

FIRST DIVISION

[G.R. No. 200053, October 23, 2013]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALFREDO JOSE Y LAGUA ALIAS "JOJO", JOEY JOSE Y
MATUSALEM, ARNOLD MACAMUS ALIAS "KYAM" OR "DIKIAM",
FORTUNATO MANGAHAS ALIAS NATO Y SANDIQUE, JOEL
BULAITAN Y MACAMUS AND JOHN DOES, ACCUSED, JOEL
BULAITAN Y MACAMUS, ACCUSED-APPELLANT.**

R E S O L U T I O N

REYES, J.:

Joel Bulaitan y Macamus (Bulaitan)^[1] files an appeal^[2] before this Court to assail the Decision^[3] rendered on April 29, 2011 by the Court of Appeals (CA) in CA-G.R. CR-HC No. 03812, the *fallo* of which reads:

WHEREFORE, in view of the foregoing, the assailed Amended Judgment dated February 4, 2009 in Criminal Case No. 9010 of the Regional Trial Court, Branch 03, Carig, Tuguegarao City, Cagayan is hereby **AFFIRMED with MODIFICATION** in that accused-appellant Balaitan and Mangahas are not eligible for parole under the Indeterminate Sentence Law. Furthermore, the award of exemplary damages is hereby increased from [P]25,000.00 to [P]100,000.00.

SO ORDERED.^[4]

The dispositive portion of the Amended Judgment^[5] rendered on February 4, 2009 by the Regional Trial Court (RTC) of Carig, Tuguegarao City, Branch 3, on the other hand, states:

WHEREFORE, premises considered, the Court FINDS both accused FORTUNATO MANGAHAS alias NATO y Sandique and JOEL BULAITAN y Macamus guilty beyond reasonable doubt of the crime of KIDNAPPING for RANSOM and hereby sentences them to suffer imprisonment of *reclusion perpetua* and to pay jointly and severally Editha Tuddao [P]40,000.00 by way of moral damages and [P]25,000.00 by way of exemplary damages.

SO ORDERED.^[6]

Antecedent Facts

Bulautan, alongside four other suspects and several unnamed John Does, were charged with kidnapping for ransom in an Information, dated October 10, 2002, viz:

That on or about August 12, 2001, in the City of Tuguegarao, [P]rovince of Cagayan and within the jurisdiction of this Honorable Court, the said accused, ALFRED JOSE Y LAGUA ALIAS JOJO, JOEY JOSE, ARNOLD MACAMUS ALIAS KYAM OR DIKIAM, FORTUNATO MANGAHAS ALIAS NATO, JOEL BULAUTAN AND JOHN DOES who were not identified, all private person (sic) armed with guns conspiring together and helping one another, without any legal ground or any authority of law and by means of force, violence, threat and intimidation and for the purpose of extorting ransom money from the family of the herein complainant, did then and there willfully, unlawfully and feloniously take, kidnap and carry away [sic] against her will one EDITHA T. CHUA from her residence at No. 29 Gonzaga St., Ugac Norte, Tuguegarao City, Cagayan and loaded her in a Nissan Sentra Super Saloon colored green thereafter transferred her to another vehicle and brought her to the province of Isabela, and upon reaching Barangay Dona Concha, Roxas, Isabela, the vehicle on which they loaded the victim, EDITHA T. CHUA, rammed into a pile of gravel and sand along the road; prompting accused to abandon the vehicle and the victim, thereby completely detaining and depriving said complainant of her liberty from the time she was kidnap (sic) at around 8:00 o'clock in the evening of August 12, 2001 up to the time she was rescued.

That in the commission of the offense[,], the following aggravating circumstances were present, to wit:

1. Demand for ransom[;]
2. Use of motor vehicle;
3. Night time and the offense was committed by a band; [and]
4. That the crime was committed with the aid of armed men[.]

Contrary to law.^[7]

Only Bulautan and Fortunato Mangahas (Mangahas) were arraigned while alias warrants of arrest were issued against the rest of their co-accused.

The Case for the Prosecution

In the course of the trial, the prosecution offered the testimonies of (a) kidnap victim Editha Chua^[8] (Editha), (b) her son-in-law Eric Chua (Eric), and (c) SPO2 Jim Roger Julian (SPO2 Julian) of the Tuguegarao City Police.

