

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ORADOR PINGOL Y SANTIAGO, ET AL., DEFENDANTS, ORADOR  
PINGOL Y SANTIAGO AND HOMER JINGCO Y APOSTOL,  
DEFENDANTS (FOR REVIEW.)**

*G.R. No. L-26931. May 28, 1970*

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**PER CURIAM:**

In an amended information filed before the Court of First Instance of Rizal (Quezon City), Orador Pingol and Homer Jingco, together with four other defend-ants, namely: Armando Morales, Angel David, Jose Aguilus and Maximo Guiles, were charged with the crime of kid-napping for ransom as defined and penalized in the last paragraph of Article 267 of the Revised Penal Code. Pingol, Jingco, Morales and David were tried jointly; Aguilus was allowed a separate trial; and the case against Guiles was dismissed provisionally upon motion of the prosecution. On August 17, 1965 the trial court convicted the joint defendants, imposed the death penalty on Pingol and Jingco, and the penalty of reclusion perpetua on Morales and David, each to pay 1/6 of the costs. In view of the penalty meted out to the first two, their case was elevated to us for automatic review.

The kidnap victim was Corazon "Cosette" Tanjuaquio, 15, daughter of a prominent couple (Sixto Tanquaquio and Juanita Valenzuela) from Guagua, Pampanga. Then a senior high school student at the Maryknoll. College, Cosette was staying with the family of Bienvenido Cancio at 90 B. Gonzales, Loyola Heights, Quezon City. Not only was the Cancio residence conveniently located, being just across the street from the school site; it was moreover like home to Cosette, for Mrs. Lourdes V. Cancio was her mother's sister.

November 16, 1964 was a Monday, the first day of the school week. Cosette was in her room on the ground floor of the house at about 6:30 in the evening, pre-paring her school assignments for the next day. Her uncle, Bienvenido Cancio was at the table in the dining room, eating an early supper. His wife, Lourdes, was attending to him. The gate buzzer rang and Corazon Garcia, the maid, went out the front door to answer the call. In a little while she came back and announced that there were some constabulary (PC) soldiers outside who wished to see the master of the house. Mr. Cancio told her to open the gate and he himself stood up to let the visitors in. The first man to enter was in khaki uniform, with a cap ordinarily used by PC soldiers. He was later on identified as the defendant Homer Jingco. As soon as he gained entrance he pulled out a hand-gun and with it motioned both Mr. and Mrs. Cancio to back up to the dining room. Immediately behind him two more men entered, both similarly attired and carrying long firearms. One of them - identified as Orador Pingol - took his place at the landing of the stairway to the upper floor, while the other - likewise identified as Angel David - stationed himself near a post by the same stairway. By then the place was well illuminated, Mrs. Cancio having switched on all the lights just before the three men came in. Pingol and Jingco had the lower portions of their faces covered with some transparent plastic material, while Angel David made no attempt to disguise himself. Still another man, wearing civilian clothes, was seen standing by the gate outside the house.

Unaware of what was happening, Cosette came out of her room to take her supper. As she stepped through the door she saw the maid, Corazon Garcia, followed by a uniformed man with a gun in his hand. This man was

Angel David. He ordered Cosette to proceed to the dining room to join the rest of the household, who had earlier been herded there together. On her way Cosette saw and recognized Orador Pingol at the stairway landing. She "knew Pingol personally as he used to work in her father's ricemill in Pampanga.

In the dining room Cosette and the rest, including her uncle and her aunt, were made to squat on the floor with their backs turned to the intruders. After about 10 minutes Jingco, who had been standing guard over them, ordered Mrs. Cancio to get her money and jewelry. He went with her upstairs to the master's bedroom, where she opened a drawer and produced the sum of about P150.00, together with some jewelry, all of which Jingco took and placed in his pocket. The two were still upstairs when another man, in civilian clothes, appeared and said something to Jingco, after which they all returned to the groundfloor of the house. Evidently because she had only a brief glimpse of the man, Mrs. Cancio was unable to establish his identity at the trial. Meanwhile the other members of the household left below had been hustled by Angel David to the maid's room, where Mrs. Cancio, coming back downstairs, was made to join them.

