

THIRD DIVISION

[G.R. No. 216065, April 18, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. REYNANTE MANZANERO Y HABANA A.K.A. "NANTE," MARIO TANYAG Y MARASIGAN A.K.A. "TAGA," ANGELITO EVANGELISTA Y AVELINO A.K.A. "LITO," ARTHUR FAJARDO Y MAMALAYAN, MARIO EVANGELISTA A.K.A. "TIKYO," PATRICK ALEMANIA A.K.A. "BOBBY PATRICK," TOYING PENALES A.K.A. "TOYING," A.K.A. "REY," AND A.K.A. "MARLON," ACCUSED, ARTHUR FAJARDO Y MAMALAYAN, ACCUSED-APPELLANT.

DECISION

MARTIRES, J.:

This is an appeal from the 2 September 2013 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04513, which affirmed with modification the 25 March 2010 Joint Decision^[2] of the Regional Trial Court, Branch 47, Manila (RTC), in Criminal Case Nos. 05-235530 and 05-235531, finding accused-appellant Arthur Fajardo y Mamalayan (*Fajardo*) guilty beyond reasonable doubt of the crimes of Kidnapping and Serious Illegal Detention and Robbery.

THE FACTS

In an Amended Information^[3] dated 4 August 2004, Fajardo, together with his co-accused, were charged with Kidnapping for Ransom defined and penalized under Article 267 of the Revised Penal Code (RPC). The accusatory portion of the information reads:

That on or about November 23, 2003, at the City of Manila, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with each other, did then and there willfully, unlawfully and feloniously, and for the purpose of extorting ransom from the victim and his relative, kidnap and detain Tony Chua.

That the said kidnapping had been committed by the above-named accused by simulating public authority and the deprivation of liberty of Tony Chua lasted for more than three (3) days. That the ransom money in the amount of \$3,000,000.00 was in fact demanded by the above-named accused from his family for his release.^[4]

In a separate Information, Fajardo and his co-accused were also charged with Robbery. During arraignment, Fajardo, Reynante Manzanero (*Manzanero*), Mario Tanyag (*Tanyag*), Angelito Evangelista (*Angelito*), and Mario Evangelista (*Mario*) all pleaded "not guilty." The other persons indicted remain at-large.

Version of the Prosecution

In the afternoon of 23 November 2003, private complainant Tony Chua (*Tony*) was at the Metropolitan Building in Mabini playing mahjong with his friends. At around 10:30 P.M. that day, he decided to go home and proceeded to his car. While Tony was about to open his car, three men identifying themselves as National Bureau of Investigation (*NBI*) agents handcuffed him. They pushed him into a van parked behind his car where he saw two more persons in *NBI* apparel at the driver and front passenger seats. Once inside, he was blindfolded.^[5]

Tony was able to identify in open court four of the five assailants who abducted him. He named Fajardo, Manzanero, and Mario as the persons who approached him and Tanyag the driver. The one seated beside the driver was not in court so he was not identified. On the other hand, Tony pointed to Angelito as the one who served him food during his detention.^[6]

On the same date, Tony's sister Cynthia Chua (*Cynthia*) was at home watching television when he got a call from Tony's friend Avelino Belmonte (*Belmonte*). The latter told her that he saw Tony forcibly taken by three unidentified men while he was trying to board his car. Shocked, Cynthia immediately tried to call Tony but he could not be contacted.^[7]

Meanwhile, Tony was brought to a safe house where his captors took his wallet, cellphone, and ring. The kidnappers asked for the number of Tony's wife and siblings.^[8] On 24 November 2003, Cynthia received a call from a man asking for Tony's wife who informed her that they had Tony. Pretending to be Tony's wife she was told to prepare \$3 million in exchange for Tony's liberty. Later, Cynthia would receive several calls asking if the money had already been prepared.^[9]

After five (5) days, Tony was given a cellphone to contact relatives with and tell them to give into the assailants' demands. After two weeks, he was transferred to a resort but was brought back to the safe house after three days. During these periods, Tony was kept blindfolded and was only able to remove it when he was alone in the room.^[10]