Following is the gist of Editha's testimony:^[9]

She owns Editha's Supermart in Gonzaga Street, Ugac Norte, Tuguegarao City.

On August 12, 2001, at around 8:00 p.m., she, together with her husband Vicente Chua (Vicente), daughter Elizabeth Chua (Elizabeth) and Eric went home from their

store. They rode a Nissan Pick-up driven by Vicente. Editha sat in the front passenger seat. Eric was behind Editha, while Elizabeth was at the left rear passenger seat.

When they arrived home, their maid opened the gate. While the Nissan Pick-up was still in the driveway, a car entered. Two bare-faced armed men alighted therefrom. They were later identified in court by Editha and Eric as Bulautan and Mangahas.

Mangahas opened the driver's door of the Nissan pick-up and hit Vicente with a long firearm. Bulautan, on the other hand, approached Eric. Editha and Elizabeth begged Bulautan and Mangahas not to harm Vicente, who has a heart ailment. However, their pleas were unheeded as Mangahas kept on hitting Vicente until the latter fainted. Mangahas thereafter walked to the other side of the Nissan pick-up, from where he pulled out Editha, who fell to the ground. Mangahas then dragged Editha to a car. Seated in front were a driver and another man whose faces she did not see. While inside the car, Editha was blindfolded and masking tape was used to cover her mouth and bind her hands.

After a while, the car stopped and she sensed that she was being transferred to another vehicle, which she later identified as a Mitsubishi Adventure with Plate No. WSX 299. The kidnappers wanted to talk to Vicente to demand money from him, but Editha did not reveal the telephone number in the residence of the Chuas. Editha also heard the kidnappers inform somebody through a cellphone that she was already in their custody.

The vehicle traversed the zigzag terrain in Sta. Maria. Editha was familiar with it as she frequently passed by the same on her way to Manila. They passed by two check points without stopping and she heard gun reports. The kidnappers then conversed among themselves about their vacillation in carrying out their plan. The vehicle then proceeded to a remote area in Roxas, Isabela. Editha felt a needle being injected in her right arm. The kidnappers alighted from the vehicle to remove its plate number, but they heard sirens. They thought that the sirens were from a patrol car chasing them, so they left Editha in the vehicle. The sounds, however, in fact, came from an ambulance.

Sensing that her abductors were no longer there, Editha removed the blindfold and the masking tape in her eyes and hands, opened the vehicle's door and sought help. Policemen from Isabela arrived and brought her to Dumlao Hospital. She was then escorted back to Tuguegarao City. She arrived at around 3:00 a.m. in St. Paul's Hospital where she noticed her husband's stomach looking bloated.

She saw Mangahas in the police station and she identified him as one of the kidnappers. Mangahas apologized to her.

Eric corroborated the statements of Editha.^[10] He added that Bulautan poked his stomach with a short firearm. Eric tried to help Editha when Mangahas was dragging her out of the Nissan Pick-up. Bulautan then pointed his gun at Eric's cheek. After Editha was taken by the armed men, Eric called Elizabeth's cousin, Jimmy dela Cruz, who later arrived with policemen.

SPO2 Julian stated^[11] that he was on duty at around 8:00 p.m. of August 12, 2001

when the station received a report regarding the kidnapping of Editha. He went to the residence of the Chuas along with two other officers. They verified the report and received information that Editha was seen in Roxas, Isabela. They proceeded thereto and found Editha in Dumlao Hospital. They likewise investigated the Mitsubishi Adventure where Editha was boarded by the kidnappers and found that it was owned by the accused Alfred Jose.

The Case for the Defense

The defense, on the other hand, presented as witnesses (a) Bulautan and his wife, Maria, and (b) Mangahas and his son, Benjamin.

Bulautan and Mangahas claimed that they were not acquainted with each other prior to their meeting in the premises of the Bureau of Jail Management and Penology in October 2001. They both interposed the defenses of denial and *alibi*.