Once all were gathered inside the maid's room one of the man began asking their names. When Cosette's turn came she said she was Corazon Tanjuaquio. Jingco then ordered her to give him her money. She went to her room, accompanied by David, and there took the sum of P4.00 from her wallet and gave it to him. Jingco, who had followed right behind, asked her if she was Cosette, and when she answered "yes" told her to step out of the house with them. As they passed in front of the door to the maid's room one of the men said aloud to those who were inside that they should not worry as Cosette was going to return.

The three men, with Cosette in front, walked out of the house, through the gate and to the street in front, where a black car was parked with two men in it, one behind the wheel and the other at the back seat. On the way Cosette felt the collar of her dress grasped tightly from behind and heard a warning that she should not shout or else she would be killed. Forced inside the car, she found herself seated at the back between two men. The one on her right, in civilian clothes, turned out to be Armando Morales; the one on her left was in PC uniform. Three others, also in uniform, were seated in front. As the vehicle sped away Cosette was ordered to bend her head low and pretend to be asleep. As added precaution her hands were tied behind her and her eyes and mouth taped with adhesive plaster. After some time the car stopped and Cosette was bundled inside a jute sack and placed inside the luggage compartment. During the rest of the trip, however, she was able to untie herself, open the sack and loosen the tape from her eyes. When the car reached its destination she was removed from the luggage compartment and, with her hands tied once more with a piece of rope, lowered inside a dugout, where she was made to lie down on a bamboo cot. Totally exhausted from her harrowing experience, she fell asleep almost immediately, little knowing that she was to spend the next 83 days in that dark, damp and filthy hole in the ground.

In the meantime, back at the Cancio residence, a few minutes after Cosette was forcibly taken Bienvenido Cancio, thinking that she had merely been separated from the rest of the household, rushed to the second floor to look for her. Unable to find her anywhere inside the house, he went out to the street and sought his neighbors' help in reporting the kidnapping. Half an hour later police officers from Quezon City, NBI and CIS agents came and started what was to develop into one of the most massive, if frustrating, investigations in the country's criminal annals.

For her part, Mrs. Cancio lost no time in relaying the news to the Tanjuaquios. She called them in Guagua, Pampanga by long distance telephone and told them that their daughter had been taken by armed men in PC uniforms. The Tanjuaquio couple rushed to Manila, arriving at about 10:00 o'clock that evening; but beyond a general account of the incident no one could furnish any substantial information. Early the next morning the couple returned to Pampanga, there to await the demands that they were almost sure would come from the

kidnappers.

Three or four days later the first of a series of communications arrived by mail. Addressed to Bienvenido Cancio, the undated letter (Exh. 0-1), postmarked Manila, November 17, 1964, was written in pencil and in block style. It erroneously referred to Cosette as Cancio's daughter and demanded two hundred thousand (200,000.00) pesos for her safe return, to be delivered not later than the 21st of that month. Homer Jingco was later on to admit that it was he who prepared that written demand, although under circumstances, he would allege, which did not establish his criminal connection with the kidnapping.

On November 22, 1964, while Cosette's father, Sixto Tanjuaquio, was confined at the Manila Doctors Hospital recuperating from the initial shock of his daughter's disappearance, NBI agents assigned to the case showed him two (2) letters which had arrived by mail. One was the very same letter received by Cancio; the other (Exh. "W") was typewritten and postmarked San Fernando, Pampanga, November 19, 1964. The envelope contained only the maiden name of Cosette's mother, Juanita Valenzuela, but the letter itself was directed to the Tanjuaquio couple. This second letter repeated the demand for P200,000.00, moved the deadline for its payment to November 23, gave detailed instructions as to the place, time and manner of delivery - even to the number of currency notes and their denominations - and voiced dire threats of reprisal against the life of the kidnapped girl in case the instructions were not followed. A certain Rodolfo Manalo, referred to in the letter as the Tanjuaquios' "trusted man," was to be the emissary to deliver the money. Attached to the letter was a handwritten note in English from Cosette and addressed to her mother, saying that she, was "in good hands" and pleading that her captors' demands be complied with. It was to come out later at the trial that the said note, as well as the eleven other letters from her which followed, were either written by her according to the ideas of Orador Pingol transmitted to her in Tagalog, or simply copied from his previously prepared drafts.