Cynthia was eventually referred to the Philippine National Police – Police Anti-Crime and Emergency Response Unit (*PNP-PACER*), where she was told that she and her family would stay in a safe house where the *PNP-PACER* would assist Cynthia and her family in negotiating with Tony's captors.^[11] On 25 December 2003, Cynthia received a call from a certain Ed Alvarez (*Alvarez*) who identified himself as Tony's friend. He told her that he would facilitate Tony's release but warned that she should not report it to the authorities.^[12]

On 30 December 2003, when Tony peeped through the door and saw a woman sleeping in the living room, he decided to escape and ran towards the road. There, he met a jeepney driver who brought him to a barangay captain in Tanauan, Batangas. The barangay official brought Tony to the bus station and gave him fare money to Cubao. Once in Cubao, Tony called his brother Edgar Chua (*Edgar*), who relayed to Cynthia to say that Tony was in a restaurant at Cubao.^[13] The following day, he accompanied the police to the safe house where he was detained.^[14]

On 31 December 2003, Alvarez again called Cynthia and said he helped Tony be released by his abductors. They agreed to meet at Festival Mall so that she could repay him for his efforts. Cynthia informed the *PNP-PACER* about the meeting and

set up operations for her meeting with Alvarez. They informed her later that the persons responsible for the kidnapping were in their custody.^[15]

On 8 January 2004, Manzanero, Tanyag, and Angelito surrendered to Police Senior Inspector Vic Orsino (*Orsino*), Chief Investigator of the PNP PACER, who requested the PNP Laboratory to subject the three to a physical examination.^[16] The following day, the three executed their respective affidavits, in the presence of Atty. Manuel Go, confessing their involvement in Tony's kidnapping.^[17]

On 17 January 2004, Fajardo, together with his lawyer, surrendered to the Criminal Investigation and Detention Group (*CIDG*) and was subsequently turned over to Orsino. After getting the results of Fajardo's physical examination, Orsino took his statement.^[18]

Version of the Defense

Fajardo testified that on 17 January 2004, he was accompanied by his lawyer to the CIDG and was later endorsed to the PNP-PACER. There, he prepared a statement concerning Tony's kidnapping, which he identified in court.^[19] He denied any involvement therein and claimed that he became aware of the kidnapping only after his house was raided.^[20]

Tanyag testified that on the date of the alleged kidnapping he was just riding his tricycle in Calamba, Laguna, when police officers arrested him.^[21] He claimed that he met his co-accused only in jail and denied the contents of the affidavit he had allegedly executed while in detention.^[22] On the other hand, Manzanero denied executing any affidavit and that he was surprised when police officers arrested him on 8 January 2004; that they handcuffed him, placed a plastic bag over his head, and pushed him inside a vehicle.^[23]

Angelito testified that on 8 January 2004 operatives of the PNP pACER invited him to their office. Once inside their vehicle, he was blindfolded and was asked whether he knew Manzanero and Tanyag. On their way to the PNP-PACER office, he was continuously punched by the police officers.^[24] On the other hand, Mario narrated that on 10 February 2004, he was invited by police officers and was eventually handcuffed, and similarly with Angelito, a plastic bag was placed over his head and was asked whether he knew the other accused.^[25] At the PNP-PACER office, both Mario and Angelito were tortured into admitting that they knew their co-accused.^[26]

The RTC Ruling

In its 25 March 2010 joint decision, the RTC found Fajardo and his co-accused guilty of kidnapping and serious illegal detention. The trial court noted that the interlocking admissions of Manzanero, Tanyag, Mario, and Angelito evinced the conspiratorial acts of the accused in kidnapping Tony Chua. It explained that Angelito was guilty only as an accomplice because his participation was limited to acts leading to the criminal purpose of the principal offenders. The RTC also highlighted that the accused conspired to take Tony's property after he was detained which warranted their conviction for the crime of robbery. The dispositive portion of its decision reads:

WHEREFORE, the Court finds the accused Reynante Manzanero, Mario Tanyag y Marasigan, Arhtur Fajardo y Mamalayan and Mario Evangelista GUILTY BEYOND REASONABLE DOUBT for the felony of KIDNAPPING and SERIOUS ILLEGAL DETENTION with ransom and in conformity with law they are hereby sentenced to suffer separate prison term of RECLUSION PERPETUA and to pay the costs.

