no certification for the release of the logbook for Cristina or to her counsel.

After leaving the jail, she went to the market before going home at around 8:00 a.m. While at her house, she heard a commotion outside. She investigated and saw Rammil kneeling in her garage. A police officer was pointing a gun at him. The police officers then asked Cristina if they could search her house. She consented but the officers did not find anything. Rammil was taken away but Cristina insisted that she accompany him. At the Hermosa precinct, Rammil was beaten up by the police officers. A certain police officer named Marcelino then ordered Cristina to give him her bag. She yielded and Marcelino took the money she withdrew from LBC.

#### *[Leonardo]'s defense*

On January 11, 2009, from 11:00 a.m. to 12:00 noon, Leonardo was in his house at Brgy. Balsik, Hermosa, Bataan. A police officer entered his house and pointed a gun at his children and wife. The police officers were accompanied by someone who pointed to him as one of the kidnappers. Leonardo was invited to the police station and the officers ordered him to surrender his belongings. The officers searched his house, but they did not find anything. He demanded from them a search warrant but they just dismissed him. [Leonardo] was taken to the police station in Bataan and then to the PACER office in Camp Crame.

#### *[Rammil]'s defense.*

Rammil got acquainted with Cristina because her son, Richie Mendoza, is his friend. He helps Cristina collect loan payments. Rammil denied ownership of the recovered money.<sup>[34]</sup> x x x

### ***The RTC Ruling***

In convicting the accused-appellants, the RTC held that the prosecution was able to