On November 25, 1964 Cancio received another typewritten special-delivery letter postmarked Manila, November 24. Enclosed was a short message (Exh. "P-1") ordering Cancio to promptly deliver the accompanying sealed envelope to Sixto Tanjuaquio before 4:00 p.m. of November 25. Instead of doing so, however, Cancio gave it to the late Diosdado Lagman of the NBI, whose assistance had been sought by the Tanjuaquios as early as the night of Cosette's disappearance. This letter (Exh. "P-2") was addressed in part to Sixto Tanjuaquio and in part Rodolfo Manalo, the one chosen as emissary by the kidnappers. That portion addressed to Sixto Tanjuaquio berated him for not having kept to himself the contents of the last letter-instruction. However, the letter went on, he was being given a "last chance" to save his daughter's life by complying strictly with the new set of instructions elaborately laid out in that portion directed to Rodolfo Manalo. The new rendezvous was to be the Aroma Restaurant and Cafe at the corner of Claro M. Recto and Rizal Avenue; the time, 4:00 in the afternoon of November 25. A certain "George," who would identify himself to Manalo, would take delivery of the money, after which Manalo was to remain at the restaurant until 6:30. The letter, as before, promised fatal consequences if anything should go wrong. The instructions, however, could not be complied with as the letter was received in Guava only on the same day.

Many other communications were received there-after: (1) a short telegram (Exit. X) signed by "Jorge" and addressed to Cosette's mother; (2) a typewritten letter (Exh. Y-1) to the same addressee dated November 29, 1964, containing fresh instructions for Rodolfo Manalo and designating a new meeting place in Urdaneta, Pangasinan, but which instructions he lost courage at the last moment to follow; (3) a typewritten letter (Exh. 2) to Cosette's father but contained in an envelope addressed to his other daughter Milwie Tanjuaquio, scaling down the amount demanded to P50,000.00, to be delivered at a designated place in Angeles City at 9:00 in the evening of December 16, and containing the frightening threat that Cosette would be beheaded if the demand was not satisfied; (4) a typewritten letter (Exh. AA) dated December 20 in an envelope addressed to a niece-in-law of the Tanquaquios,

moving the delivery date to December 23, at the same place; (5) a typewritten letter (Exh. BB) dated December 26 and brought to Sixto Tanquaquio in early January 1965 by Fr. Jose de la Cruz of the Guagua parish, to whom the letter was addressed, increasing the demand from P50,000.00 to P100,000.00 and choosing the said priest as the new emissary to deliver it on December 28, which date, however, had already passed when the letter came into Tanjuaquio's hands; (6) a follow-up letter setting a new date for the pay-off, but which Fr. de la Cruz was not allowed by his superior to keep because the place designated was a public dancing hall or cabaret; (7) a typewritten letter (Exh. T) dated January 5, 1965, which the good Father could not comply with because it was received one day after the date fixed; and (8) several other messages received on different dates thereafter, and hereinbelow discussed at some length to show the intent and determination of the kidnappers as well as the heroic efforts to meet their demands and secure the safe return of their young victim.

Sixto Tanjuaquio got the first of said messages on January 12, 1965 (Exh. DD). P100,000.00 in unmarked currency and consisting of specified denominations should be delivered either by Tanjuaquio himself or by anyone of the three priests named in the letter. The instructions were spelled out in meticulous detail as follows:

"xxx xxx xxx

(2) On Tuesday January 19 from 8:00 o'clock in the morning place your jeep in front of your residence in good running condition and in top-down. Do not move it away from there until 10:30 in the evening of the same day January 19. At exactly 10:25 on the same night bring the money down from your house to the jeep. Start leaving there at exactly 10:30. Switch all your lights. Proceed to Angeles City at the rate of 20-30 MPH. Park your jeep on the shoulder (rampa) near the star apple tree in front of the M.S.C. Sacred Heart Seminary. Leave your jeep outside the fence. You enter by walk-ing thru the gate. Bring the money with you. Stop and wait under the apple tree. You can sit down facing the Seminary. Do not forget to bring a flashlight. Be sure you are already there at 11:30. In between 11:30 and 12:00 midnight my men together with your daughter will give you the signal of their presence by flashing their flashlight two times towards you. Answer them by flashing your flashlight three times towards them. Then your daughter will call you. You answer back by calling her name. But that is all to be shouted off. Do not move from your place. They will be the one to approach you. Once in front of you, you can have your daughter into your arms. But you are guarded by the one holding a submachine gun. While the other fellow is checking and counting the bundles of money. Once found correct, our men will bid you goodbye. While you stay there for exactly 15 minutes from the time they will leave you. Then you can go home peacefully. But once the money were found incorrect or some kind of foul play, you will know what will happen.

x x x x x"

As in the previous letters the kidnappers attached a handwritten note from Cosette (Exh. K), pleading to her father to accede to the kidnappers' demands so that she could finally go home.