With respect to ANGELITO EVANGELISTA he is hereby sentenced to suffer prison term of 12 years and 1 day as minimum to 14 years and 8 months as maximum of reclusion temporal.

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Thus, the Court further finds the accused Reynante Manzanero, Mario Tanyag, Arthur Fajardo and Mario Evangelista GUILTY beyond reasonable doubt of the felony of Robbery and hereby sentenced to suffer prison terms of eight (8) years and two (2) days as minimum to ten (10) years as maximum as prison mayor. The accused are ordered to pay the amount of P50,000.00 representing the value of victim's personal property.

The L-300 van which was used by the accused as their getaway vehicle and in boarding the victim to a secluded place in Tanauan, Batangas is ordered confiscated and forfeited in favor of the STATE.

In view of the conviction of the accused, the BJMP of Manila is ordered to commit them to the National Bilibid Prison, Muntinlupa without any oncoming delay. With respect to accused Mario Tanyag y Marasigan, the BJMP of Calamba City Laguna is ordered to commit him to the National Bilibid Prison, Muntinlupa, Metro Manila.^[27]

Aggrieved, Manzanero and Fajardo appealed before the CA.

The CA Ruling

In its assailed 2 September 2013 decision, the CA granted Manzanero and Fajardo's appeal. The appellate court agreed that all the elements of kidnapping with ransom were duly proven by the prosecution. It elucidated that even if the extrajudicial confession of the accused were disregarded, Tony's positive identification of his abductors was sufficient to convict Manzanero and Fajardo. However, the CA expounded that there was insufficient evidence to prove conspiracy to commit robbery because the degree of participation of the accused was not clearly proven. The dispositive portion of the ruling reads:

WHEREFORE, premises considered, the appeal is hereby PARTIALLY GRANTED and the appealed Decision is MODIFIED as follows:

- (1) We AFFIRM the judgment in Criminal Case NO. 05-235530 which adjudged the guilt of accused for kidnapping and serious illegal detention and sentenced them to suffer the corresponding penalty, with forfeiture of the vehicle, and to pay the costs;
- (2) We REVERSE the convictions of Reynante Manzanero, Mario Tanyag, Arthur Fajardo, Mario Evangelista and Angelito

Evangelista in Criminal Case NO. 05-235531 for robbery due to the prosecution's failure to prove their guilt beyond reasonable doubt. Consequently, We delete the award of Php50,000.00 allegedly representing the value of the victim's personal belongings.^[28]

Aggrieved, Fajardo appealed before the Court.

ISSUE

WHETHER THE ACCUSED-APPELLANT IS GUILTY BEYOND REASONABLE DOUBT OF SERIOUS ILLEGAL DETENTION

THE COURT'S RULING

The appeal has no merit.

Serious Illegal Detention or Kidnapping with Ransom is punished under Article 267 of the RPC. It provides:

Article 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 five days;**
2. If it shall have been committed by **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; or
4. If the person kidnapped or detained shall be a minor, 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 are present in the commission of the offense.**

As such, in order for the accused to be guilty of the crime, the following elements must concur: (a) the offender is a private individual; (b) he kidnaps or detains another, or in any manner deprives the latter of his liberty; (c) the act of detention or kidnapping must be illegal; and (d) in the commission of the offense any of the following circumstances is present: (1) the kidnapping or detention lasts for more than three days; (2) it is committed by simulating public authority; (3) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (4) the person kidnapped or detained is a minor, female, or a public officer.^[29] In addition, the maximum penalty of death is imposable should the purpose of the detention or kidnapping was to extort money, even if qualifying circumstances mentioned in Article 267 are not present.

In turn, it is well-settled that the conviction of the accused heavily rests on the strength of the evidence of the prosecution which has the burden to prove the guilt