Bulautan denied knowing Editha. He alleged that from dusk to dawn of August 12, 2001, he plowed a ricefield in Sampaguita, Solana, Cagayan. He went home between 5:00 p.m. and 6:00 p.m. His house, where he resides with his wife, Maria and three children, is about three kilometers from the national highway. Solana is around one-hour jeepney ride away from Tuguegarao City.^[12]

Maria corroborated her husband's testimony.^[13] She testified that Bulautan worked in the farm on August 12, 2001. He ate and took a nap at home during lunch time, then returned to the fields. He went home at around 5:30 p.m. They slept after 8:00 p.m. She woke her husband up at around midnight to accompany her urinate. The next day, Bulautan woke up at past 5:00 a.m., ate breakfast, and prepared to go to work.

Mangahas denied his involvement in Editha's kidnapping.^[14] He testified that on August 12 to 13, 2001, he worked in his *tilapia* fishpond in General Balao, Solana, Cagayan. He also cut firewood and helped in the household chores. His son, Benjamin, corroborated Mangahas' statements.^[15]

The Ruling of the RTC

On February 2, 2009, the RTC rendered a judgment^[16] unfavorably considering Bulautan and Mangahas' defenses of *alibi* and denial. The two were convicted as co-conspirators in the commission of the crime charged. The penalty of *reclusion perpetua* was imposed upon them, and they were each ordered to pay Editha P40,000.00 as moral damages and P25,000.00 as exemplary damages. The RTC ruled that the prosecution had proven beyond reasonable doubt the concurrence of all the elements^[17] of kidnapping and illegal detention under Article 267 of the Revised Penal Code. With the use of motor vehicles, Editha was forcibly taken at gunpoint and deprived of her liberty for the purpose of extorting ransom. Further, Editha and Eric categorically and unequivocally identified Bulautan and Mangahas as among the perpetrators of the crime. No ill motives were ascribed to the prosecution witnesses in having rendered their testimonies.

On February 4, 2009, the RTC amended its judgment but only insofar as declaring as *joint and several* the liabilities of Bulautan and Mangahas for the payment of

moral and exemplary damages in favor of Editha.^[18]

Bulautan filed a Notice of Appeal^[19] to assail the judgment of the RTC. He claimed that the prosecution witnesses failed to specifically point out his participation in the kidnapping.^[20]

The Ruling of the CA

The CA affirmed Bulautan and Mangahas' conviction but modified the RTC's judgment by expressly declaring that the two are not eligible for parole. The CA also increased the award of exemplary damages in favor of Editha from P25,000.00 to P100,000.00.^[21]

In dismissing the appeal, the CA took note of Editha's statement during cross-examination that two men entered the gate and one of them was Bulautan, who held a short firearm.^[22] Eric corroborated Editha's testimony.^[23] While Mangahas was dragging Editha out of the Nissan Pick up, Bulautan poked Eric's cheek with a short firearm.

Unperturbed, Bulautan once again filed a Notice of Appeal^[24] to challenge the CA Decision. Bulautan, through the Public Attorney's Office, thereafter manifested his adoption of the Appellant's Brief filed before the CA, in lieu of submitting a supplemental brief before this Court.^[25]

Issue

Bulautan raises the lone issue of whether or not the RTC and the CA erred in finding him guilty beyond reasonable doubt of the crime charged.^[26]

In support thereof, Bulautan assiduously avers that his identity as among the kidnappers of Editha and his direct participation in the commission of the crime were not sufficiently proven.

The Office of the Solicitor General (OSG) seeks the dismissal of the instant appeal. The OSG emphasizes that Editha and Eric positively testified having seen Bulautan with Mangahas enter the gate of the residence of the Chuas. Bulautan wielded a short firearm which he used to poke Eric's stomach and cheek. Bulautan also assisted Mangahas in dragging Editha to the vehicle used by the kidnappers.^[27]

This Court's Disquisition

The instant appeal lacks merit but modifications of the assailed CA decision relative to the award of civil indemnity and damages are warranted.

Several oft-repeated doctrines find application in the instant appeal.

First. "Issues of sufficiency of evidence are resolved by reference to findings of the trial court that are entitled to the highest respect on appeal in the absence of any clear and overwhelming showing that the trial court neglected, misunderstood or misapplied some facts or circumstances of weight and substance affecting the result