Fr. Jose de la Cruz, one of the three priests suggested, was again requested by the Tanjuaquios to undertake the job. He was close to the family, knew Cosette personally and seemed peculiarly fitted, by virtue of his religious office, to perform the delicate mission. And so with his superior's permission he agreed to keep the rendezvous. Obeying the typewritten instructions to the letter, Fr. de la Cruz left Guagua at 10:30 p.m. of January 19, driving the jeep himself, top-down, with the bag of money securely placed under his right leg. From Guagua he proceeded to San Fernando and then to Angeles City, where he arrived a few minutes before 11:30. He went directly to the Sacred Heart Seminary, parked the jeep in front of the seminary gate and walked, the bag of money in his hand, toward the star apple tree indicated by the kidnappers. He waited there up to 3:00 o'clock the following morning, but nobody showed up. With a feel-ing of frustration, Fr. de la Cruz gave up the vigil and went inside the seminary building to rest, until Mr. and Mrs. Sixto Tanjuaquio came later in the day and took him home.

As expected, word from the kidnappers was not long in coming. Postmarked Sexmoan, Pampanga, January 21, 1965, the typewritten letter (Exh. EE) was addressed to Sixto Tanjuaquio. It explained that the kidnappers' failure to appear at the rendezvous was due to the inability of Cosette to withstand the long trek from their hide-out to Angeles City. This time January 23 was fixed as the delivery date; otherwise the directions stated in the January 12 message remained unchanged. As usual, a handwritten note of Cosette (Exh. I) was enclosed, confirming the explanation that she was not feeling well enough to travel on the night of January 19.

On January 23 Fr. de la Cruz drove to Angeles City again to keep the appointment with Cosette's captors, and again his mission was frustrated. While waiting at the designated meeting place he was informed by Sixto Tanjuaquio through the telephone at the seminary that the kidnappers would not be coming. Tan-juaquio had earlier received a long-distance call from Manila, from someone who identified himself as "George," saying that Cosette would not be released that night. The caller also advised the Tanjuaquios to follow the same procedure in the evening of the following day according to the instructions already given. The repeat performance, however, was again a failure. In spite of a bad stomach Father de la Cruz went to the meeting place, although accompanied this time by another priest, one Fr. Roque but as before kidnappers failed to appear.

For several days thereafter the negotiations for Cosette's release were at a standstill. No word was received from the other side. Neither was it any comfort that after more than two months the authorities had not uncovered any tangible lead as to Cosette's whereabouts.

Towards the end of January a sealed envelope, with the word "RUSH" written on it, was dropped by an unknown courier in front of Sixto Tanjuaquio's ricemill in Guagua, Pampanga. It contained a typewritten letter dated January 25, 1965 (Exh. FF), explaining that Cosette's captors did not keep the appointment on January 24 because they had received information from their "intel-ligence" that the city (Angeles) is burning hot." New instructions, however, were given, to wit:

" x x x Place that jeep (top-down) in-front of your residence from 8:00 o'clock in the morning of January 26. Do not move it until 10:30 at night. At 10:25 bring that bag of money down with your one-man (Rev. Priest) representative. Tell him to proceed to the new meeting place at the rate of 20-30 MPH with all switches of lights on. Starting from Guagua, follow the road leading to Porac. About 4 or 5 kilometers before reaching Porac, you will see a school house on the left side of the road. The name of the school is 'Mababang Paaralan ng Pulong Santol'. Park the jeep in front of the gate. Put out the lights and stop the engine. Do not step down until you see the two flashes of signals from a flashlight coming from the general direction of one of the buildings. Then you signal back by flashing three times towards the direction where the signals came from. You alight then from the jeep and proceed inside the premises of the school. Stop in the middle in between the gate and the building in front of you. You will hear Cosette shout these words: 'Daddy naririto ako.' Then the priest will answer back by saying Cosette ako si Padre\_\_\_\_.' The priest will shout his name to be recognized. Then Cosette and our two men will approach. Do the exchange, the checking. There will be sixty bundles in all as indicated before. If OK, the two men disappear and you stay in the jeep for 15 minutes then go home. I beg you Mr. Tanuakio, if you make any funny secret markings on the bills, you will never live in peace from then on.

"Now if your jeep does not appear at 8:00 o'clock in the morning of January 26 we will understand. There will be no reason for us to appear too on the meeting place. And no more further reasons for us left to appear anymore. Or if we do, it will take another time. Maybe 2 or 3 months? Or 2 or 3 years. That depends upon the superiors. Because it is too risky for our part to have your daughter exposed too much on contaminated places. So to avoid that risk, if we can not make the exchange now, she will be moved back in the safety line. The new suggested place is good and satisfactory for us and the most for you less you ignite the flame to get us into a whirlpool again. We hope we don't this time.

x x x x x x x x"

At 10:30 on the night of January 26 Fr. de La Cruz started on the trip to Pulong Santol, a barrio somewhere between Porac and Sta. Rita, Pampanga. At barrio Sinipit, Sta. Rita, some unidentified men fired shots at him but missed. At the outskirts of Dila-Dila, another barrio of Sta. Rita, he heard another series of shots. He noted, as he tried to drive faster, that he could hardly control the steering wheel, and realized that one of its tires must have been hit. When he stopped about half a kilometer away another jeep arrived with five armed men aboard. They offered to help him change the deflated tire and afterwards even volunteered to escort him to Porac. Thinking of the money he had with him, Fr. de la Cruz politely declined their offer and instead sought the barrio captain of the place to accompany him to the nearest army detachment. From there he was escorted by army soldiers to Guagua, where he arrived at 1:30 in the morning. He met the Tanjuaquio couple at the chapel, related his mis-adventure and returned the ransom money to them. That abortive episode was the last chance given to the Tanjua-quios to negotiate their daughter's release: no other message was received from her or her kidnappers.

Cosette's eventual rescue was almost entirely fortuitous; certainly not the result of competent police work. On February 6, 1965, two women-Josefina Chan and Lilia Morales - were caught in the act of selling counter-feit peso bills in an eating place in Caloocan City. Grilled by the PC authorities in Camp Crame, the two yielded information concerning the source of the bogus currency. A team was organized and sent out on February 7 to apprehend the persons implicated by the two women. The team's destination was barrio Magsaysay, Guagua, Pampanga; its principal quarry was Orador Pingol, a prominent local resident who had been tagged as the ring-leader. Upon reaching the outskirts of the barrio the government agents composing the team stopped their jeep and ordered the two women suspects to proceed on foot to Pingol's house. Two of the men went with them while the others deployed themselves in the vicinity. One of the latter went to the back-yard of the house and saw a pigpen at its farther end. His curiosity aroused upon noting that a small portion of the floor of the pigpen had some sort of covering, he took hold of the cover handle and pulled. It was, he saw, only a device to hide a hole in the ground. Just as he was putting it back in place he heard a voice coming through the opening from underground. Instinctively he cautioned the owner of the voice, "Tao ka diyan, hustisya ito. Huwag kang manlaban," and drew his gun. The bamboo pieces near the opening began to move and a hand hovered into view. The agent took hold of it, heaved twice and a man came out. The man was Orador Pingol. He was turned over to the team leader, one Captain Garcia, and two government agents returned to the hiding place. Again the voice of a person was heard through the opening, followed by a hand groping its way out. With the help of the two agents a haggard-looking young girl emerged - it was Corazon Tan-juaquio.

Meanwhile, a casual search inside the dugout yielded a big bundle, which when opened was found to contain a number of PC uniforms and pershing caps, a revolver and paraphernalia for making counterfeit money.

Weak and emaciated, Cosette was rushed to the V. Luna General Hospital in Quezon City, where she stayed under medical treatment for nine (9) days. Orador Pingol was taken to the CIS office at Camp Crame for interrogation. He gave a statement (Exh. WWW) that same night, but from its tenor the investigators suspected his story to be fabricated. He mentioned a certain "Boy" and Teodoro Guevarra as his companions in the kidnapping, but could not give any specific information as to their identities or places of residence. So the next day, February 8, NBI and CIS agents headed by Attorney Berlin Castillo returned to Pingol's residence at barrio Magsaysay to conduct a more detailed search of the premises. Inside the dugout they found a number of articles, among them copies of the letters and documents which had to do with the kidnapping, including the drafts from which Cosette's notes to her parents had been copied. Back at Camp Crame Pingol's interrogation was resumed, and confronted with the documents and other articles discovered in the dugout, Pingol broke down and confessed, implicating Homer Jingco, Angel David and Armando Morales as his companions in the crime.

Pingol's confession is marked Exhibit "PP" in the record. It is significant that his story of the events which happened inside the Cancio residence in Quezon Cit in the evening of November 16, 1964 coincides in practically every detail with the story related later on by Bienvenido Cancio, his wife, and Cosette herself when they testified at the trial. One particular item in the confession bears emphasizing. After the kidnappers left the house, with Cosette in custody, they went by car to Pampanga; and when they reached Sto. Tomas, the town before San Fernando, they stopped the car, placed the girl inside a jute sack and dumped her inside the luggage compartment. Then they proceeded to the bowling alley in Sto. Tomas, where they stopped and left Homer Jingco so that he could return to Manila, as he did the next morning, in order to post the first ransom note which he had written.

At this point in the interrogation, after Pingol had mentioned the names of his three companions, the investigator asked him if he would be willing to accompany a CIS-NBI team to apprehend them. Two teams in fact were organized - one headed for Guagua, Pampanga, where it arrested Homer Jingco, then barrio Magsaysay, where it arrested Armando Morales; and the other was dispatched to Sta. Rosa, Pilar, Bataan, where it arrested Angel David. That was on February 9, 1970. Upon indication by Pingol, who was taken along by the team that went to Pampanga, the group proceeded to the house of a certain Francisco Capulong in Floridablanca and there recovered the typewriter which had been used in preparing the ransom notes. Capulong confirmed the fact that it was borrowed by Pingol from him but had since been returned. From there the team proceeded to Pingol's house, where after some search the firearms which he said had been used in the kidnapping were found buried beneath a pile of garbage near the kitchen.

Likewise upon indication by Pingol, a group of NBI agents went with him and Mrs. Lourdes V. Cancio to Angeles City the next day and were able to recover, from two different pawnshops where Pingol had pawned them, the transistor radio and the ladies' wrist watch taken by the kidnappers from the Cancio residence. On February 11, 1970 the interrogation of Pingol was resumed. All in all 139 questions were put to and answered by him, revealing in stark detail the events related to Cosette's sequestration and captivity which lasted almost three months, as well as the active participation therein of Homer Jingco, Angel David and Armando Morales. These last two, when apprehended, made their own confessions corroborating the story given by Pingol.

The evidence was complete and the State went to trial, at which all the foregoing evidence was presented. The Judge, Hon. Placido C. Ramos, presiding the Court of First Instance of Quezon City, analyzed the said evidence with the care and attention called for by the gravity of the offense and rendered his verdict in a 137-page decision. The sentence of death he imposed on Orador Pingol and Homer Jingco, however, carried a recommendation to the President that the same be commuted to life imprisonment.

No less deserving of mention is the commendable work of Attorney Roman B. Antonio, the de officio defense counsel appointed by this Court for purposes of this review, in preparing an exhaustive typewritten brief and presenting the case for both defendants in as favorable light as possible.

The burden of Pingol's defense, as it developed at the trial, is that his crime is not kidnapping for ransom; that when he went to the Cancio residence on November 16, 1964, the idea of kidnapping, let alone kidnapping Corazon Tanjuaquio in particular, was not in his mind at all. His testimony was evidently contrived to avoid, if possible, the fatal consequences of his extrajudicial confession. In the afternoon of that day, he said, he had a business appointment with an old acquaintance by the name of Teodoro Guevara. They met at Cubao, Quezon City, and, using Pingol's car, went to see a friend of Guevara's in Marikina, one whom Pingol did not know and who was introduced to him only as "Boy." The business transaction, however, did not go through; instead, Guevara proposed that they rob a certain house, which turned out to be that of the Cancios in Quezon City. It was a surprise to him, Pingol said, to see Corazon Tanjuaquio in the house. Knowing her personally, he suggested to Guevara that she be taken along as hostage after the robbery, his idea being that on his way to Pampanga he

would leave her in San Fernando so that she could proceed to her home in Guagua. Upon reaching San Fernando, however, he remembered some personal grudge he had against Cosette's father, Sixto Tanjuaquio, and thought that this was a good opportunity to have his revenge. So he and Guevara ("Boy" having separated from them in the meantime) proceeded to barrio Magsaysay, where they hid the girl inside the dugout which was to be her home for the next eighty-three days.

The story falls by the very weight of its own im-probabilities. Pingol could give no information concerning the identities of his supposed companions, "Boy" and Teodoro Guevara, nor where they were residing, in spite of his allegation that Guevara was an old acquaintance and that the two of them went to fetch "Boy" somewhere in Mariquina in the afternoon before the robbery was committed. Why Pingol would casually consent to a sudden switch of plans from a legitimate business deal to the commission of such a serious crime has not been explained, is indeed incapable of reasonable explanation. There was too much fortuitous coincidence in the fact that the place chosen by Guevara was the house of the Cancios, where precisely Corazon Tanjuaquio was living, just as there was too little sense in the fact that the robbers would un-necessarily jeopardize their own safety by taking a hostage with them. And if robbery was intended, the loot was too insignificant - there was not even an attempt to ransack the house for really valuable articles.

In any case, the suggestion that there was no intention to kidnap the girl and to hold her for ransom is entirely disproved by her testimony and that of Bienvenido Cancio and his wife at the trial, by the numerous letters demanding enormous sums of money for the girl's release, by the duration of her captivity, and by Pingol's own extrajudicial confession.

According to the defense the said confession should not have been admitted at all because it had been extracted by force and maltreatment. The following observations made by the trial court on this point, however, have our full concurrence:

"The Court will take first the confession of Orador Pingol, Exhibit "PP". This confession was taken when Orador Pingol himself, according to the evidence, revealed to the investigating authorities that his statement in Exhibit "WWW" were not true and after the incriminating documents and objects had been found in the dugout. This confession, Exhibit "PP", was subscribed and sworn to before Fiscal Halili and Special Prosecutor Jesus Vergara. It is contended that this confession was obtained after maltreatment and much suffering inflicted on Orador Pingol by the CIS agents as narrated by him. The vehemence with which counsel for the defense has urged this point has deserved from the Court a serious and careful consideration of the evidence and circumstances surrounding the execution of the extra-judicial confessions of the accused. If, indeed, he had been maltreated and Exhibit "PP" is not his voluntary confession, Orador Pingol, who is an intelligent man, could have complained to Fiscal Miguel Halili and Special Prosecutor Jesus Vergara of such maltreatment, these being sworn officers of the law, and which, the Court is confident, would not betray their public trust by begrudging protection to citizens of this country. He could have explained to these officials the maltreatment he had been the subject of and refused to sign Exhibit "PP", but he did not do so. Moreover, the details narrated in Exhibit "PP" could not have been invented by any person or authority, much less investigating officer, Atty. Berlin Castillo. Such details could have been supplied only by the very person who had experienced the same or who has taken part in the execution of the acts narrated therein. *People vs. Cruz*, 73 Phil. 655. Then too, Pingol could have himself examined by a competent physician of the Philippine Constabulary or any other physician as he was not deprived of any opportunity to communicate with lawyers or relatives. If this accused did as much as complain to this Court during the arraignment of any maltreatment, the Court would have ordered his confinement elsewhere instead of allowing him to remain in custody of CIS. This conduct and attitude of Pingol belies his claim of maltreatment. No man will ever choose to live in the custody of his tormentor.

Again, a consideration of the confession of Orador Pingol, Exhibit "PP", and the evidence in the record shows

that this confession has been confirmed by subsequent facts. First, in answer to questions 24, 78, 78 and 80, Orador Pingol says that Homer Jingco took, among other things, one radio and watch. This has been confirmed by the findings at the Rey's pawnshop at Angeles City of a transistor radio, Exhibit 'SS', and a lady's Titus watch, at another pawnshop, Exhibit "SS-1". In answer to questions 60, 61 and 62, Orador Pingol mentioned the use of several firearms. This fact is confirmed by the subsequent finding of the firearm presented in court as Exh. in the backyard of Orador Pingol. In answer to questions 63 and 64, Pingol declared that they used on the night in question PC uniforms. This fact has been confirmed by the finding of the PC uniforms in the dugout. In answer to questions 69 and 70, Orador Pingol says that he used a Remington typewriter belonging to Francisco Capulong in the preparation of several ransom notes. This fact has been confirmed by the testimony of Francisco Capulong to the effect that Orador Pingol borrowed from him the typewriter, Exhibit "GG".

It need only be added that even discounting Pingol's confession the rest of the evidence is more than sufficient to establish his guilt.

With respect to Homer Jingco, he denied any participation in the kidnapping and put up the defense of alibi. On November 16, 1964, he said, he was at a bowling hall in Sto. Tomas, Pampanga, where he played several games from 7 to 9 in the evening. Corroboration was furnished by Councilor Inocencio B. Lingad of the same municipality, who said that Jingco was at the aforesaid place until 10, and by two bowling score sheets where the name "Homer" appears written. These score sheets, numbered 485 and 488, were among those used that evening, all presented in evidence and numbered 471 to 490, inclusive. Considering that according to the manager of the Sto. Tomas bowling lanes the games lasted up to about midnight and that the score sheets were used in consecutive order, the trial court correctly concluded that when Jingco played his own games, using score sheets numbered 485 and 488, it was already quite late - certainly late enough for him to be in Sto. Tomas even if he was in Quezon City at 6:30 the same evening. For the distance to Sto. Tomas, which is only some sixty kilometers away, can be easily negotiated by motor car in little more than one hour. Significant in this connection is Orador Pingol's statement in his extrajudicial confession that when he and his companions reached Sto. Tomas after the kidnapping they stopped the car in order to put Cosette inside a jute sack and dump her inside the luggage compartment, and then proceeded to the bowling alley in the same town where Jingco got off so that he could return to Manila the next morning to mail the first ransom letter he himself had written. Jingco's alibi is therefore clearly no defense at all.

As hereinbefore pointed out, Jingco was positively identified as one of the three armed men who entered the Cancio residence by Cosette, by Bienvenido Cancio and by his wife. The identification satisfies the judicial mind and conscience. Although Jingco had his face below the nose covered, the mask was made of transparent plastic material and consequently could not effectively disguise him. He not only stayed at the house for a considerable length of time but spoke to Mrs. Cancio when he went with her upstairs, and to Cosette when he asked her name and ordered her to give her money to him. Then of course there is the first ransom letter which he admitted having written; and several drafts from which other ransom demands were copied, which drafts were recovered inside the dugout where Cosette was confined and which have been established by expert testimony to be either entirely or partly in Jingco's handwriting. These drafts are Exhibits "00-12," "00-13" and "00-18".

Jingco tried to explain away the fact that he prepared the first ransom letter, which demanded the sum of P200,000.00, by saying that he did so at the request of Pingol, who told him that he was going to use it to play a joke on someone in Quezon City. The explanation is on its face much too naive to be accorded credence, for Pingol could have had his joke by writing the letter him-self without Jingco's assistance. And if Jingco was as guiltless as he pretended he would have reported to the authorities his unwitting participation in the sensational crime after it broke out in all the newspapers and thus, like a good citizen, facilitated the rescue of the young and

helpless victim. His complete silence throughout was not the reaction of an innocent man.

Illegal detention or kidnapping is committed when a private person kidnaps, detains or otherwise deprives another of his liberty. Where the kidnapping or detention was committed for the purpose of ex-torting ransom from the victim or any other person, the penalty provided by Law is death (Art. 267, Revised Penal Code).

The judgment under review, insofar as defendants Orador Pingol and Homer Jingco are concerned, being in accordance with law and the evidence, the same is hereby affirmed, with costs.

Concepcion, C.J., Reyes, Dizon, Makalintal, Zaldivar, Fernando, Teehankee, and Villamor, JJ., concur.

Castro, J., on leave.

Barredo, J., no part.

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